



## STAFF REPORT

**Report To:** Board of Supervisors                      **Meeting Date:** April 15, 2021

**Staff Contact:** Darren Schulz, Public Works Director

**Agenda Title:** For Possible Action: Discussion and possible action regarding a Grant of Easement at no cost from Jose Martinez Zaldivar to Carson City, located on a portion of 850 Colorado Street, APN 009-102-11 ("Easement"), that is necessary for the Colorado Street Project. (Dan Stucky, dstucky@carson.org, Robert Nellis, rnellis@carson.org and Christopher Martinovich, cmartinovich@carson.org)

**Staff Summary:** The easement is for a total of 611 square feet for roadway and sidewalk improvements. The easement is required as part of the Colorado Street Project and allows for the reconstruction of Colorado Street and sidewalks which are deteriorating due to age and are not compliant with the American with Disabilities Act ("ADA"). The property owner has agreed to grant a permanent easement for the purposes of constructing, repairing, maintaining and replacing the roadway, sidewalk and associated improvements along Colorado Street. The property owner has agreed to execute this permanent Grant of Easement without consideration for these purposes.

**Agenda Action:** Formal Action / Motion                      **Time Requested:** Consent

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### **Proposed Motion**

I move to accept, and authorize the Mayor to sign, the Grant of Easement as presented.

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

Sustainable Infrastructure

### **Previous Action**

At the March 11, 2020 meeting, the Regional Transportation Commission ("RTC") approved submission for a Community Development Block Grant ("CDBG") for ADA sidewalk improvements.

At the May 13, 2020 meeting, the RTC approved allocation of Surface Transportation Block Grant ("STBG") funds for general road improvements.

At the February 10, 2021 meeting, staff provided the RTC an update regarding the public outreach efforts for the project.

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

The Colorado Street Project is a federally funded project to reconstruct pavement, provide ADA compliant sidewalks and curb ramps and perform waterline replacement between California Street and Saliman Road. Carson City Public Works received CDBG funds to make sidewalk and curb ramp improvements along the

Colorado Street Corridor and abutting California Street. Carson City allocated STBG funding to the project for pavement reconstruction. Additional local funds have also been allocated for other identified project needs including waterline replacement and safety enhancements.

Right-of-way research was conducted as part of the preliminary review of the project. A portion of the existing sidewalk, including the curb ramp at the corner of Colorado Street and Kansas Street, was identified to be outside of the existing City right-of-way along this parcel. Without this easement, the City is unable to reconstruct the curb ramp to comply with current ADA standards. This permanent Grant of Easement only encompasses the sidewalk and curb ramp areas to allow for reconstruction of those features to occur as part of the project. The property owner is making the Grant of Easement without consideration at no cost to the City.

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

NRS Chapter 271.330

**Financial Information**

**Is there a fiscal impact?** No

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

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:** N/A

**Alternatives**

Do not accept the easement and/or provide alternative direction to staff.

**Attachments:**

[00910211 Grant of Easement\\_Signed.pdf](#)

**Board Action Taken:**

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

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

APN 009-102-11

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

GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made this 25 day of March 2021 by and between Jose Martinez Zaldivar ("Grantor"), as his interest appears of record, and Carson City, Nevada, a consolidated municipality and political subdivision of the State of Nevada ("City").

WITNESSETH:

The Grantor(s) hereby grant to the City, without consideration and for those purposes as contained in Chapter 271 of the Nevada Revised Statutes, a permanent easement and right-of-way for a roadway and associated improvements upon, under, over, and across certain real property; said easement is shown and more fully described in Exhibit "A" and "A-1", attached hereto and made a part hereof.

The City shall have the right to enter the easements at will for access to and to install, construct, inspect, repair, maintain, remove, and replace, in whole or in part, or take any other action regarding, the roadway and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway. The public shall also have the right to access the roadway and appurtenances. The easement shall run with the land and bind each party's heirs, executors, representatives, successors, and assigns.

TO HAVE AND TO HOLD all and singular the said real property, together with the appurtenances, unto the said CITY and to any heirs, successors and assigns forever.

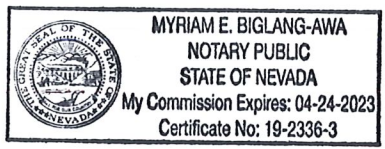
APN 009-102-11

IN WITNESS WHEREOF said Grantor(s) has hereunto signed on the day and year first above written.

By: [Signature] 03/25/2021  
Jose Martinez Zaldivar Date

STATE OF Nevada )  
COUNTY OF Washoe )

This instrument was acknowledged before me on this 25<sup>th</sup> day of March, 2021  
by Jose Martinez Zaldivar



[Signature]  
Notary Public

APN 009-102-11

CITY:  
REVIEWED AND RECOMMENDED BY:

\_\_\_\_\_  
Dan Stucky, Deputy Public Works Director                      Date

APPROVED FOR LEGALITY AND FORM:

\_\_\_\_\_  
Deputy District Attorney    Date

APPROVED:

\_\_\_\_\_  
Lori Bagwell, Mayor    Date

ATTEST:

\_\_\_\_\_  
Aubrey Rowlett, Clerk-Recorder                                      Date

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**009-102-11**

A portion of that land as described in the Grant Deed to Jose Zaldivar, according to the Grant Deed Recorded May 5, 2016 and filed as instrument number 464171, in the office of the recorder for the City of Carson City, State of Nevada, lying within Section 20, Township 15 North, Range 20 East, Mount Diablo Base Meridian, in the City of Carson City, State of Nevada, more particularly described as follows:

**COMMENCING** at the intersection of Colorado Street and Kansas Street, as shown on the Ponderosa Subdivision according to the Plat recorded November 1, 1967 as file 311, in the office of the recorder for said City, marked by a 2-inch brass cap stamped RLS 2096, from which the a point on the center line of Kansas Street, marked by a 5/8-inch rebar, bears North 0 Degrees 30 Minutes 19 Seconds East, 635.12 feet;

**THENCE**, on said centerline of Kansas Street, North 0 Degrees 30 Minutes 19 Seconds East, 30.00 feet;

**THENCE**, on the northerly boundary of said Colorado Street right of way produced, North 89 Degrees 12 Minutes 39 Second West, 20.50 feet, to the **POINT OF BEGINNING**;

**THENCE**, continuing on said northerly boundary of Colorado Street, North 89 Degrees 12 Minutes 39 Second West, 140.00 feet, to the westerly boundary of said Zaldivar property;

**THENCE**, on said westerly boundary. North 0 Degrees 30 Minutes 19 Seconds East 2.54 feet; Containing 611.36 square feet, more or less.

**THENCE**, North 89 Degrees 47 Minutes 02 Seconds East, 120.26 feet;

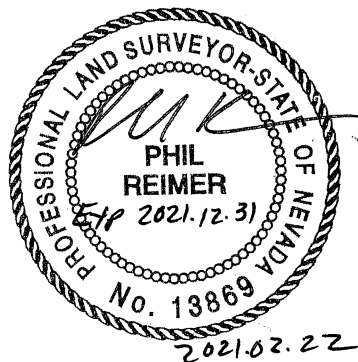
**THENCE**, on a curve to the left, having a radius of 20.00 feet, through a central angle of 89 Degrees 16 Minutes 44 Seconds, an arc distance of 31.16 feet, to the westerly boundary of Kansas Street right of way;

**THENCE**, on said westerly boundary of Kansas Street right of way, South 0 Degree 30 Minutes 19 Seconds west, 24.75 feet, to the **POINT OF BEGINNING**

Containing 611.36 square feet, more or less

***EXHIBIT B** is to accompany description and is attached hereto and made a part hereof, by reference.*

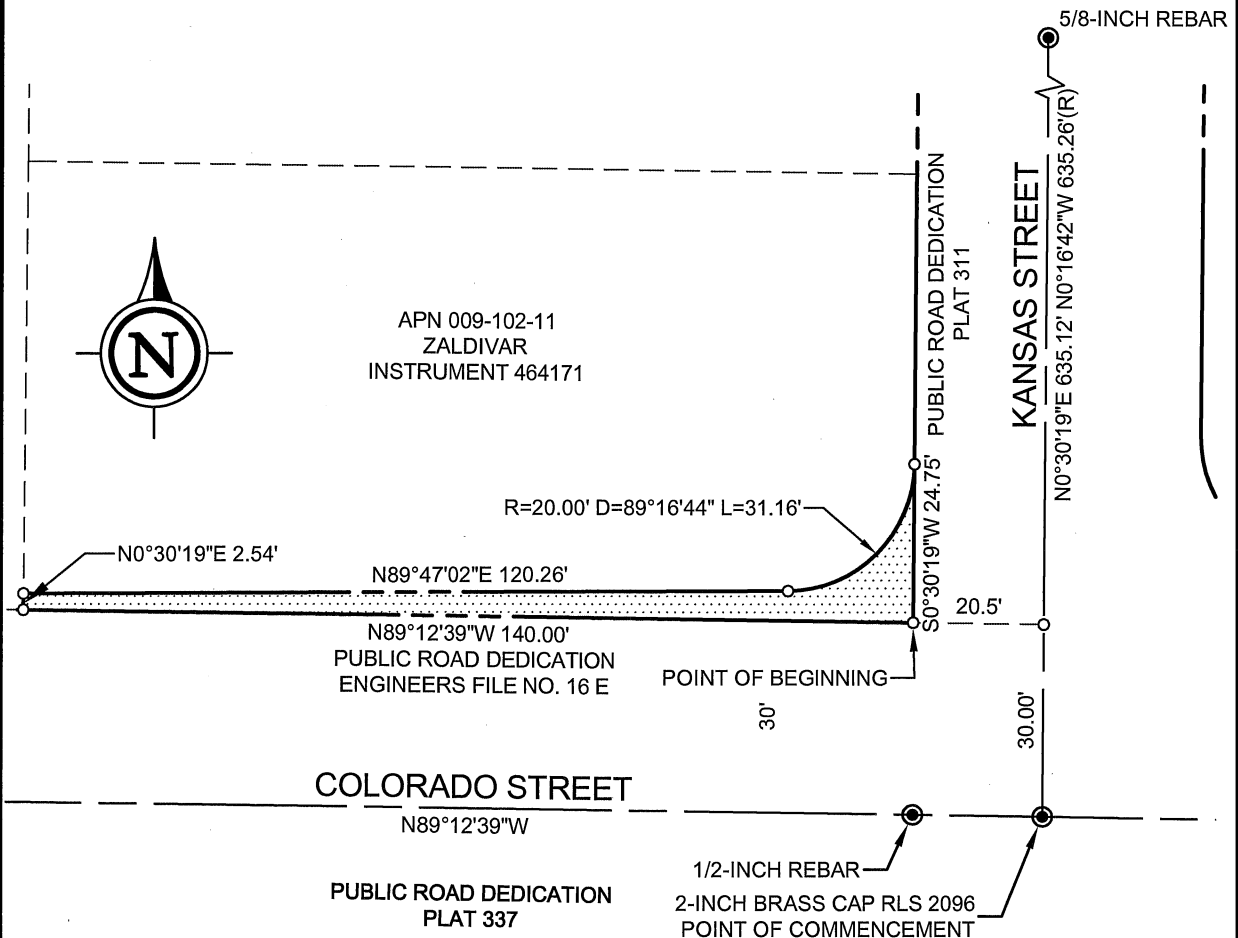
Phil Reimer, P.L.S.  
Nevada Certificate No.13869



# PUBLIC STREET DEDICATION

SECTION 20

TOWNSHIP 15 NORTH, RANGE 20 EAST, MOUNT DIABLO BASE AND MERIDIAN  
CITY OF CARSON CITY STATE OF NEVADA



**LEGEND**

FOUND AND ACCEPTED MONUMENT AS NOTED  
DIMENSION POINT. NOTHING FOUND, NOTHING SET.

**BASIS OF COORDINATES**

CARSON CITY MONUMENT CC030 AS SHOWN ON THAT RECORD OF SURVEY, RECORDED AUGUST 11, 2010, AND FILED AS THE "OFFICIAL RECORD OF SURVEY OF 2010 CARSON CITY CONTROL NETWORK". IN THE OFFICE OF THE RECORDER FOR CARSON CITY. THE BEARING BETWEEN SAID CARSON CITY MONUMENT CC030 AND CARSON CITY MONUMENT 495001M AS SHOWN IN SAID RECORD OF SURVEY IS TAKEN AS NORTH 88°18'07" WEST. ALL DIMENSIONS SHOWN ARE GROUND DISTANCES. COMBINED GRID-TO-GROUND FACTOR=1.0002.

**EASEMENT AREA**

611.36 SQUARE FEET PERMANENT OFFER OF DEDICATION

**FARR WEST**  
ENGINEERING

5510 LONGLEY LANE  
RENO, NEVADA 89511  
PHONE: (775) 851-4788  
FAX: (775) 851-0766

**EXHIBIT A-1**

PLAT TO ACCOMPANY  
LEGAL DESCRIPTION

SCALE 1"= 30'

JOB NO. 1984  
SHEET 1 OF 1