



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** May 19, 2022

Staff Contact: Darren Schulz, Public Works Director

Agenda Title: For Possible Action: Discussion and possible action regarding a grant of non-exclusive water main easement ("Easement") from the Bernhard Family Trust ("Owner") to Carson City at no cost for an existing water main located on Assessor's Parcel Numbers 010-063-03 and 010-063-04 ("Property"). (Robert Nellis, RNellis@carson.org; Randall Rice, RRice@carson.org; Tom Grundy, TGrundy@carson.org).

Staff Summary: There is an existing single feed water main on the Property which delivers water to a number of businesses and important State facilities. The Easement memorializes the City's right to perform long-term maintenance, repairs, inspections and operations for the water main and requires the Owner to abstain from activities inconsistent with the City's Easement rights. The water main is built to City standards, and the Easement is being granted to the City at no cost.

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

Proposed Motion

I move to approve, and authorize the Mayor to sign, the Easement as presented.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

N/A

Background/Issues & Analysis

Battle Born Autobody LLC applied for a building permit on the Property, COM-2021-053. During the permitting process, staff identified the need for an easement to be granted from the Owner to the City for an existing 12-inch water main installed in 1977. At the City's request, the Owner had the location of the water main surveyed and is granting a 20-foot wide Easement to accommodate the necessary access for maintenance.

The Owner and the City's Engineering staff desire to formalize the water main's location and access terms, through the Easement across the Property.

Applicable Statute, Code, Policy, Rule or Regulation

NRS 244.270

Financial Information

Is there a fiscal impact? No

If yes, account name/number: N/A

Is it currently budgeted? No

Explanation of Fiscal Impact: This easement is being granted by the Bernhard Family Trust at no cost to the City.

Alternatives

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

Attachments:

[Grant of Water Main Easement - Bernhard 010-063-03.pdf](#)

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

APN: 010-063-03 & 04

After recording return to:
Carson City Development Engineering
Attn: Randall Rice, PE, City Engineer
108 E. Proctor Street
Carson City, NV 89701

WATER MAIN EASEMENT

THIS WATER MAIN EASEMENT made and entered into this ___ day of _____, 2022 by and between the BERNHARD FAMILY TRUST dated September 12, 1994, hereinafter called GRANTOR, and CARSON CITY, NEVADA, a CONSOLIDATED MUNICIPALITY, hereinafter called CARSON CITY.

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, GRANTOR grants to CARSON CITY and to its assigns forever a non-exclusive water main easement to install, repair, alter, improve, operate, test, inspect, maintain, and access a permanent water main and associated improvements, facilities, and infrastructure (the "Easement") upon, over and across a 20-foot wide strip of real property described in EXHIBIT "A" and depicted on EXHIBIT "B" attached hereto, incorporated herein by reference and hereinafter referred to as the "Easement Area." CARSON CITY and its authorized agents, servants, employees, consultants, contractors and subcontractors will have the right to enter upon the Easement Area at any time, with or without advance notice to GRANTOR, for the purposes permitted by the Easement.

GRANTOR, may use the Easement Area for any use not inconsistent with CARSON CITY's rights under the Easement. However, GRANTOR shall not erect or construct, nor permit to be erected or constructed any building, fences, or structures, nor permit any activity inconsistent with CARSON CITY's Easement rights. The perimeter fence with gates as shown in the approved plans for permit COM-2021-0503 shall be allowed to remain in place. GRANTOR agrees not to park any vehicles or store materials or equipment in the Easement Area. CARSON CITY shall have the right to remove or abate, at GRANTOR's sole expense, anything situated in the Easement Area which impairs CARSON CITY's Easement rights, including parked vehicles and stored materials and

equipment. Any cost, damage, or liability incurred, by GRANTOR or CARSON CITY, as the result of CARSON CITY removing or abating any such interference with CARSON CITY's Easement rights shall be the sole liability of the GRANTOR.

CARSON CITY shall be responsible for damage to GRANTOR's personal property or improvements proximately caused by CARSON CITY's negligent or willful acts or omissions during the exercise of its Easement rights.

THIS WATER MAIN EASEMENT and the terms contained herein shall run with the land and the benefits and obligations described herein shall be binding upon the successors, agents and assigns of GRANTOR and CARSON CITY.

IN WITNESS WHEREOF the GRANTOR has executed this Water Main Easement the day and year first above written.

BERNHARD FAMILY TRUST dated September 12, 1994

Trustee

Notary:
STATE OF _____
COUNTY OF _____

This instrument was acknowledged before me on _____, 2022 by _____ as trustee of the Bernhard Family Trust dated September 12, 1994.

Notary Signature

Notary Seal:

[Further Signatures & Acknowledgments on the Following Page]

APN: 010-063-03 & 04
Water Main Easement

CARSON CITY

REVIEWED AND RECOMMENDED BY:

Randall Rice, City Engineer Date

APPROVED FOR LEGALITY AND FORM:

Carson City District Attorney Date

APPROVED:

Lori Bagwell, Mayor Date

ATTEST:

Aubrey Rowlett, Clerk-Recorder Date

EXHIBIT A

20' Waterline Easement

All that certain piece or parcel of land situate in the East ½ of Section 21, T.15 N., R.20 E., M.D.M., Carson City, Nevada, being 10 feet on either side of the following described centerline, more particularly described as follows:

Beginning at a point on the Westerly right of way of South Edmonds Drive, and the Easterly line of Parcel F of Record of Survey 1106, recorded as File No. 32326, on December 17, 1984, in the Official Records of Carson City, Nevada, from which Carson City control point "CC037," bears North 31°27'55" West, a distance of 183.36 feet, and the Center E 1/16 corner of Said Section 21, bears South 88°04'12" East, 570.85 feet;

Thence South 89°14'53" West, a distance of 244.50 feet, to a point on the Southerly right of way of Fairview Drive, also being the westerly line of said Parcel F and the point of terminus, from which point the Western most corner of said Parcel "F" bears, South 72.26°49" West, 7.96 feet.

The side lines of said easement being lengthened or shortened to terminate at the Westerly right of way of South Edmonds Drive and the Southerly right of way of Fairview Drive.

The Basis of Bearing for this description is Record of Survey 1106, "Right of Way Map of Edmonds Drive" recorded as File No. 32326, on December 17, 1984, in the Official Records of Carson City, Nevada,

Sierra Surveying
1150 Corporate Blvd
Reno, Nevada 89502
(775) 828-5004
Project: 2001806
Date 03/03/2022
File: WL Ease.docx



EXHIBIT B



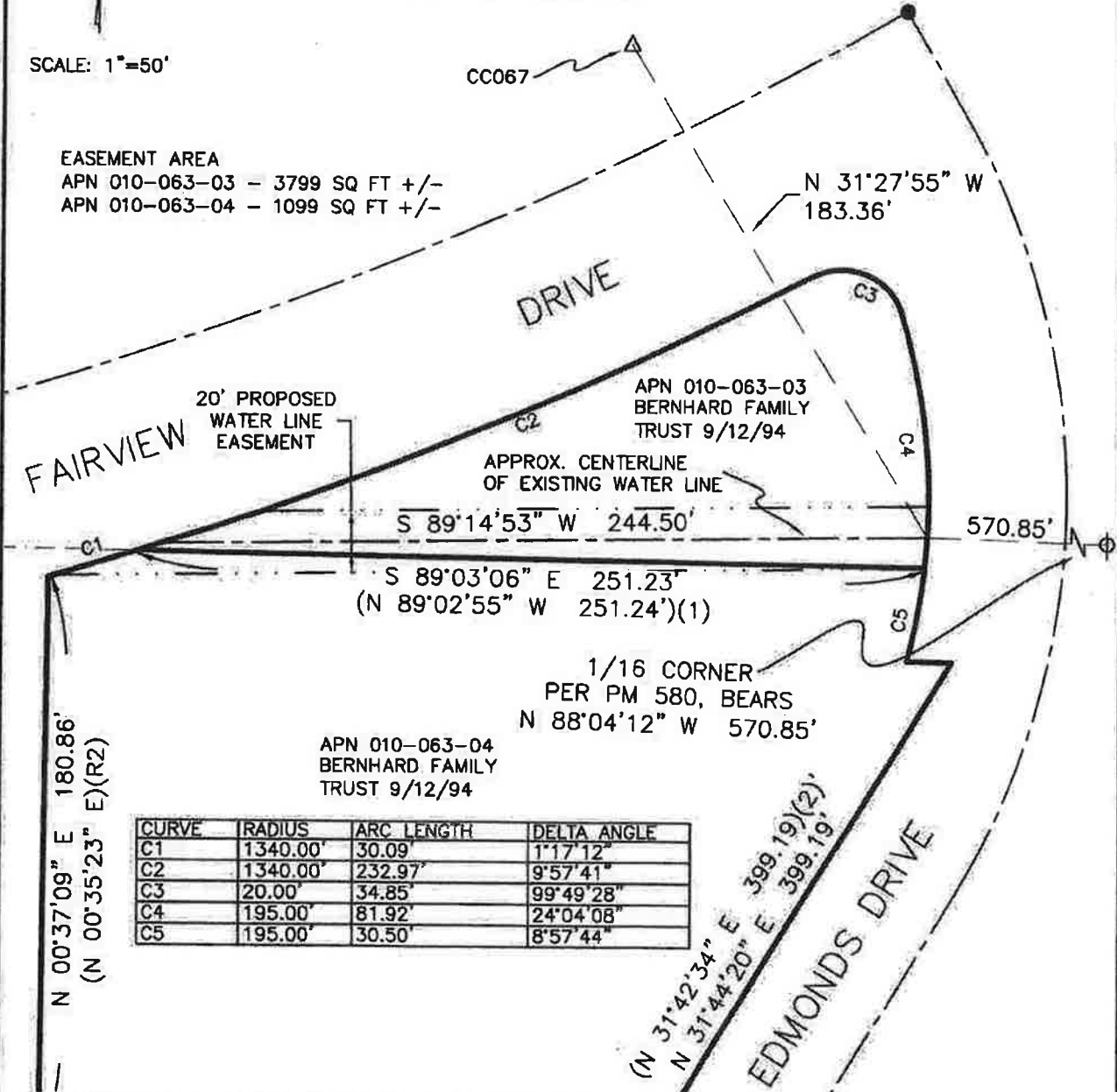
REFERENCES:

R-1 RS1106, FILE 32326, RECORDED 12/17/1984
 (MUST BE ROTATED 00°00'11" COUNTER-CLOCKWISE TO
 AGREE WITH THIS SURVEY)
 R-2 PM580, FILE 70522, RECORDED 05/11/1977
 (MUST BE ROTATED 00°01'46" COUNTER-CLOCKWISE TO
 AGREE WITH THIS SURVEY)

SCALE: 1"=50'

EASEMENT AREA

APN 010-063-03 - 3799 SQ FT +/-
 APN 010-063-04 - 1099 SQ FT +/-



CURVE	RADIUS	ARC LENGTH	DELTA ANGLE
C1	1340.00'	30.09'	1°17'12"
C2	1340.00'	232.97'	9°57'41"
C3	20.00'	34.85'	99°49'28"
C4	195.00'	81.92'	24°04'08"
C5	195.00'	30.50'	8°57'44"

SIERRA SURVEYING
 1150 CORPORATE BLVD
 RENO, NEVADA 89502
 TELEPHONE: (775) 828-5004
 SIERRASURVEYING@SBCGLOBAL.NET

WATERLINE EASEMENT EXHIBIT
 2016 SOUTH EDMONDS DRIVE
 CARSON CITY, NV

SCALE: 1"= 50'
 DRAWN BY: CDC
 DESIGN BY: _____
 CHECKED BY: CDC
 DATE: 03-03-2022
 JOB NUMBER: 201806

SHEET 1 of 1