

**City of Carson City
Agenda Report**

Date Submitted: July 9, 2013

Agenda Date Requested: July 18, 2013

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Community Development-Planning Division

Subject Title: For Possible Action: To approve an Abandonment of Public Right-of-Way application from Lumos and Associates (property owner: C & A Investments) to abandon an alleyway on property located between 913 N. Nevada St. and 910 N. Curry St., APN's 001-187-01 and -06, and authorize the mayor to sign the Order of Abandonment. (AB-13-038) (Lee Plemel)

Summary: Pursuant to NRS 278.480 and CCMC Title 17, this is a request to formalize the legality of the ownership of this alleyway of 10 feet wide by 99.3 feet long, running north and south between Nevada Street and Curry Street, by applying to abandon this area to the adjacent property owners. The alleyway appears on the Assessor's Parcel Maps as having been abandoned in the past, but there are no records on file in support of this ever occurring.

Type of Action Requested:

☐ Resolution
☒ Formal Action/Motion

☐ Ordinance
☐ Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Planning Commission Action: Recommended approval on June 26, 2013, by a vote of 7 ayes and 0 nays.

Recommended Board Action: I move to approve an Abandonment of Public Right-of-Way application to abandon an alleyway on property located between 913 N. Nevada St. and 910 N. Curry St., APN's 001-187-01 and -06, and authorize the mayor to sign the Order of Abandonment.

Explanation for Recommended Board Action: Pursuant to NRS 278.480 and CCMC Title 17, the Board of Supervisors takes final action the right-of-way abandonments.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 278.480 and CCMC Title 17.15

Fiscal Impact: N/A

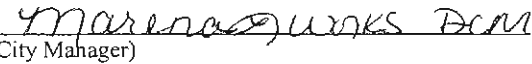
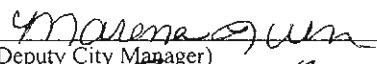
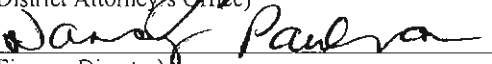
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review
2) Approve request for abandonment

Supporting Material: 1) Order of Abandonment
2) Case Record
3) Staff Report
4) Application

Prepared By: Janice Brod, Grants Program Coordinator

Reviewed By:  Date: 7-9-13
(Planning Division Director)
 Date: 7-9-13
(City Manager)
 Date: 7-9-13
(Deputy City Manager)
 Date: 7/9/13
(District Attorney's Office)
 Date: 7/9/13
(Finance Director)

Board Action Taken:

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

(Vote Recorded By)

APN(s): 001-187-01 and 001-187-06

AN ORDER ABANDONING A 99.93 FOOT LONG, 10 FOOT WIDE PORTION OF ALLEY RIGHT-OF-WAY, LOCATED IN BLOCK 7 OF THE CURRY ADDITION OF CARSON CITY, WITHIN A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.B.&M, CARSON CITY, STATE OF NEVADA, BEING A 999-SQUARE-FOOT AREA, MORE OR LESS, ON PROPERTIES LOCATED AT 910 N. CURRY STREET AND 913 N. NEVADA STREET, ASSESSORS PARCEL NUMBERS 001-187-01 AND 001-187-06, IN CARSON CITY, NEVADA.

WHEREAS, on May 16, 2013, Lumos and Associates duly filed a written application seeking vacation and abandonment of a portion of public right-of-way, being within a portion of the northwest 1/4 of the northwest 1/4 of Section 17, Township 15 North, Range 20 East, M.D.B & MI, approximately 999 square feet, adjacent to APN(s) 001-187-01 and 001-187-06, in Carson City, Nevada; and

WHEREAS, the application was thereafter referred to the Carson City Planning Commission and a public hearing was thereafter duly noticed and held before the Planning Commission on June 26, 2013. At the public hearing public testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject right-of-way to the Carson City Board of Supervisors, finding that the public would not be materially injured by the vacation; and

WHEREAS, the Carson City Board of Supervisors, at their regular and duly noticed meeting of July 18, 2013, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the abandonment of the public right-of-way in question pursuant to the provisions of NRS 278.480, which among its provisions, requires a written order to be prepared and recorded in the office of the Carson City Recorder; and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit(s) "A", a map of the right-of-way abandonment is shown as the Display of Exhibit(s) "B", and the attached utility statements are shown as Exhibit(s) "C".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way is hereby abandoned according to the provisions of NRS 278.480.
2. There are no utility or easements over or under the property hereby vacated and abandoned by this order per submitted utility statements.

ORDERED this ____ day of _____, 2013, by the Carson City Board of Supervisors.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: June 26, 2013

AGENDA ITEM NO.: G-1

APPLICANT(s) NAME: Lumos and Associates
PROPERTY OWNER(s): C & A Investments

FILE NO. AB-13-038

ASSESSOR PARCEL NO(s): 001-187-01 and -06
ADDRESS: between 913 N. Nevada St. and 910 N. Curry St.

APPLICANT'S REQUEST: Action to make a recommendation to the Board of Supervisors regarding an application for an Abandonment of Public Right-of-Way to abandon an alleyway.

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ ESSWEIN ☒ SATTLER
 ☒ DHAMI ☒ STEELE ☒ VANCE ☒ WENDELL

STAFF REPORT PRESENTED BY: Susan Dorr Pansky ☒ REPORT ATTACHED
STAFF RECOMMENDATION: ☒ CONDITIONAL APPROVAL
APPLICANT REPRESENTED BY: Greg Phillips

☒ APPLICANT/AGENT WAS
PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

☒ PERSONS SPOKE IN FAVOR OF THE PROPOSAL _____ PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

N/A

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: Wendell SECOND: Sattler PASSED: 7/AYE 0/NO 0/ABSTAIN 0/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: July 18, 2013

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JUNE 26, 2013

FILE NUMBER: AB-13-038

AGENDA ITEM: G-1

STAFF AUTHOR: Kathe Green, Assistant Planner

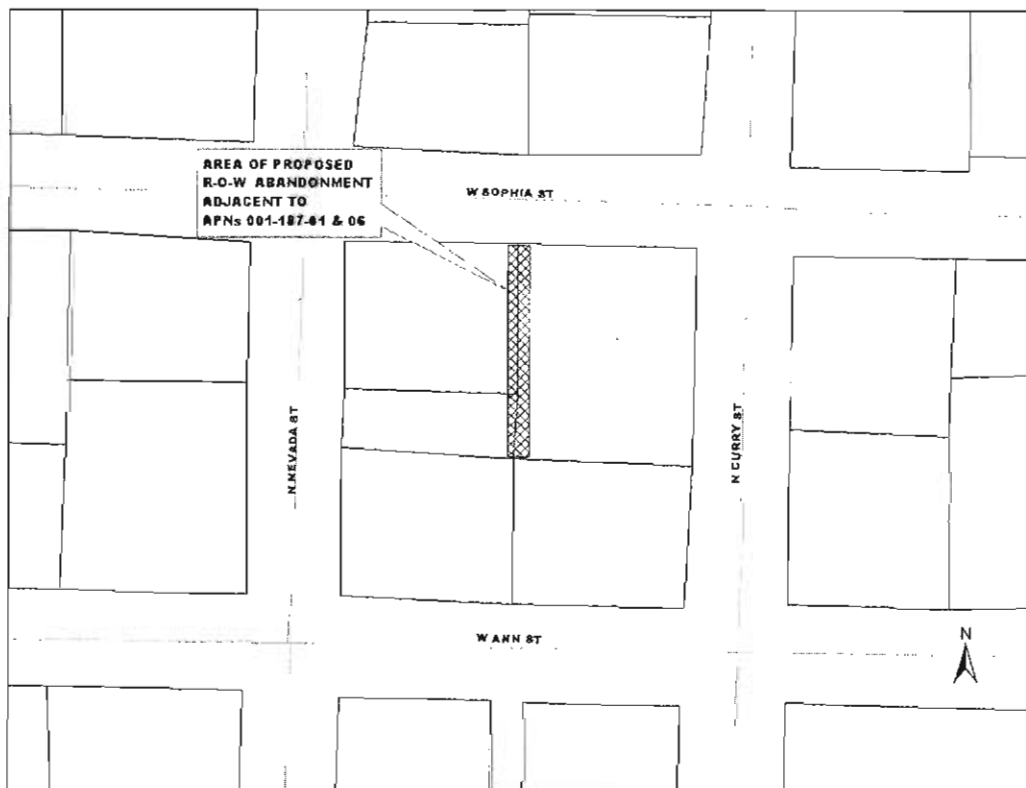
REQUEST: Abandonment of alley right-of-way running north and south through the center of the northern half of the block, between and through the properties addressed as 910 N. Curry Street and 913 N. Nevada Street. The alleyway is approximately 10 feet wide and approximately 99.3 feet long. The area is a total of 999 square feet, more or less.

APPLICANT: Lumos & Associates/Greg Phillips PLS

OWNER: C & A Investments, LLC

LOCATION AND APNS: Alley right-of-way area running north and south, located between N. Curry Street and N. Nevada Street, on the north half of the block, adjacent to APN's 001-187-01 and 001-187-06.

RECOMMENDED MOTION: "Move to recommend that the Board of Supervisors approve an abandonment of public alley right-of-way application, AB-13-038, for an alley right-of-way area 10 foot by 99.3 feet, totaling 999-square-feet more or less, running north and south, located between N. Curry Street and N. Nevada Street, being between and through two parcels which are adjacent to the alley right-of-way, located at 910 N. Curry Street and 913 N. Nevada Street, APN's 001-187-01 and 001-187-06, based on seven findings and subject to the conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to the recordation of said abandonment, the applicant shall be responsible for the submittal of all necessary legal documentation and title search materials if required by the Planning Division, in order to fully complete the abandonment process.
2. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further considerations (this Notice of Decision will be mailed to the applicant for signature after approval by the Board of Supervisors).
3. This abandonment pertains to:
 - APN: 001-187-01 (913 N. Nevada St): The area of proposed abandonment adjacent to this parcel is approximately 66.64 feet by five feet or 333 square feet, more or less, being the west half of the alley right-of-way at the center of the block, running north and south between 913 N. Nevada Street and 910 N. Curry Streets.
 - APN: 001-187-06 (910 N. Curry St): The area of proposed abandonment adjacent to this parcel is approximately 99.93 feet by five feet and 33.33 feet by five feet or a total of 666 square feet, more or less, being the east half of the alley right-of-way at the center of the block, running north and south between 913 N. Nevada Street and 910 N. Curry Street, and also, expanding to the entire ten feet width of the alley right-of-way running north and south at the center of the block, from the southeastern boundary of APN 001-187-01 (913 N. Nevada St), down to the southern property line of 001-187-06 (910 N. Curry St).
4. Conditional approval for the requested abandonment shall expire one year after Board of Supervisors approval of the original application, unless an extension of time has been granted by the Board of Supervisors.

LEGAL REQUIREMENTS: Nevada Revised Statutes (NRS) 278.480 (Vacation or Abandonment of Streets, Easements or Maps; Reversion of Divided Land) and Carson City Municipal Code (CCMC) Title 17 Division of Land, Subdivision of Land, Chapter 17.15 Abandonment of Right-of-Way.

MASTER PLAN DESIGNATION: Downtown Mixed Use/Mixed Use Residential

PRESENT ZONING: Residential Office (RO) and Residential Office/Downtown Mixed-use (RO/DT-MU)

KEY ISSUES: Will the City or public be materially injured by the approval of subject abandonment?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTHWEST:	Residential Office (RO)/Commercial- real estate office
NORTH:	Residential Office (RO)/Residence
NORTH:	Downtown Mixed-use (DT-MU)/Commercial-child care facility
NORTHEAST:	Downtown Mixed-use (DT-MU)/Commercial- parking and pharmacy
EAST:	Downtown Mixed-use (DT-MU)/Residence
EASTSOUTH:	Downtown Mixed-use (DT-MU)/Parking Lot (City owned)
SOUTHEAST:	Downtown Mixed-use (DT-MU)/Commercial- motel
SOUTH:	Downtown Mixed-use (DT-MU)/Commercial- retail sales
SOUTH:	Residential Office (RO)/Residence and Commercial- offices
SOUTHWEST:	Residential Office (RO)/Commercial-offices

WEST: Residential Office (RO)/Residence

PREVIOUS REVIEWS:

Assessor's Parcel Number 001-187-01: HRC-13-001 (porch and railing), HRC-11-046 (siding), HRC-10-099 (demo)

Assessor's Parcel Number 001-187-06: HRC-03/04-1 (demo), U-91/92-33 (on-street parking)

DISCUSSION:

This request is to allow the abandonment of an alley right-of-way which appears on the Assessor's page to have already been deleted, but for which the City Engineering Department and preliminary titling report do not show recorded documents in support of the abandonment. In order to clarify the ownership of the property and for the owner to be assured of the legal right to the property in question, the owner has submitted a request to relinquish the alley right-of-way. The alley right-of-way under review is ten foot wide, and runs north and south, at the center of the block, between and through the properties at 910 N. Curry Street (APN 001-187-01) and 913 N. Nevada Street (APN 001-187-06) and terminating on the north at Sophia Street, terminating on the south at the center of the block, at the southernmost property line of 910 N. Curry St (APN 001-187-01). The northern section of the alley right-of-way is between the two parcels, while the southern section of alley right-of-way bisects the southernmost portion of the property at 910 N. Curry St (APN 001-187-06), which has frontage on both streets. The portions of the site where the alley right-of-way are proposed to be abandoned are currently unimproved.

The Planning Division staff conducted a site visit on May 29, 2013 and found the subject area to be relatively flat with no development in the area proposed to be abandoned. The property at 913 N. Nevada Street has a house on it which is presently being improved. This property is also in the Historic District, and has been approved by the Historic Resources Commission for the changes presently under construction on the site.

The utility companies, Nevada Bell Telephone Company dba AT&T, NV Energy, Charter Communications and Southwest Gas have indicated they do not have utilities in the public alley right-of-way proposed for abandonment and do not want any reservation to be continued. See the attached plan provided by Greg Phillips of Lumos & Associates for detailed maps of the area to be abandoned.

Pursuant to NRS 278.480 Vacation or Abandonment of a Street or Easement: If upon public hearing by the Board of Supervisors, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated.

With the recommended conditions of approval and based on the findings of fact that the public will not be materially injured by the proposed vacation, it is recommended that the Planning Commission make a recommendation to the Board of Supervisors for approval of AB-13-038, subject to the recommended conditions of approval.

The Engineering Division has provided detail regarding the Chain of Title as follows:

1. Chain of Title: This right-of-way was dedicated to Carson City on the plat for the old Curry Addition, map number 191, and file number 61493. This alley right-of-way has no utilities in it and no longer serves any purpose to the City.
2. This alley right-of-way was apparently abandoned at some unknown time in the past, but there is no recorded document showing this.

PUBLIC COMMENTS: A public notice was sent by certified mail on June 7, 2013 to the three adjacent property owners per NRS. At the writing of this report, there have been no comments in opposition or support of the proposed abandonment.

CITY DEPARTMENT/OUTSIDE AGENCY COMMENTS: The following comments were received from City departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Engineering Division: Recommends approval, and provided chain of title.

Building Division: No comments.

Fire Department: No comments.

Health Department: No comments.

Environmental Control: No comments.

RIGHT-OF-WAY ABANDONMENT FINDINGS: In accordance with the policy for right-of-way abandonments adopted by the Board of Supervisors on October 1, 1998, the staff recommendation is based upon the following findings, which are substantiated in the public record.

1. Will the public be materially injured or not?

Per the information provided by the applicant, the adjacent property owners will not be damaged by this abandonment application, nor will the public be materially injured by the abandonment.

Per the information provided by Rory Hogen of the Engineering Division, and the Planning Division, the public will not be materially injured by the proposed abandonment of the alley right-of-way. The alley right-of-way no longer serves any purpose to the City. The alley right-of-way was apparently abandoned at some time in the past, but no recorded document in support of this action has been found.

There will be no landlocked parcels created as a result of the proposed abandonment.

2. Whether the street was dedicated or not?

There are no records indicating that the City ever paid for the alley right-of-way and it was also apparently abandoned at some point in the past. Since Carson City did not pay for the alley right-of-way and apparently previously relinquished its interest in the area, it is staff's conclusion that no charge for the alley right-of-way be required.

3. What should the reasonable consideration be if the street was not dedicated?

There is no indication that the City of Carson City ever paid for the alley right-of-way in question, and the area was also apparently abandoned in the past as well. It is recommended that there be no charge from Carson City in addition to the fee collected to apply for the abandonment and postage required to notify the adjacent property owners.

4. If abandonment has a public benefit, how much of the public benefit should be offset against the determination of reasonable consideration?

No charge for this abandonment is recommended. Therefore, this item does not apply to this abandonment.

5. Applicability of the parking value analysis applied to this request.

There will be no elimination of on-street parking in the area of the proposed abandonment. This alley right-of-way area has not been developed. This item is not applicable to the proposed abandonment and will not result in elimination of on-street parking.

6. Should utilities easements be reserved, continued or vacated?

The utility companies, Nevada Bell Telephone Company dba AT&T, NV Energy, Charter Communication and Southwest Gas have indicated they do not have utilities in the public alley right-of-way or roadway proposed for abandonment and do not want an easement reservation.

7. Imposition of any conditions of approval by the Board of Supervisors or recommended by the Planning Commission or staff.

Staff has included within this staff report conditions of approval, which relate to the responsibilities of the applicant in the event this application is approved.

Attachments:

Application (AB-13-038)
Building Division comments
Fire Department comments
Environmental Control Authority comments
Health Department comments
Engineering Division comments
Draft Order of Abandonment

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RECEIVED

JUN 11 2013

CARSON CITY
PLANNING DIVISION

MEMORANDUM

DATE: June 5, 2013
TO: Kathe Green – Planning Division
FROM: Rory Hogen – Engineering Division
RE: AB 13-038 Abandonment of City ROW in Block 7 of the old Curry Addition
Engineering Text for Planning Commission Staff Report

The following text is offered for inclusion in the Planning Commission staff report for the above referenced land use proposal:

SUBJECT TITLE: Request to allow the following abandonment:

The owner of 913 N Nevada St. and 910 N Curry Sts., C & A Investments LLC, are asking the City to abandon the 10 foot wide alley way running north to south in Block 7 of the old Curry addition. This will affect the north 100 feet of the alley, and APN's 01-187-01 and 01-187-06. The same owner owns both parcels.

RECOMMENDATION:

The Engineering Division recommends APPROVAL of the proposed abandonment subject to the following conditions:

CONDITIONS OF APPROVAL:

1. None

DISCUSSION: The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices. The following discussion is offered.

1. Chain of Title: This right of way was dedicated to Carson City on the plat for the old Curry Addition, map no. 191, and file number 61493. This alley way has no utilities in it and no longer serves any purpose to the City.
2. This alley way was apparently abandoned at some unknown time in the past, but there is no recorded document showing this.

RECEIVED

JUN 11 2013

CARSON CITY
PLANNING DIVISION

June 11, 2013

From: Dustin Boothe
Sent: Tuesday, June 11, 2013 8:26 AM
To: Susan Dorr Pansky
Subject: RE: Comments on SUP-13-039

AB-13-038

Carson City Health and Human Services has no comments, based on the packet received for this abandonment of right of way.

Dustin Boothe, MPH, REHS
Carson City Health and Human Services
900 E. Long St.
Carson City, NV 89706
(775) 887-2190 ext. 7220

dboothe@carson.org

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File # (Ex: MPR #07-111)	<i>AB-13-038</i>
Brief Description	<i>Abandonment of r-o-w</i>
Project Address or APN	<i>APN #001-187-01 & 06</i>
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>June 26, 2013</i>
Total Spent on Review	

RECEIVED

BUILDING DIVISION COMMENTS: No Comments

MAY 31 2013

CARSON CITY
PLANNING DIVISION

RECEIVED

MAY 21 2013

CARSON CITY
PLANNING DIVISION

May 21, 2013

AB-13-038

The Fire Department has no comment on AB-13-038, abandonment of ROW.

Thank you.

Dave Ruben

Captain – Fire Prevention
Carson City Fire Department
777 S. Stewart Street
Carson City, NV 89701

Direct 775-283-7153
Main 775-887-2210
FAX 775-887-2209

RECEIVED

MAY 20 2013

**CARSON CITY
PLANNING DIVISION**

May 20, 2013

AB-13-038

The ECA has no comments for AB – 13-038. If you have any question or concerns please contact me at one of the following.

Sincerely,

Mark Irwin
Environmental Control Officer 3
Carson City Public Works Dept.
3505 Butti Way
Carson City, Nevada 89701
Fax# (775) 887-2164
Phone # (775) 283-7380
Email – mirwin@carson.org
-Please Note-
New Office Hours Are:
Mon-Thurs 7:00 A.M. - 5:30 P.M.

APN(s): 001-187-01 and 001-187-06

AN ORDER ABANDONING A 99.93 FOOT LONG, 10 FOOT WIDE PORTION OF ALLEY RIGHT-OF-WAY, LOCATED IN BLOCK 7 OF THE CURRY ADDITION OF CARSON CITY, WITHIN A PORTION OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.B.&M, CARSON CITY, STATE OF NEVADA, BEING A 999-SQUARE-FOOT AREA, MORE OR LESS, ON PROPERTIES LOCATED AT 910 N. CURRY STREET AND 913 N. NEVADA STREET, ASSESSORS PARCEL NUMBERS 001-187-01 AND 001-187-06, IN CARSON CITY, NEVADA.

WHEREAS, on May 16, 2013, Lumos and Associates duly filed a written application seeking vacation and abandonment of a portion of public right-of-way, being within a portion of the northwest 1/4 of the northwest 1/4 of Section 17, Township 15 North, Range 20 East, M.D.B & Ml, approximately 999 square feet, adjacent to APN(s) 001-187-01 and 001-187-06, in Carson City, Nevada; and

WHEREAS, the application was thereafter referred to the Carson City Planning Commission and a public hearing was thereafter duly noticed and held before the Planning Commission on June 26, 2013. At the public hearing public testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject right-of-way to the Carson City Board of Supervisors, finding that the public would not be materially injured by the vacation; and

WHEREAS, the Carson City Board of Supervisors, at their regular and duly noticed meeting of July 18, 2013, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the abandonment of the public right-of-way in question pursuant to the provisions of NRS 278.480, which among its provisions, requires a written order to be prepared and recorded in the office of the Carson City Recorder; and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit(s) "A", a map of the right-of-way abandonment is shown as the Display of Exhibit(s) "B", and the attached utility statements are shown as Exhibit(s) "C".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way is hereby abandoned according to the provisions of NRS 278.480.
2. There are no utility or easements over or under the property hereby vacated and abandoned by this order per submitted utility statements.

ORDERED this ____ day of _____, 2013, by the Carson City Board of Supervisors.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

Carson City Planning Division
108 E. Proctor Street • Carson City NV 89701
Phone: (775) 887-2180 • E-mail: planning@carson.org

FILE # AB – 13 -

C & A Investments, LLC

PROPERTY OWNER

P.O. Box 1984 Carson City, NV 89702

MAILING ADDRESS, CITY, STATE, ZIP
882-4386

PHONE #

FAX #

E-MAIL ADDRESS

Name of Person to Whom All Correspondence Should Be Sent

Lumos & Associates, Greg Phillips PLS

APPLICANT/AGENT

800 East College Pkwy, Carson City, NV 89706

MAILING ADDRESS, CITY, STATE ZIP

883-7077

883-7114

PHONE #

FAX #

GPhillips@Lumosengineering.com

E-MAIL ADDRESS

FOR OFFICE USE ONLY:

**ABANDONMENT OF
PUBLIC RIGHT-OF-WAY**

FEE: \$2,450.00 + noticing fee

SUBMITTAL PACKET

- ☐ Application Form
- ☐ 6 Completed Application Packets
(1 Original + 5 Copies)
- ☐ Legal Description
- ☐ Written Project Description
- ☐ Site Map
- ☐ Utility Statements (original)
- ☐ Documentation of taxes paid to date
- ☐ Chain of Title or Title Report for subject parcel
showing how right of way was originally dedicated
- ☐ Complied with notes below.*

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Project's Assessor Parcel Number(s):

007-187-01 & 06

Street Address

W. Sophia St., N. Nevada St. & N. Curry St.

ZIP Code

89701

Briefly describe location, width and length of the proposed abandonment:

The abandoned area will be the alley way in the northern portion of Block 7 of the Curry Addition to Carson City, adjacent to Lots 3, 4, 5, 8, 9, & 10. Being 10' in width and 99.93' long.

JUSTIFICATION: Explain why the request is being made, if the subject right-of-way was ever dedicated to Carson City, when and by whom, and why the abandonment will not damage any adjacent properties: See attached "Justification"

If you are abandoning an access, explain how the parcel will be accessed:

N/A

PROPERTY OWNER'S AFFIDAVIT

I, Julius Ballardini, being duly deposited, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Julius Ballardini
Signature

4350 HOBART Rd.
Address

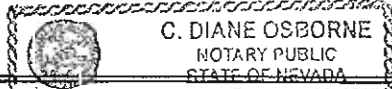
5-16-13
Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA
COUNTY Carson

On May 16th, 2013, Julius Ballardini, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

C. Diane Osborne
Notary Public



***NOTES:** In order to facilitate the processing of your application, prior to submitting your application to the Planning Division, please contact Engineering at 887-2300 to ensure that department has no concerns with your application, and take your packet to the Utilities Department for signature. A signed utility statement, a typed legal description, and an 8 1/4 by 11 inch map prepared by a licensed surveyor describing the land to be abandoned are required to be submitted with this application. Please submit detailed and explicit plans, as they will be submitted for review by the Planning Commission and Board of Supervisors, and subsequently recorded.

PRIOR TO AGENDIZING FOR BOARD OF SUPERVISORS, DOCUMENTATION OF TAXES PAID IN FULL FOR THE FISCAL YEAR IS REQUIRED.

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

001-187-01 & 06, A portion of alley way of Block 7 Curry Addition
LOCATED AT: W Sophia St., N. Curry St. & N. Nevada St.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed: [Signature] AT&T Nevada 5/15/2013
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy
Charter Communications
Carson City Engineering (will sign during review)

Southwest Gas Corporation
AT&T Nevada
Carson City Utilities

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

001-187-01 & 06, A portion of alley way of Block 7 Curry Addition
LOCATED AT: W Sophia St., N. Curry St. & N. Nevada St.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:  SOUTHWEST GAS CORP 5/19/13
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy
Charter Communications
Carson City Engineering (will sign during review)

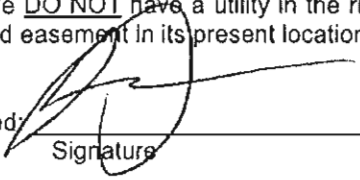
Southwest Gas Corporation
AT&T Nevada
Carson City Utilities

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

001-187-01 & 06, A portion of alley way of Block 7 Curry Addition
LOCATED AT: W Sophia St., N. Curry St. & N. Nevada St.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed:  _____
Signature Company Date
CHARTER Comm 5.14.13

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy
Charter Communications
Carson City Engineering (will sign during review)

Southwest Gas Corporation
AT&T Nevada
Carson City Utilities

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

001-187-01 & 06, A portion of alley way of Block 7 Curry Addition
LOCATED AT: W Sophia St., N. Curry St. & N. Nevada St.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signed: [Signature] NV ENERGY 5/16/13
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

3. OTHER: (Please type in a statement which applies to your situation): _____

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

Signed: _____
Signature Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy
Charter Communications
Carson City Engineering (will sign during review)

Southwest Gas Corporation
AT&T Nevada
Carson City Utilities

Abandonment Checklist

TYPE OF ABANDONMENT REQUESTED:

- ☒ Public Right-of-Way
- ☐ Public Access Easement
- ☐ Government Patent Easement
- ☐ Public Drainage Easement
- ☐ Other type of abandonment (specify): _____

GENERAL REQUIREMENTS:

Application packet in the appropriate number of copies (one original and five copies).

Each of the three packets shall contain:

- ☐ An application form, signed by the affected property owner(s) and notarized. (Use a Carson City addendum attachment form for each additional property owner).
- ☐ A narrative justification letter explaining the purpose of the project and pertinent details of the proposed abandonment.
- ☐ A Memo of support from Development Engineering (contact Jeff Sharp at 887-2300).
- ☐ A Legal description of the proposed abandonment.
- ☐ Legal description(s) of the resulting abutting parcel(s).
- ☐ Site map exhibit(s) of the proposed abandonment to match the legal descriptions in (c) and (d) above.
- ☐ A Utility Statement signed by the appropriate authorities as indicated on the form.

Site Map/Exhibit Requirements

- ☐ Provide 8 1/2" by 11" (or 11" by 17") accurate map exhibits, drawn to scale, including date, north arrow and scale.
- ☐ The exhibits must include the name, address and phone number of the Professional Land Surveyor, licensed in the state of Nevada, who is responsible for the exhibits.
- ☐ The exhibits must include the stamp, signature, date and license expiration date of the surveyor.
- ☐ The exhibits shall indicate all parcels, rights-of-way and easements or reservations that abut the proposed abandonment.
- ☐ The exhibits (or supplemental documentation) shall indicate any parcel(s) of land that may rely upon access of any sort over the proposed abandonment. Alternative access to the same parcels may be indicated, but note shall be made as to whether they exist or are proposed.

One set of the following shall be provided:

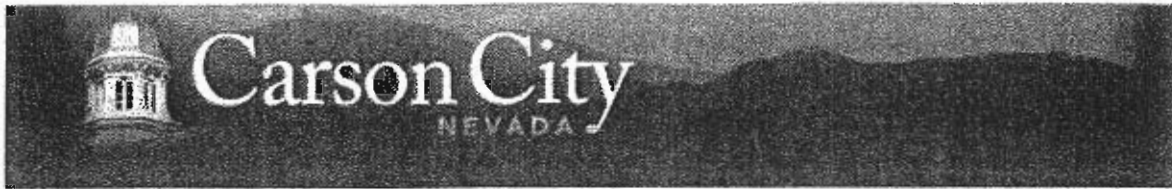
- ☐ Title report for the abutting parcels.
- ☐ Copy (copies) of the document(s) that dedicated/established the right-of-way/easement, or a report of the document references approved by the Engineering/Planning Division prior to submittal.
- ☐ Documentation of taxes paid to date

The appropriate application fee and noticing fee will be required at the time in which the application is deemed complete.



Justification
C & A Investments, LLC Right of Way Abandonment

The original 1875 Plat of the Curry Addition to Carson City created 66' roadways and 10' alleyways as public right of way. The alleyways bisect the 10 Lot Blocks in a north south direction. These alleyways have not been improved by the public and over time, the adjoining owners have placed improvements, maintained and have been assessed as owning these portions of the blocks. The vesting deeds and title report for the subject properties adjoining this requested abandonment reference only the Lots of the Block and make no reference as to ownership of the alley ways. This application is being submitted to clarify the title of the alleyway property for the adjoining owner. The Board of Supervisors has previously issued orders of abandonments in other alleyways within the original additions to Carson City. Carson City engineering staff has assisted in researching this particular application and was unable to find any reference to an abandonment in this Block 7.


[Assessor Data Inquiry](#)
[Back to Last Page](#)

Secured Tax Inquiry Detail for Parcel # 001-187-01

Property Location: 913 N NEVADA ST
 Billed to: C & A INVESTMENTS, LLC
 P O BOX 1984
 CARSON CITY, NV 89702-0000

Roll #: 002538

Tax Year: 2013

District: 1.5

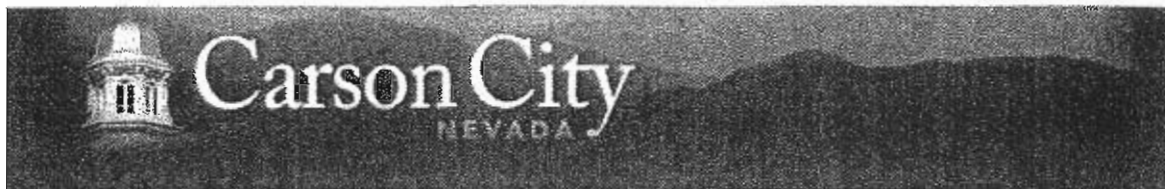
Tax Service:

Land Use Code: 410

Outstanding Taxes:

Prior Year	Tax Penalty/Interest	Total	Amount Paid	Total Due
2010+	1,908.80	1,908.80	1,908.80	
2011	1,056.55	1,056.55	1,056.55	
2012	828.94	828.94	828.94	.00
<u>Current Year</u>				No Taxes Owing
08/20	222.06	222.06	222.06	.00
10/01	220.00	220.00	220.00	.00
01/07	220.00	220.00	220.00	.00
03/04	220.00	220.00	220.00	.00
Totals:	882.06	882.06	882.06	

[Payment Cart](#)
[History](#)


[Assessor Data Inquiry](#)
[Back to Last Page](#)

Secured Tax Inquiry Detail for Parcel # 001-187-06

Property Location: 910 N CURRY ST
 Billed to: C & A INVESTMENTS, LLC
 P O BOX 1984
 CARSON CITY, NV 89702-0000

Roll #: 002539
 Tax Year: 2013
 District: 1.5
 Tax Service:
 Land Use Code: 120

Outstanding Taxes:

Prior Year	Tax Penalty/Interest	Total	Amount Paid	Total Due
2010+	950.95	950.95	950.95	
2011	526.38	526.38	526.38	
2012	551.84	551.84	551.84	.00
<u>Current Year</u>				No Taxes Owing
08/20	122.89	122.89	122.89	.00
10/01	119.00	119.00	119.00	.00
01/07	119.00	119.00	119.00	.00
03/04	119.00	119.00	119.00	.00
Totals:	479.89	.00	479.89	

[Payment Cart](#)
[History](#)

EXHIBIT "A"

**A PORTION OF THE ALLEY WAY OF BLOCK 7, CURRY ADDITION TO CARSON CITY
TO BE ABANDONED**

**AREA 1
Adjoining Lots 9 & 10, Block 7
Current A.P.N. 001-187-01**

All that certain real property situate within a portion of the NW1/4 of the NW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the northwest corner of the alley way of Block 7 of the Curry Addition of Carson City, a copy of said map recorded on May 15th, 1963 as File Number 61493, Map Number 191, in the Official Records of Carson City, State of Nevada, said point also being the northeast corner of Lot 10 of said Block 7 and lying on the southerly Right of Way line of Sophia Street as shown on said Curry Addition;

THENCE easterly along the northerly line of said alley way and southerly Right of Way line of said Sophia Street, South 88°27'06" East, 5.00 feet to the centerline of said alley way;

THENCE southerly along said alley way centerline, South 01°15'56" West, 66.64 feet, to a point that is 5.00 feet easterly of at a right angle to the southeast corner of Lot 9 of said Block 7;

THENCE leaving said centerline, North 88°40'56" West, 5.00 feet to the southeast corner of said Lot 9, said point also lying on the westerly line of said alley way;

THENCE northerly along the westerly line of said alley way, also being the easterly line of Lots 10 and 9 of said Block 7, North 01°15'56" East, 66.66 feet to the **POINT OF BEGINNING** and the end of this description.

Containing 333 square feet, more or less.

**AREA 2
Adjoining Lots 3, 4, 5, & 8, Block 7
Current A.P.N. 001-187-06**

All that certain real property situate within a portion of the NW1/4 of the NW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the northeast corner of the alley way of Block 7 of the Curry Addition of Carson

City, a copy of said map recorded on May 15th, 1963 as File Number 61493, Map Number 191, in the Official Records of Carson City, State of Nevada, said point also being the northwest corner of Lot 5 of said Block 7 and lying on the southerly Right of Way line of Sophia Street as shown on said Curry Addition;

THENCE southerly along the easterly line of said alley way, also being the westerly line of Lots 5, 4, and 3 of said Block 7, South $01^{\circ}15'56''$ West, 99.93 feet to the southwest corner of said Lot 3;

THENCE westerly, North $88^{\circ}47'54''$ West, 10.00 feet to the southeast corner of Lot 8 of said Block 7, said point also lying on the westerly line of said alley way;

THENCE northerly along the westerly line of said alley way, also being the easterly line of Lot 8, North $01^{\circ}15'56''$ East, 33.33 feet to the northeast corner of said Lot 8;

THENCE leaving said line, South $88^{\circ}40'56''$ East, 5.00 feet to the to the centerline of said alley way;

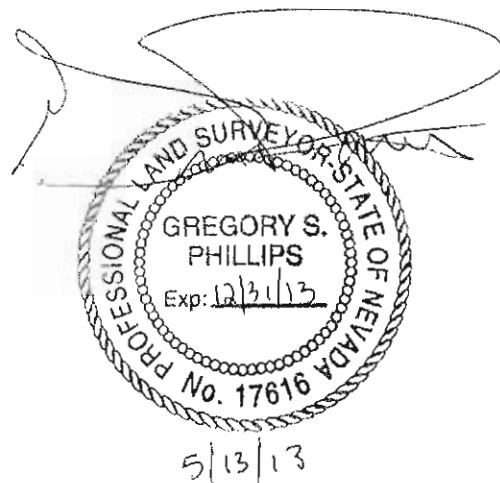
THENCE northerly along said alley way centerline, North $01^{\circ}15'56''$ East, 66.64 feet, to a point lying on the southerly Right of Way line of said Sophia Street and the northerly line of said alley way;

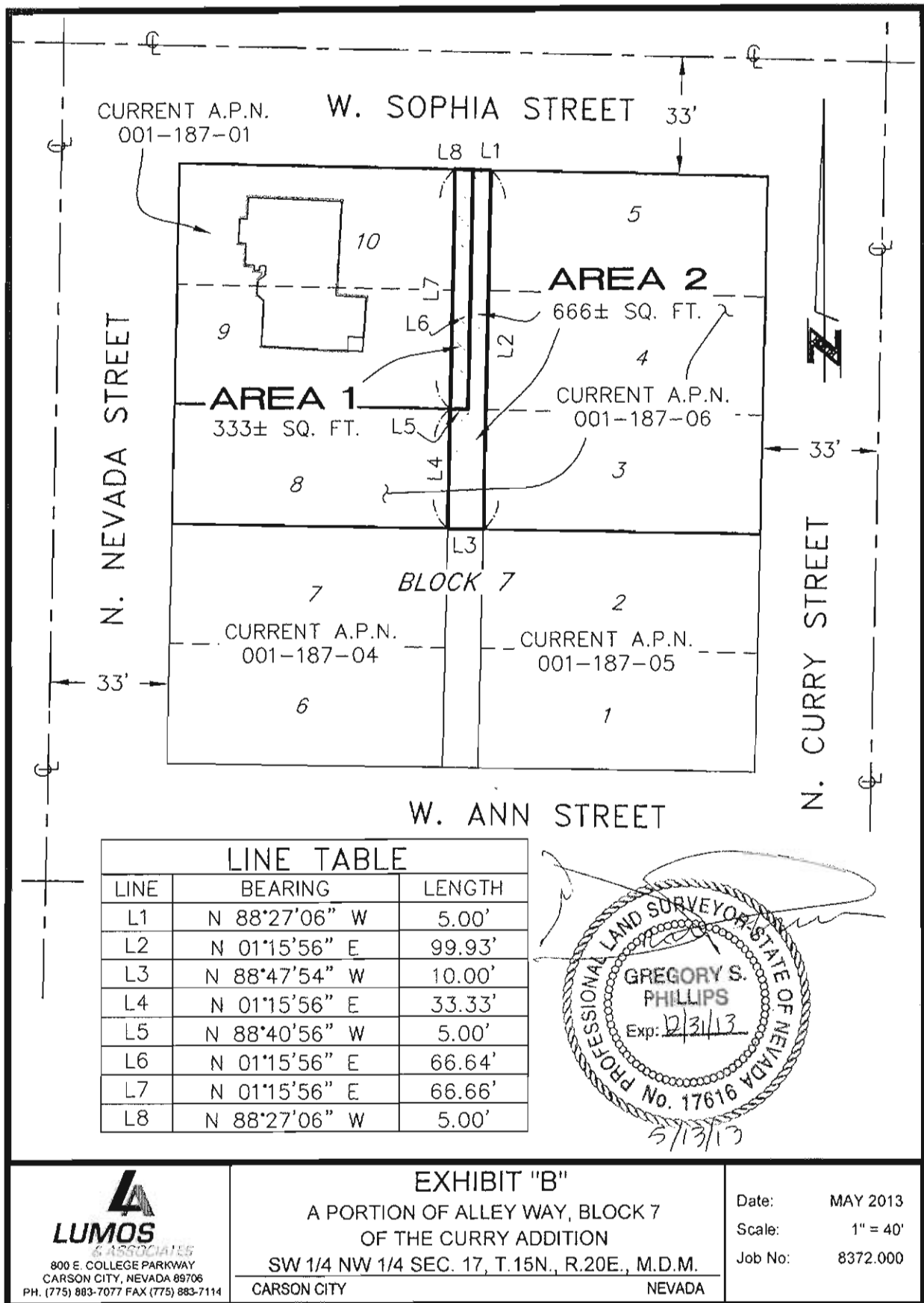
THENCE easterly along the northerly line of said alley way and southerly Right of Way line of said Sophia Street, South $88^{\circ}27'06''$ East, 5.00 feet to **POINT OF BEGINNING** and the end of this description.

Containing 666 square feet, more or less.

The **Basis of Bearings** for these descriptions is based upon the Nevada Coordinate System of 1983, West Zone, NAD 83/94.

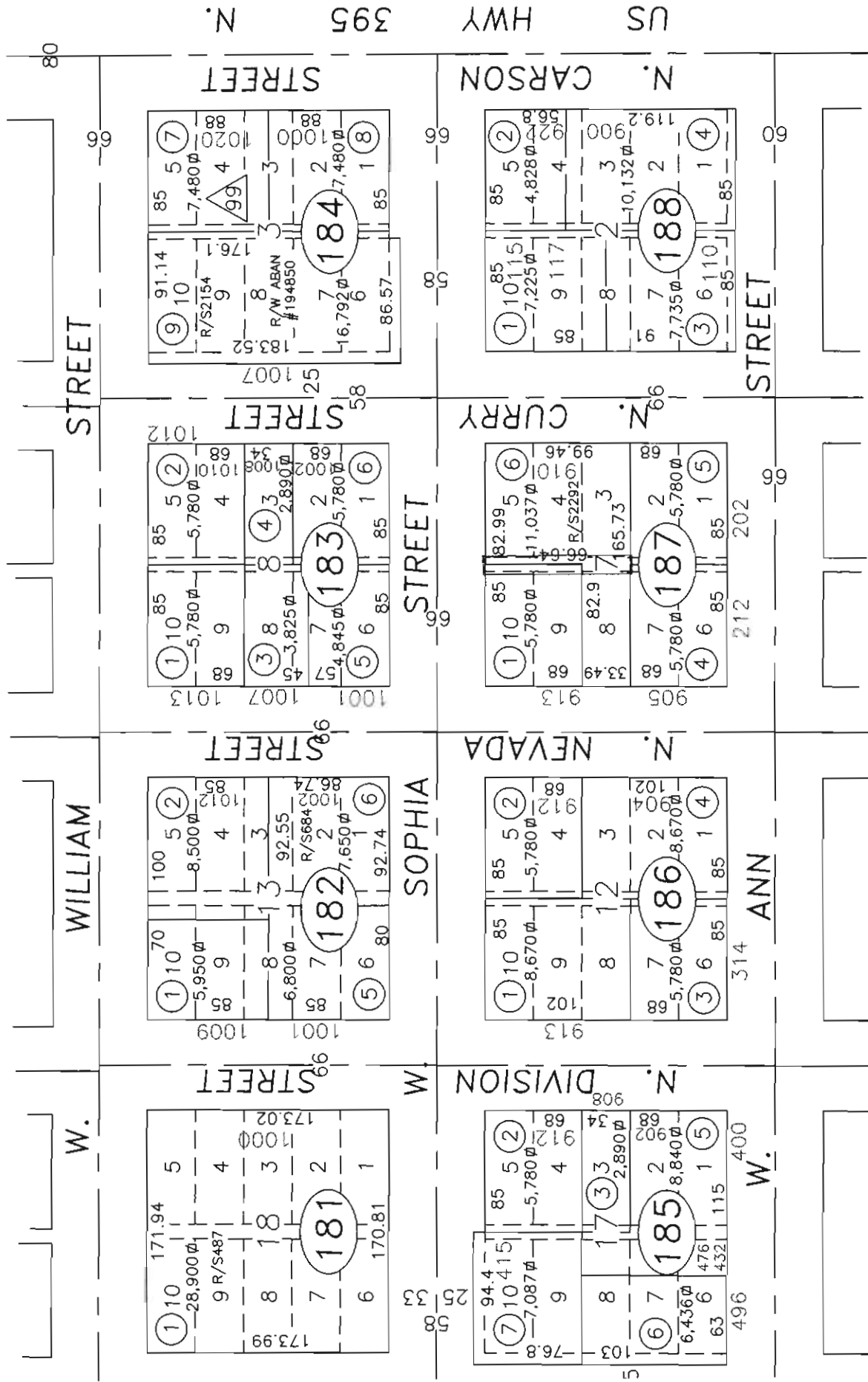
Prepared by Lumos & Associates
Gregory S. Phillips, P.L.S. 17616
800 E. College Parkway
Carson City, NV 89706





PORTION SW1/4 NW1/4 SECTION 17, T.15 N., R.20 E., M.D.B. & M.

17



19

CITY, NEVADA
 IS PREPARED FOR THE USE OF THE CARSON CITY
 FOR ASSESSMENT AND ILLUSTRATIVE PURPOSES
 IT DOES NOT REPRESENT A SURVEY. NO LIABILITY

NOTE
 SOME PARCELS DELINEATED HEREON MAY NOT
 BE PRESENTED IN TRUE SIZE, SHAPE, OR LOCATION
 DUE TO DISCREPANCIES BETWEEN LOT LINES.

BLC

BLC

Bk 2
 16

Alley Way Abandonment

A portion of Alley Way for C & A Investments
Adjoining Carson City A.P.N.'s 001-187-01 & 06
Block 17, Curry Addition

Legend

Alley Way to
be abandoned

W Sophia St

W Ann St

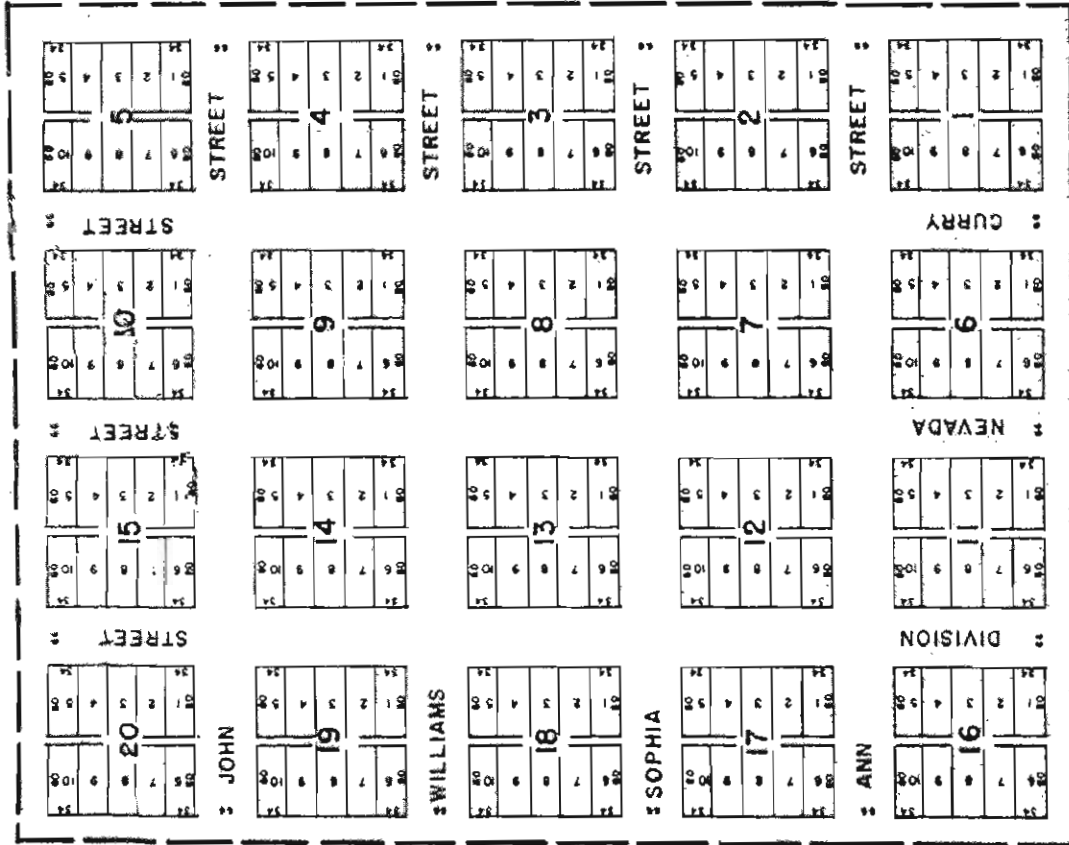
N Nevada St

N Curry St

N Carson St

Google earth

© 2013 Google

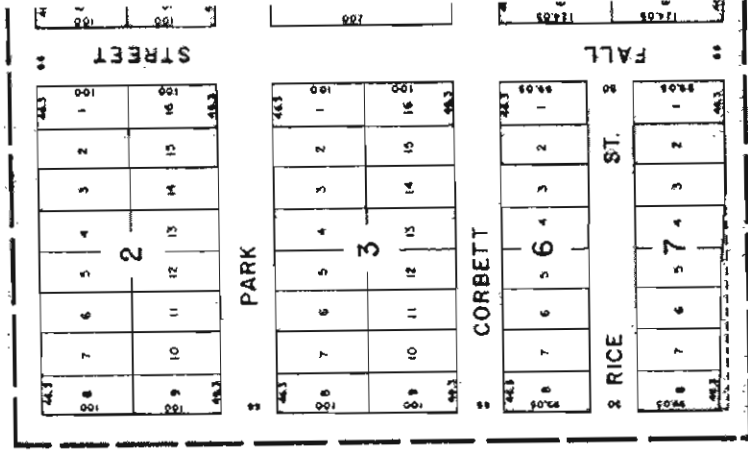


CURRY'S ADDITION

(COPY)
 DRAWN FROM ENGR'S MAP-CARSON CITY NEVADA
 BY H. RODRIGUEZ FOR COUNTY RECORDER'S OFFICE

1963

1" = 100'



RICE & PETERS AL

PRELIMINARY REPORT

Assessor's Parcel No.: 001-187-01 & 06

Order No.: 058257-RTO

Property Address:
Carson City NV

Escrow Officer
Office Location: Western Title Company
Kietzke Office
5390 Kietzke Ln Suite 101
Reno NV

Buyers/Borrowers:

Reference No.:

In response to the above referenced application for a Policy of Title Insurance, **Westcor Land Title Insurance Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein, hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms. The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth on the attached cover. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth on the attached cover. Copies of the Policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Dated as of 04/18/2013 at 7:30 am

Western Title Company, an authorized agent

By:



Randall P. Brunet

The form of Policy of Title Insurance contemplated by this report is:

Report Only

The estate or interest in the land hereinafter described or referred to covered by this Report is:

Fee Simple

Title to said estate or interest at the date hereof is vested in: **C & A Investments, LLC, a Nevada limited liability company**

Please read the exceptions shown or referred to below and the Exceptions and Exclusions set forth on the attached cover of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered. It is important to note that this Preliminary Report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

Order No. 058257-RTO

EXCEPTIONS

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1. The lien, if any, of supplemental taxes, assessed pursuant to the provision of the Nevada Revised Statutes.
2. Any lien which may be levied by the **Carson City Utilities Department** by reason of said land lying within its boundaries.
3. Rights of way for any existing roads, trails, canals, streams, ditches, drain ditches, pipe, pole or transmission lines traversing said premises.
4. Water rights, claims or title to water, whether or not recorded.
5. Rights of parties in possession.
6. Terms of Agreement, upon the terms and conditions entered therein, as to no building and open air, by and between **Mary A. Tettic** and **Grover H Foote**, recorded on **April 7, 1959, in Book 82, Page 23** as Document No. **24021**, Official Records of Carson City County, Nevada. **AFFECTS SOUTHERLY 6 FEET OF LOT 8**
7. Matters as disclosed on Record of Survey filed in the office of the County Recorder of Carson City County, State of Nevada on **September 3, 1988**, as Document No. **222916**. Survey Map No. **2292**.

(THE ABOVE SURVEY MAP POINTS OUT BUILDING ENCROACHMENTS OVER PARCEL 1)

8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
9. Prior to the issuance of any policy of title insurance, the following must be furnished to the Company with respect to **C & A Investments, LLC, a Nevada limited liability company**:

This Company will require a copy of the articles of organization for **C & A Investments, LLC, a Nevada limited liability company**, and any certificates of amendments filed with the Secretary of State, together with copies of any management agreements or operating agreements, together with a current list of all members of said limited liability company.

NOTE: Taxes for the fiscal year **2012-2013**, in the amount of **\$479.89** have been paid in full. (APN 001-187-06)
PARCEL 1

NOTE: Taxes for the fiscal year **2012-2013**, in the amount of **\$882.06** have been paid in full. (APN 001-187-01)
PARCEL 2

Legal Description

All that certain real property situate in Carson City, State of Nevada, described as follows:

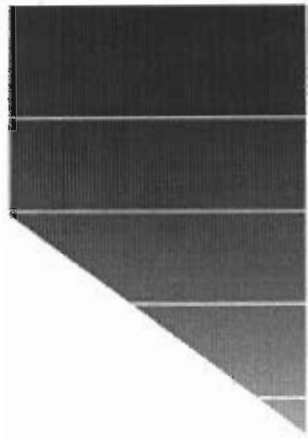
PARCEL 1:

Lots 3, 4, 5 & 8, in Block 7 of CURRY ADDITION to Carson City, according to the official map thereof filed in the office of the Recorder of Ornsby County (now Carson City), Nevada, recorded May 5, 1963, as Document No. 61493.

PARCEL 2:

Lots 9 and 10, in Block 7 of CURRY DIVISION to Carson City, Ornsby County (now Carson City), Nevada.

Assessor's Parcel Number(s):
001-187-01 & 06



Western Title

c o m p a n y

S i n c e 1 9 0 2

Preliminary Report

NATIONWIDE SERVICE AVAILABLE THROUGH OFFICES LOCATED AT:

5390 Kietzke Lane, Suite 101 • Reno, Nevada 89511 • (775) 332-7100 • FAX (775) 332-7121
4884 Sparks Blvd., Suite 100 • Sparks, Nevada 89436 • (775) 626-8590 • FAX (775) 626-8598
2310 S. Carson Street, Suite 5B • Carson City, Nevada 89701 • (775) 687-8500 • FAX (775) 687-8511
1513 Highway 395 • Gardnerville, Nevada 89410 • (775) 392-1707 • FAX (775) 392-1712
401 South Bridge St. • Winnemucca, Nevada 89445 • (775) 623-4477 • FAX (775) 623-4193
• Lovelock & Battle Mountain, Nevada • (800) 840-0432
330 E. Main St. • Suite B • Fernley, Nevada 89408 • (775) 575-6111 • FAX (775) 575-6124