



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** June 16, 2016

**Staff Contact:** Vern Krahn and Stephanie Hicks

**Agenda Title:** For possible action to approve and authorize the Mayor to sign an Easement Amendment by and between Dynamic Diversified Development, Thomas Family Intervivos Trust, and Ryan and Sara Barney (Grantor) and Carson City (Grantee), whereby the amendment will decrease the width of the overall permanent regional trail easement from 30 feet to 15 feet on APN 010-191-23, 010-191-24, 0110-191-25, and 010-191-26, totalling 10,946 square feet. (Vern Krahn; VKrahn@carson.org and Stephanie Hicks; SHicks@carson.org)

**Staff Summary:** The City entered into an agreement with Alpha Homes Homes, LLC., in July 2008, for an easement option for the purpose of providing a non-exclusive permanent easement and right of way for the construction and maintenance of a regional equestrian and pedestrian trail system. It was brought to the City's attention in May 2016 that the current owners are having difficulty selling the parcels due to the existing easement option. Staff has been working with the property owners to explore options that will ensure public regional trail access remains, while reducing potential impacts to the adjacent property owners. The proposed easement amendment provides mutual benefits to both the public as well as the property owners.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 10 minutes

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## **Proposed Motion**

I move to approve and authorize the Mayor to sign an Easement Amendment by and between Dynamic Diversified Development, Thomas Family Intervivos Trust, and Ryan and Sara Barney (Grantor) and Carson City (Grantee), whereby the amendment will decrease the width of the overall permanent regional trail easement from 30 feet to 15 feet on APN 010-191-23, 010-191-24, 0110-191-25, and 010-191-26, totalling 10,946 square feet.

## **Board's Strategic Goal**

Quality of Life

## **Previous Action**

July 17, 2008. Approval of a Grant Easement for Public Trail between Alpha Homes, LLC., and Carson City, containing 21,908 square feet from APN 10-191-21. Motion approved 5-0.

## **Background/Issues & Analysis**

The City entered into an agreement with Alpha Homes Homes, LLC., in July 2008, regarding an easement option for the purpose of providing a non-exclusive permanent easement and right of way for the construction and maintenance of a regional non-motorized trail system to accommodate equestrian and pedestrian uses on APN 010-191-21. The 30 foot wide easement option was for a 20 year period in order to allow time for the City to ensure regional trail connectivity in this area and obtain the necessary trail easements in the vicinity. In 2008, a parcel map was approved which divided the property into four parcels, APN 010-191-23, 010-191-24, 0110-191-25, and 010-191-26.

In 2009, the property was transferred in lieu of foreclosure to the Thomas Family Intervivos Trust, who held the deed in trust. Since this time, the Thomas Family Intervivos Trust has sold several of the parcels for development.

It was brought to the City's attention in May 2016 that the current owners are having difficulty developing and selling the parcels due to the easement encumbrances. Therefore, staff has been working with the property owners to explore other options that will be mutually beneficial to the public and the property owners. The Unified Pathways Master Plan designates an off-street/paved/multi-use path in this area which originally necessitated the 30 foot wide easement. It is proposed that this path will provide for a regional non-motorized trail corridor to accommodate equestrian access from the residential area west of the freeway to Prison Hill Recreational Area, as well as pedestrian use. Reducing the easement width to a 15 foot wide easement will still ensure that regional trail connectivity remains for the public to use and enjoy.

**Applicable Statute, Code, Policy, Rule or Regulation**

Carson City Unified Pathways Master Plan 11.2.7 Private Property Owners - A number of segments of the trails are, or are proposed to be, on or adjacent to private property. The map is for long-range planning purposes. The trail alignments shown do not imply existing legal access rights or exact final locations. It will be important for the City to work closely with property owners in exploring opportunities for trail access and alignments that will be beneficial to the public and the property owner. Property owners will likely have concerns about land value, liability, security, maintenance, respect for property rights, and conflicts between public and private uses. Direct communication and a willingness to see concerns from both sides of the table will go far to reach successful, amicable conclusions.

**Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact:

**Alternatives**

Do not approve and authorize the Mayor to sign an Easement Amendment by and between Dynamic Diversified Development, Thomas Family Intervivos Trust, and Ryan and Sara Barney (Grantor) and Carson City (Grantee).

Refer to staff for further review and consideration.

**Board Action Taken:**

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

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

APN 10-191-21

RECORDED AT THE  
REQUEST OF  
CARSON CITY CLERK TO  
THE BOARD  
2000 JUL 21 PM 4:19  
381256  
FILE NO. ~~381256~~  
ALAN GLEVER  
CARSON CITY RECORDER  
FEE \$ *100* OFF *2*

**TITLE OF DOCUMENT:** Grant of Easement Option for Public Trail  
between Alpha Homes, LLC and Carson City

1) WHEN RECORDED MAIL TO:

Alpha Homes, LLC

2989 Hwy 50 East

Carson City, NV 89701

2) C.C. Engineering  
Eva.

3) Portus

381256

**GRANT OF EASEMENT OPTION FOR PUBLIC TRAIL**

**THIS GRANT OF EASEMENT OPTION by and between ALPHA HOMES, LLC., (Grantors), and the CITY OF CARSON CITY, a political subdivision of the State of Nevada, (Grantee),:**

**WITNESSETH:**

**For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt is hereby acknowledged, Grantors hereby grant to Grantee AN EASEMENT OPTION to create a non-exclusive permanent easement and right-of-way for the construction and maintenance of a regional equestrian and pedestrian trail system. Together with the perpetual right to enter upon said land to construct, reconstruct, maintain and repair said trail.**

**This said OPTION shall be for TWENTY YEARS (20) for the Grantee to perfect the regional trail in this area and obtain the necessary equivalent easements on adjacent property to the North and South of this said easement in the City of Carson City.**

**The City of Carson City shall have 20 years from the Date first mentioned above, to exercise their OPTION and declare this option a permanent easement. The City of Carson City, must notify the then owners of each parcel in writing 120 days before enacting and taking possession of the easement. If the City of Carson City does not exercise their option on or before the expiration date in Twenty (20) years then the Option, Easement, and Easement Option shall become null and void and all Rights and Interest hereby given to the City of Carson City shall revert to the then property owner which shall then be entitled to the full rights, title and enjoyment of the easement property in the same manner as fee simple as first granted on their entire parcel.**

**Until such time as the City of Carson City, first notifies each parcel owner of their intent to exercise their option, each parcel owner shall have the use and full enjoyment of the easement property, including, but not limited to fencing and landscaping, but shall be prohibited from building any permanent structures on the easement property.**

**Upon exercise of the Easement Option, the City of Carson City shall be responsible for the construction and maintenance of the regional trail, including, but not limited to, new fencing separating the new trail from the balance of the homeowners parcel. (Each Lot owner shall be provided a gated access to the trail system, if desired at the initial construction time.) The City of Carson City will maintain such insurance as necessary, and other remedies afforded like easements within the City, to hold the then owners of each parcel harmless and**

void of recourse by any person or persons using the regional trail for any manner.

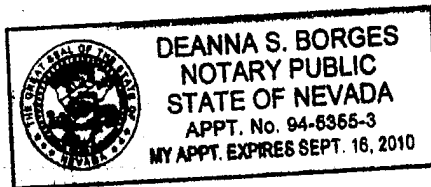
This Easement Option hereby granted is situate in the NW ¼ of the NW ¼ of Section 33, Township 15 North, Range 20 East, M.D.B. & M., City of Carson City, State of Nevada, more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A" AND SHOWN ON THE MAP ATTACHED HERETO AS EXHIBIT "B".

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year of Board of Supervisors Approval below.

ALPHA HOMES, LLC:

  
Patricia Hon, Managing Member



STATE OF Nevada  
COUNTY OF Carson

This instrument was acknowledged before me on this 2nd day of July, 2008 by Patricia Hon.

  
Deanna S. Borges  
Notary Public

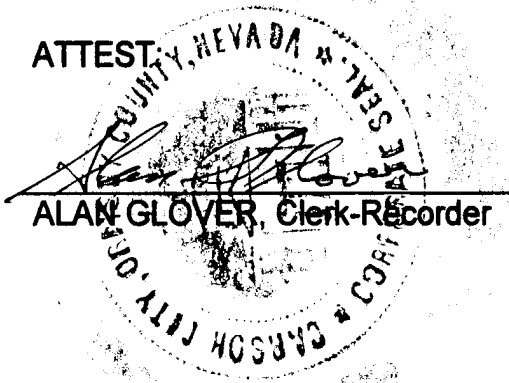
BOARD OF SUPERVISORS APPROVAL

This grant of easement option is approved and accepted by the Carson City

Board of Supervisors on this 17th day of July, 2008.

  
MARV TEIXEIRA, Mayor

ATTEST:  
  
ALAN GLOVER, Clerk-Recorder

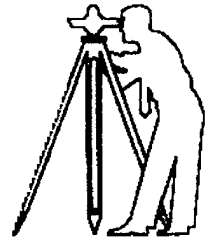


381256



# HADDAN ENGINEERING, INC.

**CIVIL ENGINEERING, SURVEYING & CONSULTING**



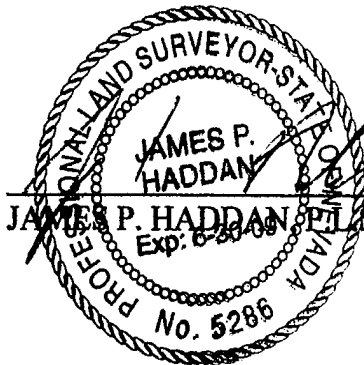
**"A"**  
**EXHIBIT "A"**

**LEGAL DESCRIPTION FOR 30-FOOT GRANT OF EASEMENT OPTION, BEING A PORTION OF APN 10-191-21, FOR ALPHA HOMES, LLC, BEING A PORTION OF THE NW¼ NW¼ SECTION 33, T.15N., R.20E., M.D.B.& M., CARSON CITY, NEVADA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE NORTHWEST CORNER OF SECTION 33, T.15N., R.20E., M.D.B.& M.; THENCE S. 53° 04' 56" E., 1097.61 FEET; THENCE S. 89° 59' 46" E., 370.00 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE ON A CURVE TO THE RIGHT WITH RADIUS OF 2325.00 FEET, CENTRAL ANGLE OF 17° 58' 11" AND ARC LENGTH OF 729.19 FEET (CHORD BEARS S. 24° 38' 20" W.); THENCE N. 89° 56' 36" W., 36.11 FEET; THENCE ON A CURVE TO THE LEFT WITH RADIUS OF 2295.00 FEET, CENTRAL ANGLE OF 18° 15' 29" AND ARC LENGTH OF 731.34 FEET (CHORD BEARS N. 24° 59' 35" E.); THENCE S. 89° 59' 46" E., 31.17 FEET TO THE **TRUE POINT OF BEGINNING**, AS SHOWN ON THE ATTACHED MAP EXHIBIT "B," WHICH IS MADE A PART HEREOF.

CONTAINING 21,908 SQUARE FEET MORE OR LESS.

BASIS OF BEARINGS: THE NORTH LINE OF THE NW¼ SECTION 33, T.15N., R.20E., M.D.B.& M., PER A PARCEL MAP FILED AS PLAT NO. 1593, CARSON CITY RECORDS.

  
JAMES P. HADDAN, P.L.S. 5286      6/29/08  
DATE

**381256**

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	729.19	2325.00	17°58'11"	367.61
C2	33.53	25.00	76°51'20"	19.83
C3	69.84	300.00	13°20'21"	35.08
C4	81.49	350.00	13°20'21"	40.93
C5	731.34	2295.00	16°15'29"	368.79

LINE TABLE		
LINE	LENGTH	BEARING
L1	137.93	N 89°56'36" V
L2	25.00	N 00°08'18" V
L3	72.67	N 89°56'36" V
L4	92.53	N 00°08'18" V
L5	92.66	S 00°08'18" E
L6	50.00	S 89°59'46" E
L7	67.62	S 00°08'18" E

FOUND BRASS CAP RLS 2096 SECTION CORNER ON PREVIOUS SURVEY

FOUND BLM BRASS CAP 1/4 CORNER

N 89°51'42" E 212.70'  
 S 53°04'56" E 1097.61' TIE

N 89°57'04" E 2652.98'  
 BASIS OF BEARINGS  
 S 89°59'46" E 370.00'  
 N 89°59'46" W 288.83'

APN 10-191-21  
 3.62 ACRES

APN 10-191-20  
 ALPHA HOMES LLC

SHADING INDICATES 30-FOOT GRANT OF EASEMENT OPTION BEING THE SUBJECT OF THIS EXHIBIT (21,908 SQ. FT.)

NORTH

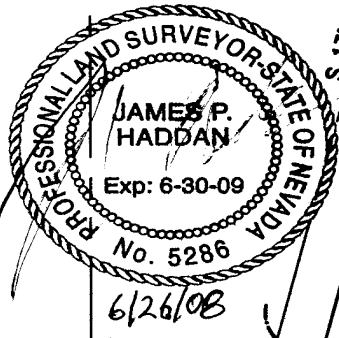
1" = 100 FT.

APN 10-191-15  
 NDOT

SHADING INDICATES 30-FOOT GRANT OF EASEMENT OPTION BEING THE SUBJECT OF THIS EXHIBIT (21,908 SQ. FT.)

FOUND 5/8" REBAR AND CAP NO. 5286 1/16TH CORNER

APN 10-191-06  
 MEEK, MICHAEL EDWARD ET. AL.



N 89°56'36" W 384.91'

N 89°56'36" W 140.43'

**BASIS OF BEARINGS:**

THE NORTH LINE OF THE NW 1/4 SECTION 33 PER A PARCEL MAP FILED AS PLAT No. 1593. CARSON CITY RECORDS.

**REFERENCE DOCUMENTS:**

1. A PARCEL MAP FILED AS PLAT No. 540. CARSON CITY RECORDS.
2. A PARCEL MAP FILED AS PLAT No. 631. CARSON CITY RECORDS.
3. A PARCEL MAP FILED AS PLAT No. 1346. CARSON CITY RECORDS.
4. A PARCEL MAP FILED AS PLAT No. 1593. CARSON CITY RECORDS.
5. A BOUNDARY LINE ADJUSTMENT MAP RECORDED AS PLAT No. 2680 CARSON CITY RECORDS.
6. ROADWAY DEDICATIONS RECORDED AS DOCUMENT NOS. 379417 AND 379418 CARSON CITY RECORDS.

**MAP EXHIBIT "B"**

6-25-08

MAP TO SUPPORT LEGAL DESCRIPTION FOR 30-FOOT GRANT OF EASEMENT OPTION BEING A PORTION OF APN 10-191-21.

CARSON CITY NEVADA FOR  
**ALPHA HOMES LLC**

BEING A PORTION OF THE NW 1/4 NW 1/4 SECTION 33 T.16N.R.20E., M.D.B.&M.

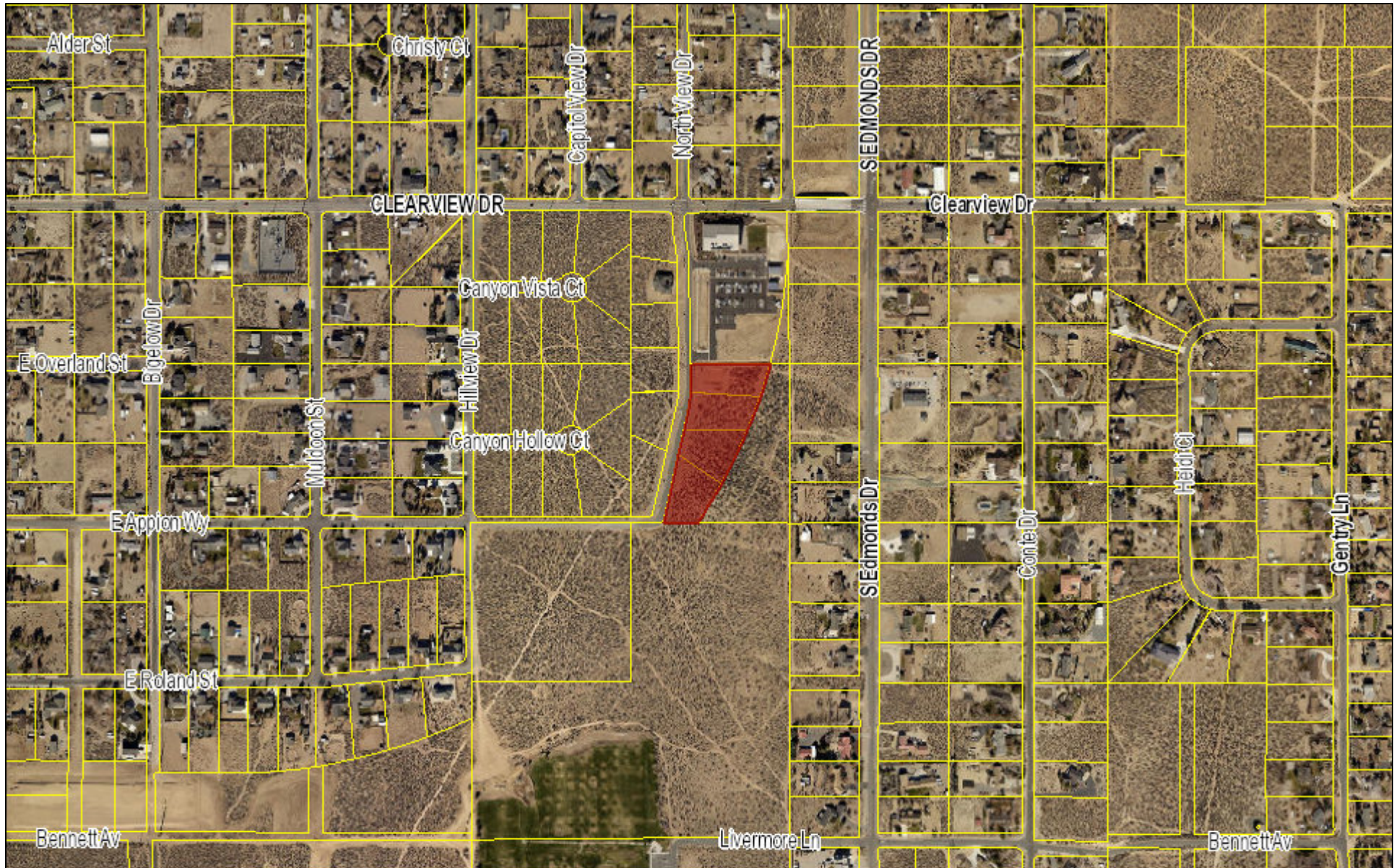


HADDAN ENGINEERING

P.O. BOX 2300  
 DAYTON, NEVADA 89403  
 (775)883-6595

6000 EQUINEWAY EAST

# Public Trail Easement Amendment Site Plan



June 1, 2016

CCLocations



Carson City Boundary



Carson City Fire Station

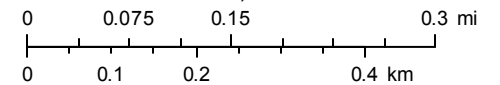
Street Centerline



Parcels (For Aerial Photos)

Parcel Numbers

1:8,929





APN: 010-191-23  
010-191-24  
010-191-25  
010-191-26

**EASEMENT AMENDMENT**  
**Grant of Easement Option for Public Trail**

THIS EASEMENT AMENDMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by and between DYNAMIC DIVERSIFIED DEVELOPMENT, THOMAS FAMILY INTERVIVOS TRUST, AND RYAN AND SARA BARNEY, hereinafter referred to as GRANTOR, and CARSON CITY NEVADA, a consolidated municipality, hereinafter referred to as GRANTEE.

**WITNESSETH:**

WHEREAS, ALPHA HOMES, LLC., granted an Easement Option to the CITY OF CARSON CITY, a political subdivision of the State of Nevada, on July 2, 2008, and recorded as Document No. 381256, on July 21, 2008, in the official records of Carson City, Nevada for the purpose of providing a non-exclusive permanent easement and right-of-way for the construction and maintenance of a regional equestrian and pedestrian trail system, under and across a portion of that certain property in the NW ¼ of the NW ¼ of Section 33, Township 15 North, Range 20 East, M.D.B. & M., and

WHEREAS, it has been determined that a 15 foot wide easement would be sufficient for the path in this area.

NOW THEREFORE, the Easement is hereby amended as follows:

FOR AND IN CONSIDERATION of this Amendment, CARSON CITY NEVADA hereby agrees to decrease the width of the overall permanent trail easement from 30 feet to 15 feet as described in the legal description attached hereto as Exhibit "A" and shown on the map attached hereto as Exhibit "B".

All other terms and conditions of the Grant of Easement Option for Public Trail remain in full force and effect, with no other changes, modifications, or amendments thereto.

IN WITNESS WHEREOF, the parties hereto have executed this Easement Amendment as of the day and year first above written.

**GRANTOR:**

**Dynamic Diversified Development  
APN 010-191-23**

By \_\_\_\_\_  
Eugene Lepire, Jr., President

**Thomas Family Intervivos Trust  
APN 010-191-24 & 010-191-25**

By \_\_\_\_\_  
Henry Thomas, Co-Trustee

By \_\_\_\_\_  
Susan Thomas, Co-Trustee

**Ryan & Sara Barney  
APN 010-191-26**

By \_\_\_\_\_  
Ryan Barney

By \_\_\_\_\_  
Sara Barney

**GRANTEE:**

**CARSON CITY NEVADA  
A Consolidated Municipality**

**APPROVED:**

By \_\_\_\_\_  
ROBERT CROWELL  
Mayor

**ATTEST:**

By \_\_\_\_\_  
City Clerk

**REVIEWED AND RECOMMENDED:**

By \_\_\_\_\_  
Daniel Rotter, P.E.  
City Engineer

Date \_\_\_\_\_

**APPROVED for Legality and Form:**

By \_\_\_\_\_  
Carson City District Attorney

Date \_\_\_\_\_

## EXHIBIT "A"

JN 8181.009

All that certain real property situate within a portion of the Northwest One-Quarter (NW 1/4) of the Northwest One-Quarter (NW 1/4) of Section 33, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

The easterly 15.00 feet of Parcels 7, 8, 9, and 10, as shown and delineated on that certain Parcel Map for Alpha Homes, LLC, recorded on July 24th of 2008, in Book 10 at Page 2694 as File No. 381340, lying 15.00 feet westerly of and perpendicular to the future I-580 westerly right of way line as described in that certain Deed recorded on November 6, 1992 as Document No. 136452, both Official Records of Carson City, State of Nevada, being further described as follows:

**BEGINNING** at the northeast corner of said Parcel 7, said point also lying on the said future I-580 westerly right of way line, said point also lying in a curve concave to the northwest, having a radius of 2325.00 feet, the radius point of said curve bears North 73°35'20" West;

**THENCE** southwesterly along the easterly lines of said Parcels 7, 8, 9, and 10 and said future I-580 westerly right of way line, along said curve 729.17 feet through a central angle of 17°58'09" to the southeast corner of said Parcel 10;

**THENCE** leaving said curve and along the southerly line of said Parcel 10, North 89°12'30" West, 18.03 feet to the beginning of a non-tangent curve concave to the northwest, having a radius of 2310.00 feet, the radius point of said curve bears North 55°22'20" West;

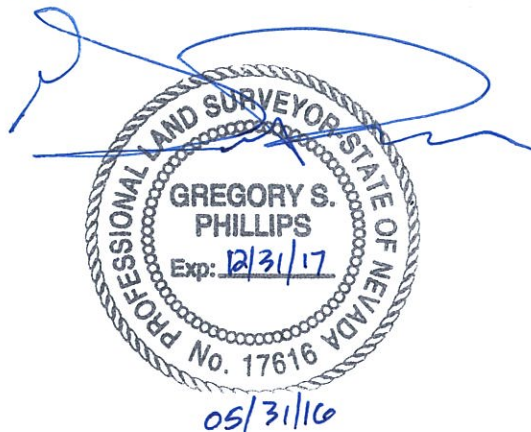
**THENCE** northeasterly along said curve that is 15.00 westerly of and perpendicular to the easterly line of said Parcels 7, 8, 9, and 10 and said future I-580 westerly right of way line, along said curve 730.24 feet through a central angle of 18°06'44" to a point on the northerly line of said Parcel 7;

**THENCE** along said northerly line, South 89°14'45" East, 15.58 feet to the **POINT OF BEGINNING**, and the end of this description.

Contains 10,946 square feet, more or less.

The Basis of Bearings for this description is based on the Nevada Coordinate System of 1983, West Zone, NAD 83/94.

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





CC CHRISTIAN FELLOWSHIP

N 73°35'20" W (RAD.)

S 89°14'45" E 15.58'

P.O.B.

**PARCEL 7**  
PM 2694  
A.P.N.  
010-191-26

15'

**PARCEL 8**  
PM 2694  
A.P.N.  
010-191-25

10,946±  
SQ. FT.

**NORTHVIEW DRIVE**

**PARCEL 9**  
PM 2694  
A.P.N.  
010-191-24

N.D.O.T.  
US 1-580  
RIGHT-OF-WAY  
DOC. No. 136452

A.P.N.  
010-191-16

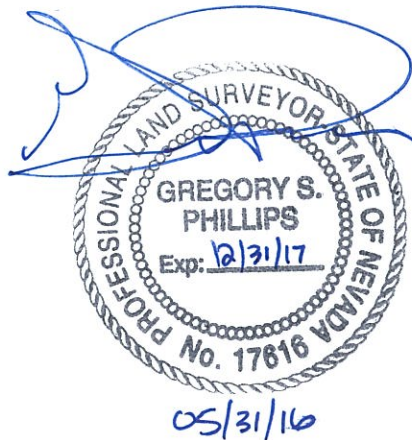
**PARCEL 10**  
PM 2694  
A.P.N.  
010-191-23

L=730.24'  
L=729.17'  
R=2310.00'  
R=2325.00'  
D=18°06'44"  
D=17°58'09"

N 55°22'20" W (RAD.)

N 89°12'30" W 18.03'

PARKS DEPT.  
CARSON CITY



**LUMOS**  
& ASSOCIATES  
800 E. COLLEGE PARKWAY  
CARSON CITY, NEVADA 89706  
PH. (775) 883-7077 FAX (775) 883-7114

**EXHIBIT "B"**

A PORTION OF PARCELS 7, 8, 9, & 10 OF PM 2694  
A.P.N.'S 10-191-23, 24, 25, & 26  
POR. NW 1/4 NW 1/4 SEC. 33, T15N, R20E, MDM  
CARSON CITY NEVADA

Date: MAY 2016  
Scale: 1" = 100'  
Job No: 8181.009