

**City of Carson City
Agenda Report**

Date Submitted: May 10, 2011

Agenda Date Requested: May 19, 2011

Time Requested: Consent

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to correct the minutes, records, and actions taken by the Board of Supervisors regarding APN 2-374-01 located at Karin Drive. (Juan F. Guzman / Lee Plemel)

Staff Summary: The staff reports erroneously identified the property as APN 4-374-01 while the correct number is 2-374-01. This action will correct the record and that in turn will facilitate finding the actions of the Board through our minutes and recording system.

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 correct the minutes, records, and actions taken by the Board of Supervisors regarding APN 2-374-01 located at Karin Drive. (Juan F. Guzman)

Explanation for Recommended Board Action: When the Board of Supervisors took action there were maps and other documents presented that correctly identified the property except for the erroneous assessor parcel number. This action is intended to correct the record. There were two actions that necessitate this correction. The first one was on December 2, 2010, and the second was a Resolution No. 2010-R-63 adopted on December 16, 2010. The subject matter of the Board's action was to permit the sale of APN 2-374-01 (consisting of 3,900 square feet) to an adjacent property owner, Mr. Robert Morris.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: N/A

Supporting Material:

- Minutes of December 2, 2010
- Minutes of December 16, 2010 regarding adoption of Resolution No. 2010-R-63

Prepared By:  _____

Juan F. Guzman, Open Space Manager

Date: 5/19/11

Reviewed By: *RM Moellendorf* Date: 5/19/11
Roger Moellendorf, Parks & Recreation Director

AB Burnham Date: 5/19/11
Andrew Burnham, Acting City Manager

for: *Kathleen King, Deputy* Date: 5/10/11
Alan Glover, Assessor Clerk - Recorder

Randy [Signature] Date: 5/10/11
District Attorney's Office

Uliel [Signature] Date: 5/10/11
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

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mortgage on the balance of the property and they participate in the equity at the time they decide to sell with our land trust. That keeps our property permanently affordable to the next buyer.” Mayor Crowell reviewed the pending motion, and Mr. Hamer acknowledged the importance of notifying the adjacent neighbors. He emphasized the importance of not stigmatizing a buyer “because they’re moving into ‘an affordable house.’”

(9:42:42) Morris White expressed the opinion that encumbering the property as low income “will depress the value of that property and the surrounding properties and will cost the City property tax monies. That’s not acceptable.” He expressed the further opinion that disposal of City property “should be done on an open and competitive bid.” In response to a question, he expressed the opinion that designating the property for affordable housing “is just another way of saying low income. They go hand in hand, the two terms ...”

Mayor Crowell entertained further comments or questions and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

Mr. Plemel acknowledged that staff would develop a public outreach program prior to reagendaizing the item for Board action. Supervisor Aldean noted the number of rental properties in the neighborhood and requested Mr. Plemel to ensure that property owners as well as occupants are contacted. Discussion took place regarding the method by which to address similar requests. In response to a question, Supervisor Williamson provided background information on the Brown Street property. Ms. Dayton provided a status report on the Brown Street property “in that we recently initiated a follow-up phase 1 environmental because there has been some dumping on the property.”

* **13(C) ACTION TO DETERMINE THAT CITY PROPERTY, LOCATED ON KARIN DRIVE, APN 004-374-01, APPROXIMATELY 3,900 SQUARE FEET IN SIZE, IS NOT DESIRED FOR USE BY 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**

(9:48:43) - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. He responded to questions of clarification regarding the adjacent property boundaries, and discussed restrictions relative to the possibility of future park or residential development. He clarified that “the City owns the whole thing, the right-of-way and ... this park parcel. If you just get rid of the park parcel, it’s not a developable lot. It’s substandard. ... And, with the right-of-way, you would have to dedicate it back to the adjacent property owners for no compensation because it was dedicated with the map.” Mr. Plemel further clarified staff’s recommended action to determine that the parcel is only valuable to the adjacent property owner. He acknowledged that the subsequent abandonment process would be coordinated in such a way as to provide Mr. Morris and his neighbors with half the right-of-way and the neighbors to the west with half the right-of-way.

Mr. Plemel acknowledged that the subject right-of-way was dedicated with the subdivision map. He advised of having been informed by the District Attorney that the Board’s action must be by resolution, which would be agendaized for a future meeting. In response to a question, Mr. Werner explained that the open space requirement was introduced with planned unit development law in the late 1970s. He was unaware of any legal encumbrance which would prohibit deeding the park and right-of-way property to the adjacent property owners. “Knowing that area and knowing the age,” Mr. Werner expressed the belief that “Lee’s description is absolutely correct. You’ve got a piece of surplus property and you’ve got a dedicated

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right-of-way and you have to treat those two differently.” Supervisor Aldean expressed concern over preserving the rights of other property owners with equal claims to this property, and suggested the Board direct staff to initiate sale of the property to the adjacent property owners. Discussion followed.

Mayor Crowell invited Bob Morris to the podium. (9:57:49) Bob Morris advised that he and his wife, Kay Ellen Armstrong, are interested in purchasing the subject property. He further advised of an agreement with Mrs. Moore, the property owner to the east adjacent to the park property, and with the Granges, the property owners to the west. He provided background information on he and his wife’s interest in purchasing the property and their efforts to do so over the past two years. In response to a question, Mr. Morris advised that an agreement with Mrs. Moore provides Mr. Morris and Ms. Armstrong the right to negotiate with the City to purchase the property. “The main condition is that ... we’re going to give her an easement to get into her side yard. ... With the Granges, we’re acquiring their right to half of the abandonment.” Mr. Morris explained that, following the purchase, requests for road abandonment and a boundary line adjustment will be presented to the Board. He noted a complication in the form of an earthquake scarp “that goes through that area.” He advised of the intent to landscape the property as part of his backyard and to install a swimming pool. In response to a question, he corrected the information relative to the agreement with Mrs. Moore, which provides for relinquishment of a portion of the property rather than an easement. He advised that this had been negotiated between Mrs. Moore and his attorney, Thomas Perkins.

In response to a question, Mr. Plemel advised that the recommended Board action waives the requirement for a full appraisal. He reiterated that the remnant parcel is not fully developable, which distinguishes it from a “full appraisal and auction-type sale.” He explained that Planning Division staff would subsequently work with Regional Transportation staff to determine valuation of the remnant right-of-way parcel. Open Space / Property Manager Juan Guzman explained the statutory provision allowing purchase of portions of ground “not useful for a whole bunch” to be sold or disposed of without appraisal. “That’s what this action is.” In response to a further question, Mr. Plemel provided additional clarification of the recommended action. He acknowledged the goal to end up with one parcel through lot line adjustments. Getting to that point requires presentation of an abandonment request to the Planning Commission and the Board of Supervisors, at which time the conditions will be determined. Discussion took place with regard to the process associated with accomplishing the sale, the abandonment, and the lot line adjustment.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to determine that City property located at Karin Drive, APN 4-374-01, approximately 3,900 square feet in size, is not desired for use as a City park 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 to direct staff to initiate the sale of property to the adjacent property owners. Supervisor Walt seconded the motion.** In response to a question, Mr. Plemel explained the statutory requirement for the Board to make the determination by resolution. In response to a further question, he advised that the Board’s action provides sufficient direction to staff to agendize action on a resolution. Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

14. CITY MANAGER

14(A) ACTION TO APPOINT SUPERVISOR MOLLY WALT TO THE PARKS AND RECREATION COMMISSION TO FILL THE UNEXPIRED TERM OF FORMER SUPERVISOR PETE LIVERMORE, ENDING DECEMBER 31, 2011 (10:10:17) - Mayor Crowell introduced and provided background information on this item. He entertained public comment and, when none was

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Mayor Crowell entertained a motion. **Supervisor Walt moved to approve a request for a two-year extension of the Final Map for a Tentative Industrial Subdivision map, known as Arrowhead Business Park, property owner CNM Family, LLC, located at 4500 Ryan Way. Supervisor McKenna seconded the motion. Motion carried 4-0.**

* **19(C) 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 INTERESTS 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 (9:41:17) - Mayor Crowell introduced this item. Mr. Plemel reviewed the agenda materials and provided background information. He acknowledged the subject action would set the sale process in motion.**

Mayor Crowell entertained public comment. (9:43:12) Robert Morris encouraged the Board to adopt the resolution. Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Aldean noted a correction to the resolution included in the agenda materials, and moved to adopt Resolution No. 2010-R-63 determining that the sale of City property, located on Karin Drive, APN 004-374-01, approximately 3,900 square feet in size, is in the best interests of the City and, as a result of its size, is too small to establish an economically viable use for anyone other than a person who owns real property adjacent to it, pursuant to NRS 268.061(1)(e), and to direct staff to initiate a sale of the property to the adjacent property owner. Supervisor McKenna seconded the motion. Motion carried 4-0.**

20. PARKS AND RECREATION DEPARTMENT - ACTION TO NAME THE NEW URBAN FISHING POND LOCATED AT THE CARSON CITY FAIRGROUNDS / FUJI PARK THE BAILY FISHING POND (9:44:52) - Mayor Crowell introduced this item. Parks and Recreation Department Director Roger Moellendorf expressed delight in the opportunity of forwarding the Parks and Recreation Commission's recommendation to name the Fuji Park urban fishing pond "Baily Fishing Pond." He provided background information, as outlined in the agenda report, and pointed out Kevin "C.K." Baily and his wife, Jackie, who were present in the meeting room. Mr. Moellendorf requested the Board's approval of the Parks and Recreation Commission's recommendation.

Mr. Moellendorf acknowledged compliance with the provisions of Resolution No. 1988-R-59, and provided an overview of the same. In response to a further question, he advised of nothing in the gift deed from the Fuji family which would preclude naming a facility in or adjacent to the park in this manner. Supervisor McKenna provided background information on difficulties associated with construction of the Fuji Park urban fishing pond. Based on said difficulties, he suggested "it would have been very easy to abandon [the project]." Supervisor McKenna noted the successful use of the pond and its beneficial addition to the park. He commended Mr. Baily on his involvement.

Mayor Crowell entertained public comment; however, none was forthcoming. In response to a comment, Mr. Moellendorf assured the Board there are no carp in the pond. Mayor Crowell entertained Board discussion and, when none was forthcoming, a motion. **Supervisor Walt moved to name the new urban fishing pond, located at the Carson City Fairgrounds / Fuji Park, the Baily Fishing Pond. Supervisor Aldean seconded the motion. Motion carried 4-0.**