



## STAFF REPORT

**Report To:** Board of Supervisors                      **Meeting Date:** March 18, 2021

**Staff Contact:** Heather Ferris, Associate Planner

**Agenda Title:** For Possible Action: Discussion and possible action regarding a proposed Order of Abandonment for the abandonment of a portion of a public right-of-way totaling approximately 0.39 acres along the south side of Beverly Drive and the east side of N. Roop Street, adjacent to properties located at 911 and 1101 Beverly Drive, APNs 002-121-15 and 002-121-16. (Heather Ferris, hferris@carson.org)

Staff Summary: The proposed Order, if approved, would abandon a 13-foot-wide by 1,328.62-foot-long portion of Beverly Drive in front of the Senior Center and Autumn Village Apartments, continuing along the N. Roop Street frontage of the Senior Center parcel (APN 002-121-16). This area has been improved by the adjacent property owners with landscaping and is no longer needed for right-of-way purposes. If approved, this area will be absorbed into the adjacent parcels. Per Carson City Municipal Code ("CCMC") Chapter 17.15, the Planning Commission makes a recommendation to the Board of Supervisors regarding requests for right-of-way purposes. The Board of Supervisors is authorized to abandon the right-of-way.

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

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### **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 February 24, 2021, the Planning Commission conducted a public hearing and voted 7-0 to recommend approval of the proposed abandonment.

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

See the attached February 24, 2021, Planning Commission staff report.

### **Attachments**

Draft Order of Abandonment

February 24, 2021 staff report to the Planning Commission without attachments.

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

NRS 278.480; CCMC Chapter 17.15

**Financial Information**

Is there a fiscal impact? No

If yes, account name/number: N/A

Is it currently budgeted?

Explanation of Fiscal Impact:

**Alternatives**

1. Modify the Conditions of Approval and approve the Order.
2. Do not approve the Order.
3. Refer the matter back to staff and the Planning Commission for further review.

**Attachments:**

[Order of AB-2021-0008.docx](#)

[Order Exhibit A.pdf](#)

[Order Exhibit B.pdf](#)

[Order Exhibit C.pdf](#)

[AB-2021-0008 \(Beverly Dr & Roop St\) 2-24-21.doc](#)

**Board Action Taken:**

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

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

APN(s): 002-121-15 and 002-121-16

AN ORDER ABANDONING A PORTION OF A PUBLIC RIGHT-OF-WAY TOTALING APPROXIMATELY 0.39 ACRES ALONG THE SOUTH SIDE OF BEVERLY DRIVE AND THE EAST SIDE OF N. ROOP STREET, ADJACENT TO PROPERTIES LOCATED AT 911 AND 1101 BEVERLY DRIVE, CARSON CITY, NV APNS 002-121-15 AND 002-121-16.

WHEREAS, on January 15, 2021, the Carson City Real Property Manager duly filed a written application seeking vacation and abandonment of a 13-foot-wide by 1,328.62-foot-long portion of Beverly Drive along the frontage of 911 Beverly Drive and 1101 Beverly Drive, continuing along the N. Roop Street frontage of 911 Beverly Drive, Carson City, NV APNs 002-121-15 and 002-121-16; and

WHEREAS, the application was thereafter referred to the Carson City Planning Commission, a public hearing was thereafter duly noticed and held before the Planning Commission on February 24, 2021, 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 \_\_\_\_\_, 2021, 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 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 portion of the right-of-way is more particularly described on the attached Exhibit A and depicted in attached Exhibit B, resultant parcels are described on attached Exhibit C.

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described access easement and right-of-way are 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 the abandonment, will be protected by easements. The abandonment is subject to reserving easements for utility companies and/or Carson City, as requested.
4. The abandonment shall be recorded concurrently with the final Parcel Map for PM-2021-0007. The final Parcel Map shall retain the existing 10-foot public utility easement along the existing property frontage and grant additional 13-foot public utility easement along the new property frontage, yielding a public utility easement of 23 feet.

ORDERED this \_\_\_\_th day of \_\_\_\_\_, 2021, by the Carson City Board of Supervisors.

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LORI BAGWELL, MAYOR

ATTEST:

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AUBREY ROWLATT, Clerk-Recorder

**EXHIBIT "A"**  
**ABANDONMENT OF PORTIONS OF ROOP STREET AND BEVERLY DRIVE**

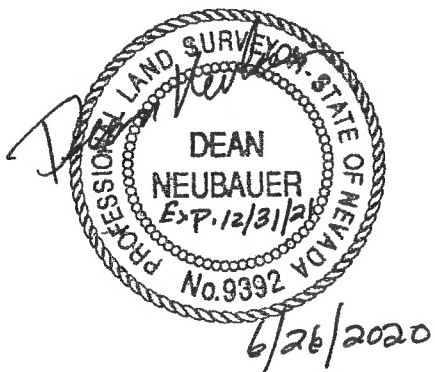
**ABANDONMENT LOT 1**

All that portion of Roop Street and Beverly Drive situated in the Southwest Quarter of the Southeast Quarter of Section 8, Township 15 North, Range 20 East, M.D.B. & M., City and County of Carson City, State of Nevada, more particularly described as follows:

**BEGINNING** at a point whence the northeast corner of Lot 1 of said Section 8 as described in the approved field notes and shown on the approved plat by the United States Department of the Interior, Bureau of Land Management October 28, 1996, said corner monumented with a 3.5 inch brass cap stamped "LOT 1, AP1"; bears North 89°57'01" East, a distance of 360.43 feet distant; **THENCE** along the north line of said Lot 1 which is also the north line of Parcel 2 of a Parcel Map recorded June 13, 2005 under File No. 337949, Map No. 2562 and the south right of way line of Beverly Drive, South 89°57'01" West, a distance of 809.91 feet; **THENCE** southwesterly on a curve to the left concave to the southeast with an arc length of 93.45 feet, a radius of 60.00 feet, a delta of 89°14'16" and a chord that bears South 45°18'13" West, 84.29 feet; **THENCE** along the west line of said parcel 2 and the east right of way line of Roop Street South 00°54'49" West a distance of 74.65' feet to the southwest corner of said Parcel 2; **THENCE** North 89°03'08" West, a distance of 4.28 feet; **THENCE** North 00°56'41" East a distance of 30.17 feet; **THENCE** northwesterly on a curve to the left concave to the west with an arc length of 66.97 feet, a radius of 415.00 feet, a delta of 09°14'45" and a chord that bears North 03°40'41" West, 66.90 feet; **THENCE** northeasterly on a reverse curve to the right concave to the southeast with an arc length of 91.10 feet, a radius of 73.00 feet, a delta of 71°30'07" and a chord that bears North 54°10'18" East, 85.30 feet; **THENCE** North 89°57'01" East, a distance of 810.08 feet; **THENCE** South 00°39'46" West a distance of 13.00 feet **TO THE POINT OF BEGINNING**. Containing 12,143 square feet more or less.

Basis of Bearings for this legal is the Nevada State Plane Coordinate System, West Zone NAD83(94) based upon real time kinematic GPS observations, observed 03/20/2020 using a survey grade dual frequency GPS receiver from control monument CC083 and CC084 modified by a combined factor of 1.0002, scaled from 0.00N ,0.00E and converted to U.S. Survey Feet. Per Record of Survey, File No. 403435, Recorded 8/11/2010, Map No. 2749 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  
JN-10052.000



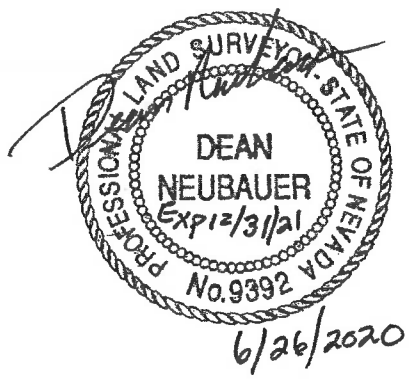
**ABANDONDED LOT 2**

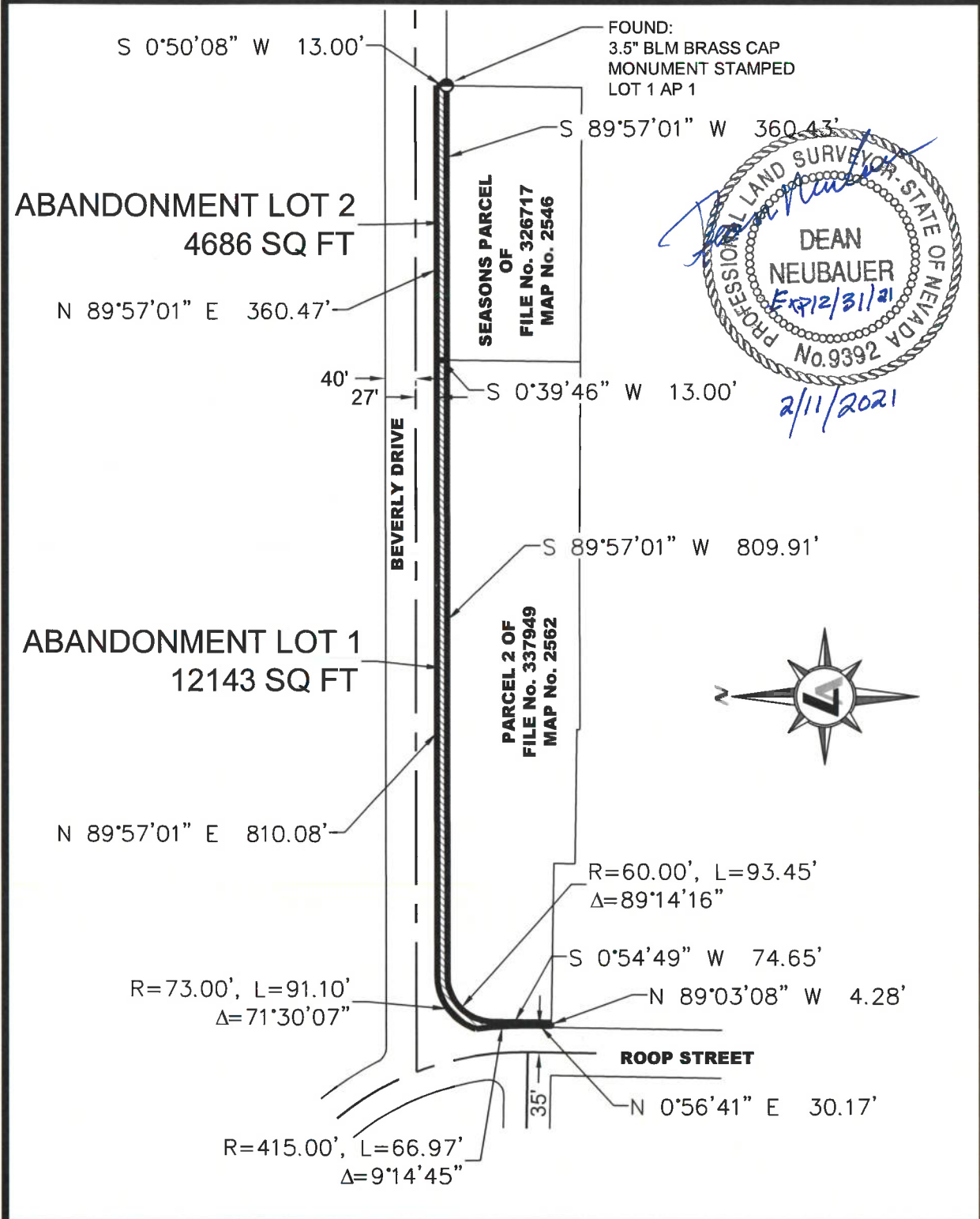
All that portion of Beverly Drive situated in the Southwest Quarter of the Southeast Quarter of Section 8, Township 15 North, Range 20 East, M.D.B. & M., City and County of Carson City, State of Nevada, more particularly described as follows:

**BEGINNING** at a the northeast corner of Lot 1 of said Section 8 as described in the approved field notes and shown on the approved plat by the United States Department of the Interior, Bureau of Land Management October 28, 1996, said corner monumented with a 3.5 inch brass cap stamped "LOT 1, AP1"; **THENCE** along the north line of said Lot 1 and the south right of way line of Beverly Drive, South 89°57'01" West, a distance of 360.43 feet; **THENCE** North 00°39'46" East a distance of 13.00 feet; **THENCE** North 89°57'01" East, a distance of 360.47 feet; **THENCE** South 00°50'08" West a distance of 13.00 feet **TO THE POINT OF BEGINNING**. Containing 4,686 square feet more or less.

Basis of Bearings for this legal is the Nevada State Plane Coordinate System, West Zone NAD83(94) based upon real time kinematic GPS observations, observed 03/20/2020 using a survey grade dual frequency GPS receiver from control monument CC083 and CC084 modified by a combined factor of 1.0002, scaled from 0.00N ,0.00E and converted to U.S. Survey Feet. Per Record of Survey, File No. 403435, Recorded 8/11/2010, Map No. 2749 in the office of the County Recorder of Carson City, Nevada.

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**LUMOS**  
& ASSOCIATES

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**EXHIBIT "B"**  
**ABANDONMENT OF PORTIONS OF**  
**ROOP STEET & BEVERLY DRIVE**  
**IN SECTION 8, T15N, R20E, MDM**

**CARSON CITY** **NEVADA**

Date: 02/2021  
Scale: 1" = 200'  
Job No: 10052.000



## EXHIBIT "C"

**ABANDONMENT RESULTANT APN 002-121-16**

All that certain real property situated in Southwest Quarter of the Southeast Quarter of Section 8, Township 15 North, Range 20 East, M.D.B. & M., City and County of Carson City, State of Nevada, more particularly described as follows:

Parcel 2 of a Parcel Map for Carson City recorded June 13, 2005 under File No. 337949 and Map No. 2562 in the Official Records of Carson City, Nevada.

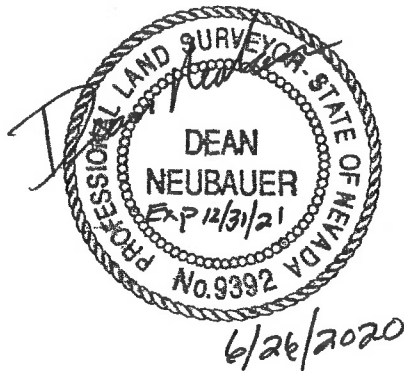
**INCLUDING THEREWITH**, portions of Roop Street and Beverly Drive (Abandoned), more particularly described as follows:

**BEGINNING** at a point whence the northeast corner of Lot 1 of said Section 8 as described in the approved field notes and shown on the approved plat by the United States Department of the Interior, Bureau of Land Management October 28, 1996, said corner monumented with a 3.5 inch brass cap stamped "LOT 1, AP1"; bears North 89°57'01" East, a distance of 360.43 feet distant; **THENCE** along the north line of said Lot 1 which is also the north line of Parcel 2 of a Parcel Map recorded June 13, 2005 under File No. 337949, Map No. 2562 and the south right of way line of Beverly Drive, South 89°57'01" West, a distance of 809.91 feet; **THENCE** southwesterly on a curve to the left concave to the southeast with an arc length of 93.45 feet, a radius of 60.00 feet, a delta of 89°14'16" and a chord that bears South 45°18'13" West, 84.29 feet; **THENCE** along the west line of said parcel 2 and the east right of way line of Roop Street South 00°54'49" West a distance of 74.65' feet to the southwest corner of said Parcel 2; **THENCE** North 89°03'08" West, a distance of 4.28 feet; **THENCE** North 00°56'41" East a distance of 30.17 feet; **THENCE** northwesterly on a curve to the left concave to the west with an arc length of 66.97 feet, a radius of 415.00 feet, a delta of 09°14'45" and a chord that bears North 03°40'41" West, 66.90 feet; **THENCE** northeasterly on a reverse curve to the right concave to the southeast with an arc length of 91.10 feet, a radius of 73.00 feet, a delta of 71°30'07" and a chord that bears North 54°10'18" East, 85.30 feet; **THENCE** North 89°57'01" East, a distance of 810.08 feet; **THENCE** South 00°39'46" West a distance of 13.00 feet **TO THE POINT OF BEGINNING**. Containing 12,143 square feet more or less.

Basis of Bearings for this legal is the Nevada State Plane Coordinate System, West Zone NAD83(94) based upon real time kinematic GPS observations, observed 03/20/2020 using a survey grade dual frequency GPS receiver from control monument CC083 and CC084 modified by a combined factor of 1.0002, scaled from 0.00N ,0.00E

and converted to U.S. Survey Feet. Per Record of Survey, File No. 403435, Recorded 8/11/2010, Map No. 2749 in the office of the County Recorder of Carson City, Nevada.

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**ABANDONMENT RESULTANT APN 002-121-15**

A parcel of land located within a portion of Section 8, Township 15 North, Range 20 East, M.D.M., Carson City, Nevada, being more particularly described as follows:

**BEGINNING** at a point on the Southerly right-of-way of Beverly Drive also being the Northeast corner of the "Bureau of Land Management Property Equipment Yard", as shown on the Record of Survey for Bureau of Land Management, Map No. 604, Doc. No. 74199 of the Carson City Recorder's Office;

**thence** S. 00°01'11" W., along Easterly line of said Parcel, 177.08 feet;

**thence** S. 89°47'55" W., 360.38 feet;

**thence** N. 00°01'11" E., 173.19 feet to a point on said Southerly right-of-way line;

**thence** N. 89°10'50" E., along said Southerly right-of-way, 360.42 feet to the **POINT OF BEGINNING**.

Containing 63,114 Square Feet, (1.449 Acres) more or less.

Basis of Bearing:

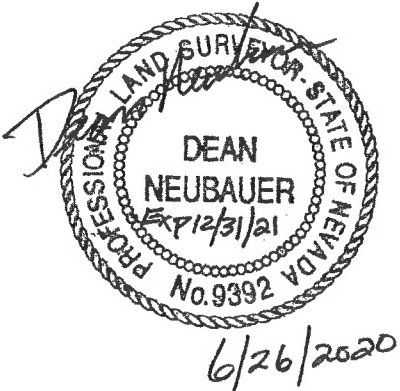
The North line of the South one-half of the BLM Property as shown on Record of Survey for Bureau of Land Management, Map No. 604, (S. 89°48'36" E.).

**INCLUDING THEREWITH**, portions of Beverly Drive (Abandoned), more particularly described as follows:

**BEGINNING** at a the northeast corner of Lot 1 of said Section 8 as described in the approved field notes and shown on the approved plat by the United States Department of the Interior, Bureau of Land Management October 28, 1996, said corner monumented with a 3.5 inch brass cap stamped "LOT 1, AP1"; **THENCE** along the north line of said Lot 1 and the south right of way line of Beverly Drive, South 89°57'01" West, a distance of 360.43 feet; **THENCE** North 00°39'46" East a distance of 13.00 feet; **THENCE** North 89°57'01" East, a distance of 360.47 feet; **THENCE** South 00°50'08" West a distance of 13.00 feet **TO THE POINT OF BEGINNING**. Containing 4,686 square feet more or less.

Basis of Bearings for this legal is the Nevada State Plane Coordinate System, West Zone NAD83(94) based upon real time kinematic GPS observations, observed 03/20/2020 using a survey grade dual frequency GPS receiver from control monument CC083 and CC084 modified by a combined factor of 1.0002, scaled from 0.00N ,0.00E and converted to U.S. Survey Feet. Per Record of Survey, File No. 403435, Recorded 8/11/2010, Map No. 2749 in the office of the County Recorder of Carson City, Nevada.

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**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF FEBRUARY 24, 2021**

**FILE NUMBER:** AB-2021-0008

**AGENDA ITEM:** E.2

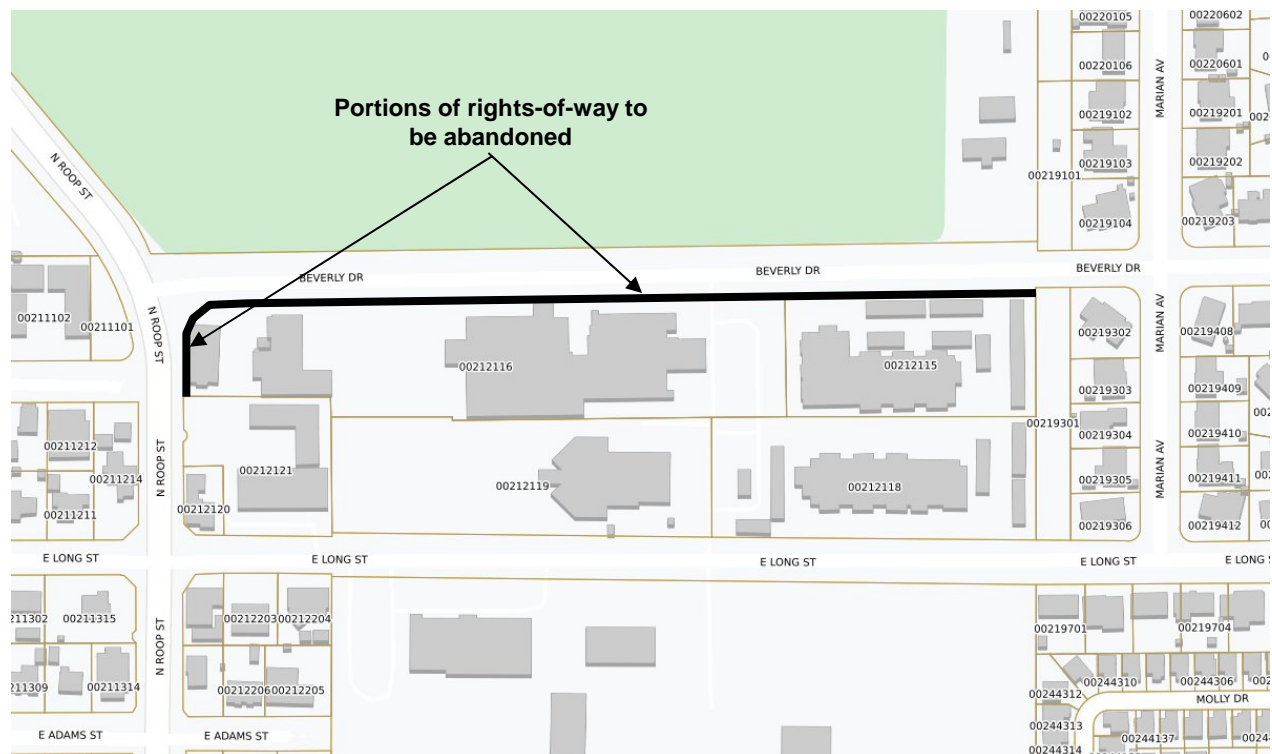
**STAFF CONTACT:** Heather Ferris, Associate Planner

**AGENDA TITLE:** For Possible Action: Discussion and possible action regarding a request for an abandonment of a portion of a public right-of-way totaling approximately 0.39 acres along the south side of Beverly Drive and the east side of N. Roop Street, adjacent to properties located at 911 and 1101 Beverly Drive, APNs 002-121-15 and 02-121-16. (Heather Ferris, [hferris@carson.org](mailto:hferris@carson.org))

**STAFF SUMMARY:** The proposal is to abandon a 13-foot-wide by 1,328.62-foot-long portion of Beverly Drive in front of the Senior Center and Autumn Village Apartments, continuing along the N. Roop Street frontage of the Senior Center parcel (APN 002-121-16). This area has been improved by the adjacent property owners with landscaping and is no longer needed for right-of-way purposes. If approved, this area will be absorbed into the adjacent parcels. Per CCMC 17.15, the Planning Commission makes a recommendation to the Board of Supervisors regarding requests for right-of-way abandonment. The Board of Supervisors is authorized to abandon the right-of-way.

**RECOMMENDED MOTION:** "I move to recommend that the Board of Supervisors approve AB-2021-0008, based on the 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 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 consideration. This Notice of Decision will be mailed to the applicant for signature after approval by the Board of Supervisors.
3. Conditional approval for the requested abandonment shall expire one year after Board of Supervisors approval of the original application unless an extension of time has been granted by the Board of Supervisors.
4. The abandonment shall be recorded concurrently with the final Parcel Map for PM-2021-0007. The final Parcel Map shall retain the existing 10-foot public utility easement along the existing property frontage and grant an additional 13-foot public utility easement along the new property frontage, yielding a public utility easement of 23 feet.

**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:** Public/Quasi-Public

**Adjacent ZONING:** Public Regional (PR) & Public Community (PC)

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

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Public Regional (PR)/Lone Mountain Cemetery  
SOUTH: Residential Office (RO), Public Community (PC) & Public Regional (PR)/Apartments & Carson City Health and Human Services Building  
EAST: Public Regional (PR)/Apartments  
WEST: Public Community (PC)/vacant

**DISCUSSION:**

The request is to allow the abandonment of the portion of Beverly Drive and N. Roop Street, adjacent to APN's 002-121-15 and 002-121-16. The portion to be abandoned is 13 feet wide by 1,328.62 feet long located on the south side of Beverly Drive in front of the Senior Center and Autumn Village Apartments and continues along the N. Roop Street frontage of the Senior Center parcel (APN 002-121-16). The total area being abandoned is approximately 0.39 acres.

The right-of-way was recognized in 1953 when a survey was completed to, among other things, delineate the occupied right-of-way for the Nevada State Highway also known as "Cemetery Road." The area under review has been improved by the adjacent landowners with landscaping. The abandonment of these rights-of-way areas are proposed to be reverted in their entirety to the adjacent parcels.

In addition to this abandonment, the applicant has concurrently applied for a Parcel Map which staff is reviewing. As a condition of approval for the parcel map staff is requiring the abandonment be

completed prior to recording the map. Additionally, the abandonment is conditioned on the concurrent recordation of the parcel map to ensure the appropriate public utility easements will be established and retained.

CCMC 17.15 identifies the approval process for abandonment of rights-of-way. The Planning Commission reviews the abandonment and makes recommendation to the Board. The Board has the authority to approve the abandonment. Per NRS 278.480 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.

**PUBLIC COMMENTS:** A public notice was sent by certified mail to the adjacent property owners per Nevada Revised States on February 9, 2021. At the writing of this report, there have been no public comments received regarding 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:** The Engineering Division recommends APPROVAL of the proposed abandonment subject to the following conditions of approval.

- The abandonment shall be recorded concurrently with the final Parcel Map for PM-2021-0007. The final Parcel Map shall retain the existing 10-foot public utility easement along the existing property frontage and grant an additional 13-foot public utility easement along the new property frontage, yielding a public utility easement of 23 feet.

The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices. The following discussion is offered.

1. What is the chain of title of the right-of-way?

Development Engineering agrees with Robert C. Nellis, Real Property Manager, finding that there is no history of dedication so the chain of title of the right-of-way is not provided.

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

No. The section of right-of-way currently has utilities. This functionality will be preserved with public utility easements.

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

No history of dedication.

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

Development Engineering has no comment on this finding.

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

Development Engineering has no comment on this finding.

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

The areas of abandonment do not provide for parking. The portions of right-of-way that are being requested for abandonment are currently being used for landscaping while parking by the private property owners and their guests are currently provided on the private property.

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

Public utility easements will be reserved, and additional easements established. The abandonment is required to be recorded concurrently with the final Parcel Map for PM-2021-0007. The final Parcel Map shall retain the existing 10-foot public utility easement along the existing property frontage and grant additional an 13-foot public utility easement along the new property frontage, yielding a public utility easement of 23 feet.

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

Please see above.

**RIGHT-OF-WAY ABANDONMENT FINDINGS:** In accordance with CCMC 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?**

The abandonment will not result in material injury to the public. This request is to allow for the abandonment of a portion of Beverly Drive and N. Roop Street adjacent to APNs 002-121-15 or 002-121-16. The area to be abandoned is 13 feet wide by 1,328.62 long totaling approximately 0.39 acres. The rights-of-way have been improved by the adjacent landowners with landscaping. The abandonments of these rights-of-way are proposed to be reverted back to the adjacent parcels. This portion of the rights-of-way currently have utilities. This functionality will be preserved with the required public utility easements.

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

There are no records indicating the street was dedicated. The right-of-way for Beverly Drive was recognized in 1953 when a survey was completed (Map #48) to, among other things, delineate the occupied right-of-way for the Nevada State Highway also known as "Cemetery Road." Today this road is known as Beverly Drive. The area under review has been improved by the adjacent landowners with landscaping.

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

No financial considerations are recommended. The right-of-way is owned by Carson City and the adjacent parcels which would be absorbing these areas of abandonment are also owned by Carson City.

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

No financial considerations are recommended for this abandonment. The right-of-way as well as the two adjacent parcels are owned by Carson City.

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

The portions of the right-of-way being considered for abandonment are improved by the adjacent property owners with landscaping and are comprised of the areas behind the existing sidewalks. The



area of abandonment does not provide for any parking.

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

The applicant has concurrently applied for a Parcel Map which staff is reviewing. Appropriate public utility easements will be established with the Parcel Map. Additionally, the existing PUE along the property frontage will be retained. As recommended the abandonment is conditioned on the concurrent recordation of the Parcel Map establishing and retaining these easements, yielding a 23-foot public utility easement along the property frontage.

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

In addition to the conditions required by CCMC 18.02.105.9 staff is recommending the abandonment be conditioned on the concurrent recordation of the Parcel Map establishing and retaining appropriate public utility easements along the frontage.

Attachments:  
Draft Order of Abandonment  
Application (AB-2021-0008)