

**Carson City
Agenda Report**

Date Submitted: May 22, 2015

Agenda Date Requested: June 4, 2015
Time Requested: 2 minutes

To: Mayor and Supervisors
From: Public Works

Subject Title: For Possible Action: To adopt Resolution No. _____ and authorize the Mayor to sign the Conveyance deed. A Resolution adopting and approving Carson City's purchase from Gayle H. Robertson, Trustee, Carson City Treasurer, a four thousand, nine hundred sixty-nine (4,969) square foot area of real property from a portion of APN 009-238-10 along Clear Creek Avenue for the purposes of improving Clear Creek Avenue roadway, and other matters properly related thereto. *(Robert Fellows)*

Staff Summary: This land purchase provides the City the necessary right-of-way in fee simple to allow the City to improve the Clear Creek Avenue roadway. Currently, the width of Clear Creek Avenue is 30 feet in this area; the minimum width for a collector roadway like Clear Creek Avenue is 60 feet. Improving Clear Creek Avenue is part of the Sewer Main Installation Project.

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: To approve the purchase and adopt Resolution No. _____, a Resolution adopting and approving Carson City's purchase from Gayle H. Robertson, Trustee, Carson City Treasurer a four thousand, nine hundred sixty-nine (4,969) square foot area of real property from a portion of APN 009-238-10 along Clear Creek Avenue for the purposes of improving Clear Creek Avenue roadway, and other matters properly related thereto.

Explanation for Recommended Board Action: Purchase of the land through the Treasurer's office is due to back property taxes being owed to the city and the city taking over ownership until property taxes are paid. The original owner, Paul D. Jensen passed away on February 25, 2009 and the estate has not been settled. As far as is known, the only living descendent is Terri Zittel, niece to Paul Jensen. Ms. Zittel has consented to using the funds received from the right-of-way to pay back property taxes. This payment will not cover the entire amount owed but will allow Ms. Zittel more time to possibly become the legal owner of the property. The roadway improvements along Clear Creek Avenue are necessary as a part of the sewer main installation. Clear

Creek Avenue is an older City road and is designated as a collector roadway. The existing road section here consists of 4 to 5 inches of asphalt concrete on decomposed granite base which is not the city standard. The new sewer main will run down the center of the current 30-foot wide road and include sewer laterals which will make the asphalt concrete surface difficult to repair. Improving Clear Creek Avenue to City standards will provide a safe and functional roadway.

Applicable Statute, Code, Rule or Policy: NRS 266.265 & 271.265, Development Standards, Table 12.1, Minimum Right-of-Way Widths.

Fiscal Impact: \$3,950.00

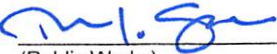
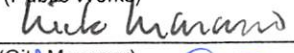
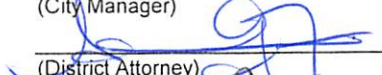
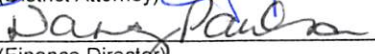
Explanation of Impact: The cost of the right-of-way was budgeted as part of the project.

Funding Source: Sewer Fund: account 510-3205-434.70-40

Alternatives: N/A

Supporting Material: Conveyance Deed, Offer Letter, Appraisal Summary

Prepared By: Robert Fellows, Senior Project Manager

Reviewed By:  Date: 5/26/15
 (Public Works)
 Date: 5/26/15
 (City Manager)
 Date: 5/26/2015
 (District Attorney)
 Date: 5/26/15
 (Finance Director)

Board Action Taken:

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

 (Vote Recorded By)

RESOLUTION NO. _____

A RESOLUTION ADOPTING AND APPROVING CARSON CITY'S PURCHASE FROM GAYLE H. ROBERTSON, TRUSTEE, CARSON CITY TREASURER A FOUR THOUSAND, NINE HUNDRED SIXTY-NINE (4,969) SQUARE FOOT AREA OF REAL PROPERTY FROM A PORTION OF APN 009-238-10 ALONG CLEAR CREEK AVENUE FOR THE PURPOSES OF IMPROVING CLEAR CREEK AVENUE ROADWAY, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, NRS 266.265 authorizes the purchase of real property for the benefit of the City and is authorized by law; and

WHEREAS, Carson City desires to improve Clear Creek Avenue; and

WHEREAS, Paul Jensen, deceased, whose estate has not been settled, is delinquent in paying property taxes to the city; and

WHEREAS, the property (APN 009-238-10) has been transferred to Carson City Treasurer's Office as the owner until property taxes have been paid; and

WHEREAS, the funds paying for the portion of the subject property is based on an appraised value; and

WHEREAS, the funds from the purchase of subject portion of the property along Clear Creek Road would be used to pay down the owed property taxes on behalf of the Paul Jensen Estate; and

NOW, THEREFORE, BE IT RESOLVED, that the terms and conditions of the purchase of the necessary land, is hereby adopted and approved; and

BE IT FURTHER RESOLVED that the Conveyance Deed, for the purpose of transferring title to the subject necessary land, attached in full thereto, and that a copy of this Resolution and one signed Deed shall be executed and recorded, and that payment shall be made to Gayle H. Robertson, Trustee, Carson City Treasurer.

Upon motion by Supervisor _____, seconded by
Supervisor _____, the foregoing Resolution was passed
and adopted this 4th day of June, 2015 by the following vote.

VOTE: AYES:

NAYS:

ABSENT:

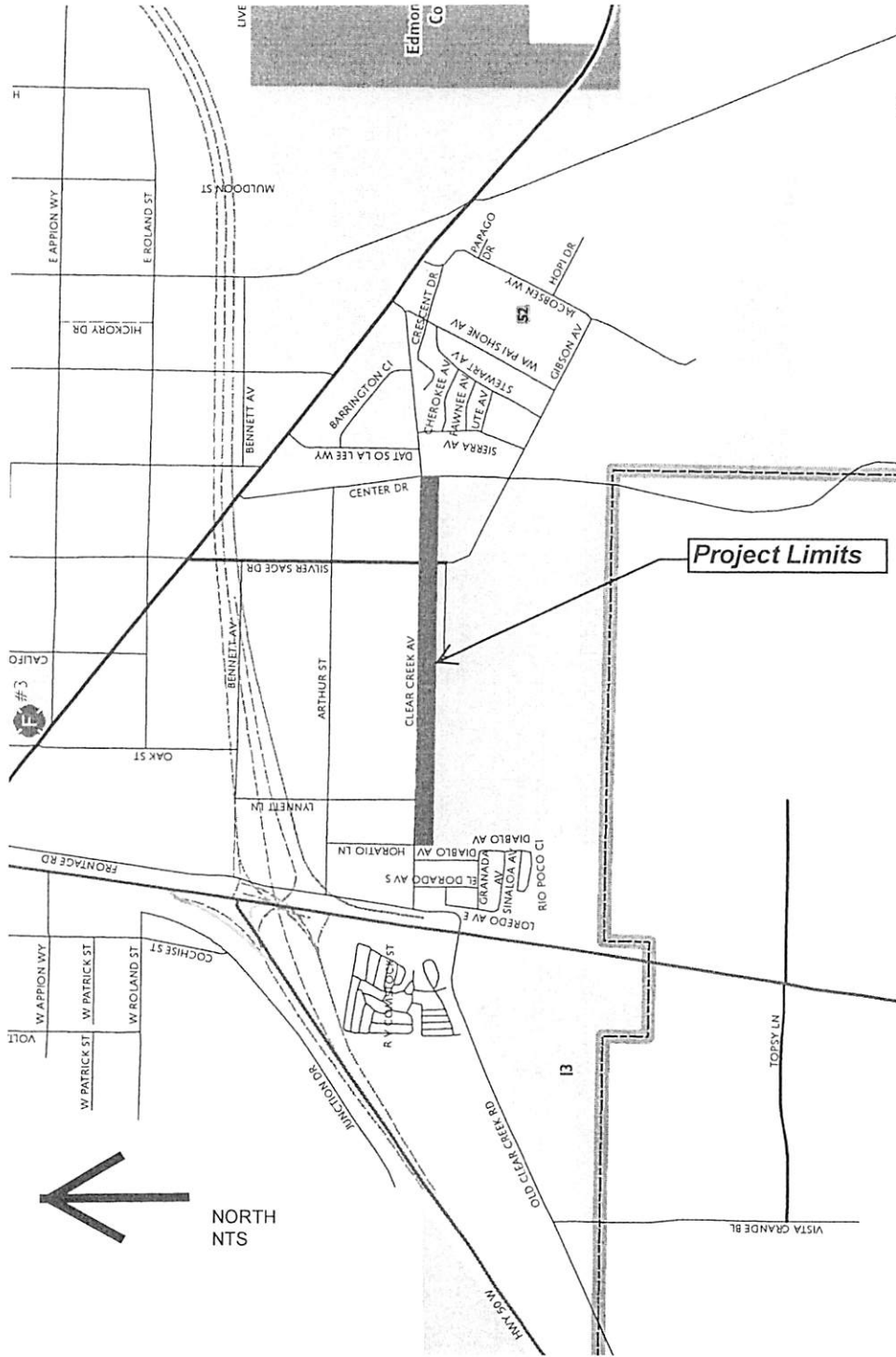
ABSTAIN:

Robert Crowell, Mayor

ATTEST

Susan Merriwether, Clerk
Carson City, Nevada

PROJECT LOCATION MAP



APN 009-238-10 (Portion)

AFTER RECORDING RETURN TO:
ROBERT FELLOWS
CARSON CITY PUBLIC WORKS
3505 BUTII WAY
CARSON CITY, NV 89701-3498

CONVEYANCE DEED

THIS DEED, made this _____ day of _____, 2015, between Gayle H. Robertson, Trustee, Carson City Treasurer, hereinafter called GRANTOR, and CARSON CITY, NEVADA, A CONSOLIDATED MUNICIPALITY, hereinafter called CITY,

WITNESSETH:

That the GRANTOR, for and in consideration of the sum of ONE DOLLAR (\$1.00), lawful money of the United States of America, and other good and valuable consideration, the receipt whereof is hereby acknowledged, does by these presents grant unto the CITY and to its assigns forever, for those purposes as contained in Chapter 271 of the Nevada Revised Statutes, a fee simple title for public purposes upon, over, under and across certain real property to the CITY; said land is shown and more fully described in Exhibits "A" and "B", attached hereto and made a part hereof:

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; with the exception of any and all reservations as are previously hereinabove expressly excepted from this conveyance.

TO HAVE AND TO HOLD all and singular the said real property, together with the appurtenances, unto the said CITY and to any heirs, successors and assigns forever.

APN 009-238-10 (Portion)

IN WITNESS WHEREOF, the parties hereto have executed this Deed the day and year first above written.

OWNER:

Gayle H. Robertson, Trustee, Carson City Treasurer

STATE OF NEVADA)
) SS.
CARSON CITY)

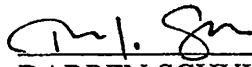
This instrument was acknowledged before me on _____, 2015, by
Gayle H. Robertson.

NOTARY PUBLIC

APN 009-238-10 (Portion)

CITY:

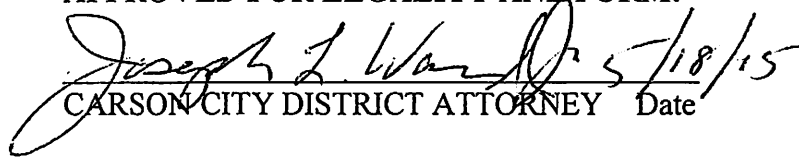
REVIEWED AND RECOMMENDED BY:



DARREN SCHULZ
PUBLIC WORKS DIRECTOR

5/7/15
Date

APPROVED FOR LEGALITY AND FORM:



JOSEPH L. WARD
CARSON CITY DISTRICT ATTORNEY

5/18/15
Date

BOARD APPROVED BY:

ROBERT L. CROWELL
MAYOR

Date

ATTEST:

SUSAN MERRIWETHER
CLERK-RECORDER

Date

EXHIBIT "A"
A.P.N. 009-238-10
FOR PARCEL A

All that certain real property situate within a portion of the SW1/4 SW1/4 NE1/4 SW1/4 of Section 32, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being a portion of that certain real property described in that Government Patent No. 1224117, dated November 20, 1961, being more particularly described as follows:

BEGINNING at a point coincident with the West 1/16 line of the Southwest 1/4 of said Section 32, and 30.00 feet northerly of, as measured at right angles to the South 1/16 line of the Southwest 1/4 of said Section 32, said point bears North 00°43'46" East, 30.00 feet from the Southwest 1/16 corner of said Section 32;

THENCE northerly along said West 1/16 line, North 00°43'46" East, 30.00 feet to a point that is 60.00 feet northerly of, as measured at right angles to said South 1/16 line;

THENCE easterly and parallel with said South 1/16 line of Section 32, South 89°09'10" East, 165.62 feet to a point coincident with the East line of the W1/2 SW1/4 SW1/4 NE1/4 SW1/4 of said Section 32;

THENCE along said East line, South 00°43'24" West, 30.00 feet, to a point that is 30.00 feet northerly of, as measured at right angles to said South 1/16 line;

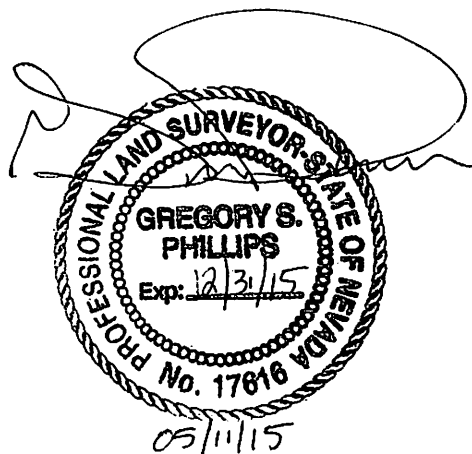
THENCE westerly and parallel with said South 1/16 line, North 89°09'10" West, 165.62 feet to the point of **BEGINNING** and end of this description.

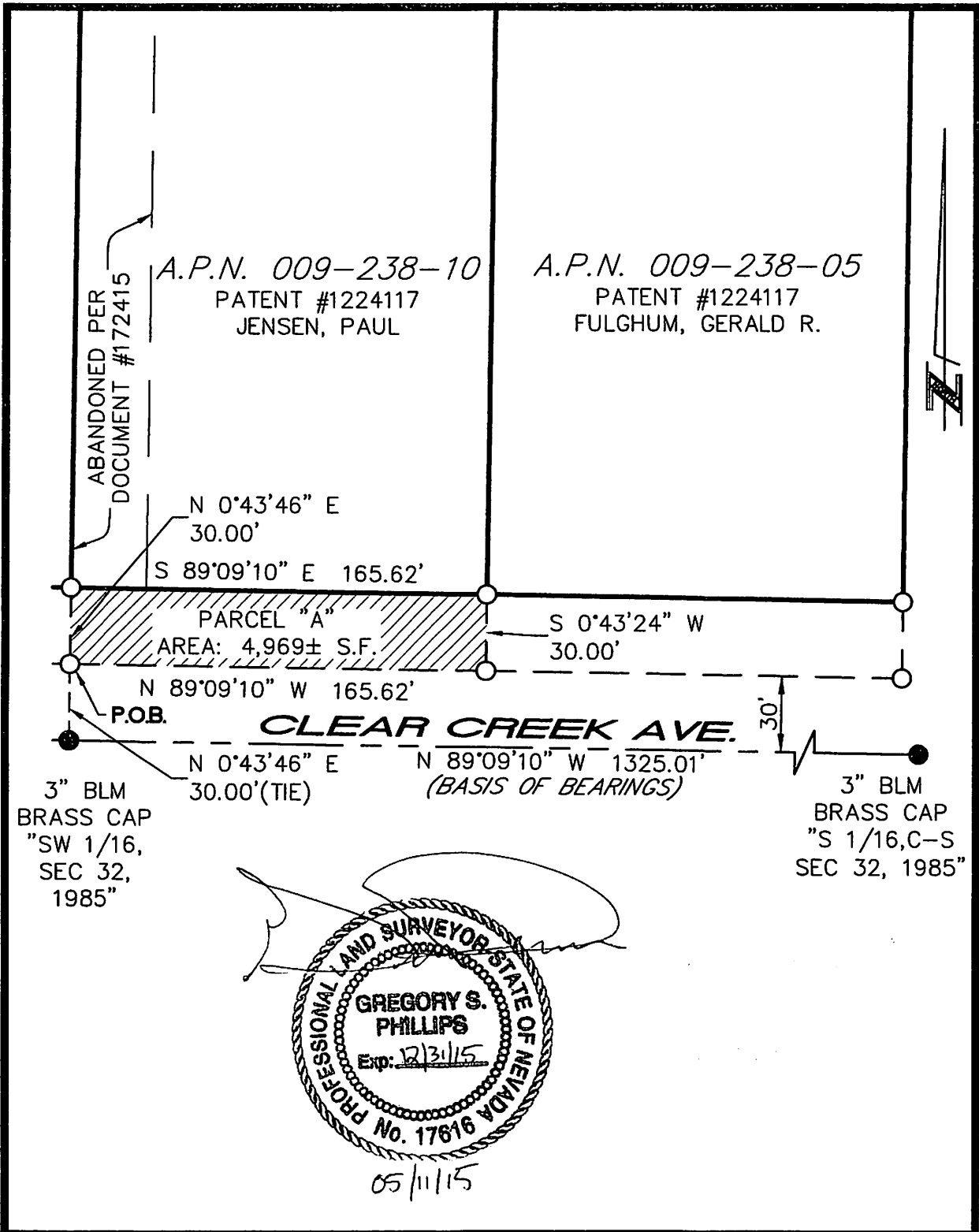
Containing 4,969 square feet, more or less.

SEE EXHIBIT "B" attached hereto and made a part hereof.

The **BASIS OF BEARING** for this description is based on the Nevada Coordinate System of 1983, West Zone, NAD 83/94, being said South 1/16 line of the Southwest 1/4 of Section 32 having a bearing of North 89°09'10" West.

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





<p>LUMOS & ASSOCIATES 800 E. COLLEGE PARKWAY CARSON CITY, NEVADA 89706 PH. (775) 883-7077 FAX (775) 883-7114</p>	<p align="center">EXHIBIT "B" BEING THE SOUTH 30' OF A.P.N. 009-238-10 PORTION OF SEC. 32, T15N, R20E, MDM</p> <hr/> <p>CARSON CITY NEVADA</p>	<p>Date: MAY, 2015 Scale: 1" = 60' Job No: 8181.007</p>
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**PUBLIC WORKS
DEPARTMENT**

ADMINISTRATION

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

FLEET SERVICES

3303 Butti Way, Building 2
Carson City, NV 89701-3498
Ph: 775-887-2356
Fx: 775-887-2258

OPERATIONS

(Water, Sewer, Wastewater,
Streets, Landfill, Environmental)
3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

**ENGINEERING/
TRANSPORTATION/
CAPITAL PROJECTS**

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

**BUILDING and SAFETY
PERMIT CENTER**

108 E. Proctor Street
Carson City, NV 89701-4240
Ph: 775-887-2310
Fx: 775-887-2202

PLANNING

108 E. Proctor Street
Carson City, NV 89701-4240
Ph: 775-887-2180
Fx: 775-887-2278

HEARING IMPAIRED

Dial 711

CARSON CITY NEVADA
Consolidated Municipality and State Capital



June 4, 2014

Mr. Paul Jensen
320 Clear creek Avenue
Carson City, NV 89701

Offer to Purchase Real Property: Portion of APN 009-238-10
Clear Creek Avenue Sanitary Sewer Extension Project - 050701

Dear Mr. Jensen:

As you may be aware, Carson City has been working to improve the sewer main in the vicinity of the property that you own. Along with those facilities, the project will also improve Clear Creek Avenue, the roadway itself. The improvements include curb/gutter and sidewalk on the south side of the road and a new road surface from Horatio Lane to Center Drive.

The City is seeking to acquire real property interests from a portion of your property located at 320 Clear creek Avenue. Specifically, 4,969 square feet or 30 feet wide by 165.62 feet along the frontage of your property.

This letter constitutes an offer to purchase fee simple title to a portion of your property, as referenced above, in the amount of **\$3,950**. The offer is based on an independent appraisal. To assist you in considering this offer, we have enclosed the following documents for your review:

- Summary Appraisal (for your files)
- Agreement for Purchase (2 originals, and one copy for your files)
- Conveyance Deed (2 originals and one copy for your files)
- Preliminary Title Report of your property (for your files)

Once the Agreement for Purchase has been signed, please call me at 283-7370 and I will come by your home to pick up the documents listed below or if you prefer, you can come to the Public Works Office at 3505 Butti Way, and sign the documents here. We do have a Notary here that can notarize your signature at no cost.

- 2 signed original Agreements for Purchase, and
- 2 signed original Conveyance Deeds, both with acknowledgments completed by a Notary Public



Once the Agreement for Purchase has been signed by the City at their regularly schedule meeting, The City will request the check in the amount of \$3,950 be issued to you. The documents you have signed will be recorded and the process will be complete.

Thank you for your consideration and assistance. If you have any questions, please contact me Rfellows@carson.org or call me at 283-7370.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert D. Fellows', with a long horizontal flourish extending to the right.

Robert D. Fellows, P.E.
Senior Project Manager

APPRAISAL SUMMARY STATEMENT¹
CLEAR CREEK AVENUE IMPROVEMENT PROJECT
APN 009-238-10

Property Address	320 Clear Creek Avenue
Property Location	North side of Clear Creek Avenue, 450± feet west of Silver Sage Drive, Carson City, Nevada
Assessor's Parcel Number	009-238-10
Owner of Record	Paul Jensen
Land Area	
Before Acquisition	49,500± square feet (1.14± acres)
Less Taking	<u>4,969± square feet (0.11± acres)</u>
After Acquisition	44,531± square feet (1.02± acres)
Carson City Land Use	
Zoning	Single Family 1 Acre (SF1A)
Master Plan	Medium Density Residential (3-8 units/acre)
Highest and Best Use (Before Acquisition)	Continued single family residential use
Highest and Best Use (After Acquisition)	Continued single family residential use
Interest Appraised	Fee Simple
Flood Zone	Flood Zone X
Hazardous Substances	None observed
Proposed Acquisition Areas	
Right-of-Way Take	4,969± square feet

¹ Appraisal Summary Statement is a summary of the conclusions that were opined in a summary appraisal that is incorporated by reference to this document. This summary statement is contained in the addenda to the complete summary appraisal. In order to fully understand the basis for the conclusions that are summarized herein, it is necessary to review a fully copy of the summary appraisal that this statement summarizes.

Market Value Defined

“Value’ means the highest price, on the date of valuation, that would be agreed to by a seller, who is willing to sell on the open market and has reasonable time to find a purchaser, and a buyer, who is ready, willing and able to buy, if both the buyer and the seller had full knowledge of all the uses and purposes which that the property is reasonably adaptable and available. In determining value, except as otherwise provided in NRS 37.009(6), the property sought to be condemned must be valued at its highest and best use without considering any future dedication requirements imposed by the entity that is taking the property. If the property is condemned primarily for a profit-making purpose, the property sought to be condemned must be valued at the use to which the entity that is condemning the property intends to put the property, if such use results in a higher value for the property.

(Source: Nevada Revised Statutes, Sec. 37.009)

Date Of Valuation

The date of valuation is May 20, 2014.

Property Rights Appraised

The value addressed is the unencumbered fee simple interest in the subject property.

Date Of Inspection

Benjamin Q. Johnson and Chad J. Gerken inspected the subject property on February 6, 2014.

The property was last inspected on May 20, 2014, the date of value of this appraisal.

Purpose Of Appraisal

The purpose of the appraisal report was to estimate the following:

1. The Market Value of the subject property before the acquisition (the whole);
2. The Market Value of the acquisition (part taken) as part of the whole before the take;
3. The Market Value of the remainder as part of the whole before the take;
4. The Market Value of the remainder after the take;

5. Estimation of Just Compensation resulting from acquisition of the proposed Right-of-Way take; and

Intended Use Of Appraisal

This appraisal was prepared to assist Carson City in estimating the Just Compensation due the owner of the subject property as a result of the Right-of-Way acquisition across the subject property.

Scope Of Appraisal

The preparation of the appraisal included:

1. Identification, inspection and analysis of the subject property;
2. Identification and analysis of the subject neighborhood;
3. Completion of a Highest and Best Use Analysis for the subject property;
4. Research, inspection and analysis of comparable land sales;
5. Verification of sales data;
6. Completion of a Sales Comparison Approach;
7. Estimation of the unencumbered fee simple Market Value of the subject site before the easement acquisition;
8. Valuation of the Right-of-Way area to be acquired as a portion of the whole parcel;
9. Estimation of any Damages or Special Benefits accruing to the remainder parcel;
10. Estimation of the recommended Just Compensation due the owner of the subject property as a result of the Right-of-Way acquisition; and
11. Preparation of an appraisal report.

SUMMARY OF THE BASIS FOR JUST COMPENSATION

Highest and Best Use

Highest and best use is defined as: “the reasonably probable and legal use of vacant land or an improved property that is legally permissible, physically possible, appropriately supported, financially feasible, and that results in the highest value”.

Subject Valuation

The subject improvements will not be affected by the proposed easement acquisition, thus, only the land is appraised herein, with the valuation based on the Sales Comparison Approach.

The following page includes a summary of the sales and listings utilized in the Sales Comparison Approach to value:

COMPARABLE LAND SALES CHART

Sale No.	A.P.N. Location	Sale Date Sale Price	Zoning Topography Comments	Land Area	Sale Price/SF
LS-1	009-239-01 420 Clear Creek Avenue Carson City, NV	01-31-12 \$40,000	SF1A Basically Level	1.85± Ac 80,586± SF	\$0.50
LS-2	010-094-02 4360 Northview Drive Carson City, NV	04-15-13 \$75,000	SF1A Basically Level	0.90± Ac 39,204± SF	\$1.91
LS-3	010-202-07 4868 Conte Drive Carson City, NV	07-26-2013 \$107,250	SF1A Gently Sloping Good Valley/Mtn. Views	1.15± Ac 50,094± SF	\$2.14
LS-4	009-131-04 N. Side of Koontz Lane at Center Drive Carson City, NV	11-18-13 \$65,000	SF1A Basically Level	1.02± Ac 44,431± SF	\$1.46
LS-5	1419-01-710-024 3669 Cherokee Drive Carson City, NV	03-31-14 \$65,000	SFR-1 Basically Level	1.08± Ac 47,045± SF	\$1.38
LL-6	010-192-10 4460 Conte Drive Carson City, NV	Current Listing \$105,800	SF1A Gently Sloping Good Valley/Mtn. Views	1.15± Ac 50,094± SF	Asking \$2.11
Subject	009-238-10 320 Clear Creek Avenue Carson City, NV	Date of Valuation 05/20/2014	SF1A Gently Sloping	1.14± Ac 49,500±SF	- - -

Conclusion of Land Value in the Before Situation:

A value of \$1.50 and \$1.75 per square foot was concluded for the 49,500± square foot subject site. As site improvements will not be impacted by the proposed acquisition, only the land is valued for purposes of this assignment.

The fee simple "Before Value" of the subject land is estimated as follows:

$$\$1.50/\text{s.f.} \times 49,500 \text{ s.f.} = \$74,250$$

$$\$1.75/\text{s.f.} \times 49,500 \text{ s.f.} = \$86,625$$

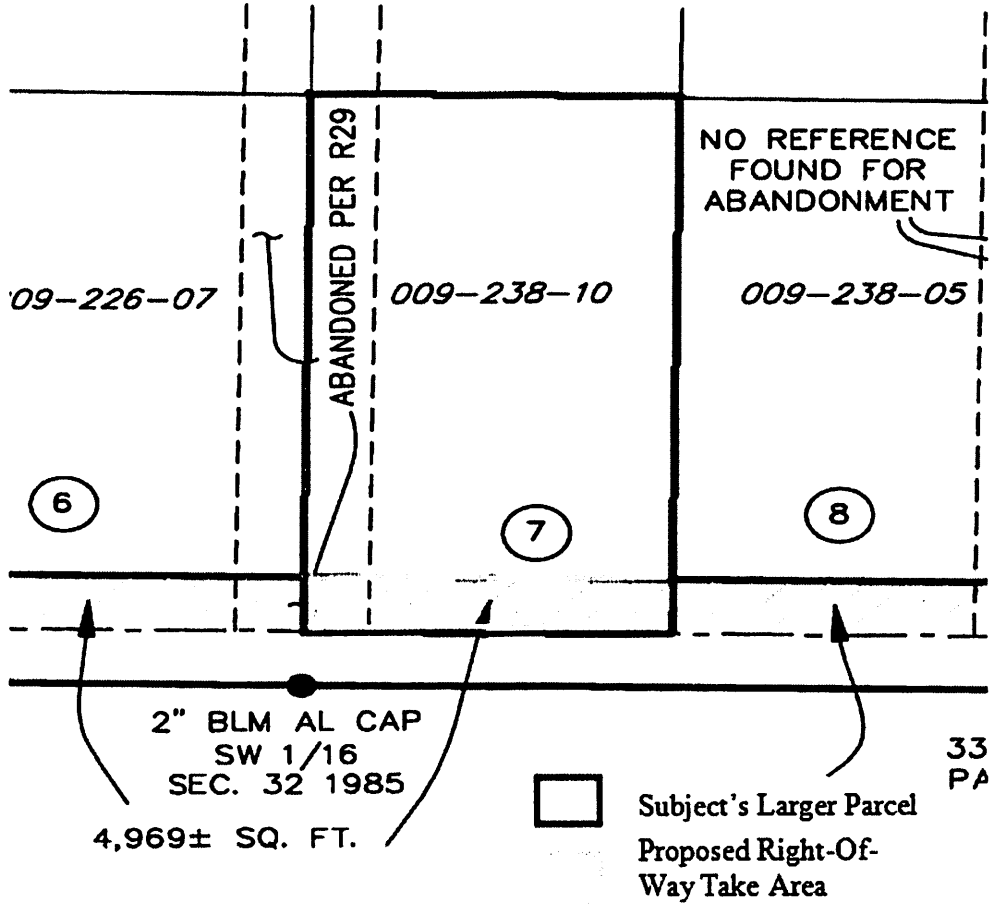
Estimated Subject Land Value: \$80,000 (RD)

Description of Acquisition Area:

The right-of-way area being acquired is planned to allow for street and other improvements along Clear Creek Avenue. It is our understanding that the proposed scope of work for which the subject's taking is needed includes widening the street, installing curb, sidewalk and storm pipe on the south side of Clear Creek Avenue, drainage swale on the north side of the Clear Creek Avenue, and installation of water and sewer line improvements. In total, the land area of the proposed taking includes 4,969± square feet. After the take (after condition) the subject property will have 44,531± square feet of land area (subject site before land area of 49,500 square feet less 4,969 square feet taking).

The area which will be taken from the subject property is located at the property's southerly boundary, north of the centerline of Clear Creek Avenue. The acquisition area is 30± feet in depth and extends from the center line of Clear Creek Avenue the length of the subject's frontage along this roadway, excluding the 30 foot of frontage that was part of the Oak Street abandonment. In total the right-of-way area includes 4,969± square feet. In this analysis it is assumed that the subject property is vacant with no subject improvements impacted by the right-of-way taking. However, as the right-of-way extends northerly from the centerline of Clear Creek Avenue, approximately 1/2 of the paved roadway is currently located within the proposed right-of-way taking area on the subject property. Based on these appraisers' measurements, approximately 12 feet of paved roadway extends onto the subject property.

RIGHT-OF-WAY ACQUISITION MAP

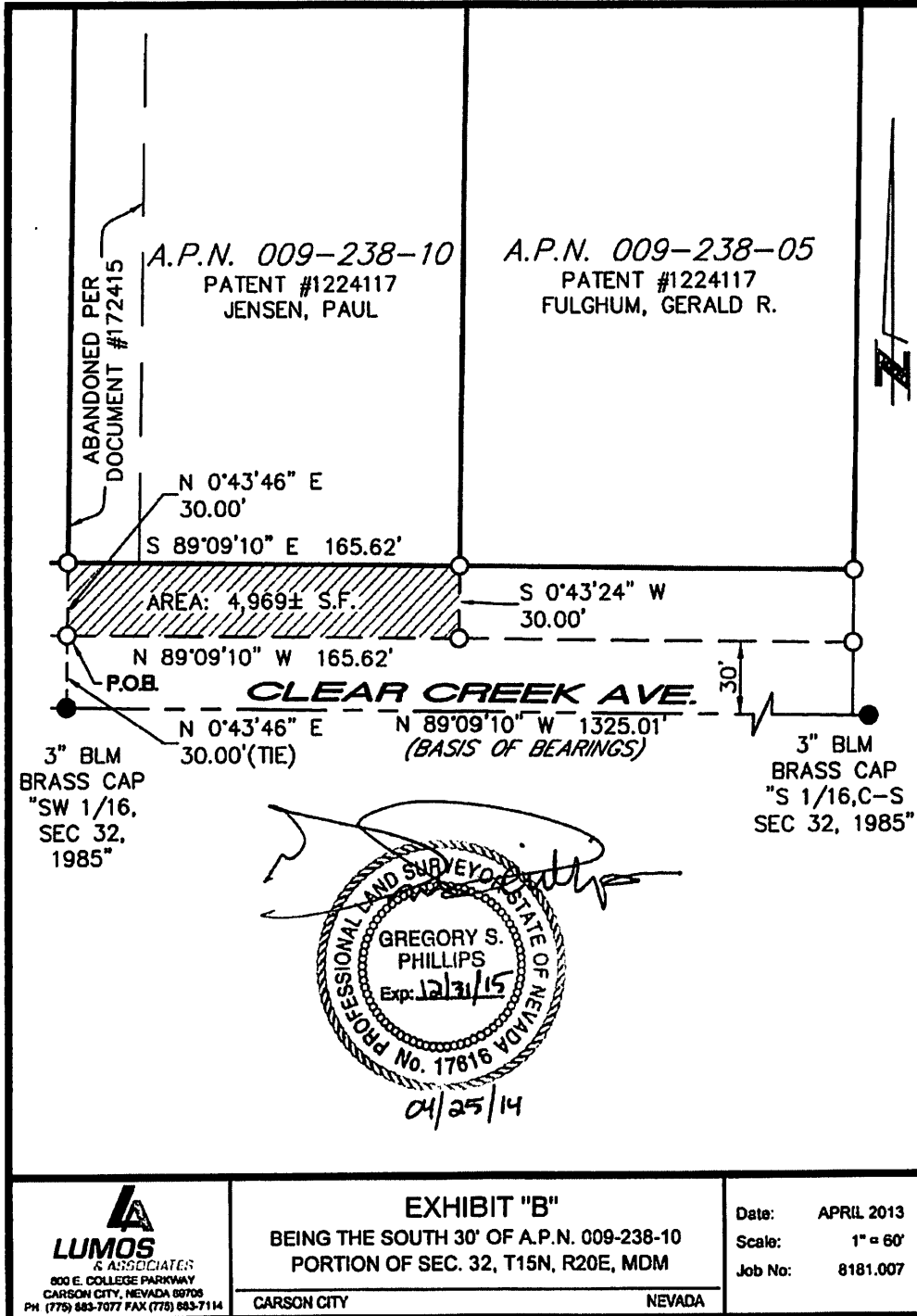


Total Land Area: 49,500± square feet
Right-of-Way Take: 4,969± square feet

The land area of the Right-of-Way take is based upon a *Right of Way Survey* prepared by Lumos & Associates of Carson City, Nevada. The *Survey* is dated April 8, 2013 and referenced as Job Number 8181-007. The stated Right-of-Way area as shown on this map is assumed to be correct and may be found on the following page.

JOHNSON-PERKINS & ASSOCIATES, INC.
 REAL ESTATE APPRAISERS & CONSULTANTS

**MAP OF PROPOSED RIGHT-OF-WAY TAKE AREA
 (PREPARED BY LUMOS AND ASSOCIATES)**



Conclusion of Just Compensation

**REAL PROPERTY JUST COMPENSATION SUMMARY
AS A RESULT OF RIGHT-OF-WAY ACQUISITION
A.P.N. 009-238-10**

Effective Date of Value	May 20, 2014
Value of Larger Parcel	
Before Right-of-Way Taking	\$80,000
Value of the Right-of-Way Taking	<u>\$3,944</u>
Value of the Remainder, Before Acquisition	\$76,056
Less Damages	<u>None</u>
Market Value Remainder, After Right-of-Way Acquisition	\$76,056

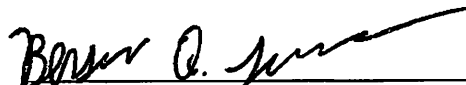
Real Property Compensation Conclusion

Total Value, Right-of-Way Acquisition	
Value of Right-of-Way Taking	\$3,944
Damages	None
Special Benefits	<u>None</u>
Real Property Compensation	\$3,944

RECOMMENDED REAL PROPERTY COMPENSATION (RD) \$3,950
(Due Owner As Result Of Right-of-Way Acquisition)

CONSTRUCTION CONTRACT WORK

It is our understanding that any existing utilities and/or site improvements impacted on the subject remainder will be restored to a reasonably similar condition by the City's contractor at no cost to the property owner.



Benjamin Q. Johnson, MAI
Nevada Certified General Appraiser
License Number A.0205542-CG



Chad J. Gerken
Nevada Certified General Appraiser
License Number A.0206016-CG