

**City of Carson City  
Agenda Report**

**Date Submitted:** July 18, 2014

**Agenda Date Requested:** August 7, 2014  
**Time Requested:** 5 minutes

**To:** Mayor and Supervisors

**From:** Community Development – Planning Division

**Subject Title:** For Possible Action: To consider a one year extension request for Right-of-Way Abandonment AB-10-038, associated with properties located at 444 W. Washington Street and 812 N. Division Street, APNs 001-191-05 and 06. (MISC-14-057) (Susan Dorr Pansky)

**Summary:** Pursuant to the conditions of approval for AB-10-038, the applicant must meet all conditions and construct required improvements within four years of the original approval date of August 19, 2010 or the Right-of-Way Abandonment will expire. The conditions provide an option to request an extension of time from the Board of Supervisors if the four year timeframe cannot be met. The applicant has requested as long an extension as possible, and staff feels that a one year extension is appropriate.

**Type of Action Requested:**

Resolution

Formal Action/Motion

Ordinance

Other (No Action)

**Does This Action Require a Business Impact Statement:**  Yes  No

**Prior Board Action:** Approved the Right-of-Way Abandonment (AB-10-038) on August 19, 2010 with a vote of 5 Ayes and 0 Nays.

**Recommended Board Action:** I move to approve a request for a one year extension for AB-10-038, a Right-of-Way Abandonment for properties located at 444 W. Washington Street and 812 N. Division Street, APNs 001-191-05 and 06.

**Explanation for Recommended Board Action:** Due to delays in obtaining necessary approvals as well as a number of design changes initiated by the applicant for the proposed development associated with this Right-of-Way Abandonment, the applicant has not been able to meet the required conditions of approval. The applicant is requesting an extension so that all conditions of approval can be met for the Abandonment and the associated development project can move forward.

**Applicable Statute, Code, Policy, Rule or Regulation:** Carson City Municipal Code, Section 17.15 (Abandonment of Right-of-Way), NRS 278.480 (Vacation or Abandonment of Street or Easement)

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:**

1. Deny the extension request.

**Supporting Material:**

1. Staff Memo
2. Extension Request Letter from Herman Bauer
3. Withdrawal Letter from Alexander Kirsch
4. Notice of Decision for AB-10-038

**Prepared By:** Susan Dorr Pansky, Planning Manager

**Reviewed By:**   
 (Community Development Director)

Date: 7-29-14

(District Attorney's Office)

Date: 7/29/14

(Finance Director)

Date: 7/29/14

(City Manager)

Date: 7/29/14

**Board Action Taken:**

Motion: \_\_\_\_\_

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_

Aye/Nay  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



## Carson City Planning Division

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

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### MEMORANDUM

Board of Supervisors Meeting of August 7, 2014

**TO:** Mayor and Board of Supervisors

**FROM:** Susan Dorr Pansky, AICP, Planning Manager  
Planning Division

**DATE:** July 15, 2014

**SUBJECT:** Action to consider a one year extension request for Right-of-Way Abandonment AB-10-038, associated with properties located at 444 W. Washington Street and 812 N. Division Street, APNs 001-191-05 and 06. (MISC-14-057)

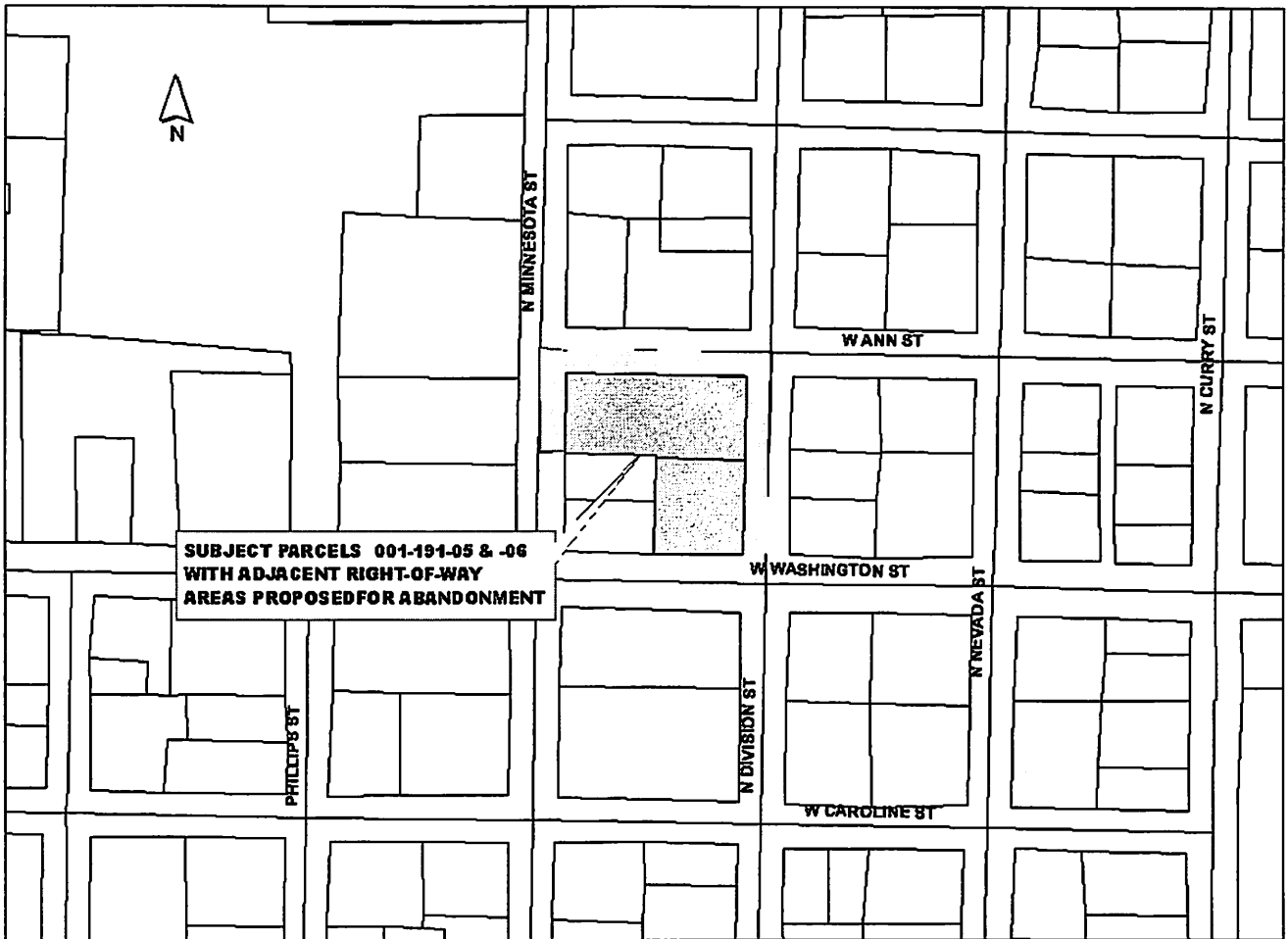
In 2010, property owners of the properties at 444 W. Washington, 812 N. Division Street and 803 N. Minnesota Street received approval of a Right-of-Way Abandonment (Abandonment) for approximately eight feet of right-of-way adjacent to their respective streets. In 2011, the property owner associated with 803 N. Minnesota Street, Alexander Kirsch, withdrew from the approval. The Notice of Decision for the Abandonment and the letter from Mr. Kirsch withdrawing his property are attached for reference.

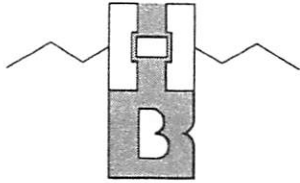
Per the conditions of approval for the Abandonment, the applicant may request that the Board of Supervisors grant an extension of time on the expiration of the Abandonment. The Abandonment currently scheduled to expire on August 19, 2014.

On behalf of the remaining property owners, the applicant would like to request an extension to allow time for coordination and completion of improvements necessary to meet the required conditions of approval. The applicant has requested an extension of as long as possible and staff feels that one year is sufficient time to complete the required improvements. The extension request letter is attached.

#### RECOMMENDATION:

Recommended Motion: "I move to approve a request for a one year extension for AB-10-038, a Right-of-Way Abandonment for properties located at 444 W. Washington Street and 812 N. Division Street, APNs 001-191-05 and 06."

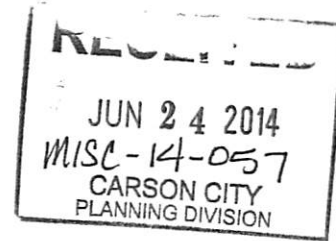




BAUER AND ASSOCIATES  
PROJECT DEVELOPMENT

HERMANK. BAUER, P.E.

Carson City Planning Division  
108 E. Proctor Street  
CARSON CITY, NV. 89701  
Att.: Susan Dorr Pansky  
Planning Manager



June 20, 2014

Subject: AB-10-038 – Right of Way Abandonment  
Division St / Minnesota / Ann – Carson City

Dear Ms.Pansky,

Thank you for letter of May 8, 2014 reminding us of the expiration of the subject abandonment on August 19, 2014.

Due to the many delays in obtaining the necessary approvals and changes asked for by us we hereby request a time extension for a period of as long as possible.  
We enclose a check in the amount of \$ 600.-.

Yours very truly

Herman Bauer

Cc.: John Uhart

ORIGINAL

RECEIVED

AUG 05 2011

CARSON CITY  
PLANNING DIVISION

To: Board of Supervisors  
Carson City Planning Division  
108 E. Proctor St.  
Carson City, NV 89701

From: Alexander Kirsch  
803 N. Minnesota St.  
Carson City, NV 89703

I, Alexander Kirsch herewith request to annul and retract from my part of the decision for **RIGHT-OF-WAY ABANDONMENT: AB-10-038**, as filed July 21, 2010 by the Board of Supervisors of Carson City, Nevada. This will pertain to Parcel **APN: 001-191-02** exclusively.

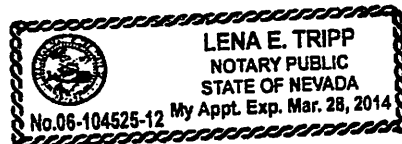


Alexander Kirsch on the 5<sup>th</sup> Day of August, 2011

State of Nevada  
County of Carson City

This instrument was acknowledged before me  
on August 5, 2011 by Alexander Kirsch

Lena E Tripp





**RECEIVED**

AUG 16 2011

CARSON CITY  
PLANNING DIVISION

## Carson City Planning Division

108 E. Proctor St.  
Carson City, Nevada 89701  
(775) 887-2180  
Planning@carson.org  
www.carson.org

★ CLERK ★  
**FILED**

Time \_\_\_\_\_

**BOARD OF SUPERVISORS  
AUGUST 19, 2010**

JUL 5 2011

### NOTICE OF DECISION

By K. King  
Deputy  
Carson City, Nevada

A request for a right-of-way abandonment, AB-10-038, was received from Tri State Surveying (property owners: Herman C. Bauer, Alexander Kirsch and Jeannie Bangham) to reduce the existing right-of-way width by eight feet adjacent to properties zoned Residential Office (RO), located at North Minnesota, North Division, and West Ann Streets, APN's 001-191-02, -05, and -06 and authorize the mayor to sign the Order of Abandonment.

The Board of Supervisors conducted a public hearing on August 19, 2010, in conformance with City and State legal requirements, and approved AB-10-038 based on the conditions of approval contained in the staff report, and to authorize the Mayor to sign the Order of Abandonment.

### RIGHT-OF-WAY ABANDONMENT AND 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 will 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. All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report.
4. This abandonment pertains to:
  - APN: 001-191-02: The area of the proposed abandonment adjacent to this parcel is 360 square feet, more or less.
  - APN: 001-191-05: The area of the proposed abandonment adjacent to

this parcel is 696 square feet, more or less.

- APN: 001-191-06: The area of the proposed abandonment adjacent to this parcel is 2,758 square feet, more or less.
5. The abandonment is conditioned upon construction of curb, gutter and 5 foot wide sidewalk, with appropriate driveway approaches and accessible curb ramps, along all three frontages of the Bauer property as shown conceptually on the map exhibit prepared by Tri State Surveying, sealed by Gregory S. Phillips, PLS dated 6/8/10. Construction of said frontage improvements will require relocation of existing overhead utility lines such that there will be no utility poles or anchors located within the new sidewalk area. Required frontage improvements and utility relocations will be designed, permitted, and constructed by the applicant at no expense to Carson City.
  6. Records indicate that there are existing public utilities within the right of way areas to be abandoned. Said utilities shall be continued and not be affected by the abandonment. Each utility company may reserve an easement along the alignment of existing utility infrastructure as well as in a public utilities easement for future utility installation or relocation.
  7. Recordation of the abandonment shall not occur until such time as the City has accepted construction of the frontage improvements and utility relocations described above.
  8. Conditional approval for the requested abandonment shall expire four years after Board of Supervisor approval of the original application, unless the applicant has completed the required frontage improvements and utility relocations, or unless an extension of time has been granted by the Board of Supervisors.

This decision was made on a vote of 4 ayes, 0 nays and 1 absent.

  
\_\_\_\_\_  
Lee Plemel, Planning Director

LP/jmb


Mailed: 7/22/11

By: AMT



**Please sign and return this notice of decision with 10 days of receipt.**

I have read and acknowledge the Conditions of Approval as approved by the Carson City Board of Supervisors.

  
KEN INAMURA  
APPLICANT and/or OWNER SIGNATURE

8-11-11  
DATE

\_\_\_\_\_  
(Applicant/Owner Printed Name)

**RETURN TO:**  
Carson City Planning Division  
108 E. Proctor St.  
Carson City, NV 89701

Enclosures:

1. Planning Commission Notice of Decision (2 copies – Please sign and return only one; the second copy is for your records.)
2. Self-Addressed Stamped Envelope

APN(s): 001-191-02, 001-191-05 and 001-191-06

**ORDER OF ABANDONMENT**

AN ORDER ABANDONING A 44.97 FOOT LONG, 8 FOOT WIDE PORTION OF N. MINNESOTA STREET, A 77.99 FOOT LONG, 8 FOOT WIDE PORTION OF N. MINNESOTA STREET AND A 167.27 FOOT LONG, 8 FOOT WIDE PORTION OF W. ANN STREET AND A 80.84 FOOT LONG, 8 FOOT WIDE PORTION OF N. DIVISION STREET, AND A 86.95 FOOT LONG, 8 FOOT WIDE PORTION OF N. DIVISION STREET, LOCATED IN BLOCK 16 OF THE CURRY ADDITION, AS MAP NUMBER 191, BEING WITHIN A PORTION OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.M, BEING A 3,814-SQUARE-FOOT AREA, MORE OR LESS, ON PROPERTIES LOCATED AT 803 N. MINNESOTA STREET, 444 W. WASHINGTON STREET AND 812 N. DIVISION STREET, ASSESSORS PARCEL NUMBERS 001-191-02, 001-191-05 AND 001-191-06, IN CARSON CITY, NEVADA.

WHEREAS, on June 17, 2010, Tri-State Surveying, LTD duly filed a written application seeking vacation and abandonment of a portion of public right-of-way, being within a portion of the southwest ¼ of the northwest ¼ of section 17, Township 15 North, Range 20 East, M.D.M. approximately 3,814 square feet, adjacent to, APN(s) 001-191-02, 0011-191-05 and 001-191-06, 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 July 28, 2010. 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 August 19, 2010, 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. That if a utility company has a utility or an easement over or under the property hereby vacated and abandoned by this order, said easement or easements shall be continued and shall not be affected by the abandonment.
3. That water, sewer, and storm drain facilities, which may presently exist within the areas affected by abandonments, will be protected by easements. The abandonment may be subject to reserving easements for utility companies and/or Carson City if requested.

4. That the property owner shall obtain approval from Carson City Utilities and Street Departments prior to constructing improvements within said area. Improvements include, but are not limited to, landscaping, fencing, paving, and structures.

ORDERED this 19th day of August, 2010, by the Carson City Board of Supervisors.

  
\_\_\_\_\_  
ROBERT L. CROWELL, Mayor

ATTEST:

  
\_\_\_\_\_  
ALAN GLOVER, Clerk-Recorder