



## STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** May 7, 2020

**Staff Contact:** Hope Sullivan, AICP, Planning Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding a proposed Order of Abandonment concerning an applicant request for the abandonment of a public right-of-way by Carson City, specifically a portion of LaMotte Drive beginning at the rear property lines of 3493 Arrowhead Drive (APN 005-052-03) and 3505 Arrowhead Drive (APN 005-053-03), and extending to approximately the eastern property line of 3321 La Motte Drive (APN 005-053-12).) (Hope Sullivan, [hsullivan@carson.org](mailto:hsullivan@carson.org))

Staff Summary: La Motte Drive has a horseshoe shape and connects at both ends to Arrowhead Drive. The applicant is requesting that the City abandon a portion of roadway in the middle, and to retain the ends, specifically starting at a point approximately 355 feet west of Arrowhead Drive on the north and ending approximately 820 feet west of Arrowhead Drive on the south. Abandonment of an access easement from La Motte Drive east toward Arrowhead Drive is also proposed. The Board of Supervisors is authorized to abandon a right-of-way.

**Agenda Action:** Formal Action / Motion **Time Requested:** 5 Minutes

### **Proposed Motion**

I move to approve the Order of Abandonment based on the findings and subject to the conditions of approval contained in the Order.

### **Board's Strategic Goal**

Sustainable Infrastructure

### **Previous Action**

At its meeting of November 19, 2019, the Planning Commission conducted a public hearing and voted 7 – 0 to recommend approval of the proposed abandonment.

### **Background/Issues & Analysis**

See the November 19, 2019 staff report to the Planning Commission, attached.

Consistent with Condition #4, the property owner has dedicated land for public right-of-way to accommodate fire turnaround bulbs. The property owner has provided cost estimates for improving this portion of right-of-way and bonded for the improvements.

Conditions #5 through #10 have been addressed to the satisfaction of the City Engineer.

### Attachments:

Draft Order of Abandonment

November 19, 2019 staff report to the Planning Commission without attachment

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

NRS 278.480; CCMC 17.15

**Financial Information**

**Is there a fiscal impact?** No

**If yes, account name/number:**

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:**

**Alternatives**

1. Modify the Conditions of Approval.
2. Deny the application.
3. Refer the matter back to staff and the Planning Commission for further review.

**Attachments:**

[AB-19-168 Draft Order of Abandonment.pdf](#)

[AB-19-168 November 19, 2019 staff report to the Planning Commission without attachments.pdf](#)

**Board Action Taken:**

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

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

APN(s): 005-052-04, 005-053-02-, 005-053-11 and 005-054-10

AN ORDER ABANDONING A PORTION OF LA MOTTE DRIVE RIGHT-OF-WAY AND ACCESS EASEMENT, IN THE WEST HALF (W1/2) OF SECTION 3 OF TOWNSHIP 15 NORTH, RANGE 20 EAST, M. D. M. AS DESCRIBED IN "DEDICATION OF LAND FOR PUBLIC PURPOSES" DOCUMENT RECORDED OCTOBER 19, 1981 IN BOOK 309 IN PAGES 652 THROUGH 655 AND FILE NO. 7482 IN THE OFFICE OF THE COUNTY RECORDER OF CARSON CITY, NEVADA, BEING MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A1", CONTAINING APPROXIMATELY 3.29 ACRES; INCLUDING THERETO A PORTION OF LA MOTTE DRIVE IN THE WEST HALF (W1/2) OF SECTION 3 OF TOWNSHIP 15 NORTH, RANGE 20 EAST, M. D. M. AS DESCRIBED IN RIGHT OF WAY DEDICATION IN THE DOCUMENT RECORDED DECEMBER 4, 1992 IN DOCUMENT NO. 137561 IN THE OFFICE OF THE COUNTY RECORDER OF CARSON CITY, NEVADA, BEING ALSO MORE PARTICULARLY DESCRIBED IN THE ATTACHED EXHIBIT "A1", CONTAINING APPROXIMATELY 18,856 SQUARE FEET; ALSO INCLUDING THERETO THE 60 FOOT WIDE BY APPROXIMATELY 450 FEET LONG ACCESS EASEMENT LOCATED IN APN 005-053-11, BETWEEN LA MOTTE DRIVE AND THE SOUTHWEST CORNER OF APN 005-081-15, DESCRIBED IN EXHIBIT B OF A GRANT OF EASEMENT DOCUMENT RECORDED JUNE 24, 1998 IN FILE NO. 219612 IN THE OFFICE OF THE COUNTY RECORDER OF CARSON CITY, NEVADA.

WHEREAS, on September 19, 2019, CC Note Investment Group LLC duly filed a written application seeking vacation and abandonment of a portion of La Motte Drive right-of-way beginning at the rear property lines of 3493 Arrowhead Drive (APN 005-052-03) and 3505 Arrowhead Drive (APN 005-053-03), and extending to approximately the eastern property line of 3321 La Motte Drive (APN 005-053-12), being approximately 60 feet wide by approximately 2,460 feet long, approximately 3.29 acres plus 18,856 square feet, more or less, located approximately 355 feet west of Arrowhead Drive on the north and ending approximately 820 feet west of Arrowhead Drive on the south, being within the

---

West Half (W1/2) of Section 3 of Township 15 North, Range 20 East, M. D. M.

adjacent to APN(s) 005-052-04, 005-053-02, 005-053-11 and 005-054-10, in Carson City, Nevada; and including thereto a portion of La Motte Drive in the West Half (W1/2) of Section 3, of Township 15 North, Range 20 East, M. D. M, as described in Right of Way Dedication in a document recorded December 4, 1992 in Document No. 137561 in the office of the County Recorder of Carson City, Nevada, and also including thereto, the 60 foot wide by approximately 450 foot long Access Easement located in APN 005-053-11, between La Motte Drive and the southwest corner of APN 005-081-15, described in Exhibit "B" of a Grant of Easement document recorded June 24, 1998 in File No. 219612 in the Office of the County Recorder of 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 November 19, 2019. At the public hearing testimony was taken and the Commission, after discussion and deliberation, recommended approval of abandonment of the subject right-of-way and access easement to the Carson City Board of Supervisors by a vote of seven to zero, 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 May 7, 2020, 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 this order 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 and access easement is more particularly described on the attached Exhibit(s) "A1" and "B1" of written and diagramed descriptions of the right-of-way and access easement abandonment, resultant parcels are described on Exhibits "A" and "B", and the attached utility statements are shown as Exhibits "C".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way and access easement is hereby abandoned according to the provisions of NRS 278.480.
2. If utility companies have a utility or an easement over or under the property hereby vacated and abandoned by this order, then said easement or easements shall be continued and shall not be affected by this abandonment.

ORDERED this \_\_\_ day of \_\_\_\_\_, 2020, by the Carson City Board of Supervisors.

---

ROBERT L. CROWELL, Mayor

ATTEST:

---

AUBREY ROWLATT, Clerk-Recorder

JN.9349.002

**EXHIBIT "A1"**  
**LAMOTTE DRIVE AND 60' ACCESS EASEMENT ABANDONMENT**

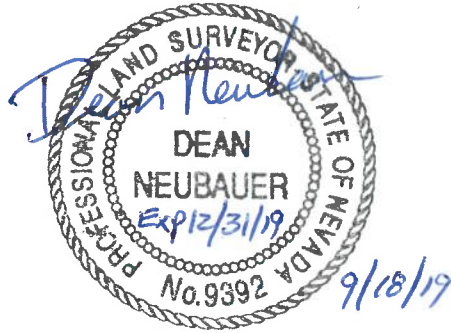
A portion of LaMotte Drive in the West Half (W1/2) of Section 3 of Township 15 North, Range 20 East, M. D. M., as described in "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada, being more particularly described as follows:

**BEGINNING** at the Southwest corner of Parcel 1 as shown on the map recorded in Book 4 Page 828 of the Official Records of Carson City, Nevada from which the Northwest corner of Section 3 bears N. 62°05'37" W. 742.14 feet; thence S. 0°49'13" W. 60.00 feet; thence N. 89°11'48" W. 91.75 feet; thence 345.47 feet along the arc of a curve to the left having a central angle of 89°58'19" and a radius 220.00 feet (chord bears S. 45°49'03" W. 311.05 feet); thence S. 0°49'53" W. 651.38 feet; thence S. 0°49'53" W. 60.00 feet; thence S. 0°49'53" W. 1096.21 feet to the north line of a Right of Way Dedication in a document recorded December 4, 1992 in Document No. 137561 in the office of the County Recorder of Carson City, Nevada; thence along said Right of Way N. 89°10'08" W. 60.00 feet; thence N. 0°49'53" E. 1116.67 feet; thence N. 88°43'37" W. 289.19 feet; thence N. 0°49'53" E. 20.00 feet; thence S. 88°43'37" E. 289.19 feet; thence N. 0°49'53" E. 670.91 feet; thence 439.69 feet along the arc of a curve to the right having a central angle of 89°58'19" and a radius of 280.00 feet (chord bears N. 45°49'03" E. 395.88 feet); thence S. 89°11'48" E. 91.76 feet to the **POINT OF BEGINNING**. Containing 3.29 +/- Acres.

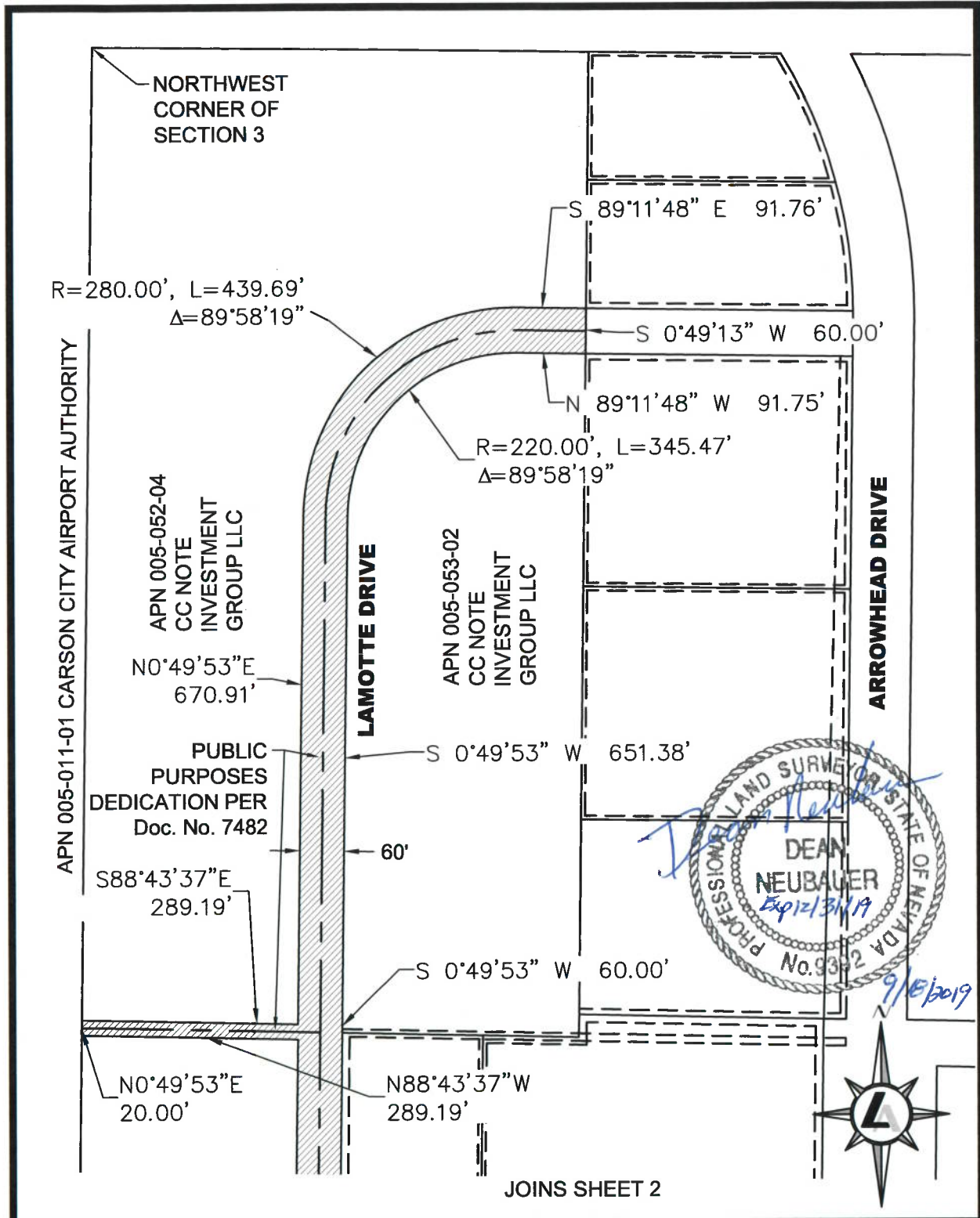
**INCLUDING THERETO** A portion of LaMotte Drive in the West Half (W1/2) of Section 3 of Township 15 North, Range 20 East, M. D. M., as described in Right of Way Dedication in a document recorded December 4, 1992 in Document No. 137561 in the office of the County Recorder of Carson City, Nevada, being more particularly described as follows:

**BEGINNING** at a Point of Tangent on the South line of the said Right of Way Dedication from which the Northwest corner of Section 3 bears N. 10°13'49" W. 2706.56 feet; thence from a tangent that bears N. 89°11'49" W. along a curve to the right 361.40 feet through a central angle of 90°01'42" having a radius of 230.00 feet; thence S. 89°10'08" E. a distance of 60.00 feet; thence from a tangent bearing S. 00°49'53" W. along a curve 267.12 feet to the left through a central angle of 90°01'42" having a radius of 170.00 feet; thence S. 0°48'13" W. 60.00 feet **POINT OF BEGINNING**. Containing 18,856 +/- Square Feet.

**ALSO INCLUDING THERETO** The 60' Access Easement described in Exhibit B of a Grant of Easement document recorded June 24, 1998 in File No. 219612 in the office of the County Recorder of Carson City, Nevada;



Prepared by  
**Lumos & Associates, Inc.**  
Dean Neubauer, PLS 9392  
308 N. Curry Street, Suite 200  
Carson City, NV 89703



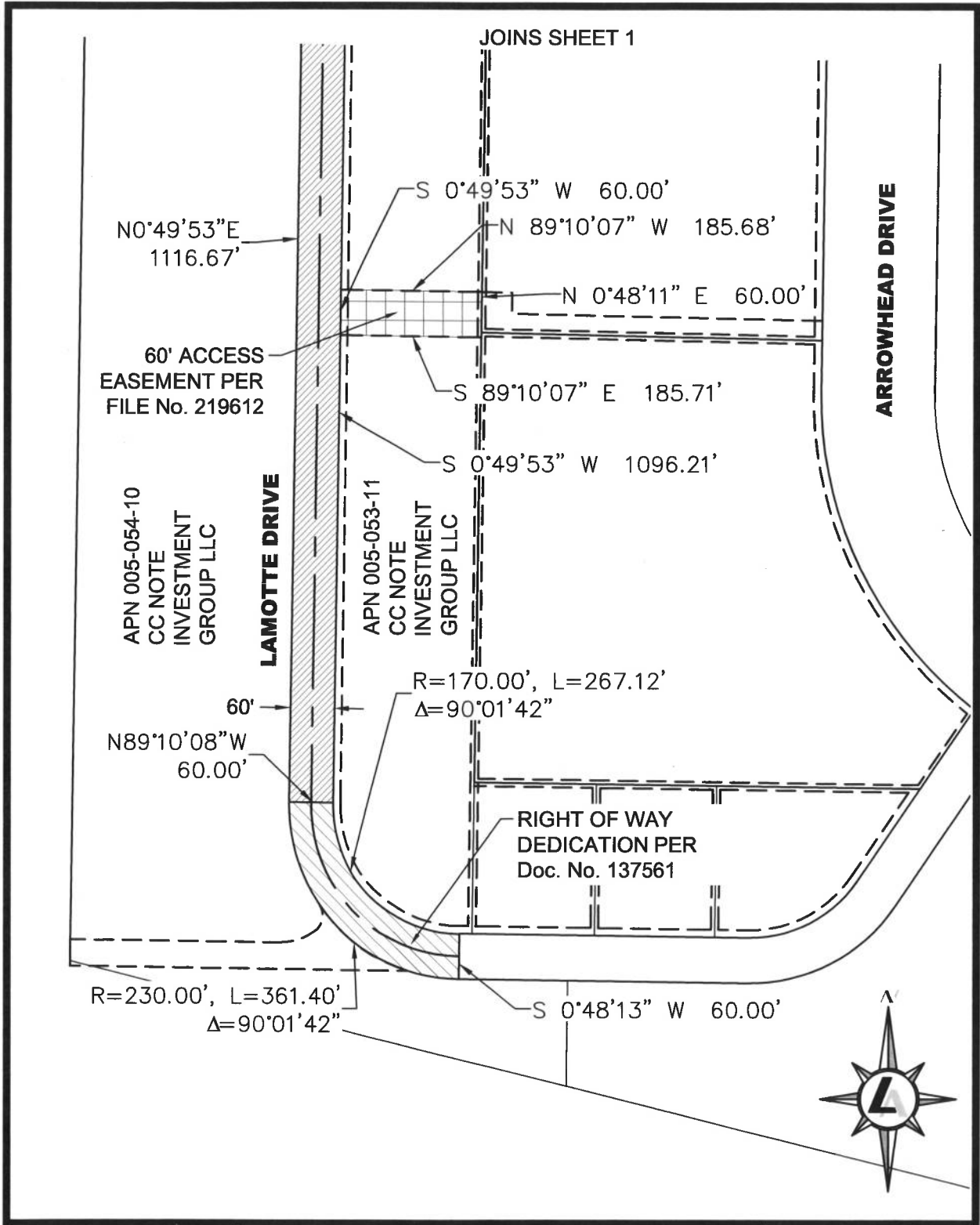
**LUMOS**  
& ASSOCIATES

308 N. CURRY ST.,  
SUITE 200  
CARSON CITY, NV 89703  
TEL (775) 883-7077

**EXHIBIT "B1"**  
**ABANDONMENT OF LAMOTTE DRIVE AND A  
60' ACCESS EASEMENT  
PORTION OF SEC. 3, T15N, R20E, MDM**  
**CARSON CITY NEVADA**

Date: 09/2019  
Scale: 1" = 200'  
Job No: 9349.002  
SHEET 1 OF 2





<p><b>LUMOS</b> &amp; ASSOCIATES</p> <p>308 N. CURRY ST., SUITE 200 CARSON CITY, NV 89703 TEL (775) 883-7077</p>	<p align="center"><b>EXHIBIT "B1"</b></p> <p align="center"><b>ABANDONMENT OF LAMOTTE DRIVE AND A 60' ACCESS EASEMENT PORTION OF SEC. 3, T15N, R20E, MDM</b></p> <p align="center"><b>CARSON CITY NEVADA</b></p>	<p>Date: 09/2019</p> <p>Scale: 1" = 200'</p> <p>Job No: 9349.002</p> <p>SHEET 2 OF 2</p>
--	--	--

JN.9349.002

**EXHIBIT "A"**  
**ABANDONMENT RESULTANT PARCELS**

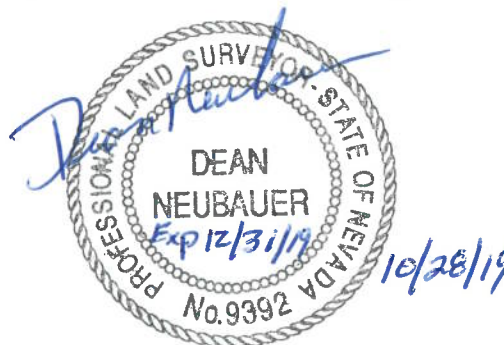
**ABANDONMENT RESULTANT PARCEL APN 005-052-04**

All that certain real property situated in Section 3, Township 15 North, Range 20 East, M.D.B. & M., City and County of Carson City, State of Nevada, more particularly described as follows:

**COMMENCING** at the Northwest corner of said Section 3, the **TRUE POINT OF BEGINNING**; **THENCE** along the north line of Section 3, South 89°16'47" East, a distance of 660.74 feet; **THENCE** South 00°49'15" West a distance of 369.07 feet to the centerline of LaMotte Drive as described in "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada; **THENCE** along said centerline North 89°11'48" West a distance of 91.74 feet; **THENCE** continuing along said centerline 392.76 feet along the arc of a tangent 250.00 foot radius curve to the left, through a central angle of 90°00'49"; **THENCE** continuing along said centerline South 00°49'53" West, a distance of 681.18 feet; **THENCE** along the centerline of a 20 foot wide portion of the above described "Dedication of Land For Public Purposes" North 88°43'37" West a distance of 319.19 feet to the west line of said Section 3; **THENCE** along said section line North 00°49'53" East a distance of 1296.74 feet to the **TRUE POINT OF BEGINNING**. Containing 12.71 Acres more or less.

Basis of Bearings for this legal is the "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada.

Prepared by  
**Lumos & Associates, Inc.**  
Dean Neubauer, PLS 9392  
308 N. Curry Street, Suite 200  
Carson City, NV 89703



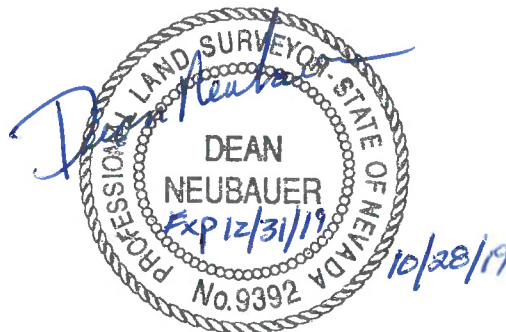
**ABANDONMENT RESULTANT PARCEL APN 005-053-02**

All that certain real property situated in Section 3, Township 15 North, Range 20 East, M.D.B. & M., City and County of Carson City, State of Nevada, more particularly described as follows:

**COMMENCING** at the Northwest corner of said Section 3; **THENCE** along the north line of Section 3, South 89°16'47" East, a distance of 660.74 feet; **THENCE** South 00°49'15" West a distance of 369.07 feet to the centerline of LaMotte Drive as described in "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada and the **TRUE POINT OF BEGINNING**; **THENCE** South 00°49'13" West, a distance of 904.04 feet to the north line of a 60 foot wide Public Right of Way abandoned by a document recorded August 05, 1998 under File No. 221534 in the office of the County Recorder of Carson City, Nevada; **THENCE** continuing South 00°49'13" West, a distance of 30.00 feet to the centerline of said 60 foot wide Public Right of Way; **THENCE** along said centerline North 88°43'37" West, a distance of 341.81 feet to the centerline of LaMotte Drive; **THENCE** along the centerline of LaMotte Drive North 00°49'53" East a distance of 681.18 feet; **THENCE** continuing along the centerline of LaMotte Drive 392.76 feet along the arc of a tangent 250.00 foot radius curve to the right through a central angle of 90°00'49"; **THENCE** continuing along the centerline of LaMotte Drive South 89°11'48" East, a distance of 91.74 feet to the **TRUE POINT OF BEGINNING**. Containing 7.01 Acres more or less.

Basis of Bearings for this legal is the "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada.

Prepared by  
**Lumos & Associates, Inc.**  
 Dean Neubauer, PLS 9392  
 308 N. Curry Street, Suite 200  
 Carson City, NV 89703



**ABANDONMENT RESULTANT PARCEL APN 005-053-11**

Parcel 4, as shown on Parcel Map for CC Note Investment Group, LLC, a Nevada Limited Liability Company PM-18-017, recorded April 23, 2018, in Book 11 of Maps, Page 2940, as Document No. 484578, Official Records, Carson City, Nevada.

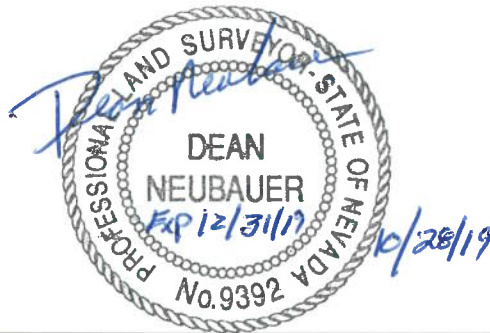
**INCLUDING THERETO** A portion of LaMotte Drive as described in "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 and a portion of LaMotte Drive as described in Right of Way Dedication in a document recorded December 4, 1992 in Document No. 137561 in the office of the County Recorder of Carson City, Nevada, more particularly described as follows:

**BEGINNING** at the southerly corner of the above described Parcel 4 also being the Point of Tangent on the north line of the said Right of Way Dedication; **THENCE** South 0°48'08" West., 30.00 feet to the centerline of LaMotte Drive; **THENCE** along said centerline from a tangent bearing North 89°11'41" West along a curve 314.26 feet to the right through a central angle of 90°01'45" having a radius of 200.00 feet; **THENCE** along the centerline of LaMotte Drive of "Dedication of Land For Public Purposes" North 00°49'53" East, 1126.44 feet; **THENCE** South 88°43'37" East, 30.00 feet to the Northwest corner of said Parcel 4; **THENCE** along the west line of Parcel 4 and the east line of LaMotte Drive South 0°49'53" West, 1126.21 feet; **THENCE** continuing along said lines along a curve 267.12 feet to the left through a central angle of 90°01'45" having a radius of 170.00 feet to the **POINT OF BEGINNING**. Containing 0.98 Acres more or less.

Total Parcel Containing 6.36 Acres more or less.

Basis of Bearings for this legal is the "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada.

Prepared by  
**Lumos & Associates, Inc.**  
 Dean Neubauer, PLS 9392  
 308 N. Curry Street, Suite 200  
 Carson City, NV 89703



**ABANDONMENT RESULTANT PARCEL APN 005-054-10**

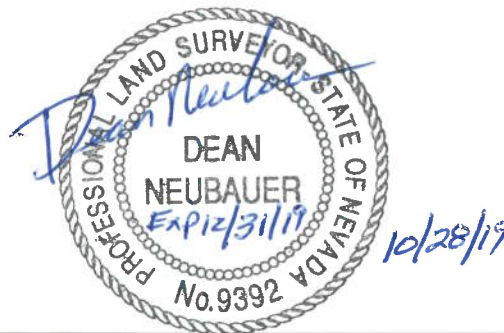
A parcel of land located within a portion of the West Half of Section 3, Township 15 North, Range 20 East, M.B.M., Carson City, Nevada, being more particularly described as follows:

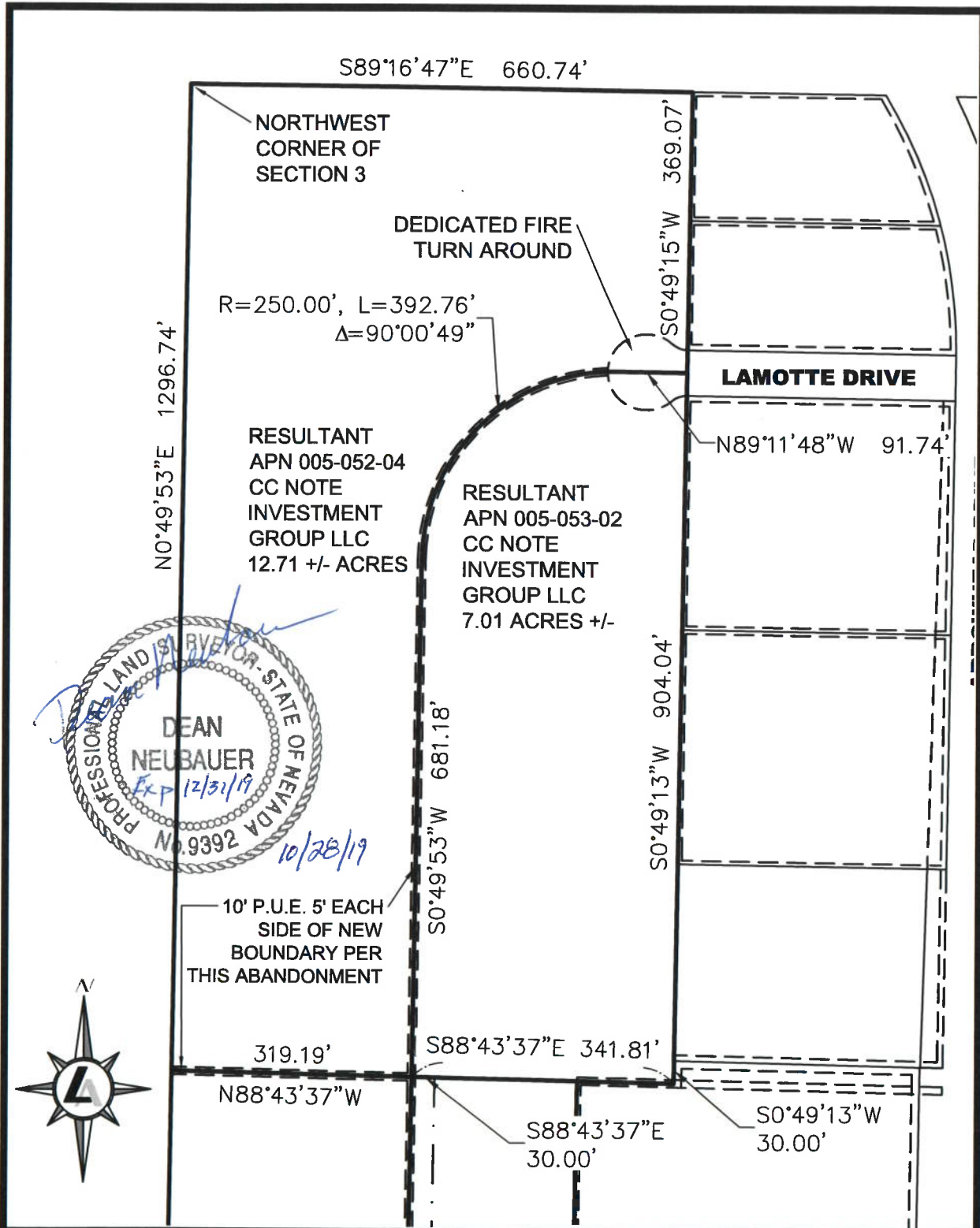
**BEGINNING** at the West Quarter corner of said Section 3; **THENCE** along the West line of Section 3, North  $00^{\circ}49'53''$  East, 1319.63 feet to the centerline of a 20 foot wide portion of the abandoned LaMotte Drive as described in "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada; **THENCE** along said centerline South  $88^{\circ}43'37''$  East, 319.19 feet to the centerline of said LaMotte Drive; **THENCE** along the centerline of LaMotte Drive South  $00^{\circ}49'53''$  West, 1126.44 feet to the northerly line of a Right of Way Dedication recorded December 04, 1992 under Document No. 137561 in the office of the County Recorder of Carson City, Nevada; **THENCE** along said centerline 314.26 feet along the arc of a curve to the left, having a central angle of  $90^{\circ}01'45''$  and a radius of 200.00 feet; **THENCE** South  $0^{\circ}48'08''$  West 30.00 feet to a point on the Southerly line of said Right of Way Dedication; **THENCE** along the south line of said Right of Way South  $89^{\circ}11'41''$  East 142.07 feet; **THENCE** South  $0^{\circ}50'30''$  West 139.13 feet; **THENCE** North  $75^{\circ}59'07''$  West 679.26 feet to a point on the West line of said Section 3; **THENCE** along the west line of Section 3 North  $00^{\circ}52'34''$  East, 23.41 feet to the **POINT OF BEGINNING**. Containing 11.22 Acres more or less.

Basis of Bearings for this legal is the "Dedication of Land For Public Purposes" document recorded October 19, 1981 in Book 309 in Pages 652 through 655 and File No. 7482 in the office of the County Recorder of Carson City, Nevada.

**EXCEPTING THEREFROM** all that portion of land in that certain Partial Reconveyance, recorded September 14, 2006, as Document No. 358594.

Prepared by  
**Lumos & Associates, Inc.**  
 Dean Neubauer, PLS 9392  
 308 N. Curry Street, Suite 200  
 Carson City, NV 89703





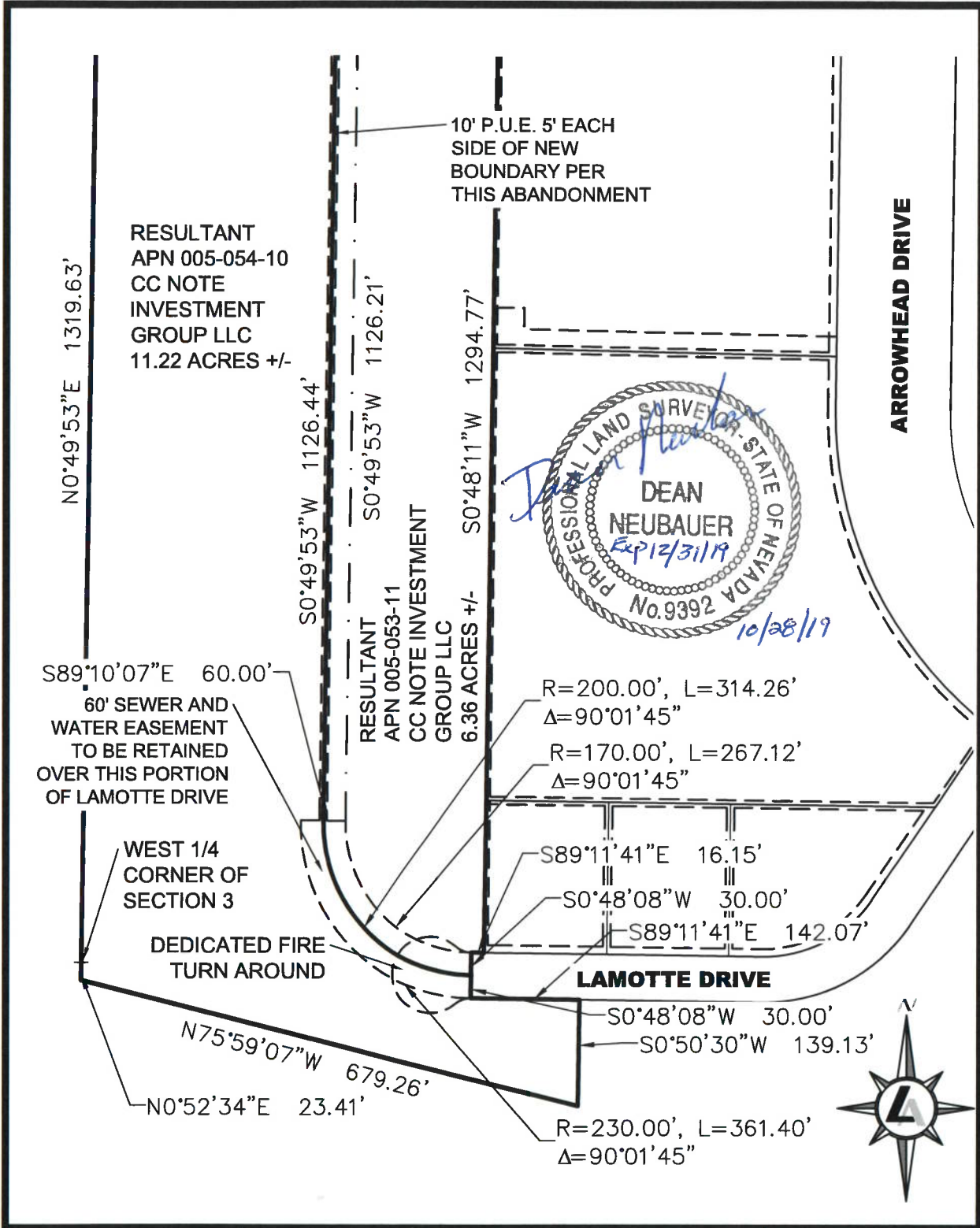
**LUMOS**  
& ASSOCIATES

308 N. CURRY ST.,  
SUITE 200  
CARSON CITY, NV 89703  
TEL (775) 883-7077

**EXHIBIT "B"**  
**ABANDONMENT RESULTANT PARCELS**  
**PORTION OF SEC. 3, T15N, R20E, MDM**

**CARSON CITY** **NEVADA**

Date: 12/2019  
Scale: 1" = 200'  
Job No: 9349.002  
SHEET 1 OF 2



**LUMOS**  
 & ASSOCIATES  
 308 N. CURRY ST.,  
 SUITE 200  
 CARSON CITY, NV 89703  
 TEL (775) 883-7077

**EXHIBIT "B"**  
**ABANDONMENT RESULTANT PARCELS**  
**PORTION OF SEC. 3, T15N, R20E, MDM**  
**CARSON CITY NEVADA**

Date: 12/2019  
 Scale: 1" = 200'  
 Job No: 9349.002  
 SHEET 2 OF 2

## STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 19, 2019

FILE NUMBER: AB-19-168

AGENDA ITEM: E.6

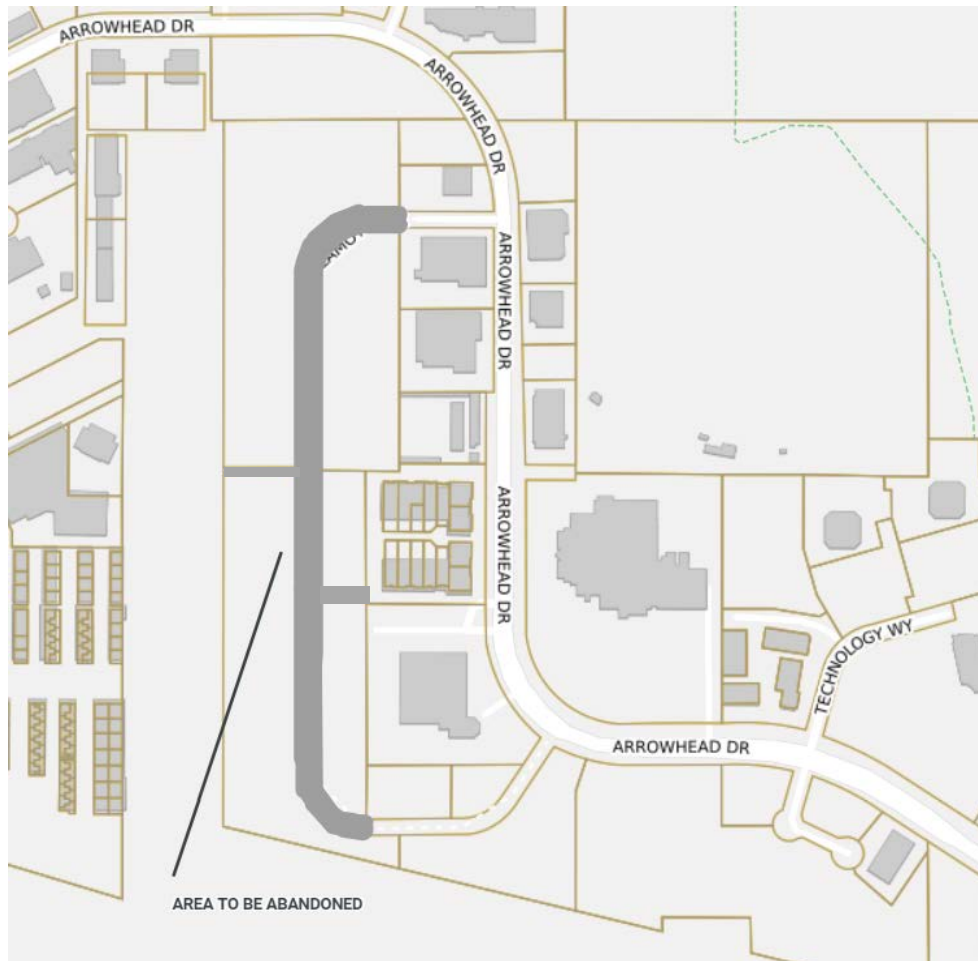
STAFF CONTACT: Kathe Green, Assistant Planner

**AGENDA TITLE:** For Possible Action: Discussion and possible action regarding a request for an abandonment of a Public Right-of-Way, specifically a portion of LaMotte Drive beginning at the rear property lines of 3493 Arrowhead Drive (APN 005-052-03) and 3505 Arrowhead Drive (APN 005-053-03), and extending to approximately the eastern property line of 3321 La Motte Drive (APN 005-053-12).)

**STAFF SUMMARY:** La Motte Drive has a horseshoe shape, and connects at both ends to Arrowhead Drive. The applicant is proposing to abandon a portion of roadway in the middle, and to retain the ends, specifically starting at a point approximately 355 feet west of Arrowhead Drive on the north and ending approximately 820 feet west of Arrowhead Drive on the south. Abandonment of an access easement from La Motte Drive east toward Arrowhead Drive is also proposed. The Board of Supervisors is authorized to abandon a right-of-way. The Planning Commission makes a recommendation to the Board.

**PROPOSED MOTION:** "I move to recommend that the Board of Supervisors approve AB-19-168, based on seven findings and subject to the conditions of approval contained in the staff report."

### VICINITY MAP:





## RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to the recordation of 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. This item will not be agendaized for the Board of Supervisors until submission of all required documentation related to the abandonment.
4. Prior to consideration by the Board of Supervisors, the applicant must dedicate right-of-way or public access easements for fire turn around bulbs at the two ends of the public right-of-way. These bulbs must be improved to public local street standards with curb and gutter and “no parking” signs, or 150% of the cost of this improvement must be bonded for prior to recordation of the abandonment.
5. Construction of the southern portion of La Motte Drive must be completed, or 150% of the cost of this improvement must be bonded for prior to recordation of the abandonment. The remaining items to be finished are as follows:
  - Existing valve to water service vault on north west side of Lamotte Drive, (approximately station # 11+80), valve riser is stuck, cannot operate nut.
  - Station # 12+00 approximately, fire service valve for the lumber yard is paved over.
  - Station #13+81.95, 35.31 LT, Fire hydrant valve riser is off center so much that the valve extension cannot be used to operate valve nut.
  - Station #16+00 approximately, existing in line water valve can is full of debris, nut cannot be operated.
  - Station #17+00 approximately, fire service line valve going into lumber yard is paved over. Check valve vault in the approach is paved over.
  - Station #17+57.57, 27.39 LT, Fire Hydrant valve riser is off center so much that the valve extension cannot be used to operate valve nut.
6. Water main and sewer main easements must be retained over the existing water and sewer mains in the right-of-way. These must be 30 feet wide centered on the mains. Exhibit(s) must be provided to show sufficient detail for this retention.
7. Reference to the documentation of the abandonment of the original alignment of La Motte Drive must be provided. Research of this right-of-way revealed dedication of the current alignment, but not abandonment of the original alignment.
8. Referenced Document 7482 is not a Carson City document number, please correct.
9. New 10 foot wide public utility easements must be dedicated along the new shared lot lines centered on the lot line.
10. Several of the line segments in the legal description of the Resultant Parcel APN 005-053-11 do not match the exhibit. The legal description and/or exhibit must be corrected prior to presentation to the Board of Supervisors.

11. Conditional approval for the requested abandonment shall expire four years after Board of Supervisors 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:** Industrial (I)

**Adjacent ZONING** General Industrial (GI)

**KEY ISSUES:** Will the City or public be materially injured by the approval of the abandonment of the public right-of-way and access easement?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: vacant land zoned General Industrial (GI)

SOUTH: vacant land zoned General Industrial (GI)

WEST: vacant land zoned General Industrial (GI)

EAST: vacant land zoned General Industrial (GI)

**PREVIOUS REVIEWS REGARDING SURROUNDING PROPERTIES:**

MPR-15-074 Certified site program review

**DISCUSSION:**

The proposed area of abandonment totals approximately 3.29 acres and 18,856 square feet, more or less, and is more particularly described in the Order of Abandonment and exhibits. This right-of-way abandonment request pertains to the center portion of the horseshoe shape of La Motte Drive, which would leave connections at both ends attached to Arrowhead Drive. The proposed abandonment starts at a point approximately 355 feet west of Arrowhead Drive on the north and ending approximately 820 feet west of Arrowhead Drive on the south. The original dedication of La Motte Drive included a 20 foot strip that went westerly stubbing out at the airport. This strip is included in the abandonment. An additional area to be abandoned is a private access easement from La Motte Drive to 3665 Arrowhead Drive. This easement is for the benefit of a single property owner, and does not go into effect until La Motte Drive is constructed. As La Motte Drive is proposed to be abandoned, this easement will not go into effect. None of the right-of-way proposed to abandonment has been improved, with the exception of a temporary fire turn-around bulb on the southern portion.

Prior to approval of the abandonment, staff is recommending dedication of right-of-way or public access easements to accommodate turn around “bulbs” at the end of the street “stubs.” These bulbs should be designed to meet local street standards and fire code requirements. The dedication and improvements, or bonding, must be complete prior to recordation of the abandonment.

It is noted several corrections and modifications to the submitted documents will be required prior to presentation of the request to the Board of Supervisors to abandon a portion of La Motte Drive. This request to the Planning Commission is proposed to solicit a recommendation to the Board of Supervisors for approval of the abandonment of a section of La Motte Drive pending receipt of these corrections and modifications. This application will not be presented to the Board, however, until all of the required information has been received.

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 vacation.

Per CCMC 17.15, the Board of Supervisors is authorized to abandon a public right-of-way. The Planning Commission makes a recommendation to the Board of Supervisors based on the ability to make the seven required findings in the affirmative.

**PUBLIC COMMENTS:** A public notice was sent by certified mail to the adjacent property owner per Nevada Revised States on October 24, 2019. 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.

**Fire Department:**

1. Project must comply with the 2018 IFC and northern Nevada fire code amendments as adopted by Carson City.
2. Project must provide a cul-de-sac complying with Figure D103.1 in International Fire Code (IFC) Appendix D.
3. The cul-de-sac must be constructed to Carson City standards.
4. The cul-de-sac must be constructed and accepted prior to the abandonment recording.

**Engineering Division:** The Engineering Division recommends APPROVAL of the proposed abandonment provided that the following conditions of approval are met:

1. Fire turn around bulbs must be provided at the two ends of the public right of way. These must be paved to public local street standards with curb and gutter and "No Parking" signs, or 150% of the cost of this improvement must be bonded for prior to recordation of the abandonment.
2. Private access and emergency access easements must be dedicated over the above fire turn around bulbs.
3. Construction of the southern portion of La Motte Drive must be completed, or 150% of the cost of this improvement must be bonded for prior to recordation of the abandonment. The remaining items to be finished are as follows:
  - a. Existing valve to water service vault on north west side of Lamotte Drive, (approximately station # 11+80), valve riser is stuck, cannot operate nut.
  - b. Station # 12+00 approximately, fire service valve for the lumber yard is paved over.
  - c. Station #13+81.95, 35.31 LT, Fire hydrant valve riser is off center so much that the valve extension cannot be used to operate valve nut.
  - d. Station #16+00 approximately, existing in line water valve can is full of debris, nut cannot be operated.
  - e. Station #17+00 approximately, fire service line valve going into lumber yard is paved over. Check valve vault in the approach is paved over.
  - f. Station #17+57.57, 27.39 LT, Fire Hydrant valve riser is off center so much that the valve extension cannot be used to operate valve nut.
4. Water main and sewer main easements must be retained over the existing water and sewer mains in the right of way. These must be 30' wide centered on the mains. Exhibit(s) must be provided to show sufficient detail for this retention.

5. Reference to the documentation of the abandonment of the original alignment of La Motte Drive must be provided. Research of this right-of-way revealed dedication of the current alignment, but not abandonment of the original alignment.
6. Referenced Document 7482 is not a Carson City document number, please correct.
7. New 10 foot wide public utility easements must be dedicated along the new shared lot lines centered on the lot line.
8. Several of the line segments in the legal description of the Resultant Parcel APN 005-053-11 do not match the exhibit. The legal description and/or exhibit must be corrected prior to recordation.

**RIGHT-OF-WAY ABANDONMENT FINDINGS:** In accordance with Title 17.15.010, the 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?**

There will be no landlocked parcels created as a result of the proposed abandonment of La Motte Drive and the private easement between La Motte Drive and 3655 Arrowhead Drive. The portion of La Motte Drive has not been constructed and only exists on paper. Therefore, staff does not find the abandonment will result in material injury to the public.

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

Carson City Engineering has provided detail regarding the Chain of Title:

- a. La Motte Drive was dedicated to the City with portions of Arrowhead Drive and with "Emergency Access Right Of Way" on October 8, 1981, per the City Recorder's Book 309 Pages 652-654, for \$1.00.
- b. The current alignment of the southern portion of La Mote Drive was dedicated per Document 137561 on December 4, 1992. Abandonment of the original alignment of this section could not be found.
- c. The middle leg of La Motte Drive, which extended between the current APN's 005-053-02 and 005-053-11, was abandoned per Document 221534 on August 5, 1998. A 10 foot wide public utility easement was retained on the new lot line.

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

The street was dedicated with other right-of-way for a cost of \$1.00. It is recommended that there be no financial consideration for gaining the abandoned right-of-way as a portion of the original right-of-way is being retained as public right-of-way.

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

The abandonment does not have a public benefit, and no financial consideration is recommended for the abandonment of the right-of-way.

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

The abandonment will not result in the elimination of parking spaces. No value is assigned for parking to this location. The area under review is undeveloped and is not available for travel or traffic, with the exception of the temporary fire turn-around bulb on the southern portion. The turn-around has not been signed "no parking" and is not paved.

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

It is requested that water main and sewer main easements be retained. The order of abandonment will acknowledge the retention of these easements. In addition, new 10 foot wide public utility easements must be dedicated along the new shared lot lines centered on the lot line.

**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. In addition, it is noted several exhibits and documents will need to be corrected or provided prior to the presentation of this application to the Board of Supervisors.

Attachments:  
Draft Order of Abandonment  
Application (AB-19-168)