



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: February 15, 2018

Staff Contact: Darren Schulz, Public Works Director

Agenda Title: For Possible Action: To approve and authorize the Mayor to sign a Temporary Easement Deed by the City (Grantor) to Sierra Nevada Association of Realtors, Inc. (Grantee), for construction of drainage improvements on property owned by the City (APN 003-114-06), as it will be in the best interest of Carson City and realign flood control facilities pursuant to NRS 244.281 and NRS 244.276. (Stephanie Hicks, SHicks@carson.org)

Staff Summary: During the severe winter storm events of January and February 2017, the stormwater infrastructure along South Nevada Street reached its capacity. As a result, the rainfall collected on site at 301 S. Nevada Street in the parking lot for the Sierra Nevada Association of Realtors could not enter the storm drain system and flooded the parking lot as well as backed up into their building. Sierra Nevada Association of Realtors is requesting an 892.5 square foot drainage easement in order to construct a valley gutter which will allow future runoff from their site to drain overland onto South Curry Street to enter the storm drain system.

Agenda Action: Formal Action/Motion

Time Requested: 10 minutes

Proposed Motion

Move to approve and authorize the Mayor to sign a Temporary Easement Deed by the City (Grantor) to Sierra Nevada Association of Realtors, Inc. (Grantee), for construction of drainage improvements on property owned by the City (APN 003-114-06), as it will be in the best interest of Carson City and realign flood control facilities pursuant to NRS 244.281 and NRS 244.276.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

None

Background/Issues & Analysis

During the severe winter storms in January and February 2017, the stormwater infrastructure along South Nevada Street reached its capacity. As a result, the rainfall collected on site at 301 S. Nevada Street in the parking lot for the Sierra Nevada Association of Realtors could not enter the storm drain system and flooded the parking lot as well as backed up into their building. Sierra Nevada Association of Realtors is requesting an 892.5 square foot drainage easement in order to construct a valley gutter which will allow runoff from their site to drain overland onto South Curry Street to enter the storm drain system.

Because this area is too small to establish an economically viable use by anyone other than the adjacent property owner, NRS 244.281(e)(1)(II) allows for the sale or lease of certain property without an appraisal, notice and public offering when the City has determined it will be in the best interest of Carson City. Further, NRS 244.276 allows for the sale or lease of property without an appraisal, notice and public offering when

deemed necessary or proper to establish, align, realign, change, vacate or otherwise adjust a street, alley, avenue or other thoroughfare, or portion thereof, or a flood control facility within its limits.

The request for an easement made by the adjacent property owner, Sierra Nevada Association of Realtors, is for use of approximately 892.5 square feet of City property located at 202 S. Curry Street (APN 003-114-06). This property is currently developed as a public parking lot. The easement would be located on the southeast corner of the property and the valley gutter would be constructed over a portion of the existing lawn. The owner is requesting this location for the valley gutter as any location closer to the existing building would require removal of several mature trees.

Staff has reviewed the proposal and does find that the easement is in the best interest of the City as it provides for an alternate route for stormwater runoff at no additional cost to the City, ultimately providing protection to this business and the City parking lot. In order to protect the City's interest and any future uses of the property, staff has proposed the easement be temporary for a term of 20 years with the option to renew with re-authorization. Additionally, the City may terminate the lease at any time if it is in the best interest of the City with a minimum written notice of not less than one year. Upon expiration or termination, the Grantee will be required to relocate any storm water drainage facility and associated improvements and return the real property to its original state, as best as reasonably possible.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.281 (e)(1)(II); NRS 244.276

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 a Temporary Easement Deed by the City (Grantor) to Sierra Nevada Association of Realtors, Inc. (Grantee), for construction of drainage improvements on property owned by the City (APN 003-114-06).

Approve the Easement Deed with modifications.

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

APN 003-114-06

AFTER RECORDING RETURN TO:
STEPHANIE HICKS, REAL PROPERTY MANAGER
CARSON CITY PUBLIC WORKS
3505 BUTTI WAY
CARSON CITY, NEVADA 89701

TEMPORARY EASEMENT DEED

THIS TEMPORARY EASEMENT DEED is made this ____ day of _____, 2018, between CARSON CITY, NEVADA, a CONSOLIDATED MUNICIPALITY and POLITICAL SUBDIVISION OF THE STATE OF NEVADA, hereinafter called GRANTOR, and Sierra Nevada Association of Realtors, as the interest appears of record, hereinafter called GRANTEE.

WITNESSETH:

We, the GRANTOR, under affirmation of full legal authority to do so, hereby grant to the GRANTEE, for those purposes as contained in Chapter 271 of the Nevada Revised Statutes, a temporary easement for the purpose of allowing GRANTEE to install and maintain storm water drainage and associated improvements upon, under, over and across certain real property owned by the GRANTOR. The location of this temporary easement is shown and more fully described in Exhibit "A", attached hereto and made a part hereof.

The above-described temporary rights expire 20 years from the effective date of this TEMPORARY EASEMENT DEED, with an option to renew by GRANTEE for a new term, the duration of which will be determined upon mutual agreement of GRANTOR and GRANTEE. GRANTEE may exercise its option to renew if it provides written notice not less than 60 days before the expiration of the initial term of this TEMPORARY EASEMENT DEED, addressed to the Carson City Real Property Manager at the Carson City Department of Public Works, 35050 Butti Way, Carson City, Nevada 89701. Notwithstanding any other provision of this instrument, the GRANTOR may at any time terminate this TEMPORARY EASEMENT DEED if it is deemed at the sole discretion of GRANTOR to be in the best interest of Carson City to do so, and require the GRANTEE to relocate any storm water drainage facility and associated improvements, so long as the GRANTOR provides written notice of not less than one (1) year before such early termination of this instrument during which time any facility and associated improvements must be removed. For the purposes of removal of any drainage facility and associated improvements, whether by expiration or early termination of this instrument, GRANTEE hereby expressly agrees to return the real property which is the subject of this temporary easement to its original state, as best as reasonably practicable.

TO HAVE AND TO HOLD all and singular the said real property, together with the appurtenances, unto the said GRANTEE and to any heirs, successors and assigns for the term of this temporary easement deed.

IN WITNESS WHEREOF said GRANTOR has hereunto signed on the day and year first above written.

**EXHIBIT A
LEGAL DESCRIPTION
DRAINAGE EASEMENT**

A portion of Third Street as shown on the Sears Thompson & Sears Subdivision of Carson City, recorded April 25, 1963, under File No. 60864 and Map No. 186, Official Records of Carson City, State of Nevada, situate within a portion of the NW1/4 of the SW1/4 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 Block 27 of said Sears Thompson & Sears Subdivision;

THENCE along the north line of said Block 27, West, 85.00 feet to the center of the abandoned alley of Block 27;

THENCE North along the projected centerline of said alley of Block 27 10.50 feet;

THENCE East, 85.00 feet to the projected east line of said Block 27;

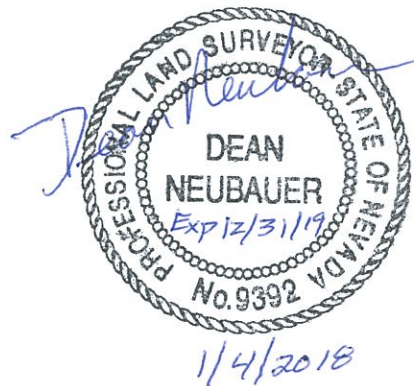
THENCE along said projected east line of Block 27, South, 10.50 feet to the **POINT OF BEGINNING**, and the end of this description.

Containing 892.5 square feet, more or less.

The **BASIS OF BEARING** for this description is based on Sears Thompson & Sears Subdivision of Carson City, recorded April 25, 1963, under File No. 60864 and Map No. 186, Official Records of Carson City, State of Nevada.

Prepared by:

Lumos & Associates
Dean Neubauer, P.L.S. 9392
800 E. College Parkway
Carson City, NV 89706





THIRD STREET

A.P.N. 003-114-06
CARSON CITY REDEVELOP AUTHORITY

N 0°00'00" E 10.50'

N 90°00'00" E 85.00'

892.5 +/- SQ.FT.

N 90°00'00" W 85.00'

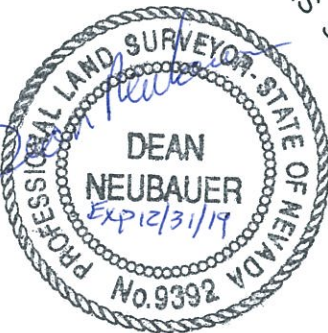
POB

S 0°00'00" E 10.50'

CURRY STREET

BLOCK 27

A.P.N. 003-114-01
SIERRA NV ASSOC
OF REALTORS INC
SEARS THOMPSON & SEARS SUBDIVISION



1/4/2018



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

EXHIBIT "B"

DRAINAGE EASEMENT
FOR 300 S. CURRY STREET
PORTION OF SEC. 17, T15N, R20E, MDM

CARSON CITY

NEVADA

Date: JAN. 2018
Scale: 1" = 20'
Job No: 9215.000

Location Map – 202 S. Curry Street (APN 003-114-06)

