



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: March 15, 2018

Staff Contact: Hope Sullivan, Planning Manager (hsullivan@carson.org)

Agenda Title: For Possible Action: To consider adoption of an Order of Abandonment of the Proctor Street Right-of-Way, approximately 11,220 square feet, more or less, located between North Nevada Street and North Curry Street, adjacent to properties located at 234 North Curry Street and 308 North Curry Street, adjacent to Assessor's Parcel Numbers 003-212-01 and 003-228-01. (Reference AB-18-008) (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The subject right-of-way, known as Proctor Street, was created by the Proctor and Green Subdivision Map recorded as File number 61483 in Ormsby County on May 15, 1963. Carson City is the owner of this right-of-way. The right-of-way is not currently utilized as a roadway. It is used for parking for the surrounding properties. If the right-of-way is abandoned, the land will become owned by the adjacent private property owners.

Agenda Action: Formal Action/Motion

Time Requested: 20 minutes

Proposed Motion

I move to approve an Order of Abandonment of the Proctor Street Right-of-Way approximately 11,220 square feet, more or less, located between North Nevada Street and North Curry Street, adjacent to properties located at 234 North Curry Street and 308 North Curry Street, adjacent to Assessor's Parcel Numbers 003-212-01 and 003-228-01 based on the findings and subject to the conditions of approval contained in the staff report, and authorize the mayor to sign the Order of Abandonment.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

At its meeting of February 28, 2018, the Planning Commission recommended approval of AB-18-009 by a vote of 7-0.

Background/Issues & Analysis

Pursuant to NRS 278.480 and CCMC Title 17, the Board of Supervisors takes final action on right-of-way abandonments. Please see the attached staff report to the Planning Commission for further explanation.

Of note, during the Planning Commission meeting, the question of public parking was discussed. Adjacent property owner Steve Neighbors explained that he is in conversations with the City Manager relative to two hour customer parking. The Order of Abandonment does not include any provisions for public parking. It is anticipated that on-going conversations will continue, and any accommodation of public parking will be addressed in a separate instrument.

On January 18, 2018, the City's Real Property Manager sent an email to the adjacent property owner's representative advising that with the abandonment of right-of-way, the property would revert to his property, and would be subject to property taxes.

Attachments:

- 1) Order of Abandonment
- 2) Staff report to the Planning Commission
- 3) Application from Carson City Public Works

Applicable Statute, Code, Policy, Rule or Regulation

NRS 278.480 and CCMC Title 17.15

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

- 1) Deny the application
- 2) Refer back to staff and Planning Commission for further review.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

APN(s): 003-212-01 and 003-228-01

AN ORDER ABANDONING A PORTION OF PROCTOR STREET RIGHT-OF- WAY, BEING APPROXIMATELY 66 FEET WIDE BY 170 FEET LONG, APPROXIMATELY 11,220 SQUARE FEET, MORE OR LESS, LOCATED BETWEEN THE WESTERLY RIGHT-OF-WAY OF NORTH CURRY STREET AND THE EASTERLY RIGHT-OF-WAY OF NORTH NEVADA STREET, WITHIN A PORTION OF THE NORTHWEST 1/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.M., CARSON CITY, STATE OF NEVADA, ON PROPERTIES LOCATED ADJACENT TO 234 NORTH CURRY STREET AND 308 NORTH CURRY STREET, ASSESSOR'S PARCEL NUMBERS 003-212-01 AND 003-228-01, IN CARSON CITY, NEVADA.

WHEREAS, on January 18, 2018, Carson City Public Works duly filed a written application seeking vacation and abandonment of a portion of Proctor Street right-of-way between North Curry Street and North Nevada Street, being approximately 66 feet wide by 170 feet long, approximately 11,220 square feet, more or less, located between the westerly right-of-way of North Curry Street and the easterly right-of-way of North Nevada Street, within a portion of the northwest 1/4 section 17, Township 15 North, Range 20 East, M.D.M. Carson City, State of Nevada, adjacent to APN(s) 003-212-01 and 003-228-01, 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 February 28, 2018. At the public hearing 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 _____ 2018, 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 subject to the conditions of approval included in Exhibit "C" and 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" of written descriptions of the right-of-way abandonment, and maps are shown as the Exhibit(s) "A-1", and the attached utility statements are shown as Exhibit(s) "B".

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 utility facilities, which may presently exist within the areas affected by abandonment's, will be protected by easements. The abandonment may be subject to reserving easements for utility companies and/or Carson City, if requested.

ORDERED this ____ day of _____, 2018, by the Carson City Board of Supervisors.

ROBERT L. CROWELL, Mayor

ATTEST:

SUSAN MERRIWETHER, Clerk-Recorder

**EXHIBIT A-1
PROCTOR STREET ABANDONMENT
NORTH ONE-HALF**

A portion of Proctor Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion 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 southwest corner of Block 33 of said Proctor and Green Subdivision;

THENCE along the south line of said Block 33, East, 170.00 feet to the southeast corner of said Block 33;

THENCE along a line between the southeast corner of said Block 33 and the northeast corner of Block 16 of said Proctor and Green Subdivision, South, 33.00 feet to the centerline of said Proctor Street;

THENCE along said centerline, West, 170.00 feet to the intersection of a line between the northwest corner of said Block 16 and the southwest corner of said Block 33;

THENCE along said line, North, 33.00 feet to the **POINT OF BEGINNING**, and the end of this description.

Containing 5,610 square feet, more or less.

The **BASIS OF BEARING** for this description is based on Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada.

A blanket public utility easement is reserved for all portions of West Proctor Street being abandoned.

Prepared by:

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



12/14/17

**EXHIBIT B-1
PROCTOR STREET ABANDONMENT
NORTH RESULTANT PARCEL**

All that certain lot, piece, or parcel of land situated in Carson City, State of Nevada, and more particularly described as follows:

Lots 1 through 10, inclusive, in Block 33 of Proctor and Green's Division of Carson City, State of Nevada, including all that portion of the vacated ten (10) foot wide alley lying within Block 33 of Proctor and Green's Division.

TOGETHER WITH

A portion of Proctor Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion 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 southwest corner of Block 33 of said Proctor and Green Subdivision;

THENCE along the south line of said Block 33, East, 170.00 feet to the southeast corner of said Block 33;

THENCE along a line between the southeast corner of said Block 33 and the northeast corner of Block 16 of said Proctor and Green Subdivision, South, 33.00 feet to the centerline of said Proctor Street;

THENCE along said centerline, West, 170.00 feet to the intersection of a line between the northwest corner of said Block 16 and the southwest corner of said Block 33;

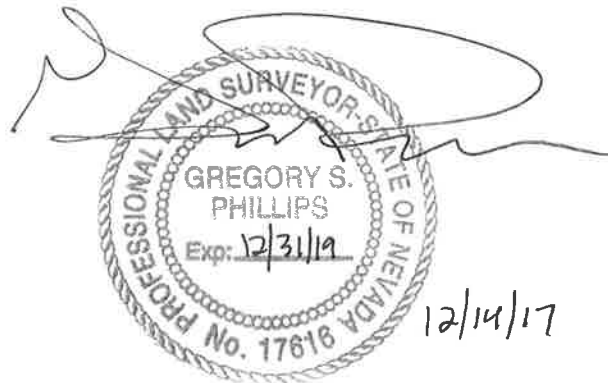
THENCE along said line, North, 33.00 feet to the **POINT OF BEGINNING**, and the end of this description

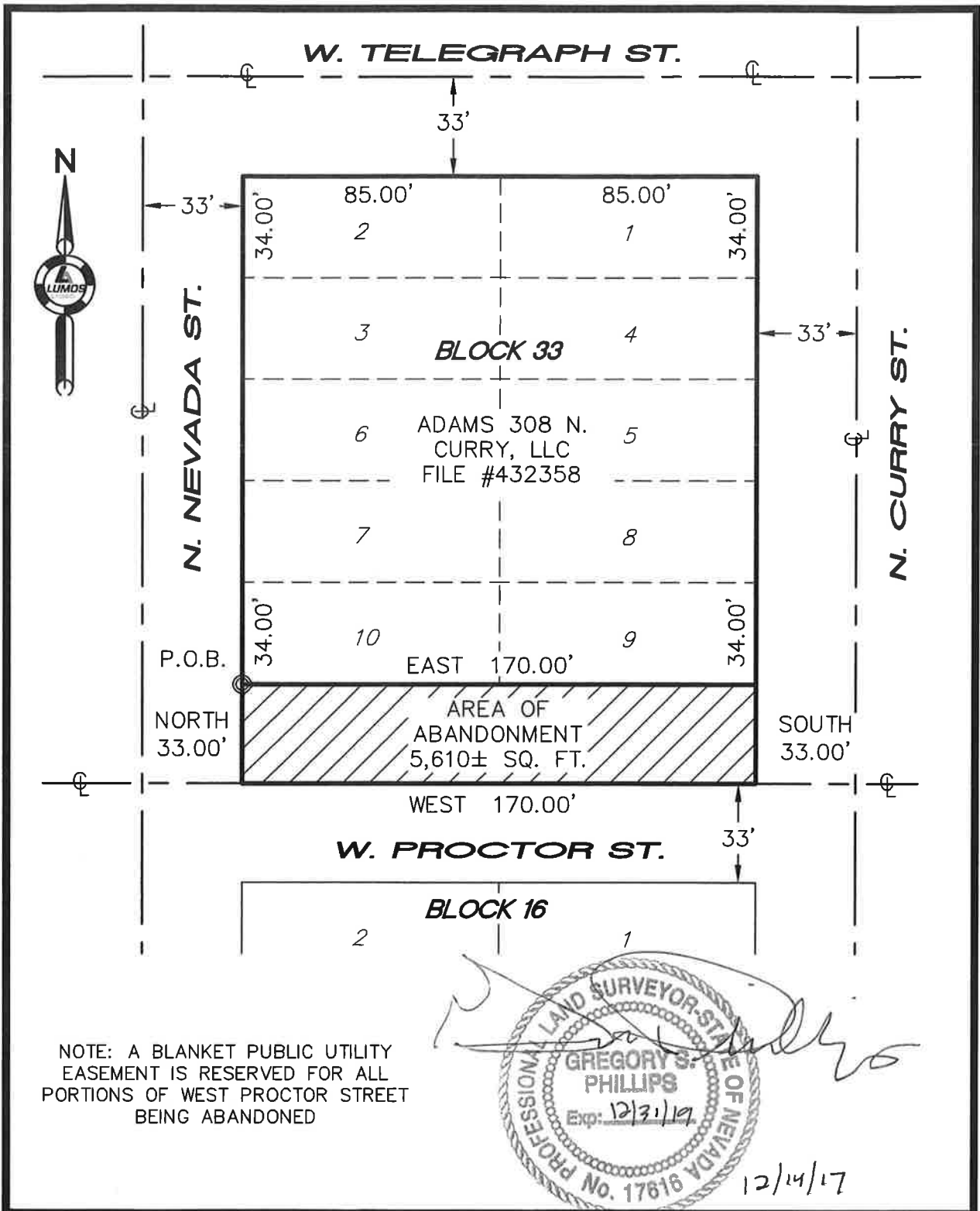
Containing 5,610 square feet, more or less.

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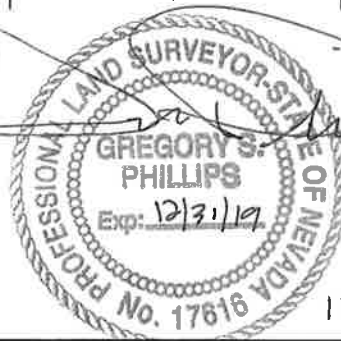
Prepared by:

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





NOTE: A BLANKET PUBLIC UTILITY EASEMENT IS RESERVED FOR ALL PORTIONS OF WEST PROCTOR STREET BEING ABANDONED



<p>LUMOS & ASSOCIATES 800 E. COLLEGE PARKWAY CARSON CITY, NEVADA 89706 PH. (775) 883-7077 FAX (775) 883-7114</p>	<p>EXHIBIT "C-1" WEST PROCTOR STREET ABANDONMENT PROCTOR & GREEN SUBDIVISION NW 1/4 OF SEC. 17, T15N, R20E, MDM CARSON CITY NEVADA</p>	<p>Date: DEC., 2017 Scale: 1" = 50' Job No: 9038.002</p>
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**EXHIBIT A-2
PROCTOR STREET ABANDONMENT
SOUTH ONE-HALF**

A portion of Proctor Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion 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 Block 16 of said Proctor and Green Subdivision;

THENCE along a line between the northwest corner of said Block 16 and the southwest corner of Block 33 of said Proctor and Green Subdivision, North, 33.00 feet to the centerline of said Proctor Street;

THENCE along said centerline, East, 170.00 feet to the intersection of a line between the northeast corner of said Block 16 and the southeast corner of said Block 33;

THENCE along said line, South, 33.00 feet to the northeast corner of said Block 16;

THENCE along the north line of said Block 16, West, 170.00 feet to the **POINT OF BEGINNING**, and the end of this description.

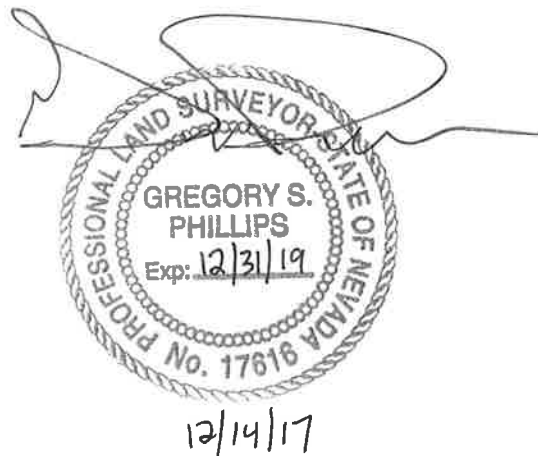
Containing 5,610 square feet, more or less.

The **BASIS OF BEARING** for this description is based on Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada.

A blanket public utility easement is reserved for all portions of West Proctor Street being abandoned.

Prepared by:

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



**EXHIBIT B-2
PROCTOR STREET ABANDONMENT
SOUTH RESULTANT PARCEL**

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

Lots 1, 2, 3, and 4 and the North 17 feet of Lot 6, in Block 16 of PROCTOR AND GREENS DIVISION OF CARSON, Carson City (formerly Ormsby County), Nevada, filed for record in the office of the Carson City Recorder, on May 15, 1963 in Book 1 of Maps, Page 190 as Document No. 61492.

TOGETHER WITH

A portion of Proctor Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion 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 Block 16 of said Proctor and Green Subdivision;

THENCE along a line between the northwest corner of said Block 16 and the southwest corner of Block 33 of said Proctor and Green Subdivision, North, 33.00 feet to the centerline of said Proctor Street;

THENCE along said centerline, East, 170.00 feet to the intersection of a line between the northeast corner of said Block 16 and the southeast corner of said Block 33;

THENCE along said line, South, 33.00 feet to the northeast corner of said Block 16;

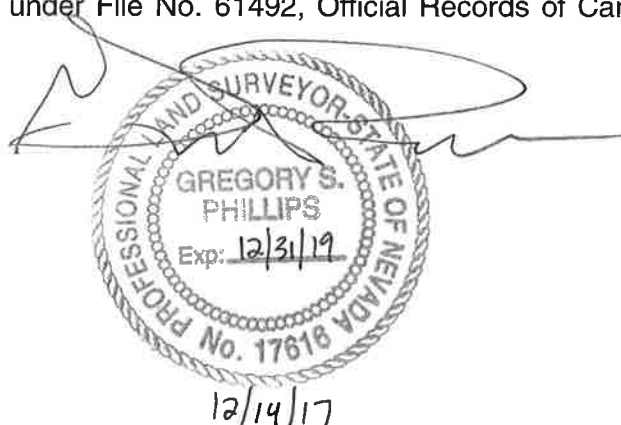
THENCE along the north line of said Block 16, West, 170.00 feet to the **POINT OF BENINNING**, and the end of this description

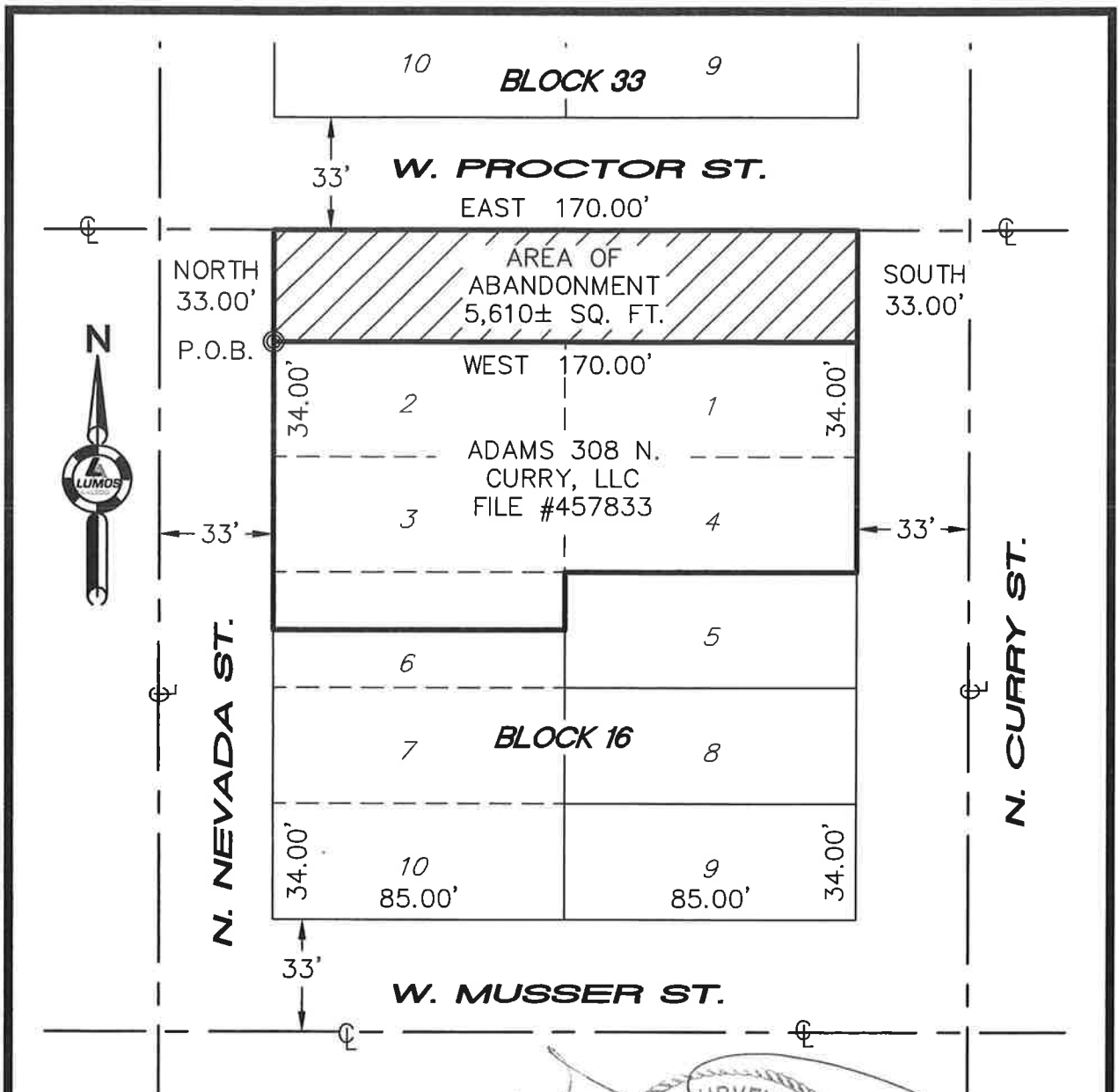
Containing 5,610 square feet, more or less.

The **BASIS OF BEARING** for this description is based on Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada.

Prepared by:

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





NOTE: A BLANKET PUBLIC UTILITY EASEMENT IS RESERVED FOR ALL PORTIONS OF WEST PROCTOR STREET BEING ABANDONED

12/14/17

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

EXHIBIT "C-2"
WEST PROCTOR STREET ABANDONMENT
PROCTOR & GREEN SUBDIVISION
NW 1/4 OF SEC.17, T15N, R20E, MDM
 CARSON CITY NEVADA

Date: OCTOBER, 2017
 Scale: 1" = 50'
 Job No: 9038.002


EXHIBIT B

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Proctor Street location within a portion of the NW1/4 of Section 17, T15N, R20E, M.D.M. Carson City

(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.

	<u>Cliff Cooper</u>	<u>AT&T Nevada</u>	<u>11/20/17</u>
Signature	Print Name	Company	Date
_____ Signature	_____ Print Name	_____ Company	_____ Date
_____ Signature	_____ Print Name	_____ 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.

_____ Signature	_____ Print Name	_____ Company	_____ Date
_____ Signature	_____ Print Name	_____ Company	_____ Date
_____ Signature	_____ Print Name	_____ Company	_____ Date

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

_____ Signature	_____ Print Name	_____ Company	_____ Date
_____ Signature	_____ Print Name	_____ Company	_____ Date
_____ Signature	_____ Print Name	_____ Company	_____ Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

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

Southwest Gas Corporation
AT&T Nevada

EXHIBIT B

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Proctor Street location within a portion of the NW1/4 of Section 17, T15N, R20E, M.D.M. Carson City

(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.

Signature Print Name Company Date

Signature Print Name Company Date

Signature Print Name 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.

 _____
Signature MATT GINGRICH NV ENERGY 1-17-18
Print Name Company Date

Signature Print Name Company Date

Signature Print Name Company Date

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

Signature Print Name Company Date

Signature Print Name Company Date

Signature Print Name Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

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

Southwest Gas Corporation
AT&T Nevada

EXHIBIT B

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Proctor Street location within a portion of the NW1/4 of Section 17, T15N, R20E, M.D.M. Carson City

(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.

Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ 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.

Amanda Marcucci Amanda Marcucci Southwest Gas 1/17/18
Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ Company _____ Date _____

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

Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ Company _____ Date _____

Signature _____ Print Name _____ Company _____ Date _____

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

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

Southwest Gas Corporation
AT&T Nevada

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Proctor Street location within a portion of the NW1/4 of Section 17, T15N, R20E, M.D.M. Carson City

(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.

Signature Print Name Company Date

Signature Print Name Company Date

Signature Print Name 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.

James Neff James Neff Charter Communications 1-17-18
Signature Print Name Company Date

Signature Print Name Company Date

Signature Print Name Company Date

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

Signature Print Name Company Date

Signature Print Name Company Date

Signature Print Name Company Date

THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

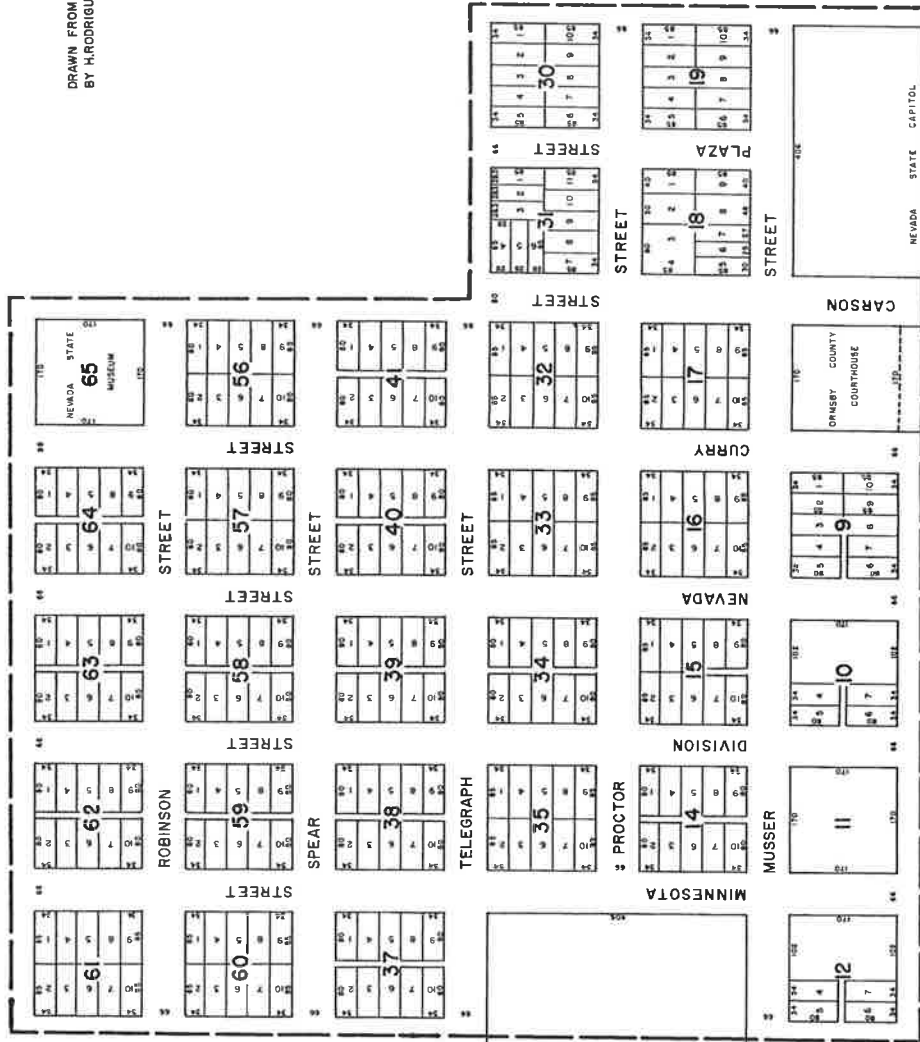
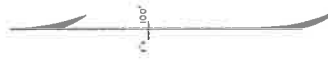
NV Energy
Charter Communications
Carson City Utilities (will sign during review)

Southwest Gas Corporation
AT&T Nevada

EXHIBIT B

PROCTOR & GREEN SUBDIVISION

(COPY)
 DRAWN FROM ENGR'S MAP-CARSON CITY, NEVADA
 BY H. RODRIGUEZ FOR COUNTY RECORDER'S OFFICE
 1963



File No. 41432
 Filed for record at the request of H. Rodriguez, County Recorder
 this 15th day of May 1963, at 3:30 minutes past
 11:00 A.M. 1963
H. Rodriguez
 County Recorder

190
 DRAWING NUMBER
 MAP OF
 Proctor & Green Subd

EXHIBIT C

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 as 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. A blanket public utility easement for all portions of Aspen Street being abandoned will be provided.
4. This abandonment pertains to:
 - APN: 003-212-01: The area of the proposed abandonment adjacent to this parcel is 5,610 square feet more or less, a 33 feet wide and 170 feet long portion of Proctor Street located between the easterly right-of-way of North Nevada Street and the westerly right-of-way of North Curry Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion of the Northwest 1/4 of Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada
 - APN: 003-228-01: The area of the proposed abandonment adjacent to this parcel is 5,610 square feet more or less, being a 33 feet wide and 170 feet long portion of Proctor Street located between the easterly right-of-way of North Nevada Street and the westerly right-of-way of North Curry Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File. No. 61492, Official Recorders of Carson City, State of Nevada, situate within a portion of the Northwest 1/4 of Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada.
5. Conditional approval for the requested abandonment shall expire four years after Board of Supervisor approval of the original application, unless an extension of time has been granted by the Board of Supervisors.

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 28, 2018

FILE NUMBER: AB-18-008

AGENDA ITEM: E.1

STAFF AUTHOR: Kathe Green, Assistant Planner

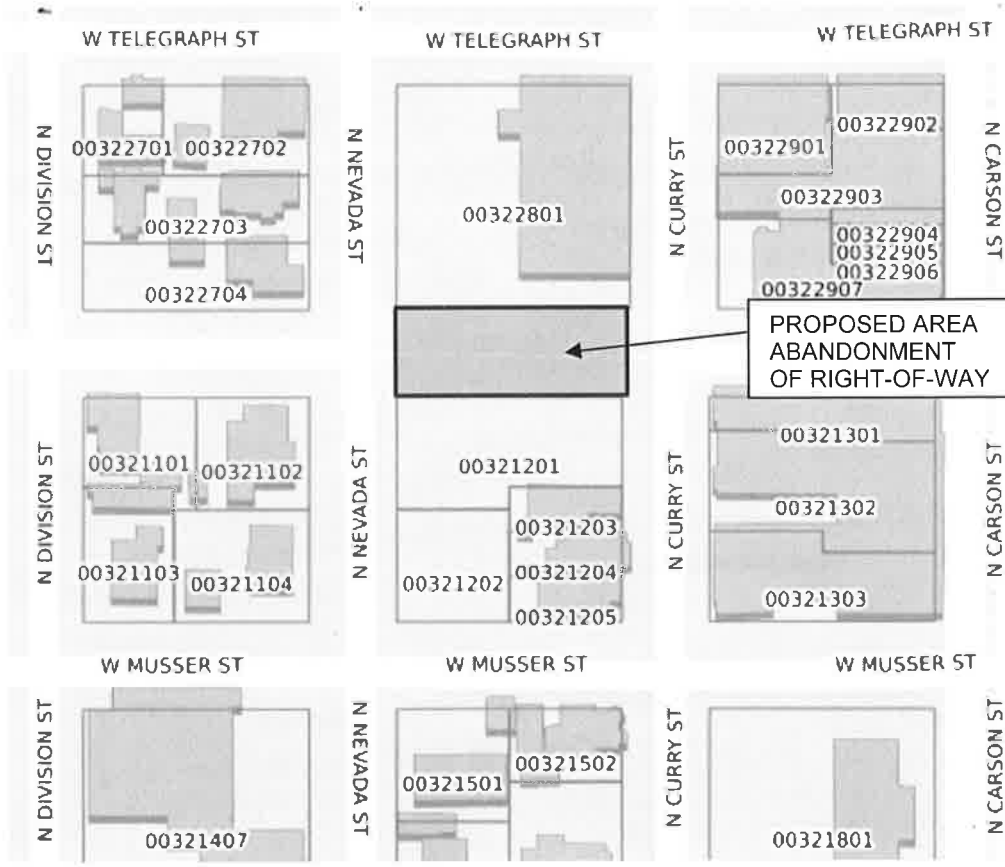
OWNER: City of Carson City

APPLICANT: Carson City Public Works

AGENT: Stephanie Hicks, Real Property Manager, Carson City

REQUEST: Recommend to the Board of Supervisors an abandonment of the portion of right-of-way of Proctor Street between North Nevada Street and North Curry Street, an area 66 feet wide and up to 170 feet long totaling 11,220 square feet, more or less, adjacent to properties located at 234 North Curry Street and 308 North Curry Street, adjacent to Assessor's Parcel Numbers 003-212-01 and 003-228-01.

RECOMMENDED MOTION: "I move to recommend that the Board of Supervisors approve an abandonment of right-of-way application, AB-18-008, for an abandonment of a portion of right-of-way of Proctor Street, an area 66 feet wide by up to 170 feet long, totaling 11,220 square feet, more or less, located between North Nevada Street and North Curry Street, adjacent to properties located at 234 North Curry Street and 308 North Curry Street, adjacent to Assessor's Parcel Numbers 003-212-01 and 003-228-01 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 as 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. A blanket public utility easement for all portions of Aspen Street being abandoned will be provided.
4. This abandonment pertains to:
 - APN: 003-212-01: The area of the proposed abandonment adjacent to this parcel is 5,610 square feet more or less, a 33 feet wide and 170 feet long portion of Proctor Street located between the easterly right-of-way of North Nevada Street and the westerly right-of-way of North Curry Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion of the Northwest 1/4 of Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada
 - APN: 003-228-01: The area of the proposed abandonment adjacent to this parcel is 5,610 square feet more or less, being a 33 feet wide and 170 feet long portion of Proctor Street located between the easterly right-of-way of North Nevada Street and the westerly right-of-way of North Curry Street as shown on the Proctor and Green Subdivision of Carson City, recorded May 15th, 1963, under File No. 61492, Official Records of Carson City, State of Nevada, situate within a portion of the Northwest 1/4 of Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada.
5. Conditional approval for the requested abandonment shall expire four years after Board of Supervisor 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.

Adjacent MASTER PLAN DESIGNATION: Mixed Use Residential (MUR) and Downtown Mixed-Use (DTMU)

Adjacent PRESENT ZONING: Residential Office (RO) and Downtown Mixed-Use (DTMU)

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

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Residential Office and Downtown Mixed-Use/office and residential under construction
SOUTH: Residential Office and Downtown Mixed-Use/parking area
WEST: right-of-way North Nevada Street

EAST: right-of-way North Curry Street

PREVIOUS REVIEWS:

Adjacent parcels 003-212-01 and 003-228-01:

October 28, 2015: SUP-15-105 to allow off-site parking within 300 feet

November 5, 1990: U-93/94-19 to allow off-site parking

DISCUSSION:

This request is to allow the abandonment of a portion of Proctor Street, being the entire right-of-way area between North Curry Street and North Nevada Street, being 11,220 square foot area, more or less, adjacent to properties located at 234 North Curry Street and 308 North Curry Street, APNs 003-212-01 and 003-228-01.

The area under review is between North Curry Street and North Nevada Street and is currently underutilized as a right-of-way as it is being used for parking. The Planning Division staff conducted a site visit and found the subject area to be flat, with active parking on the north and south sides of the street. As stated in the submitted application, if the right-of-way abandonment is approved, the intention is to allow the area to continue to be used as parking, and to deed the resultant abandoned right-of-way property to the adjacent properties on the north and south. It is noted this portion of Proctor Street was part of a collective parking facility agreement which expired in July of 2016 and was not renewed. The shared parking agreement was recorded as document number 118623 and was valid from July 18, 1991 to July 18, 2016. A project is currently under construction on the north that will benefit from the increased land available for parking when the land adjacent to the parcel is deeded to the owner. The adjacent property owners will benefit from an increase in owned land area as well as an increase in available parking, but will also have a the responsibility for maintenance of the property and paying taxes on the property.

NV Energy, Southwest Gas and Charter Communications have indicated they do have utilities in the public roadway proposed for abandonment and do want an easement reservation to be continued. In addition, there is a public sewer line with the right-of-way area. Documents for the creation of a blanket public utility easement to encompass the entire right-of-way area being abandoned have been provided by the applicant and will be recorded. These documents have been reviewed by the Carson City Engineering Division as they were included with the submitted application paperwork. Completion of any additional documentation and recording of appropriate paperwork will be a required condition of approval.

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 if it is determined that 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-18-008, subject to the recommended conditions of approval.

The Engineering Division has provided detail regarding the Chain of Title as follows: This right-of-way, Proctor Street, was created by the Proctor and Green Subdivision Map recorded as File No. 61483 in Ormsby County on May 15, 1963. The map shows dedication of a 66-foot wide right-of-way between N. Nevada Street and N. Curry Street. There is no indication that the City ever paid for the right-of-way.

PUBLIC COMMENTS: A public notice was sent by certified mail to the two adjacent property owners per Nevada Revised States on February 12, 2018. At the writing of this report, there have been no comments received 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: The Engineering Division recommends APPROVAL of the proposed abandonment.

Fire Department: No concerns

Health Department: No concerns

Environmental Health: No concerns

Parks and Recreations: No concerns

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, and codified in Title 17.15.010, staff recommendation is based upon the following findings, which are substantiated in the public record.

1. Will the abandonment result in material injury to the public?

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 Stephen Pottey of the Engineering Division as well as the Planning Division, the public will not be materially injured by the proposed abandonment of the right of way. There will be no landlocked parcels created as a result of the proposed abandonment.

In addition, public utility easements will be maintained over the entire area being abandoned.

2. What is the history regarding the street being dedicated or not?

There are no records indicating that the City ever paid for the right-of-way. Since Carson City did not pay for the right-of-way, it is staff's conclusion that no charge for the right-of-way be required.

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

It has been determined by the Engineering Division that there are no indications that the City of Carson City ever paid for the right-of-way in question. Proctor Street was created by the Proctor and Green Subdivision Map as File No. 61483 in Ormsby County on May 15, 1963. It is recommended that there be no charge.

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.

5. What is the applicability of the parking value analysis applied to this request?

There is parking currently available in the area of the proposed abandonment on the north and south sides of the right-of-way area. Once the area of right-of-way has been abandoned, property owners and guests may continue to park in this area. No negative impact to parking is anticipated as a result of an approval of the request to abandon this right-of-way area. Approval of the abandonment will not result in the elimination of desirable on-street parking as the area will continue to be used as parking to support on-sites businesses and uses.

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

A blanket public utility easement is being reserved for all portions of Proctor Street being abandoned. Nevada Energy, Charter Communication and Southwest Gas have indicated they do have utilities in the public roadway proposed for abandonment and do want an easement reservation. In addition, a sewer main is located in this area. The Carson City Engineering Division has reviewed the submitted documents. The documents will need to be recorded when approved.

7. Are any conditions of approval by the Board of Supervisors or recommendations by the Planning Commission or staff included?

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:

- Site Photos
- Engineering Division comments
- Fire Department comments
- Health Department comments
- Environmental Control comments
- Parks and Recreation comments
- Draft Order of Abandonment
- Application (AB-18-008)

Carson City Planning Division 108 E. Proctor Street, Carson City, NV 89701 Phone: (775) 887-2180 Email: planning@carson.org		FOR OFFICE USE ONLY: CCMC 17.15 RECEIVED JAN 18 2018 ABANDONMENT OF PUBLIC RIGHT-OF-WAY CARSON CITY PLANNING DIVISION *Due after application is deemed complete by staff FEE*: \$2,450.00 + noticing fee SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) including: Application Form Written Project Description Justification Statement Site Map/Exhibit Legal Descriptions Development Engineering Memo of Support Utility Statements Title Report Documentation of Taxes Paid to Date CD or USB DRIVE with complete application in PDF Application Reviewed and Received By: Submittal Deadline: See attached Planning Commission application submittal schedule. Note: Submittals must be of sufficient clarity and detail to adequately review the request. Additional information may be required.
FILE # AB - 18 - 008		
APPLICANT Carson City Public Works	PHONE #	
MAILING ADDRESS, CITY, STATE, ZIP 3505 Butti Way, Carson City, Nevada 89701		
EMAIL ADDRESS		
PROPERTY OWNER Carson City	PHONE #	
MAILING ADDRESS, CITY, STATE, ZIP 201 N. Carson Street, Carson City, NV 89701		
EMAIL ADDRESS		
APPLICANT AGENT/REPRESENTATIVE Stephanie Hicks, Real Property Mgr	PHONE # 775-283-7904	
MAILING ADDRESS, CITY, STATE, ZIP 3505 Butti Way, Carson City, Nevada 89701		
EMAIL ADDRESS shicks@carson.org		
Project's Assessor Parcel Number(s): N/A	Street Address Proctor Street, Carson City, NV 89703	

Briefly describe the proposed right-of-way abandonment. If you are abandoning an access, explain how the parcel will be accessed:

Carson City Public Works is proposing to abandon a portion of Proctor Street between N. Nevada and N. Curry Street, located between APNs 003-228-01 and 003-212-01. Adjacent parcels on both sides are owned by the same property owner, Adams 308 N. Curry, LLC. It is proposed that the right-of-way will revert to the adjacent property owner. Access to the parcels will be via N. Nevada Street and N. Curry Street.

PROPERTY OWNER'S AFFIDAVIT

I, Stephanie Hicks, being duly deposed, 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.

Stephanie L Hicks
 Signature Carson City Real Property Manager

3505 Butti Way, Carson City, NV 89701
 Address

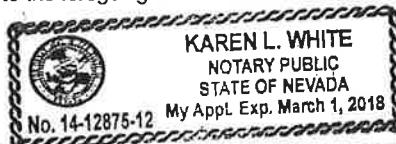
1/18/18
 Date

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

STATE OF NEVADA)
 COUNTY)

On January 18, 2018, Stephanie Hicks, 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.

Karen White
 Notary Public





CARSON CITY NEVADA

Consolidated Municipality and State Capital

PUBLIC WORKS

January 18, 2018

Hope Sullivan, AICP
Carson City Planning Division
108 E. Proctor Street
Carson City, Nevada 89701

Subject: Justification for Abandonment of a Portion of W. Proctor Street

Dear Ms. Sullivan:

Please accept this letter as the project description and statement of justification for a request for abandonment of a portion of W. Proctor Street between N. Nevada Street and N. Curry Street in Carson City, Nevada. This request is to abandon the entire 66-foot right-of-way adjacent to 308 N. Curry Street (APN 003-228-01) and 234 N. Curry Street (APN 003-212-01) both owned by Adams 308 N. Curry, LLC. The area to be abandoned totals approximately 11,220 square feet and is more particularly described in the attached exhibits.

Proctor Street right-of-way was created by the Proctor and Green Subdivision Map recorded as File No. 61483 in Ormsby County on May 15, 1963. The City of Carson City is currently the owner of this right-of-way.

This portion of W. Proctor Street was previously part of a collective parking facility and is improved as a drive aisle with parking spaces on each side. The parking agreement expired in July of 2016. With the redesign of N. Curry Street and construction of a new mixed use development by the adjacent property owner, parking needs have changed in this area and the City does not intend to renew the collective parking agreement. The intention of the proposed right-of-way abandonment is to revert the property to the adjacent property owner who will continue to utilize this area for parking and be responsible for its maintenance.

Pursuant to Carson City Municipal Code 17.15.010, we have addressed the required findings below.

1. *Will the abandonment result in material injury to the public?*

Comment: The adjacent property owners will be benefited by the proposed abandonment as they will become the owners of portions of the right-of-way abutting their property. The public will not be damaged by this abandonment as the area being abandoned will continue to be used as parking spaces to serve the new mixed use development. Additionally, the City has been in communication with the adjacent property owner and they are aware that the resultant increase in acreage to the parcels due to the abandonment will be taxed in the future.

2. *What is the history regarding the street being dedicated or not?*

Comment: Proctor Street right-of-way was created by the Proctor and Green Subdivision Map recorded as File No. 61483 in Ormsby County on May 15, 1963. The map shows dedication of a 66-foot wide right-of-way between N. Nevada Street and N. Curry Street.

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

Comment: Since there are no records indicating that the City ever paid for the right-of-way, it is recommended that there be no cost to the adjacent property owners for gaining the abandoned right of way.

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

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

5. *What is the applicability of the parking value analysis applied to this request?*

Comment: The abandonment will not result in the elimination of parking spaces. The subject area will still be utilized by the adjacent property owner for parking.

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

Comment: Charter Communication, Southwest Gas, NV Energy and Nevada Bell Telephone Company dba AT&T have indicated that they do have a utility in the right-of-way being abandoned and desire the creation of a public utility easement (PUE) along the alignment of the existing utility. Additionally, there is an existing sewer line within the right-of-way. Therefore, the City would request a blanket public utility easement to remain over all portions of W. Proctor Street to be abandoned as provided on the exhibits and descriptions to be recorded.

7. *Are any conditions of approval by the board of supervisors or recommendations by the planning commission or staff included?*

Comment: There are no additional conditions from the Engineering Division.

If you have any questions, please contact me directly at (775) 283-7904. Thank you for your assistance with this matter.

Sincerely,



Stephanie A. Hicks, AICP, CFM
Real Property Manager
Carson City Public Works Department