

item # 8-4A

**Carson City Board of Supervisors
Agenda Report**

Date Submitted: June 3, 2009

Agenda Date Requested: June 18, 2009

Time Requested: Consent

To: Mayor and Supervisors

From: Public Works

Subject Title: Action to approve and authorize the Mayor to sign a Right-of-Entry Agreement between Douglas County and Carson City whereby Carson City agrees to grant to Douglas County a Right-of-Entry for the purpose of locating, constructing, accessing, maintaining, repairing and replacing Douglas County's public utilities, including a sewage force main and necessary incidents thereto, upon, over, under, across and through real property described as Assessor's Parcel Number(s) 09-303-05, 09-303-02 and 09-303-03. (Burnham)

Staff Summary: A Right-of-Entry Agreement is needed between Douglas County and Carson City in order for Carson City to allow utilization of excess wastewater treatment capacity by Douglas County. This Agreement will facilitate the implementation of the Interlocal Agreement between Douglas County and Carson City approved at the October 16, 2008 Board of Supervisors meeting.

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 approve and authorize the Mayor to sign a Right-of-Entry Agreement between Douglas County and Carson City whereby Carson City agrees to grant to Douglas County a Right-of-Entry for the purpose of locating, constructing, accessing, maintaining, repairing and replacing Douglas County's public utilities, including a sewage force main and necessary incidents thereto, upon, over, under, across and through real property described as Assessor's Parcel Number(s) 09-303-05, 09-303-02 and 09-303-03.

Explanation for Recommended Board Action: In order to allow utilization of excess wastewater treatment capacity by Douglas County, this Right-of-Entry is necessary.

Applicable Statute, Code, Policy, Rule or Regulation: Chapter 244 of NRS.

Fiscal Impact: None

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not approve the Right-of-Entry Agreement.

Supporting Material: Right-of-Entry Agreement

Prepared By: Kim Belt, Capital Program Manager

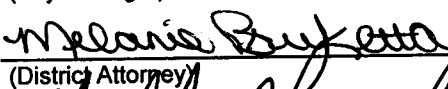
Reviewed By:


(Public Works Director)

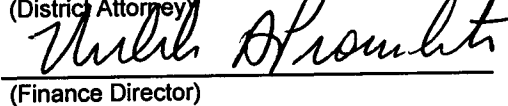
Date: 6-9-09


(City Manager)

Date: 6/8/09


(District Attorney)

Date: 6-9-09


(Finance Director)

Date: 6-9-09

Board Action Taken:

Motion: _____

	Aye/Nay
1) _____	_____
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____

(Vote Recorded By)

RECORDED AT THE REQUEST OF:

Douglas County, Nevada
Public Works Department
Post Office Box 218
Minden, Nevada 89423

APN 09-303-05

APN 09-303-02

APN 09-303-03

RIGHT-OF-ENTRY

This Agreement is made this _____ day of _____, 2009 between Carson City, Nevada (Grantor), and Douglas County, a political subdivision of the State of Nevada, (Grantee).

WITNESSETH

This Agreement will facilitate the implementation of the INTERLOCAL AGREEMENT entered into by the parties as approved by the Douglas County Board of Commissioners on October 16, 2009 pertinent to Grantee utilizing Grantor's excess wastewater treatment capacity. The Grantor presents to the Grantee the right-of-entry for the purpose of location, construction, access, maintenance, repair and replacement of Grantee public utilities, including a sewage force main and necessary incidents thereto, upon, over, under, across and through the real property to fully implement said INTERLOCAL AGREEMENT. The property pertinent to this right-of-entry includes, but may not be limited to, the real property situated within a portion of Section 6 T14N, R20E, MSM and Section 31 T15N, R20E, MSM, Carson City Nevada, and being more particularly described in the legal descriptions shown on Exhibits "A," "B" and "C" with maps attached thereto, together with all and singular tenements, hereditaments, and appurtenances belonging to or in anyway appertaining to this property. This Agreement shall continue in force and effect while the aforementioned INTERLOCAL AGREEMENT remains in force and affect, and until the Grantee has completed its project to remove the force main upon the termination or conclusion of the INTERLOCAL AGREEMENT.

In witness whereof, the parties have executed this Agreement.

Grantee DOUGLAS COUNTY

Attest: _____

Ted Thran
Douglas County Clerk

By: _____

Nancy McDermid, Chair

Grantor CARSON CITY

Attest: _____

Alan Glover
Carson City Clerk

By: _____

Robert L. Crowell, Mayor

CARSON CITY
09-303-02

POINT OF COMMENCEMENT
20' RIGHT OF ENTRY

CARSON CITY
09-303-03

POINT OF BEGINNING
20' RIGHT OF ENTRY



DOUGLAS COUNTY
CARSON CITY

NOTE: THIS ILLUSTRATION IS INTENDED
ONLY TO DEPICT THE ACCOMPANYING
RIGHT OF ENTRY DESCRIPTION AND
DOES NOT REPRESENT A MONUMENTED
LAND SURVEY

CARSON CITY
1420-06-502-001

CLEAR CREEK PLAZA, LLC
1420-06-502-009

CARSON CITY
09-303-05

CARSON CITY
DOUGLAS COUNTY

CLEAR CREEK PLAZA, LLC
1420-06-502-009

GRAPHIC SCALE



1 inch = 50 ft.

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N. COUNTY/CARSON CITY SEWER INTER-TIE

DOUGLAS COUNTY, NEVADA

RIGHT OF ENTRY MAP

PROJ. MGR.: DCR

SHEET

DRAWN BY: GRG

DATE: 2/17/09

SCALE: 1"=50'

EXHIBIT A
DCCCS

EXHIBIT "A"
LEGAL DESCRIPTION
RIGHT OF ENTRY

A parcel of land situate in the Northeast Quarter of Section 6, Township 14 North, Range 20 East, MDM, Carson City Nevada and being more particularly described as follows;

Commencing at the Northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 6;

Thence South 88°58'47" East a distance of 4.16 feet to the **POINT OF BEGINNING**;

Thence South 88°58'47" East a distance of 20.69 feet;

Thence South 13°51'47" East a distance of 1.84 feet;

Thence along the arc of a curve to the right having a radius of 110.00 feet, a central angle of 13°43'15", a distance of 26.34 feet;

Thence South 00°08'32" East a distance of 240.07 feet;

Thence South 23°17'45" West a distance of 35.19 feet;

Thence North 89°42'18" West a distance of 20.75 feet;

Thence North 01°03'45" East a distance of 2.39 feet;

Thence North 23°17'45" East a distance of 36.94 feet;

Thence North 00°08'32" West a distance of 235.92 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of 13°43'15", a distance of 21.55 feet;

Thence North 13°51'47" West a distance of 7.15 feet to the **POINT OF BEGINNING**.

Containing 6075 square feet more or less.

Basis of Bearings:

North American Datum of 1983 as based on Federal Base Network/Cooperative Base Network observations in 1994 (AKA NAD83/94), Nevada State Plane West Zone as determined with Real Time Kinematic (RTK) GPS observations made September 06, 2008 with corrections transmitted by the Regional Base Network Continuously Operating Reference Station (CORS) DOT1. Ground coordinates hereon reflect grid coordinates multiplied by a combined grid to ground factor of 1.0002 (AKA CARSON CITY MODIFIED)

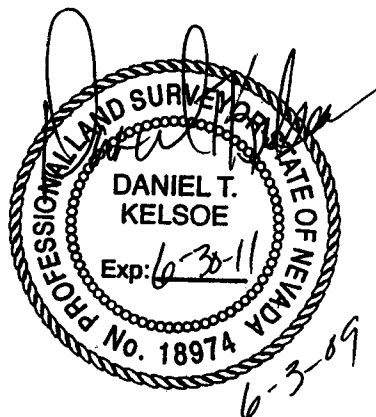
SURVEYOR'S CERTIFICATE

I hereby certify that the attached legal description was prepared by me or under my direct supervision and is accurate to the best of my knowledge and belief.

Daniel T. Kelsoe
Nevada PLS 18974
For and on behalf of



9850 DOUBLE R BLVD, SUITE 101
RENO, NEVADA 89521
(775) 746-3500





GRAPHIC SCALE



1 inch = 50 ft.

NOTE: THIS ILLUSTRATION IS INTENDED ONLY TO DEPICT THE ACCOMPANYING RIGHT OF ENTRY DESCRIPTION AND DOES NOT REPRESENT A MONUMENTED LAND SURVEY

CLEAR CREEK

CARSON CITY
09-303-02

CARSON CITY
09-303-03

POINT OF COMMENCEMENT
20' RIGHT OF ENTRY

CARSON CITY
DOUGLAS COUNTY

CARSON CITY
1420-06-502-001

POINT OF BEGINNING
20' RIGHT OF ENTRY

CARSON CITY
09-303-05



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N. COUNTY/CARSON CITY SEWER INTER-TIE

DOUGLAS COUNTY, NEVADA

RIGHT OF ENTRY MAP

PROJ. MGR.: DCR

DRAWN BY: GRG

DATE: 2/17/09

SCALE: 1"=50'

SHEET

EXHIBIT B
DCCCS

EXHIBIT "B"
LEGAL DESCRIPTION
RIGHT OF ENTRY

A parcel of land situate in the Southeast Quarter of Section 31, Township 15 North, Range 20 East, MDM, Carson City Nevada and being more particularly described as follows;

Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 31;

Thence South $88^{\circ}58'47''$ East a distance of 4.16 feet to the **POINT OF BEGINNING** ;

Thence North $13^{\circ}51'47''$ West a distance of 53.04 feet;

Thence along the arc of a curve to the right having a radius of 110.00 feet, a central angle of $11^{\circ}01'44''$, a distance of 21.17 feet;

Thence North $02^{\circ}50'03''$ West a distance of 128.52 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of $32^{\circ}50'49''$, a distance of 51.60 feet;

Thence North $05^{\circ}37'36''$ West a distance of 36.56 feet;

Thence South $39^{\circ}05'33''$ East a distance of 25.14 feet;

Thence along the arc of curve to the right having a radius of 110.00 feet, a central angle of $36^{\circ}15'30''$, a distance of 69.61 feet;

Thence South $02^{\circ}50'03''$ East a distance of 128.52 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of $11^{\circ}01'44''$, a distance of 17.32 feet;

Thence South $13^{\circ}51'47''$ East a distance of 58.35 feet;

Thence North $88^{\circ}58'47''$ West a distance of 20.69 feet to the **POINT OF BEGINNING**.

Containing 5,535 square feet more or less.

Basis of Bearings:

North American Datum of 1983 as based on Federal Base Network/Cooperative Base Network observations in 1994 (AKA NAD83/94), Nevada State Plane West Zone as determined with Real Time Kinematic (RTK) GPS observations made September 06, 2008 with corrections transmitted by the Regional Base Network Continuously Operating Reference Station (CORS) DOT1. Ground coordinates hereon reflect grid coordinates

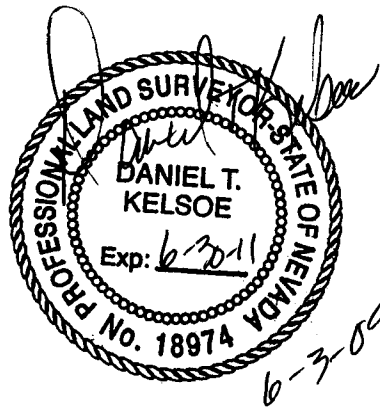
multiplied by a combined grid to ground factor of 1.0002 (AKA CARSON CITY MODIFIED)

SURVEYOR'S CERTIFICATE

I hereby certify that the attached legal description was prepared by me or under my direct supervision and is accurate to the best of my knowledge and belief.

Daniel T. Kelsoe
Nevada PLS 18974
For and on behalf of

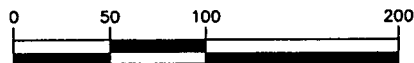
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(775) 746-3500



CLEAR CREEK ROAD



GRAPHIC SCALE



1 inch = 100 ft.

CARSON CITY
09-303-02

CARSON CITY
09-303-03

POINT OF BEGINNING
20' RIGHT OF ENTRY

CLEAR CREEK

POINT OF COMMENCEMENT
20' RIGHT OF ENTRY

CARSON CITY
DOUGLAS COUNTY

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N. COUNTY/CARSON CITY SEWER INTER-TIE

DOUGLAS COUNTY, NEVADA

RIGHT OF ENTRY MAP

PROJ. MGR.: DCR

SHEET

DRAWN BY: GRG

DATE: 2/17/09

SCALE: 1"=100'

EXHIBIT C
DCCCS

EXHIBIT "C"
LEGAL DESCRIPTION
RIGHT OF ENTRY

A parcel of land situate in the Southeast Quarter of Section 31, Township 15 North, Range 20 East, MDM, Carson City Nevada and being more particularly described as follows;

Commencing at the Southeast Corner of the Southwest Quarter of the Southeast Quarter of said Section 31;

Thence North 89°19'20" West a distance of 10.27 feet;

Thence North 05°37'36" West a distance of 249.83 feet to the **POINT OF BEGINNING**;

Thence along the arc of a non tangent curve to the left having a tangent bearing of North 35°40'52" West, a radius of 90.00 feet, a central angle of 03°24'41", a distance of 5.36 feet;

Thence North 39°05'33" West a distance of 71.88 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of 07°52'53", a distance of 12.38 feet;

Thence North 46°58'26" West a distance of 45.92 feet;

Thence along the arc of a curve to the right having a radius of 110.00 feet, a central angle of 09°32'00", a distance of 18.30 feet;

Thence North 37°26'26" West a distance of 155.74 feet;

Thence along the arc of a curve to the right having a radius of 110.00 feet, a central angle of 17°11'31", a distance of 33.01 feet;

Thence North 20°14'55" West a distance of 225.40 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of 00°38'13", a distance of 1.00 feet to the Southerly Right of Way of Old Clear Creek Road;

Thence along said Southerly Right of Way, North 65°34'56" East a distance of 20.03 feet;

Thence leaving said Southerly Right of Way along the arc of a non tangent curve to the right having a tangent bearing of South 21°31'42" East, a radius of 110.00 feet, a central angle of 01°16'47", a distance of 2.46 feet;

Thence South 20°14'55" East a distance of 225.40 feet;

Thence along the arc of a curve to the left having a radius of 90.00 feet, a central angle of 17°11'31", a distance of 27.01 feet;

Thence South 37°26'26" East a distance of 155.74 feet;

Thence along the arc of a curve to the left having a radius on 90.00 feet, a central angle of 09°32'00", a distance of 14.97 feet;

Thence South 46°58'26" East a distance of 45.92 feet;

Thence along the arc of a curve to the right having a radius of 110.00 feet, a central angle of 07°52'53", a distance of 15.13 feet;

Thence South 39°05'33" East a distance of 46.74 feet;

Thence South 05°37'36" East a distance of 36.56 feet to the **POINT OF BEGINNING**.

Containing 11,021 square feet more or less.

Basis of Bearings:

North American Datum of 1983 as based on Federal Base Network/Cooperative Base Network observations in 1994 (AKA NAD83/94), Nevada State Plane West Zone as determined with Real Time Kinematic (RTK) GPS observations made September 06, 2008 with corrections transmitted by the Regional Base Network Continuously Operating Reference Station (CORS) DOT1. Ground coordinates hereon reflect grid coordinates multiplied by a combined grid to ground factor of 1.0002 (AKA CARSON CITY MODIFIED)

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