

Carson City  
Agenda Report

Item # 8-6

**Date Submitted:** June 5, 2009

**Agenda Date Requested:** June 18,  
2009

**Time Requested:** Consent

**To:** Mayor and Supervisors

**From:** Public Works Department – Capital Projects

**Subject Title:** Action to accept an easement amendment from State of Nevada, Division of State Lands, APN 010-032-07 to allow an expanded pedestrian sidewalk improvement at the northeast corner of the roundabout intersection of East 5<sup>th</sup> street and Fairview Drive. (Burnham)

**Staff Summary:** The proposed amendment expands an existing easement from 18 square feet to 174 square feet on the northeast corner of the roundabout intersection of East 5<sup>th</sup> street and Fairview Drive.

**Type of Action Requested:** (check one)  
 Resolution  Ordinance  
 Formal Action/Motion  Other (Specify)

**Does This Action Require a Business Impact Statement:**  Yes  No

**Recommended Board Action:** I move to accept the easement amendment as the Grantee and authorize the Mayor to sign the document amending the pedestrian sidewalk easement to the City from 18 square feet to 174 square feet which is located on State of Nevada, Division of State Lands, APN 010-032-07, at the southwest corner of the property.

**Explanation for Recommendation Board Action:** The expanded easement is necessary to be able to construct the pedestrian sidewalk improvements.

**Applicable Statute, Code, Policy, Rule or Regulation:** N/A

**Fiscal Impact:** None

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:** 1) Deny the approval of the easement or 2) Refer to staff for further review.

**Supporting Material:** Easement Amendment document from Division of State Lands

**Prepared By:** Robert D. Fellows, P.E. - Senior Project Engineer

Reviewed By: \_\_\_\_\_

(City Engineer)



(City Manager)

Melanie Boukotta

(District Attorney)



(Public Works Director)

Date: \_\_\_\_\_

Date: 6/8/09

Date: 6-9-09

Date: 6-9-09

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



CC/PRIS1  
DMW/ 3553  
A.P.N.: 010-032-07

Recording requested by & return to:  
Division of State Lands  
901 S. Stewart St. Suite 5003  
Carson City, NV 89701-5246

**EASEMENT AMENDMENT**  
**(Pedestrian Sidewalk @ Fairview Dr. & East Fifth St.)**

THIS EASEMENT AMENDMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2009, by and between the STATE OF NEVADA, acting through the DIVISION OF STATE LANDS, and the State Land Registrar, for and on behalf of the DEPARTMENT OF CORRECTIONS, hereinafter referred to as GRANTOR and CARSON CITY, a political subdivision of the State of Nevada, hereinafter referred to as GRANTEE.

**WITNESSETH:**

WHEREAS, the GRANTOR entered into an easement and right of way dated the 24th of September 2002, for the purpose of constructing, placing, inspecting and maintaining a sidewalk along the southwesterly corner of Fairview Dr., formerly known as North Edmonds Ave., and East Fifth St., Carson City, Nevada, upon, over, under and across a portion of that certain property situate and lying with the NE ¼ of the SW 1/4 of

Section Fifteen (15), Township Fifteen (15) North, Range Twenty (20) East, M.D.B.&M. in Carson City, Nevada, as shown on Exhibit A, Page 2 of recorded Document Number 285468, filed with the Carson City Recorder's Office on 10/18/2002.

WHEREAS, ON December 18, 2008, the GRANTEE, made application to the GRANTOR requesting expansion of said easement and right of way in order to align with the proposed adjacent 8' foot sidewalk to be constructed within the GRANTEE's right of way.

WHEREAS, said current easement and right of way contain approximately 18 square feet, being triangular in shape and approximately 6.00 feet on each of the three sides.

NOW THEREFORE, GRANTOR agrees to amend the aforementioned easement and right of way for the purpose of expanding, constructing, placing, inspecting and maintaining a sidewalk along the southwesterly corner of Fairview Dr. and East Fifth St., upon, over and across a portion of that certain property situate and lying within the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , of Section Fifteen (15), Township Fifteen (15), Range Twenty (20) East, M.D.B.&M. in Carson City, Nevada, containing approximately 174 square feet, being triangular in shape with an approximate 20.00 feet on the three sides and more particularly described on Exhibit 1 attached hereto and made reference hereof.

GRANTEE, shall record this Easement Amendment at the Carson City Recorder's Office. All other terms and conditions of the Easement Agreement remain in full force and effect, with no other changes or amendments thereto.



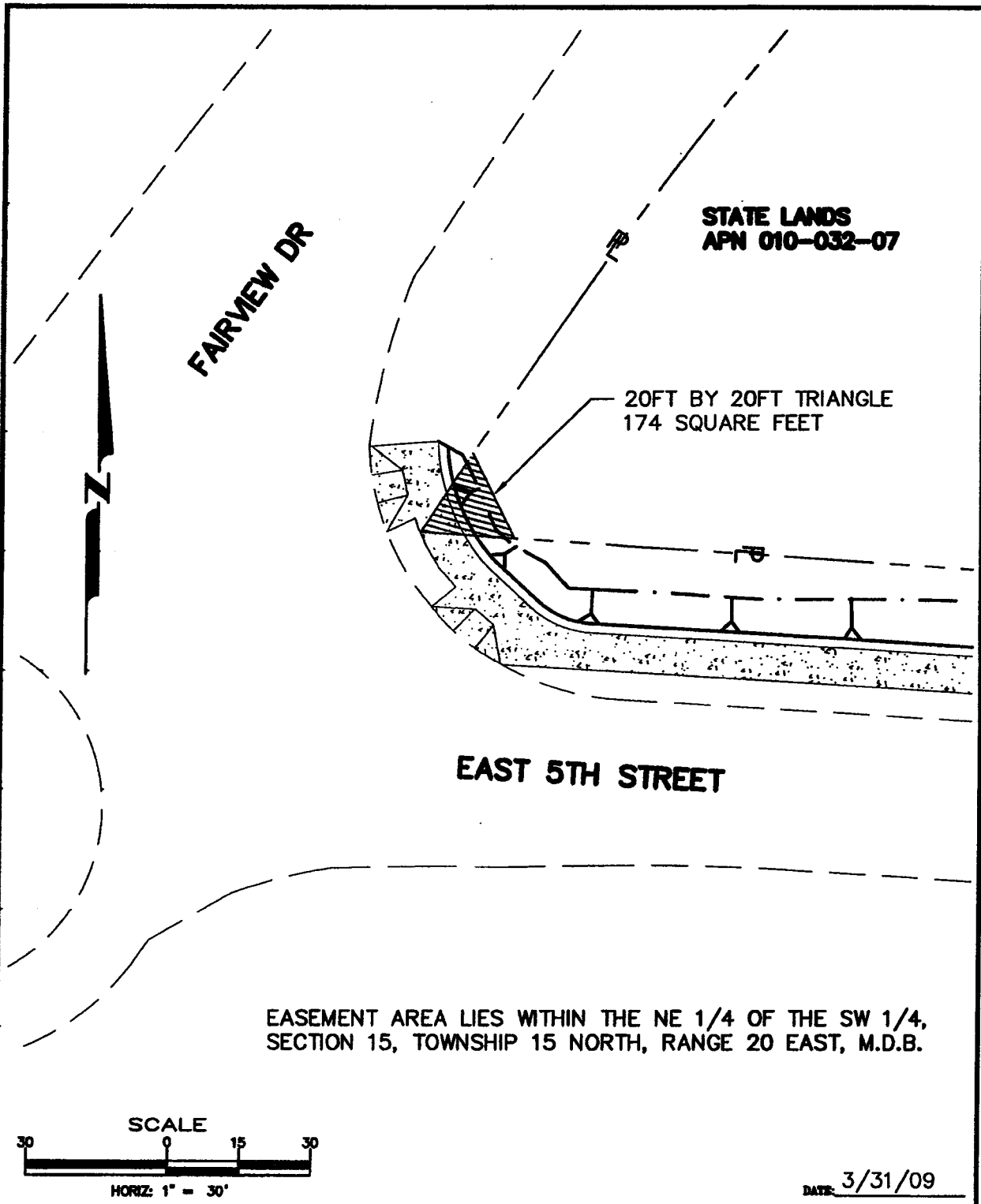


**APPROVED as to Form:**  
**CATHERINE CORTEZ MASTO**  
**Attorney General**

By: \_\_\_\_\_  
**KERRY BENSON**  
Deputy Attorney General

**APPROVED:**  
**STATE OF NEVADA**  
**Department of Corrections**

By: \_\_\_\_\_  
**HOWARD SKOLNIK**  
Director



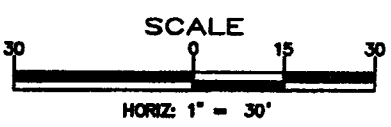
**FAIRVIEW DR**

**STATE LANDS  
APN 010-032-07**

**20FT BY 20FT TRIANGLE  
174 SQUARE FEET**

**EAST 5TH STREET**

**EASEMENT AREA LIES WITHIN THE NE 1/4 OF THE SW 1/4,  
SECTION 15, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.B.**



**DATE: 3/31/09**

<p><b>CARSON CITY PUBLIC WORKS DEPARTMENT</b></p> <p>3505 BUTTI WAY CARSON CITY, NEVADA 89701 PH: 887-2355 FAX: 887-2112</p>	<p><b>EASEMENT AREA FOR STREET FRONTAGE IMPROVEMENTS</b></p>	<p><b>EXHIBIT 1</b></p>
--	--	-----------------------------