

**City of Carson City
Agenda Report**

Date Submitted: December 7, 2010

Agenda Date Requested: December 16, 2010

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Public Works – Planning Division

Subject Title: Action to adopt a Resolution determining that the sale of City property located on Karin Drive, APN 4-374-01, approximately 3,900 square feet in size, is in the best interest of the City and as a result of its size is too small to establish an economically viable use by anyone other than a person who owns real property adjacent to it pursuant to NRS 268.061(1)(e), and direct staff to initiate a sale of the property to the adjacent property owner. (Lee Plemel)

Summary: The subject lot was offered as a City park site as part of the Sunland Vista Subdivision approval. However, the remnant parcel is isolated from other park property within the subdivision and is not intended to be developed as park property. Approval of this action would allow the adjacent property owner to purchase the lot and incorporate it into their existing residential lot.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to adopt Resolution 2010-R-__ determining that the sale of City property located on Karin Drive, APN 4-374-01, approximately 3,900 square feet in size, is in the best interest of the City and as a result of its size is too small to establish an economically viable use by anyone other than a person who owns real property adjacent to it pursuant to NRS 268.061(1)(e), and direct staff to initiate a sale of the property to the adjacent property owner.

Explanation for Recommended Board Action: The Board of Supervisors approved this determination on December 2, 2010, but NRS required adoption of a Resolution to formally proceed with the disposal of the property. See the attached materials for more information.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 266.267, 268.059, 268.061(1)(e).

Fiscal Impact: Disposal of the City property would increase property tax revenue to the City.

Explanation of Impact: Upon sale of the property, the property would no longer be tax-exempt and property taxes would be collected by the City.

Funding Source: N/A

RESOLUTION NO. 2010-R-35

A RESOLUTION DETERMINING THAT THE SALE OF CITY PROPERTY LOCATED ON KARIN DRIVE, APN 4-374-01, APPROXIMATELY 3,900 SQUARE FEET IN SIZE, IS IN THE BEST INTEREST OF THE CITY AND AS A RESULT OF ITS SIZE IS TOO SMALL TO ESTABLISH AN ECONOMICALLY VIABLE USE BY ANYONE OTHER THAN A PERSON WHO OWNS REAL PROPERTY ADJACENT TO IT PURSUANT TO NRS 268.061(1)(E).

WHEREAS, the subject City property was granted to Carson City as part of the final map for Sunland Vista Subdivision Unit 12-C in 1972; and

WHEREAS, the proposed linear park facilities and adjacent public right of way have not been improved by Carson City for their originally intended purposes and there are no plans to use the property for such purposes; and

WHEREAS, Carson City desires to relinquish the maintenance of the property to adjacent property owners and place the property back on the tax rolls; and

WHEREAS, NRS 268.061(1)(e) provides that a governing body may sell real property owned by the City to an adjacent property owner without complying with other provisions of NRS 268.061, 268.059 and 268.062 if it determines that the sale will be in the best interest of the City and that the parcel, as a result of its size, is too small too small to establish an economically viable use by anyone other than a person who owns real property adjacent to it,



[MORE]



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
planning@carson.org
www.carson.org/planning

MEMORANDUM

Board of Supervisors Meeting of December 2, 2010

FROM: Lee Plemel, Planning Director

DATE: November 18, 2010

SUBJECT: Disposal of Remnant City Property on Karin Drive

The subject parcel was dedicated to Carson City with the development of the Sunland Vista subdivision. It was apparently the intention at the time the subdivision was created, in 1972, that the roadway would be continued to the north and a linear park would be created for this access between Karin Drive and Hamilton Avenue. However, the property to the north was subsequently developed by parcel maps that cut off any access between Karin Drive and Hamilton Avenue through this location. It has left a remnant City-owned property and right-of-way that is the responsibility of the City but is not currently maintained.



The property owner to the north of the subject parcel, Bob Morris, approached City staff with the offer to buy the City property to incorporate it into his property. Mr. Morris has indicated that he is working with the property owners to the east of the subject parcel and to the west of the unused right-of-way to obtain their interests in the property. The ultimate goal would be to abandon the unused right-of-way, as well, to incorporate the whole property into the adjacent parcel. A copy of the proposal from Mr. Morris is attached.

NRS 268.061(1)(e) allows the City to work directly with the adjacent property owner in selling the property, without putting the property to auction, if the City determines that the property is "too small to establish an economically viable use by anyone other than a person who owns real property" adjacent to the parcel. The subject City-owned property is substandard in area (3,900 square feet) and width for development as a residence in the Single Family 6,000 zoning district. Even if the road was abandoned to the two adjacent properties, the subject property would still be substandard in width. Additionally, it was not intended to create an additional development lot with the original subdivision. Therefore, staff believes it is most appropriate to incorporate the property into one or more of the adjacent private properties.

The Parks and Recreation Department has indicated that they have no desire to construct park facilities on the subject lot. In fact, they indicate that maintenance and liability on the property has been an issue that they would rather not deal with and they recommend disposing of the property.

With Board of Supervisors' determination that the property should be disposed of and is not economically viable except to the adjacent properties due its size, staff would begin work on valuing the property and working with the adjacent property owners to sell it. Once that is worked out, it is anticipated that an abandonment application would be submitted to put the remainder of the unused property into the ownership of the adjacent property owners.

If you have additional questions, I can be contacted at 283-7075 or lplemel@carson.org.

THOMAS E. PERKINS, LTD. ATTORNEY AT LAW
1592 MONO AVENUE P.O. BOX 880 MINDEN, NV 89423
TEL. (775) 782-4033 FAX. 782-1206 THOMAS1592@MSN.COM

September 17, 2010

Carson City Parks and Recreation
Juan Guzman, Open Space Director
3303 Butti Way, #9
Carson City, NV 89701

RECEIVED
SEP 17 2010
CARSON CITY
PLANNING DIVISION

Re: Robert Morris and Kay Ellen Armstrong; application to purchase
Park property

Dear Juan,

This is in reference to the application of Robert Morris and Kay Ellen Armstrong, who reside at 1946 Hamilton, Carson City, Nevada (APN 02-523-09), to acquire the vacant property South of their home, off Karin Drive, and they offer to purchase that portion dedicated as park property on the terms contained herein.

The acquisition of this vacant property has two parts. The first part of the application, addressed to your office, is to acquire the portion dedicated as park property by purchase. Except for a piece adjacent to the Moore's Western fenceline, about halfway North from Karin, which is shown on the enclosed drawings, they have made arrangements with the Moore's to acquire any rights they would have to purchase the Park property. The road and the adjacent park property were dedicated in connection with the Sunland Vista Subdivision Unit 12-C, recorded January 31, 1973, No. 16186. The owner of the property, Anda Enterprises, Inc., is no longer in existence. It is apparent from the configuration shown on the subdivision map that the roadway and adjacent park strip were at one time planned to extend to the North, however, these intentions were abandoned when the adjacent property to the North, along Hamilton, where Mr. Morris and Ms. Armstrong reside, was platted. The property has been vacant since the 1973 subdivision map, and throughout the twenty-one years since they moved into their home.

The second part of their application will be for the abandonment of a remnant of an unnamed roadway North of Karin Drive, and this application will be filed as soon as this offer to purchase is ready to be submitted to the Board of Supervisors for action; hopefully, they can be heard together. The roadway lies between the residence of Kurt and Nancy Grange, at 1712 Karin Drive (APN 02-371-01) on the West, and a 3,000 square foot remnant of Carson City Park property to the East (APN 02-314-01). East of

Juan Guzman
September 17, 2010
Page Two

Park property is the residence of Randolph and Carol Moore, 1792 Karin Drive (APN02232-01). Mr. Morris and Ms. Armstrong have made arrangements with the Granges to purchase any rights they would have to the abandoned roadway.

Mr. Morris and Ms. Armstrong plan to put in landscaping improvements and a swimming pool on the property, with adequate design and security improvements. Their agreements with the neighbors preserve sideyard access to utilities and improvements.

Sale of property owned by the City is governed by NRS 266.267 and 268.059, which requires a finding that the sale is in the best interest of the City, and at least one appraisal. We do request that the City proceed with securing an independent appraisal at this time, and are willing to make the arrangements, at your request. At the same time, we recognize that the property has nominal value, for a number of reasons, and it is probable that the appraisal may cost more than the property is worth. This is due to the odd, nonconforming size of the property, as well as the legal and engineering costs necessary to establish it as a discrete parcel subject to sale, and to eliminate its status as a nonconforming parcel subject to any other form of development than what is planned. To the extent that it would be acceptable to the City, Mr. Morris and Ms. Armstrong are willing to negotiate a fair price without a fee appraisal, pursuant to NRS 268.061(1)(e), which provides, in relevant part:

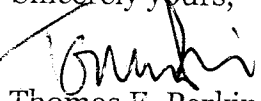
(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to: (1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a: (I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility; [or] (II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; (emphasis added)

My suggestion is a price of \$3,000 for approximately 3,000 square feet of the property, and we would like to discuss this further with you. The sale of this property is in the City's best interest. It is not practical, nor would it be wise, to develop this small parcel for park purposes, and the planned improvements are very attractive compared to

Juan Guzman
September 17, 2010
Page Three

a weedy vacant lot. We are willing to work with the City in any manner to bring this matter to a successful conclusion. If we can provide any further information, or answer any questions, please don't hesitate to contact us at any time.

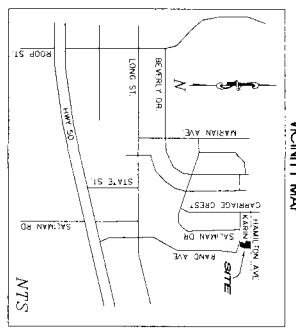
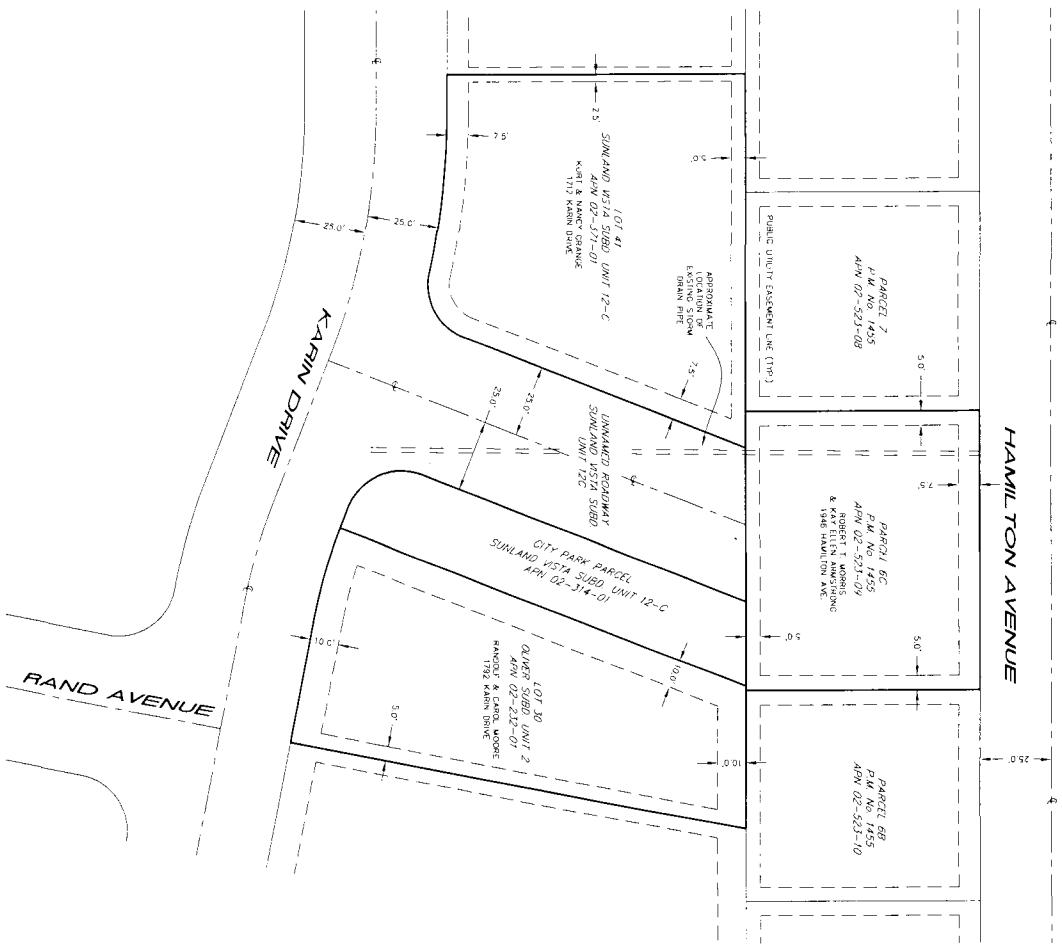
Sincerely yours,


Thomas E. Perkins
Attorney at Law

TEP/s

Enc.

cc: Kristin Luis
Jeff Sharp
Lee Plemel
Greg Phillips
Robert Morris and Kay Ellen Armstrong



1 inch = 20 ft.

SHEET 1 OF 1

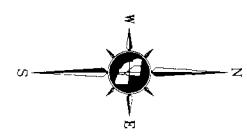
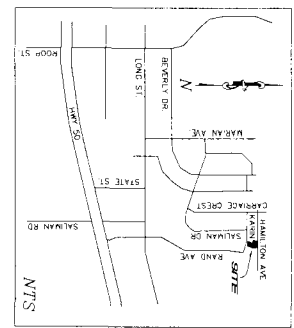
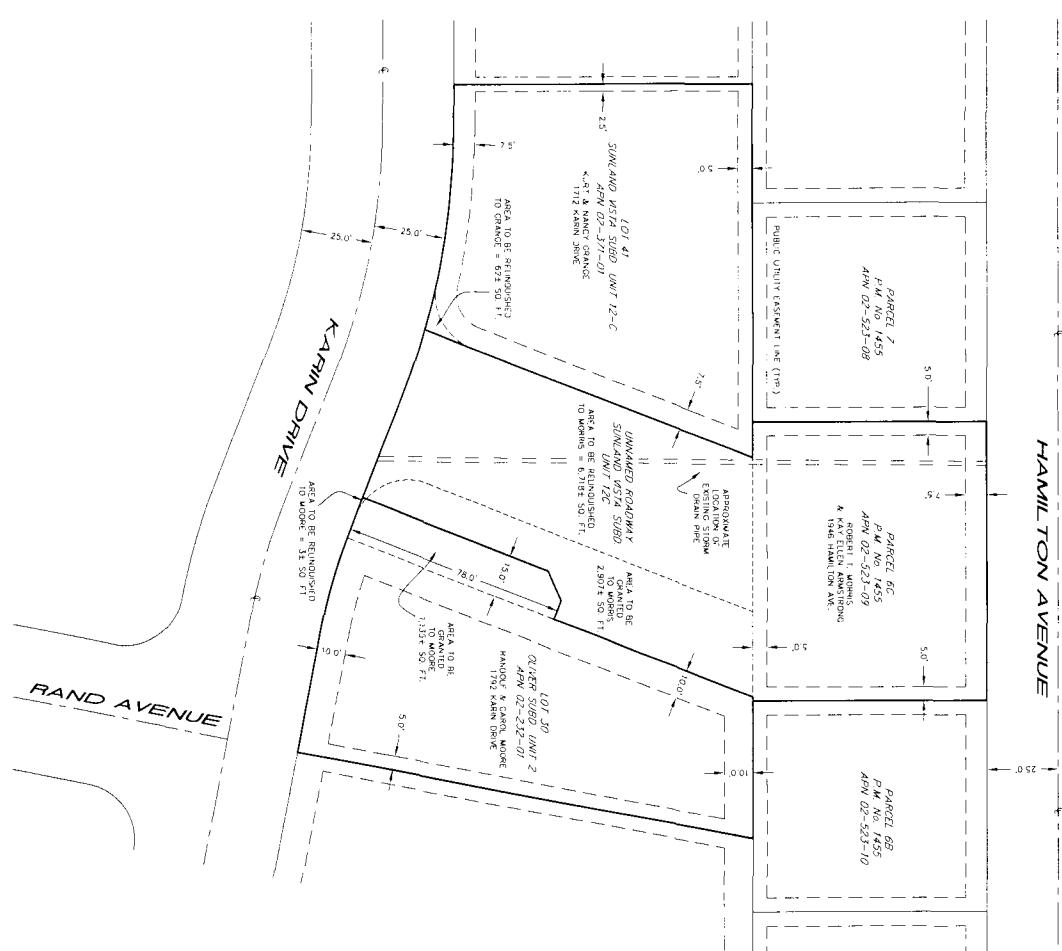
DESIGNED BY	
DRAWN BY	
CHECKED BY	
APPROVED BY	
PROJECT NO.	10098.01.04

CURRENT ROAD AND PARCEL EXHIBIT
 MORRIS ROADWAY ABANDONMENT
 CARSON CITY, NEVADA

TRI STATE SURVEYING, LTD.
 425 EAST LONG STREET
 CARSON CITY, NEVADA 89706-2509
 (775) 887-9911 • FAX # 887-9915



DATE	REVISIONS AND RECORD OR ISSUE	NO.	BY	CHK
DRAWN TO	SHEET 1 OF 1			
SCALE				
DATE PLOTTED				
SCALE				



SHEET 1 OF 1 PROJECT NO. 10094.01.CW	TRI STATE SURVEYING, LTD. 425 EAST LONG STREET CARSON CITY, NEVADA 89706-2509 (775) 887-9911 • FAX # 887-9915	REVISIONS AND RECORD OF ISSUE	
		DATE	NO. BY CA APP
DRAWN BY: _____ CHECKED BY: _____ APPROVED BY: _____ PROJECT NO. 10094.01.CW		DATE: _____ CHECKED BY: _____ DRAWN BY: _____ PROJECT NO. 10094.01.CW	NO. BY CA APP _____ _____ _____

CITY ENGINEER'S CERTIFICATE:
 The undersigned hereby certifies that he is the duly appointed Carson City Engineer and that he has examined the subdivision shown herein and found that it is substantially the same as it appeared on the tentative map and any apparent alterations thereof; and that all provisions of the laws of the State of Nevada and Carson City applicable at the time of approval of the tentative map have been complied with and he is satisfied that this map is technically correct.

R. L. ...
 City Engineer

TITLE COMPANY CERTIFICATE:
 I hereby certify that the title to lands shown herein on the SW 1/4 of Section 9, and SE 1/4 of Section 8, T15N, R20E, M08B & N1, County of Carson, State of Nevada, are vested in the name of Sheds Enterprises, Inc., James C. London (President), and James E. London.

James E. London
 Title Company

OWNERSHIP CERTIFICATE:
 This is to certify that the undersigned, James E. London, and James C. London (Sheds Enterprises Inc.), are the owners of the tract of land represented on this plat, and that the same is derived in compliance with and subject to the provisions of N.E.S. Chapter 278 & Chapter 186, and that the streets, easements, and public places shown on this plat are hereby dedicated and set apart to be used as public thoroughfares hereof.

James E. London
 (President, Sheds Enterprises, Inc.)
James C. London
 (Owner)

STATE OF NEVADA COUNTY OF CARSON
 On this 27th day of JANUARY, 1972, James C. London, and James E. London, did personally appear before me and upon oath did depose and say that they executed the foregoing certificate freely and voluntarily for the uses and purposes stated therein.

James E. London
James C. London

My commission expires: *Dec. 27, 1973*

SURVEYOR'S CERTIFICATE:
 I, E.P. Osgood, Jr., do hereby certify that this plat is a true and accurate map of the lands shown herein as surveyed by me and laid out into lots, blocks, streets and public places at the instance of the abovesigned owners, that their location has been definitely established as per attached in strict accordance with the L.M., and that they are wholly within the SW 1/4, Sec. 9 & SE 1/4, Sec. 8, T15N, R20E, M08B & N1, Carson County, Nevada, & that the survey was completed on the 27th day of January, 1972.

E.P. Osgood, Jr.
 E.P. Osgood, Jr.
 L.S. No. 445

NEVADA STATE HEALTH DEPARTMENT:
 This final map is approved by the Health Division of the Department of Health, Welfare, and Rehabilitation concerning sewage disposal, water pollution, water quality, and water quantity in accordance with Nevada Revised Statutes.

James B. Williams
 Health Division

UTILITY COMPANIES CERTIFICATE:
 I hereby certify that I have examined and approved the easements shown on this subdivision plat to be used by my company.

Don Robinson
 Don Robinson, P.E. of Nevada
 State Public Power Co.

BOARD OF SUPERVISORS CERTIFICATE:
 Approved and accepted by the Carson City Board of Supervisors this 18th day of January, 1972.

James McLeod
 Mayor

PLANNING COMMISSION CERTIFICATE:
 The tentative map of this subdivision as shown herein was approved by the Carson City Regional Planning Commission on the 19th day of August, 1972.

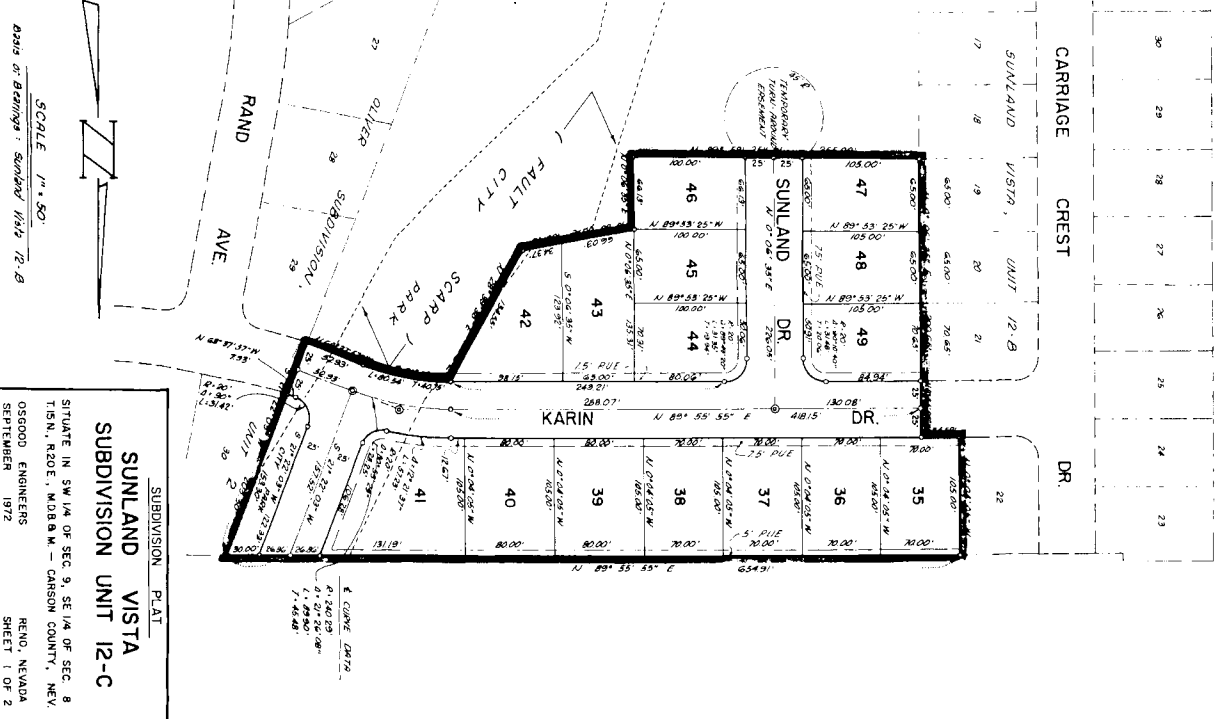
St. B. ...
 Chairman

RECORDER'S CERTIFICATE:
 Filed for record at the request of JENNA LAND TRUST CO. on this 31st day of JANUARY, 1972 at 10 minutes past 4 o'clock in the official records of Carson County, Nevada.

Fee \$4.25
 File No. 14174

...
 Recorder

NOTES:
 PUE Donkey Public Utility easement
 Operate Street & Arroyo Road (Street Pin with flag cap down this with easement water)
 Special Lot Corner (by Tom Ketcher)
 Public Utility Easement
 75' apart lot lines
 25' apart lot lines
 30' apart lot lines



SUBDIVISION PLAT
 SUNLAND VISTA
 SUBDIVISION UNIT 12-C
 SITUATE IN SW 1/4 OF SEC. 9, SE 1/4 OF SEC. 8
 T15N., R20E., M08B & N1 - CARSON COUNTY, NEV.
 OSGOOD ENGINEERS
 SEPTEMBER 1972
 SHEET 1 OF 2

NRS 268.061 Sale or lease of certain real property: Determination that sale or lease is in best interest of city; notice; appraisal; exceptions; second offering; effect of sale or lease in violation of section.

1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

➤ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than the highest appraised value.

(d) If the real property is appraised at \$1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

(Added to NRS by 2005, 1463; A 2005, 2677, 2680; 2007, 567, 2010, 2833)

NRS 268.062 Sale or lease of certain real property at auction: Resolution declaring intention to sell or lease property; requirements; notice; procedure; deposit to cover certain costs; effect of sale or lease in violation of section.

1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

- (b) Specify the minimum price and the terms upon which the property will be sold or leased; and
 - (c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.
2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:
- (a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and
 - (b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:
 - (1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;
 - (2) The minimum price of the real property proposed to be sold or leased at auction; and
 - (3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.
- ↳ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.
3. At the time and place fixed in the resolution for the meeting of the governing body, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.
4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.
5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.
6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.
7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chair of the governing body to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of the contract which are to be performed concurrently therewith.
8. The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.
9. If real property is sold or leased in violation of the provisions of this section:
- (a) The sale or lease is void; and
 - (b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.
- (Added to NRS by 2005, 1465; A 2005, 2679, 2680; 2007, 568, 2011, 2835)



HAMILTON

KARIN

Subject Parcel

RAND