

Item #9-2A

**Carson City Board of Supervisors
Agenda Report**

Date Submitted: April 12, 2010

Agenda Date Requested: May 6, 2010

Time Requested: Consent

To: Mayor and Supervisors

From: Public Works

Subject Title: Action to approve and authorize the Mayor to sign an Easement Amendment between Nevada Division of State Lands and Carson City, whereby the Division of State Lands will grant the City an easement across the Carson River to facilitate access and maintenance of Lloyd's Bridge which was recently transferred to the City from NDOT. (Sharp)

Staff Summary: On May 28, 2009, the State of Nevada Department of Transportation (NDOT) relinquished ownership to Carson City a portion of Carson River Road including Lloyd's Bridge which crosses the Carson River. Because the Division of State Lands hold title to the bed and banks of the Carson River, an easement between the Division of State Lands and Carson City is required. The proposed Easement Amendment is essentially a transfer of property rights previously granted to NDOT.

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 an Easement Amendment between Nevada Division of State Lands and Carson City, whereby the Division of State Lands will grant the City an easement across the Carson River to facilitate access and maintenance of the Lloyd's Bridge which was recently transferred to the City from NDOT.

Explanation for Recommended Board Action: The Easement Amendment is necessary to allow Carson City to access and maintain Lloyd's Bridge.

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

Fiscal Impact: None

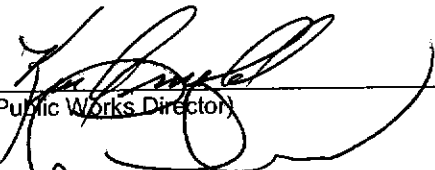
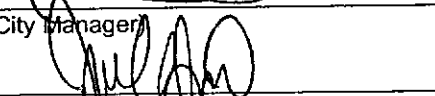
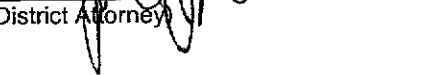
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not approve the Agreement.

Supporting Material: Two copies of the Easement Amendment document including Exhibit A: Sketch Map and Exhibit B: Legal Description. Letter from Deann McKay of Division of State Lands dated 3/18/10 with instructions for recording and returning the agreement.

Prepared By: Jeff Sharp, City Engineer

Reviewed By: 
(Public Works Director)

(City Manager)

(District Attorney)

Date: 4/27/10

Date: 4/22/10

Date: 4/27/10

Board Action Taken:

Motion: _____

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

(Vote Recorded By)

ALLEN BIAGGI
Director
Department of Conservation
And Natural Resources

JAMES R. LAWRENCE
Administrator

JIM GIBBONS
Governor



State Land Office
State Land Use Planning Agency

Address Reply to

Division of State Lands
901 S. Stewart St. Suite 5003
Carson City, Nevada 89701
Phone (775) 684-2720
Fax (775) 684-2721
Web www.lands.nv.gov

STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Division of State Lands

March 18, 2009

CARSON CITY PUBLIC WORKS
ATTN: JEFF SHARP
3505 BUTTI WAY
CARSON CITY NV 89701

Certified Receipt No.
70070220000352187156

RE: Lloyd's Bridge
Carson River

Dear Jeff:

As a result of your application dated 12/28/09 requesting an easement for access and maintenance purposes, enclosed herewith please find an original and duplicate original easement amendment for Lloyd's Bridge. As you may recall, the Department of Transportation had deemed this roadway as surplus property and as such the ownership was transferred to Carson City. Because the Division of State Lands holds title to the bed and banks of the Carson River, an easement between the Division of State Lands and Carson City is required.

Please circulate the enclosed copies for review, approval and signatures. Upon approval, please record the original document with the Carson City Recorder's office. Please have the duplicate original conformed by the Recorder and return it to my attention at the above referenced address. Once I receive the recorded document, I will forward a copy to you for your records.

If you have any questions or concerns, please do not hesitate to contact me at (775)684-2729. Thank you for your cooperation and patience in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Deann McKay".
Deann McKay
State Land Agent II



LLOYD'S BRIDGE/DMM/3754
CARSON CITY
CARSON RIVER

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

EASEMENT AMENDMENT

THIS EASEMENT AMENDMENT, made and entered into this ____ day of _____, 2010, by and between the STATE OF NEVADA, acting through the DIVISION OF STATE LANDS, and the State Land Registrar, hereinafter referred to as GRANTOR and CARSON CITY, a Consolidated Municipality of the State of Nevada, hereinafter referred to as GRANTEE.

WITNESSETH:

WHEREAS, the GRANTOR entered into an easement dated the 29th of March 1989, with the State of Nevada, acting by and through its DEPARTMENT OF TRANSPORTATION as the GRANTEE, for the purpose of a permanent easement and right-of-way for the bridge currently known as Lloyd's Bridge, lying upon, over and across portions of that certain property situated within the N ½ of Section 26, Township 15, Range 20 East, M.D.B.&M, Carson City, Nevada, as shown on Exhibit A, of recorded Document Number 85245, filed with the Carson City Recorder's Office on 5/9/1989; and

WHEREAS, on May 28, 2009 the DEPARTMENT OF TRANSPORTATION relinquished their easement interest and designated that certain right-of-way for a portion of Carson River Road including Lloyd's Bridge to CARSON CITY as recorded in Document Number 391154, filed with the Carson City Recorder's Office on 6/30/2009; and

WHEREAS, Attorney General's Opinion #204 dated April 20, 1976, concluded that "The State of Nevada owns the bed and shores of Lake Tahoe and other navigable bodies of water within Nevada to the present ordinary and permanent high water mark." Through formal court proceedings the Carson River has been determined to be a navigable body of water within Nevada; and

WHEREAS, GRANTEE, has made application to and wishes to obtain from the GRANTOR a Non-Exclusive Easement and right-of-way for Lloyd's Bridge to access and maintain as a designated road of the Carson City road system; and

WHEREAS, NRS 322.067 gives the Administrator of the Division of State Lands the authority to waive the fee for the grant of an easement to a local government for a public road.

WHEREAS, NRS 322.140 (1) allows the State Land Registrar to waive the fee for the issuance of this easement amendment since the right-of-way protects and/or promotes public health and/or safety.

NOW THEREFORE, GRANTOR agrees to amend the easement and right-of-way referenced above as recorded Document Number 85245 for the purpose of amending the GRANTEE from the State of Nevada, acting by and through its DEPARTMENT OF TRANSPORTATION to CARSON CITY, a Consolidated Municipality of the State of Nevada, to allow for access and maintenance purposes of Lloyd's Bridge as a designated road of the

Carson City road system as situated upon, over and across portions of that certain property lying within the North ½ of Section 26, Township 15 North, Range 20 East, M.D.B.&M., Carson City, Nevada; and more particularly described as a parcel of land lying within the average high water line of the Carson River, said parcel more fully described by metes and bounds as shown on EXHIBIT B, attached hereto and by reference made a part hereof.

GRANTEE, pursuant to 23 CFR Part 650 Subpart C of the National Bridge Inspection Standards, understands and agrees, the DEPARTMENT OF TRANSPORTATION, as federally required will perform an inspection of the easement and right-of-way for safety and evaluation purposes at the interval rate of no greater than once every twenty four (24) months.

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

IN WITNESS WHEREOF, the parties hereto have executed this amended easement as of the day and year first above written.

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GRANTOR:

Division of State Lands

By:

JAMES R. LAWRENCE

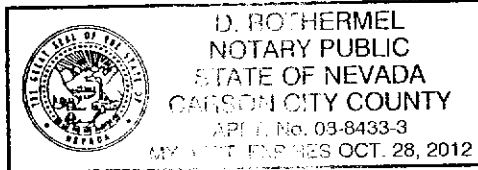
State Land Registrar

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On, MARCH 17, 2010, personally appeared before me, a notary public, JAMES R. LAWRENCE, Administrator and Ex-Officio State Land Registrar, Division of State Lands, who acknowledged that he executed the above instrument.

Rothermel



APPROVED as to Form:
CATHERINE CORTEZ MASTO
Attorney General

By:

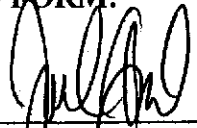
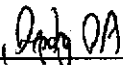
KERRY BENSON

Page 4 of 5
Carson City Public Works/Lloyd's Bridge Easement Amendment

GRANTEE:

**CARSON CITY, A Consolidated Municipality
of the State of Nevada**

**APPROVED FOR LEGALITY
AND FORM:**

By:  

NEIL A. ROMBARDO
District Attorney

APPROVED:

By: _____

ROBERT CROWELL
Mayor

ATTEST:

By: _____

ALAN GLOVER
Clerk/Recorder

STATE OF NEVADA

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ss.

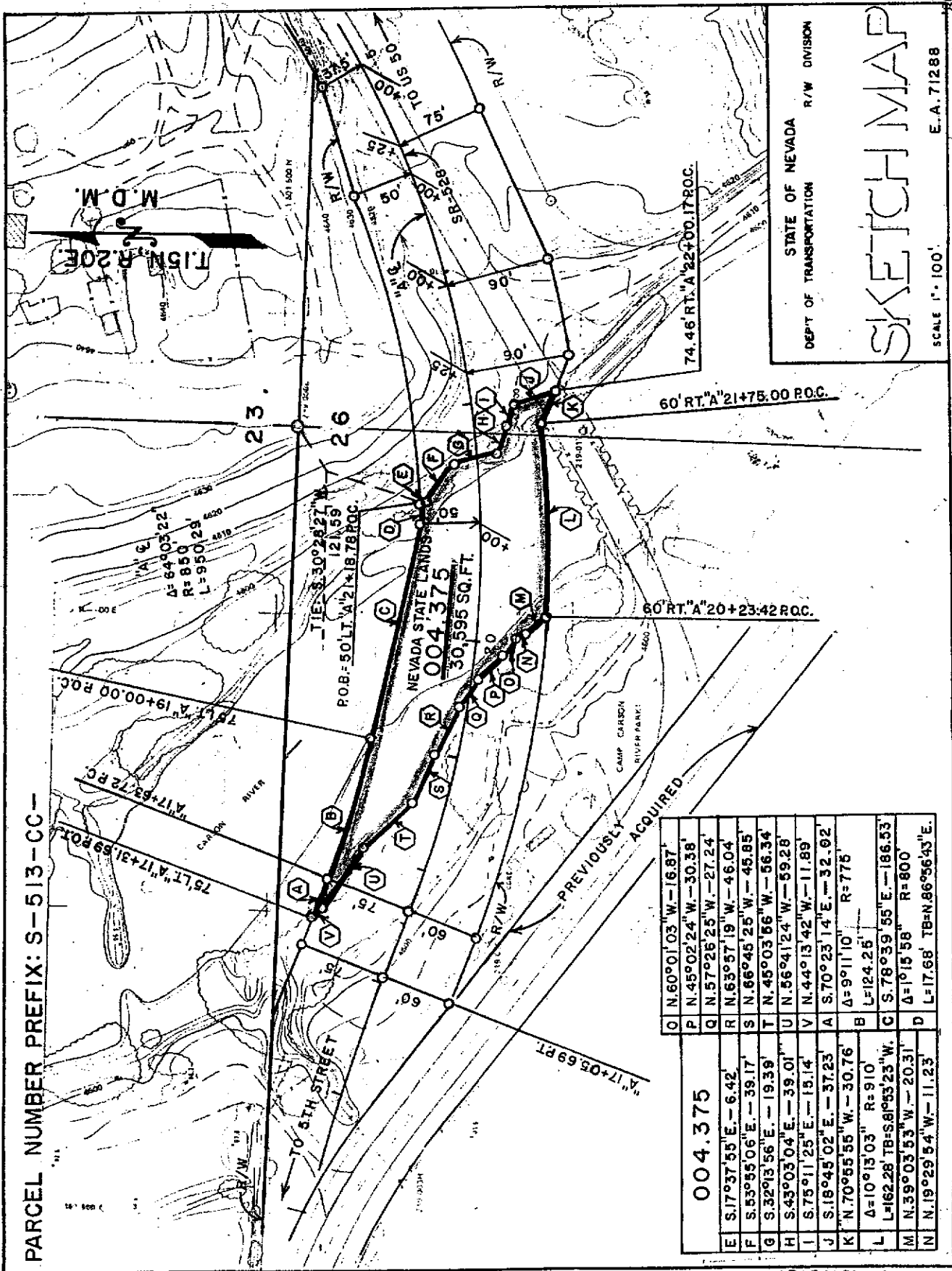
CARSON CITY

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On, _____ 2010, personally appeared before me, a notary public, ROBERT CROWELL, as Mayor and ALAN GLOVER, as City Clerk, who acknowledged that they executed the above instrument for and on behalf of Carson City.

NOTARY PUBLIC

PARCEL NUMBER PREFIX: S-513-CC-



004.375		Q	N.60°01'03"W.-16.87'
E	S.17°37'55"E.-6.42'	P	N.45°02'24"W.-30.38'
F	S.53°55'06"E.-39.17'	Q	N.57°26'25"W.-27.24'
G	S.32°13'56"E.-19.39'	R	N.63°57'19"W.-46.04'
H	S.43°03'04"E.-39.01'	S	N.66°45'25"W.-45.95'
I	S.75°11'25"E.-15.14'	T	N.45°03'56"W.-56.34'
J	S.16°45'02"E.-37.23'	U	N.56°41'24"W.-59.28'
K	N.70°55'55"W.-30.76'	V	N.44°13'42"W.-11.89'
L	Δ=10°13'03" R=910'	A	S.70°23'14"E.-32.92'
M	N.39°03'53"W.-20.31'	B	Δ=9°11'10" R=775'
N	N.19°29'54"W.-11.23'	C	S.78°39'55"E.-186.53'
		D	Δ=1°15'58" R=800'
			L=17.68' TB=N.86°56'43"E.

STATE OF NEVADA
DEPT OF TRANSPORTATION
R/W DIVISION
SCALE 1"=100'
E.A. 71288

SKETCH MAP

EXHIBIT A

FILE
CA
BY

BEGINNING at the intersection of the Carson River easterly average high water line and the left or northerly right-of-way line of State Route 528 (Project BRM-528(1)) 50.00 feet left of and measured radially from Highway Engineer's Station "A" 21+18.78 P.O.C.; said point of beginning further described as bearing South 30°28'27" West, a distance of 121.59 feet from the north quarter corner of Section 26, Township 15 North, Range 20 East M.D.B.&M.; Thence along said easterly average high water

line the following six (6) courses and distances:

- (1) South 17°37'55" East, a distance of 6.42 feet;
- (2) South 53°55'06" East, a distance of 39.17 feet;
- (3) South 32°13'56" East, a distance of 19.39 feet;
- (4) South 43°03'04" East, a distance of 39.01 feet;
- (5) South 75°11'26" East, a distance of 15.14 feet;
- (6) South 18°45'02" East, a distance of 37.23 feet to an intersection with the right or southerly right-of-way line of said State Route 528; Thence North 70°55'55" West, along said right-of-way line, a distance of 30.76 feet to a point; Thence from a tangent which bears South 81°53'23" West, curving to the right along said right-of-way line, with a radius of 910 feet, through an angle of 10°13'03", an arc distance of 162.28 feet to an intersection with the Carson River westerly average high water line; Thence along said westerly average high water line the following ten (10) courses and distances:

- (1) North 39°03'53" West, a distance of 20.31 feet;
- (2) North 19°29'54" West, a distance of 11.23 feet;
- (3) North 60°01'03" West, a distance of 16.87 feet;
- (4) North 45°02'24" West, a distance of 30.38 feet;
- (5) North 67°26'25" West, a distance of 27.24 feet;
- (6) North 63°57'19" West, a distance of 46.04 feet;
- (7) North 66°45'25" West, a distance of 45.85 feet;
- (8) North 45°03'56" West, a distance of 56.34 feet;
- (9) North 56°41'24" West, a distance of 59.28 feet;
- (10) North 44°13'42" West, a distance of 11.89 feet to an intersection with the left or northerly right-of-way line of said State Route 528; Thence South 70°23'14" East, along said northerly right-of-way line, a distance of 32.02 feet to a point; Thence from a tangent which bears the last described course, curving to the left

along said northerly right-of-way line, with a radius of 775 feet, through an angle of 09°11'10", an arc distance of 124.25 feet to a point; Thence South 78°39'55" East, along said northerly right-of-way line, a distance of 186.53 feet to a point; Thence from a tangent which bears North 86°56'43" East, curving to the left along said northerly right-of-way line, with a radius of 800 feet, through an angle of 01°15'58", an arc distance of 17.68 feet to the POINT OF BEGINNING; said parcel contains an area of 30,595 square feet (0.70 of an acre), more or less.

EXHIBIT B