

Item #3-2

**CARSON CITY, NEVADA  
REQUEST FOR BOARD ACTION**

**Date Submitted:** September 8, 2006

**Agenda Date Requested:** September 21, 2006

**Time Requested:** Consent Agenda

**To:** Mayor and Supervisors

**From:** Public Works - Engineering Division

**Subject Title:** Action to approve a Right-of-way Grant Offer presented to Carson City by the Bureau of Land Management (BLM) for the purposes of construction, operation, and maintenance of buried municipal utilities, access road and drainage structure located at 4600 Conte Drive, Carson City, Nevada.

**Staff Summary:** The Right of way grant allows Carson City to install, own and maintain an 8" sanitary sewer main and a 15"/30" storm drain with an energy dissipation structure. The installation will provide sewer service required per the Southeast Carson City Mandatory Sewer Program.

**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 a Right-of-way Grant Offer presented to Carson City by the Bureau of Land Management (BLM) for the purposes of construction, operation, and maintenance of buried municipal utilities, access road and drainage structure located at 4600 Conte Drive, Carson City, Nevada.

**Explanation for Recommended Board Action:** Acceptance of the Right-of-Way Grant provides a mechanism to provide sewer service to nineteen properties in the Southeast Carson City Mandatory Sewer Area. The property is required to connect City sewer from Conte Drive to Edmonds Drive.

The Right-of-Way area to be granted is 30' feet wide, 330 feet long, and contains 0.23 acres, more or less.

**Applicable Statute, Code, Policy, Rule or Regulation:** Title V of the Federal Land Policy and Management Act October 21, 1976 (90 Stat. 2776;43 U.S.C. 1761 )

**Fiscal Impact:** None at this time.

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**Explanation of Impact:** According to BLM staff in Carson City, as municipally owned utility, is currently exempt from rental charges and, therefore, no rental is due at this time. Rental is subject to a review at a future date according to BLM regulations.

**Funding Source:** N/A

**Alternatives: None**

**Supporting Material:** ~~Right-of-Way~~ Grant Form

**Prepared by:** Sandy Scott, Contract Coordinator

Reviewed By:

Date: 9/11/06

**Brian Doyal**

Reviewed By: (C/M)

Date: 9/12/06

Reviewed By: (Finance Dir)

Date: 9/12/06

Reviewed By: (DA)

Date: 9/12/06

Reviewed By: (Public Works)

Date: 5/24/06

**BOARD ACTION:**

## Motion

1: \_\_\_\_\_ (Aye)  
 \_\_\_\_\_ (Nay)

$$2^n$$

(Vote Recorded By)

**CARSON CITY, NEVADA  
REQUEST FOR BOARD ACTION**

**1 BOARD ACTION AND EXECUTION:**

1.1 The Board Of Supervisors for Carson City, Nevada at their publicly noticed meeting of September 21, 2006, approved the acceptance of the attached Right-of-Way Grants for Serial Number N-80640 titled "Mount Diablo Meridian, 4600 Conte Drive". Further, the Board Of Supervisors authorizes the Mayor of Carson City, Nevada to set his hand to this document and record his signature for the execution of this document in accordance with the action taken.

**CARSON CITY, NEVADA**

\_\_\_\_\_  
MARV TEIXEIRA, MAYOR

DATED this 21st day of September, 2006.

**ATTEST:**

\_\_\_\_\_  
ALAN GLOVER, CLERK-RECORDER

DATED this 21st day of September, 2006.

\* \* \* END OF DOCUMENT \* \* \*



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Carson City Field Office  
5665 Morgan Mill Road  
Carson City, Nevada 89701  
<http://www.nv.blm.gov>



In Reply Refer To:

N-80640

2800

(NV-03300)

AUG 01 2006

CERTIFIED MAIL 7003 0500 0000 3565 6242  
RETURN RECEIPT REQUESTED

Brian Doyal  
Carson City  
3505 Butti Way  
Carson City, NV 89701

Dear Mr. Doyal:

Enclosed are two copies of an amended unsigned right-of-way (ROW) grant (BLM Form 2800-14) for a buried municipal sewer pipeline, access road and drainage structure, serial number N-80640. The right-of-way grant is hereby offered for a 30-year term subject to the terms and conditions contained therein.

Please review the document and if it meets with City approval, please sign and date BOTH copies and return to the address shown above. Upon our receipt of the signed documents, we will issue the ROW grant and return an executed copy for your records.

If you have any questions, please contact Nancy Suglian, Land Law Examiner at (775) 885-6110.

Sincerely,

Teresa K. Knutson  
Acting Assistant Manager, Nonrenewable Resources  
Carson City Field Office

Enclosure:

1. Unsigned ROW Grants (2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RIGHT-OF-WAY GRANT  
SERIAL NUMBER N-80640

1. *A right-of-way is hereby granted pursuant to Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).*

2. *Nature of Interest:*

a. *By this instrument, the holder:*

*Carson City  
3505 Butti Way  
Carson City, NV 89701*

*receives a right to construct, operate, maintain, and terminate a buried municipal sewer pipeline, access road and drainage structure across public lands described as follows:*

*Mount Diablo Meridian*

*T. 15 N., R. 20 E.,  
sec. 33, lot 20.*

*The right-of-way area granted herein is 30 feet wide, 330 feet long, containing 0.23 acres, more or less.*

*This instrument shall terminate on December 31, 2035 unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.*

b. *This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.*

c. *Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assignees, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.*

2. *Rental:*

*For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.*

3. *Terms and Conditions:*

- a. *This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations Part 2800.*
- b. *This grant may be reviewed at any time deemed necessary by the authorized officer.*
- c. *This grant shall, at a minimum, be reviewed by the authorized officer at the end of the 20<sup>th</sup> year and at regular intervals thereafter not to exceed 10 years.*
- d. *The map marked Exhibit A, attached hereto, is incorporated into and made a part of this grant instrument as fully and effectively as if it were set forth herein in its entirety.*
- e. *Failure of the holder to comply with applicable law or any provision of this grant shall constitute grounds for suspension or termination thereof.*
- f. *The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.*
- g. *The grant is subject to all valid rights existing on the effective date of the grant.*
- h. *The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.*
- i. *In case of change of address, the holder shall immediately notify the authorized officer.*
- j. *Any cultural (historic or prehistoric site or object) or paleontological resource or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the permit holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The permit holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.*

*For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder. Operations may resume only upon written authorization to proceed from the authorized officer.*

*For Native American human remains, funerary items, sacred objects, or objects of cultural patrimony the permit holder must stop activities in the immediate vicinity of the discovery and protect it from your activities for 30 days or until notified to proceed by the authorized officer. The holder is responsible for the cost of consultation, evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the permit holder.*

- k. Construction sites shall be maintained in a sanitary condition at all times, waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, used petroleum products, ashes, and equipment.*
- l. Holder shall limit excavation to the areas of construction. No borrow areas for fill material will be permitted on the site. All off-site borrow areas must be approved in writing by the authorized officer in advance of excavation. All waste material resulting from construction or use of the site by holder shall be removed from the site. All waste disposal sites on public land must be approved in writing by the authorized officer in advance of use.*
- m. The holder shall recontour disturbed areas, or designated sections of the right-of-way by grading, to restore the site to approximately the original contour of the ground as determined by the authorized officer.*
- n. Excess excavated, unsuitable, or slide materials shall be disposed of as directed by the authorized officer.*
- o. The holder will be responsible for controlling all noxious weeds and other undesirable invading plant species. The holder will obtain approval from the Bureau of Land Management for any and all applications of herbicides, including types and quantities. All seed will be tested for purity as well as for noxious, poisonous, and prohibited plant species, and the test results submitted to and approved by the Bureau of Land Management, unless certified weed-free seed is procured for seeding of any part of this project. The following seed mixture will be used:*

| <u>Seed Type</u>         | <u>Application in Lbs/Ac</u> |
|--------------------------|------------------------------|
| Basin Wildrye            | 4.0                          |
| Bottlebrush Squirreltail | 2.0                          |
| Thickspike Wheatgrass    | 4.0                          |
| Green Ephedra            | 4.0                          |

- p. Six months prior to termination of the grant, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan. This plan shall include but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.

IN WITNESS WHEREOF, The undersigned agrees to the terms and conditions of this right-of-way grant.

\_\_\_\_\_  
(Signature of Holder)

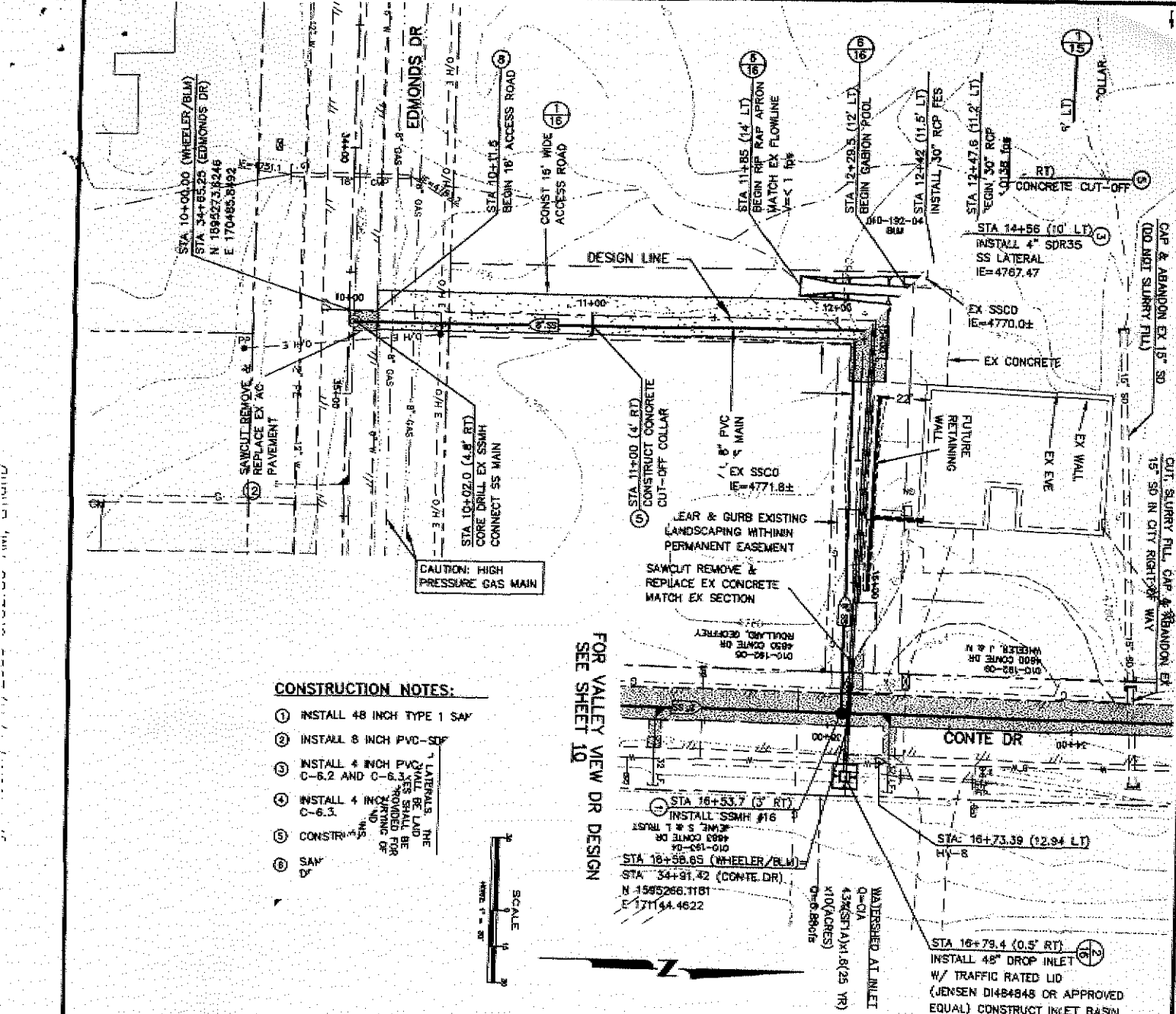
\_\_\_\_\_  
(Signature of Authorized Officer)

\_\_\_\_\_  
(Title)

**Assistant Manager**  
**Nonrenewable Resources**  
\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Effective Date of Grant)



**CONSTRUCTION NOTES:**

- ① INSTALL 48 INCH TYPE 1 SAW
- ② INSTALL 8 INCH PVC-SOF
- ③ INSTALL 4 INCH PVC-C-6.2 AND C-6.3
- ④ INSTALL 4 INCH C-6.3
- ⑤ CONSTRUCT
- ⑥ SAW CUT



| REV. | DATE | DESCRIPTION | BY | APP'D |
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**CARSON CITY  
PUBLIC WORKS DEPARTMENT**

3505 BUTTE WAY CARSON CITY, NEVADA 89701  
PH: 887-2355 FAX: 887-2112

DESIGNED BY: BD  
DRAWN BY: BD  
CHECKED BY: DR/JA/JB  
DWG NO.: 02-6021-A-BST  
SCALE (HORIZ): 1"=30'  
LAYOUT NAME: WHEELER  
PLOT DATE: MAR 21, 2006