Agenda Item No: 9.B



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 four permanent easements

granted by the property owners of APNs 007-081-04, 007-071-04, 007-071-23 and

007-071-02 ("Easements"), that are necessary for the Kings Canyon Road and Trailhead Federal Lands Access Program ("FLAP") Project, for which the City will pay the total

aggregate amount of \$6,170 to the respective property owners. (Dan Stucky,

dstucky@carson.org, Robert Nellis, rnellis@carson.org and Christopher Martinovich,

cmartinovich@carson.org)

Staff Summary: The Easements are a combined total of 3,813 square-feet for slope and drainage improvements. These Easements are required as part of the Project; the Easements are necessary to allow for the reconstruction of Kings Canyon Road which is deteriorating due to its age, erosion and inadequate roadside drainage. The property owners have agreed to grant the Easements for the purposes of constructing, repairing and maintaining the roadway, drainage facilities, other appurtenances associated with Kings Canyon Road and other necessary improvements to construct the Project. As consideration for the Easements, the City will make a combined one-time total payment of

\$6,170 for all four easements to the property owners.

Agenda Action: Formal Action / Motion Time Requested: Consent

Proposed Motion

I move to approve the purchase of, and authorize the Mayor to sign, the four Easements as presented.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

The Kings Canyon Road and Trailhead FLAP Project has been presented to the Regional Transportation Commission ("RTC") at the following meetings:

At the November 27, 2017 RTC meeting, the RTC approved submission of the FLAP Grant for the Kings Canyon Road Project.

At the August 8, 2018 RTC meeting, the RTC approved a FLAP Memorandum of Agreement for the Kings Canyon Road Project and Reimbursement Agreement Modification 001 with a total agreement amount of \$3,707,000, of which the City was obligated to pay a 5% local match totaling \$185,350.

At the March 10, 2021 RTC meeting, the RTC approved Reimbursement Agreement Modification 002 increasing the total agreement amount to \$5,110,000, including increasing the City's 5% local match to \$255,500, plus an additional \$30,000 in costs not eligible for federal funding, for a total local match of \$285,500.

At the April 1, 2021 Board of Supervisors ("Board") meeting, staff submitted a permanent roadway and drainage easement on APN 007-071-13 for the Board's consideration that is necessary for the Kings Canyon Road and FLAP Project.

Background/Issues & Analysis

In 2018, Carson City was awarded a FLAP grant for the Kings Canyon Road and Trailhead Project. This is a federally funded project to reconstruct approximately one mile of roadway and to design and construct a formal trailhead parking area to improve the access and management of the existing trailhead. The roadway and trailhead are in a state of disrepair. The roadway pavement is deteriorating due to old age and erosion from inadequate roadside drainage, creating safety concerns, and routine maintenance needs. The current trailhead is undersized, lacks access control and amenities, and is rapidly deteriorating due to stormwater erosion and parking along the shoulder. These issues are creating chaotic conditions which could hinder first responders and are having a negative impact to the quality of life for residences along Kings Canyon Road.

Between November 10, 2020 and March 25, 2021, the City executed Right-of-Entry ("ROE") Agreements with the four property owners that authorize the City to construct the improvements on the properties within a year from the time each ROE was executed, and also commits each owner to signing a permanent Grant of Easement upon approval by the Board and the City's tender of \$6,170 combined payments to the owners. The amount of compensation is based on a market value analysis and comparative methodology. The \$6,170 expended for the Easements is eligible to be counted toward the City's required 5% local match for the FLAP grant. The compensation will be paid using the Regional Transportation Fund.

Applicable Statute, Code, Policy, Rule or Regulation

NRS Chapter 271.330

Financial Information

Is there a fiscal impact? Yes

If yes, account name/number: Regional Transportation Fund. Capital Improvements / 2503035-507010: Project P303519006

Is it currently budgeted? Yes

Explanation of Fiscal Impact: The \$6,170 combined one-time total payments for the easements will be deducted from the current budget of \$285,500 required for local match as part of the FLAP grant.

Alternatives

Do not approve the purchase of the Easements and/or provide alternative direction to staff.

Attachments: Easements_Signed.pdf		
Board Action Taken:	4)	Ave /Nev
Motion:	2)	Aye/Nay

(Vote Recorded By)

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 267H day of March 2021 by and between the Edward F. Killian Family Trust ("Grantor"), as their interest appears of record, and Carson City, Nevada, a consolidated municipality and political subdivision of the State of Nevada ("City").

WITNESSETH:

In consideration of Two Thousand Seven Hundred Thirty Dollars and 00/100 (\$2,730.00) paid, and other good and valuable consideration, the Grantor(s) hereby grant to the City, 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 "B", 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, the culvert, and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway, creek, and drainage facilities. 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 007-081-04

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

By: General Fullian 3/26/21
Edward F Killian Date

By: Jeanne Killian 3-316-31

Date

country of Washue)

This instrument was acknowledged before me on this 26 day of March , 2021 by Edward F Killian and Jeanne Killian .

GILLIAN H. COELHO
Notary Public, State of Nevada
Appointment No. 20-9826-02
My Appt. Expires Apr 5, 2024

Notary Public

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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 Rowlatt, Clerk-Recorder		Date

EXHIBIT 'A' PERMANENT EASEMENT (OVER APN 007-081-04) EDWARD F. KILLIAN FAMILY TRUST

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

A strip of land for permanent easement purposes located within a portion of Section 13, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

BEGINNING at the southwest corner of that certain Parcel as shown on the Map of Survey for Raymond P. McGuigan filed for record October 14, 1950 in the office of Recorder, Carson City, Nevada as Document No. 5083, said point falling on the northerly line of Kings Canyon Road, and also falling on the south line of said Section 13;

thence North 83°21'12" East, 85.74 feet; thence North 88°35'43" East, 53.70 feet;

thence South 69°43'21" East, 19.83 feet to a point on said northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, South 72°16'50" West, 17.69 feet to a point on said south line of Section 13;

thence continuing along said northerly line of Kings Canyon Road, and south line of said Section 13, North 89°35'10" West, 140.61 feet to the **POINT OF BEGINNING**, containing 1,179 square feet, more or less.

The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988

P.O. Box 2229



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

GRANT OF EASEMENT

WITNESSETH:

In consideration of One Thousand Two Hundred Sixty Dollars and 00/100 (\$1260.00) paid, and other good and valuable consideration, the Grantor(s) hereby grant to the City, for those purposes as contained in Chapter 271 of the Nevada Revised Statutes, a permanent easement, a drainage easement, and right-of-way for a roadway and associated improvements upon, under, over, and across certain real property; said easements are shown and more fully described in Exhibits "A", "B" and "C", 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, the ditches, and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway, creek, and drainage facilities. 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.

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

Date

STATE OF <u>Nevada</u> COUNTY OF Calson City

This instrument was acknowledged before me on this 17 day of February by ** Mary Barbara Long **



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 Rowlatt, Clerk-Recorder	Date

EXHIBIT 'A' PERMANENT EASEMENT (OVER APN 007-071-23) MARY B. LONG

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

A strip of land for permanent easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

BEGINNING at the southwest corner of Parcel 3 as shown on the Parcel Map for Arthur J. Bayer, Jr. filed for record November 8, 1996 in the office of Recorder, Carson City, Nevada as Parcel Map No. 2189, said point falling on the northerly line of Kings Canyon Road:

thence along the west boundary of said Parcel 3, North 03°24'29" East, 4.26 feet; thence North 72°14'25" East, 138.70 feet to a point on said northerly line of Kings Canvon Road:

thence along said northerly line of Kings Canyon Road, South 70°36'58" West, 140.30 feet to the **POINT OF BEGINNING**, containing 276 square feet, more or less.

The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988

P.O. Box 2229



EXHIBIT 'B' DRAINAGE EASEMENT (OVER APN 007-071-23) MARY B. LONG

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

A strip of land for drainage easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

COMMENCING at the southwest corner of Parcel 3 as shown on the Parcel Map for Arthur J. Bayer, Jr. filed for record November 8, 1996 in the office of Recorder, Carson City, Nevada as Parcel Map No. 2189, said point falling on the northerly line of Kings Canyon Road;

thence along the west boundary of said Parcel 3, North 03°24'29" East, 8.13 feet to a point on the north line of a seven and one-half foot (7.5') public utility and drainage easement as shown on said Parcel Map No. 2189, the **POINT OF BEGINNING**;

thence continuing along said west boundary of Parcel 3, North 03°24'29" East, 0.98 feet;

thence North 69°01'48" East, 26.58 feet;

thence North 52°25'45" East, 10.25 feet;

thence North 71°02'59 East, 23.38 feet;

thence North 80°11'41" East, 27.99 feet to a point on said north line of a seven and one-half foot (7.5') public utility and drainage easement;

thence along said north line of a seven and one-half foot (7.5') public utility and drainage easement, South 70°36'58 West, 87.66 feet to the **POINT OF BEGINNING**, containing 241 square feet, more or less.

TOGETHER WITH:

A strip of land for drainage easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

COMMENCING at the southwest corner of Parcel 3 as shown on the Parcel Map for Arthur J. Bayer, Jr. filed for record November 8, 1996 in the office of Recorder, Carson City, Nevada as Parcel Map No. 2189, said point falling on the northerly line of Kings Canyon Road;

thence continuing along the west boundary of said Parcel 3, North 03°24'29" East, 9.11 feet;

thence North 69°01'48" East, 26.58 feet;

thence North 52°25'45" East, 10.25 feet;

thence North 71°02'59 East, 23.38 feet;

thence North 80°11'41" East, 27.99 feet to a point on the north line of a seven and one-half foot (7.5') public utility and drainage easement;

thence continuing along said north line of a seven and one-half foot (7.5') public utility and drainage easement, North 70°36'58" East, 59.92 feet to the **POINT OF BEGINNING**;

thence North 66°04'01" East, 19.29 feet;

thence North 73°07'07" East, 22.97 feet to a point on said north line of a seven and one-half foot (7.5') public utility and drainage easement;

thence along said north line of a seven and one-half foot (7.5') public utility and drainage easement, South 60°05'21" West, 2.88 feet;

thence continuing along said north line of a seven and one-half foot (7.5') public utility and drainage easement, South 70°36'58" West, 39.34 feet to the **POINT OF BEGINNING**, containing 38 square feet, more or less.

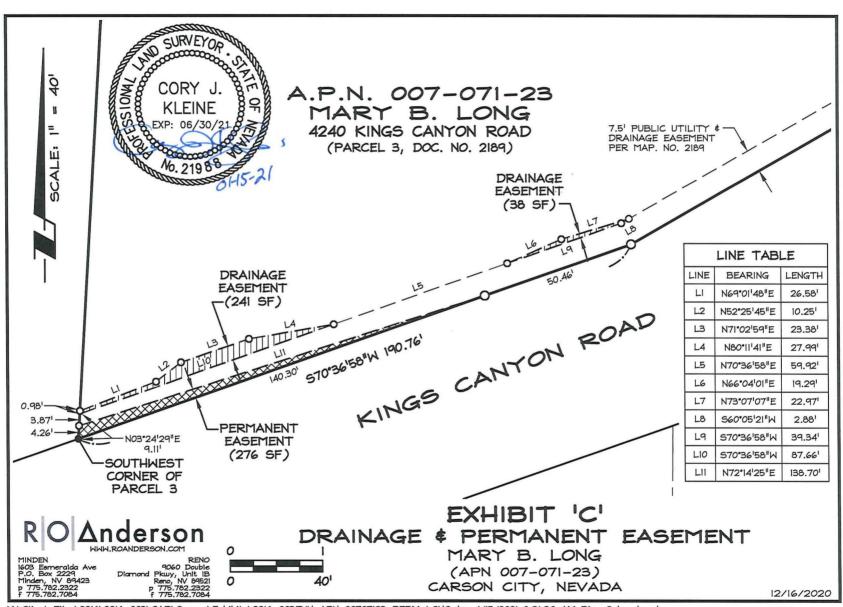
The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988

P.O. Box 2229





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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 ______ day of ______ 2021 by and between Steven P. Handelin and Lindsay B. Handelin ("Grantor(s)"), as their interest appears of record, and Carson City, Nevada, a consolidated municipality and political subdivision of the State of Nevada ("City").

WITNESSETH:

In consideration of Two Thousand One Hundred Eighty Dollars and 00/100 (\$2,180.00) paid, and other good and valuable consideration, the Grantor(s) hereby grant to the City, 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 "B", 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, the culvert, and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway, creek, and drainage facilities. 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.

above written.

By: 2-11-2021

By: 2-11-2021

Steven P. Handelin Date

STATE OF Nevada

COUNTY OF Carson

This instrument was acknowledged before me on this 11th day of February by Lindsay B. Handelin and Steven P. Handelin

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

HANNAH RHOADES
NOTARY PUBLIC
STATE OF NEVADA
My Appt. Exp. Jan. 10, 2023

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 Rowlatt, Clerk-Recorder	Date		

2216-003 11/23/2020

EXHIBIT 'A' PERMANENT EASEMENT (OVER APN 007-071-04) STEVEN P. & LINDSAY B. HANDELIN

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

A strip of land for permanent easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

BEGINNING at the southeast corner of Parcel No. 3 as described in that certain deed filed for record April 2, 1990 in the office of Recorder, Carson City, Nevada as Document No. 98193, said point falling on the northerly line of Kings Canyon Road; thence along the west boundary of said Parcel No. 3, North 70°44'34" West, 36.27 feet;

thence North 44°52'07" East, 51.31 feet;

thence South 61°49'32" East, 18.34 feet to a point on said northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, South 24°33'40" West, 43.61 feet to the **POINT OF BEGINNING**, containing 1,238 square feet, more or less.

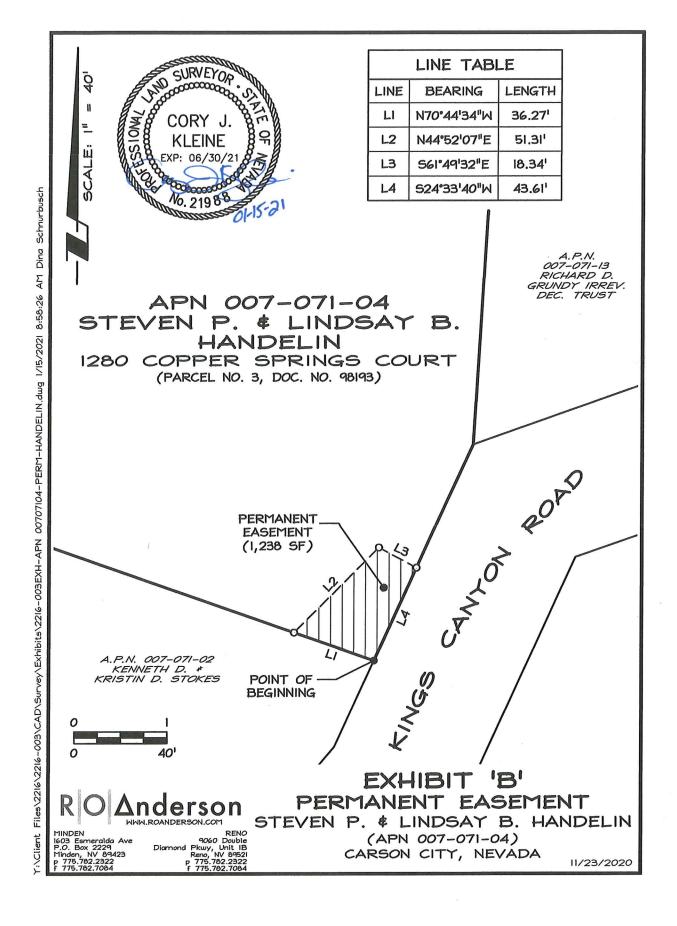
The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988

P.O. Box 2229





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 _____ day of _____ 2021 by and between Kenneth D. & Kristin D. Stokes ("Grantor(s)"), as their 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 "B", 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, the culvert, and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway, creek, and drainage facilities. The public shall not have the right to access the creek or drainage facilities within the area shown by Exhibit "B". 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.



ahov	ove written.	(s) has hereunto signed on the day and year mis-
		~ / /
Ву:	Kenneth D. Stokes	5/25/21 Date
Sy:	11000	3/25/21
	Kristin D. Stokes	Date
STA	ATE OF Nevada	
COL	DUNTY OF Carson City)	
This	is instrument was acknowledged before me <u>Kenneth Stokes and Krüst</u>	on this 25th day of March, 2021 in Stokes
	LENA E. RESECK NOTARY PUBLIC STATE OF NEVADA No. 14-12732-5 My Appt. Exp. March 28, 2022	Ma E Revectory Public

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 Rowlatt Clerk-Recorder	Date

2216-003 11/16/2020

EXHIBIT 'A' PERMANENT EASEMENT (OVER APN 007-071-02) KENNETH D. & KRISTIN D. STOKES

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

A strip of land for permanent easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

BEGINNING at the east corner of the Parcel described in that certain deed filed for record March 8, 2006 in the office of Recorder, Carson City, Nevada as Document No. 350708, said point falling on the northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, South 24°33'40" West, 40.58 feet;

thence continuing along said northerly line of Kings Canyon Road, South 40°10'18" West, 10.41 feet;

thence North 25°58'53" East, 26.52 feet;

thence North 65°26'20" West, 32.05 feet;

thence North 19°15'26" East, 20.83 feet to a point on the north boundary of said Parcel;

thence along said north boundary of the Parcel, South 70°44'34" East, 36.27 feet to the **POINT OF BEGINNING**, containing 841 square feet, more or less.

The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

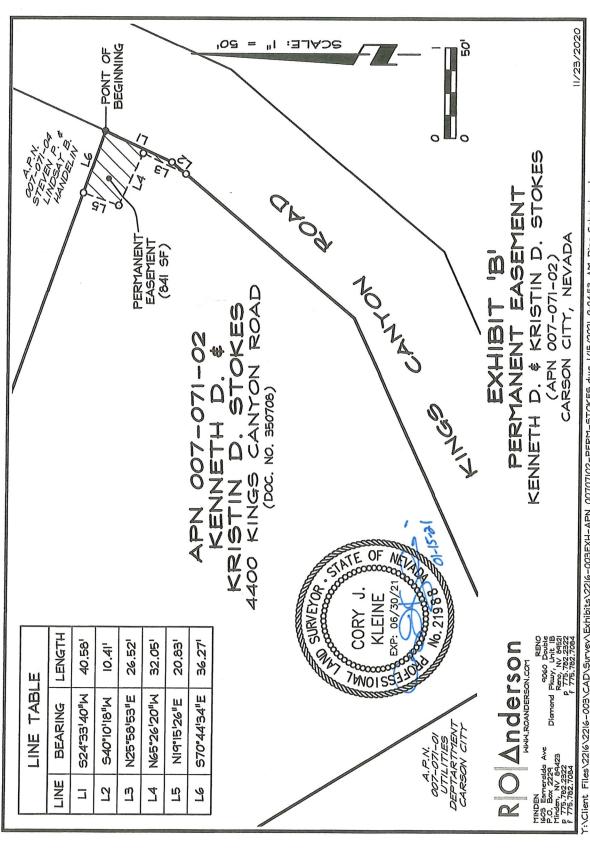
Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988

P.O. Box 2229







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