



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** June 2, 2022

Staff Contact: Heather Ferris, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action regarding a request for the abandonment of a public right-of-way (Balsam Street) totaling approximately 60 feet, abutting the properties located at 5179 Silver Sage Drive (APN 009-232-03), 5229 Silver Sage Drive (APN 009-233-01) and 5290 Center Drive (APN 009-233-02). (Heather Ferris, hferris@carson.org)

Staff Summary: Balsam Street was established by United States land patents given to R. H. Ferguson on May 27, 1957, and to James D. Wallace on January 16, 1962. The North 33 feet of Balsam Street is further described as being dedicated to Carson City per Parcel Map 1717 on September 18, 1989. Balsam Street was never constructed. If approved, the entire 60-foot-wide portion of Balsam Street will be abandoned and this area will be absorbed into the abutting parcels. Per Chapter 17.15 of the Carson City Municipal Code ("CCMC"), the Planning Commission makes a recommendation to the Board of Supervisors regarding requests for right-of-way abandonments. The Planning Commission has recommended abandonment, and the Board of Supervisors is authorized to abandon the right-of-way.

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

Proposed Motion

I move to approve the Order of Abandonment.

Board's Strategic Goal

Sustainable Infrastructure

Previous Action

At its meeting of April 27, 2022, the Planning Commission conducted a public hearing and voted 6-0, 1 absent, to recommend approval of the proposed abandonment.

Background/Issues & Analysis

See the attached April 27, 2022, Planning Commission staff report.

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:

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:

[Abandonment Revised.pdf](#)

Board Action Taken:

Motion: _____

1) _____
2) _____

Aye/Nay

(Vote Recorded By)

APN(s): 009-232-03, 009-233-01, and 009-233-02

AN ORDER ABANDONING THE ENTIRETY OF BALSAM STREET TOTALING APPROXIMATELY 0.57 ACRES ALONG THE EASTERLY SIDE OF SILVER SAGE DRIVE AND THE WESTERLY SIDE OF CENTER DRIVE, ADJACENT TO PROPERTIES LOCATED AT 5179 SILVER SAGE DRIVE, 5229 SILVER SAGE DRIVE, AND 5290 CENTER DRIVE, CARSON CITY, NV, APNS 009-232-03, 009-233-01, AND 009-233-02.

WHEREAS, the North 33 feet of Balsam Street was established by a United States land patent given to James D. Wallace on January 16, 1962, which was recorded in Book 93 Deeds Page 529 in the records of Ormsby County, Nevada; the North 33 feet of Balsam Street is further described as being dedicated to Carson City in Parcel Map 1717, on September 18, 1989; and the South 33 feet of Balsam Street was established by a United States land patent given to R. H. Ferguson on May 27, 1957, which was recorded in Book 71 Deeds Page 852 in the records of Ormsby County, Nevada; and

WHEREAS, on February 22, 2022, Todd Enke with Resource Concepts, Inc. duly filed a written application seeking vacation and abandonment of Balsam Street, a public right-of-way in its entirety as currently existing, totaling approximately 0.57 acres as further described in the attached Exhibits A, A-1, and A-2; 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 April 27, 2022. 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 June 2, 2022, 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, under NRS 278.480(6) Carson City has contacted AT&T, NV Energy, Southwest Gas and Charter Communications regarding the abandonment of Balsam Street, and each utility indicated that it does not have equipment in or on Balsam Street and does not require the reservation of any specific easement on, over or under Balsam Street; and

WHEREAS, the Carson City Public Works Department has indicated that Carson City has no water, sewer or stormwater equipment in or on Balsam Street and does not require the reservation of any specific easement on, over or under Balsam Street; and

WHEREAS, Division 18 of Title 18 Appendix of the Carson City Municipal Code ("CCMC") requires reservation of a 10 foot public utility easement along all residential side and rear lot lines (5 feet on either side of the lot line); and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit A and depicted in attached Exhibit A-1 and A-2,

resultant parcels are described on attached Exhibits B and depicted in attached Exhibit B-1 and B-2.

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the easements and right-of-way establishing Balsam Street, as further identified in Exhibits A, A-1, and A-2, are hereby abandoned according to the provisions of NRS 278.480.

2. A permanent, non-exclusive public utility easement is hereby reserved in, on, upon, across, over, under, and through 5 feet on either side of the lot line replacing Balsam Street (a 10 foot corridor). The right is also hereby reserved to cut down, trim, or remove any trees, shrubs, or other plants that interfere with the operation of or access to any public utility facilities in, on, upon, across, over, under, or through the public utility easements. No permanent buildings, structures, or improvement other than a fence shall be placed on said public utility easement, but grass and other such groundcover or landscaping that do not then or later interfere with the uses and rights of the public utility easement may be placed within the easement.

ORDERED this ___th day of _____ 2022, by the Carson City Board of Supervisors.

LORI BAGWELL, MAYOR

ATTEST:

AUBREY ROWLATT, CLERK-RECORDER

20-283
21-341
21-347
April 14, 2022

**EXHIBIT A
DESCRIPTION
60' ABANDONMENT OF BALSAM STREET
(Affecting A.P.N. 9-232-03, 9-233-01 & 9-233-02)**

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

The entire sixty feet (60') of Balsam Street to be abandoned located within a portion of Section 32, Township 15 North, Range 20 East, Mount Diablo Meridian, more particularly described as follows:

Beginning at the southwest corner of Parcel B as shown on the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and Map No. 1717 and said southwest corner falling at a point of intersect of the easterly right-of-way line of Silver Sage Drive and the northerly right-of-way line of Balsam Street;

thence along said northerly right-of-way line of Balsam Street, South 89°55'34" East, 410.42 feet to a point being the southeast corner of said Parcel B and also being a point that intersects with the westerly right-of-way line of Center Drive;

thence along said westerly right-of-way line of Center Drive, South 07°54'22" East, 60.59 feet to a point that intersects with the southerly right-of-way line of Balsam Street;

thence along said southerly right-of-way line of Balsam Street, North 89°55'34" West, 418.69 feet to a point that intersects with said easterly right-of-way line of Silver Sage Drive;

thence along said easterly right-of-way line of Silver Sage Drive, North 00°04'01" West, 60.00 feet to the **Point of Beginning**, containing 24,873 square feet, more or less.

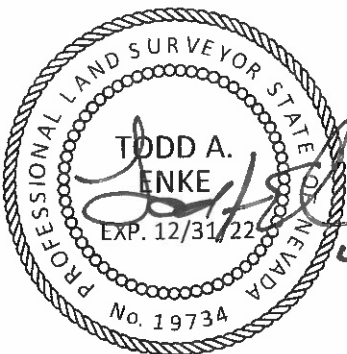
The Basis of Bearings for this description is identical to the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and Map No. 1717.

Prepared by:
Todd A. Enke, P.L.S. 19734
Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703



EXHIBIT A-1

ABANDONMENT OF BALSAM STREET AFFECTING A.P.N. 9-232-03, 9-233-01, & 9-233-02 PORTION OF SECTION 32, T.15N., R.20E., M.D.M.



US HIGHWAY 395 / 580

SNYDER AVENUE

4/14/22 A.P.N. 9-232-02

A.P.N. 9-232-03

(PARCEL B, PARCEL MAP NO. 1717)
STEVEN ANTHONY PENCE LIVING TRUST
1.24 ACRES (RESULTANT ±1.52 ACRES)

POINT OF BEGINNING

S89°55'34"E

410.42'

12,374 S.F.

BALSAM STREET

S07°54'22"E

60.59'

4,620 S.F.

7,879 S.F.

N00°04'01"W
60.00'

SILVER SAGE DRIVE

N89°55'34"W

418.69'

60' ABANDONMENT
24,873 S.F.

CENTER DRIVE

A.P.N. 9-233-01
(GRANT DEED NO. 399386)
CHUONG MAI
0.95 ACRES
(RESULTANT ±1.06 ACRES)

A.P.N. 9-233-02
(GRANT DEED NO. 166208)
THE COWAN FAMILY TRUST 08/26/1994
1.75 ACRES
(RESULTANT ±1.94 ACRES)

ARTHUR STREET



SCALE: 1"=100'

04-14-2022

20-283
21-341
21-347



Resource Concepts Inc.
www.rci-nv.com

EXHIBIT A-2

**ABANDONMENT OF BALSAM STREET
AFFECTING A.P.N. 9-232-03, 9-233-01, & 9-233-02
PORTION OF SECTION 32, T.15N., R.20E., M.D.M.**

BASIS OF BEARINGS

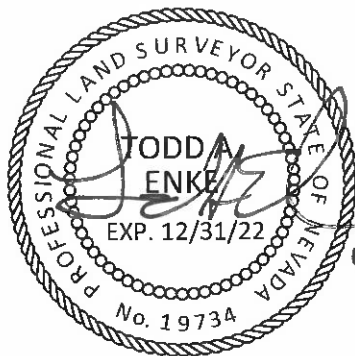
IDENTICAL TO THE PARCEL MAP FOR ROY M. FOGEL AND KAREN V. FOGEL FILED SEPTEMBER 18, 1989 IN BOOK 6, AT PAGE 1717 IN THE OFFICE OF RECORDER, CARSON CITY, NEVADA AS FILE NO. 90517 AND AS MAP NO. 1717.

LEGEND SYMBOLS

○ DIMENSION POINT, NOTHING FOUND OR SET

LINES

- CENTERLINE
- - - - - RESULTANT LINE
- SUBJECT BOUNDARY LINE
- RIGHT OF WAY LINE



4/14/22

04-14-2022

20-283
21-341
21-347



**EXHIBIT B
DESCRIPTION
RESULTANT PARCEL
(A.P.N. 9-233-01)**

All that real property situate within a portion of Section 32, Township 15 North, Range 20 East, Mount Diablo Meridian, Carson City, State of Nevada, more particularly described as follows:

Commencing from the southwest corner of Parcel B as shown on the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

thence along the easterly right-of-way line of Silver Sage Drive, South 00°04'01" East, 30.00 feet to the **Point of Beginning**:

thence South 89°55'34" East, 154.00 feet;

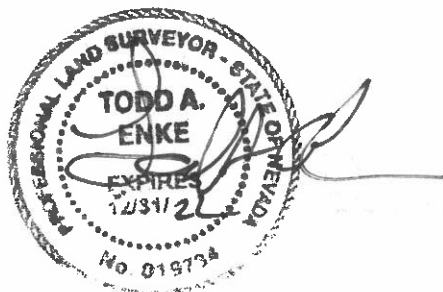
thence South 00°03'23" East, 299.78 feet to a point on the northerly right-of-way line of Arthur Street;

thence along said northerly right-of-way line of Arthur Street, North 89°56'07" West, 153.94 feet to a point that intersects the said easterly right-of-way line of Silver Sage Drive;

thence along said easterly right-of-way line of Silver Sage Drive, North 00°04'01" West, 299.81 feet to the **Point of Beginning**, containing 46,160 square feet, more or less.

The Basis of Bearings for this description is identical to the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

Prepared by:
Todd A. Enke, P.L.S. 19734
Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703



**EXHIBIT B
DESCRIPTION
RESULTANT PARCEL
(A.P.N. 9-233-02)**

All that real property situate within a portion of Section 32, Township 15 North, Range 20 East, Mount Diablo Meridian, Carson City, State of Nevada, more particularly described as follows:

Commencing from the southeast corner of Parcel B as shown on the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

thence along the westerly right-of-way line of Center Drive, South 07°54'22" East, 30.29 feet to the **Point of Beginning**:

thence continuing along said westerly right-of-way line of Center Drive, South 07°54'22" East, 302.66 feet to a point that intersects with the northerly right-of-way line of Arthur Street;

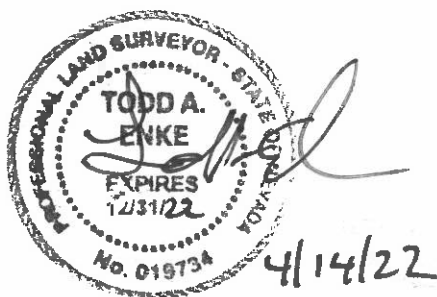
thence along said northerly right-of-way line of Arthur Street, North 89°56'07" West, 301.89 feet;

thence North 00°03'23" West, 299.78 feet;

thence South 89°55'34" East, 260.56 feet to the **Point of Beginning**, containing 84,299 square feet, more or less.

The Basis of Bearings for this description is identical to the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

Prepared by:
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Resource Concepts, Inc.
340 N. Minnesota Street
Carson City, NV 89703



**EXHIBIT B
DESCRIPTION
RESULTANT PARCEL
(A.P.N. 9-232-03)**

All that real property situate within a portion of Section 32, Township 15 North, Range 20 East, Mount Diablo Meridian, Carson City, State of Nevada, more particularly described as follows:

Beginning at the northwest corner of Parcel B as shown on the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

thence South 89°55'34" East, 391.88 feet to a point falling on the westerly right-of-way line of Center Drive;

thence along said westerly right-of-way line of Center Drive South 07°54'22" East, 166.29 feet;

thence North 89°55'34" West, 414.56 feet to a point falling on the easterly right-of-way of Silver Sage Drive;

thence along said easterly right-of-way line of Silver Sage Drive, North 00°04'01" West, 164.68 feet to the **Point of Beginning**, containing 66,401 square feet, more or less.

The Basis of Bearings for this description is identical to the Parcel Map for Roy M. Fogel and Karen V. Fogel, filed for record September 18, 1989 in Book 6, at Page 1717 in the office of Recorder, Carson City, Nevada as File No. 90517 and as Map No. 1717.

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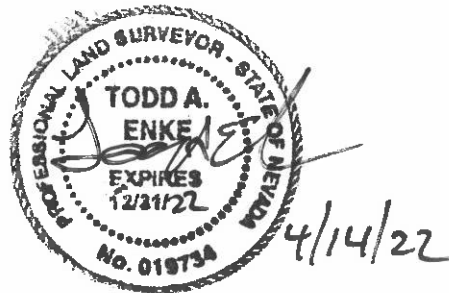
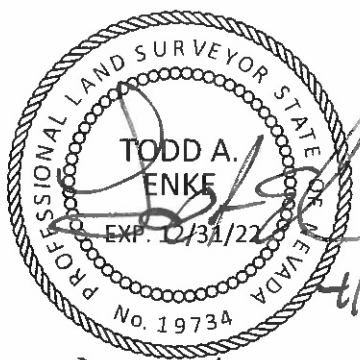
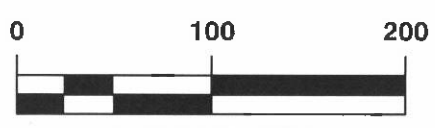


EXHIBIT B-1
RESULTANTS FROM ABANDONMENT
A.P.N. 9-232-03, 9-233-01, & 9-233-02
PORTION OF SECTION 32, T.15N., R.20E., M.D.M.

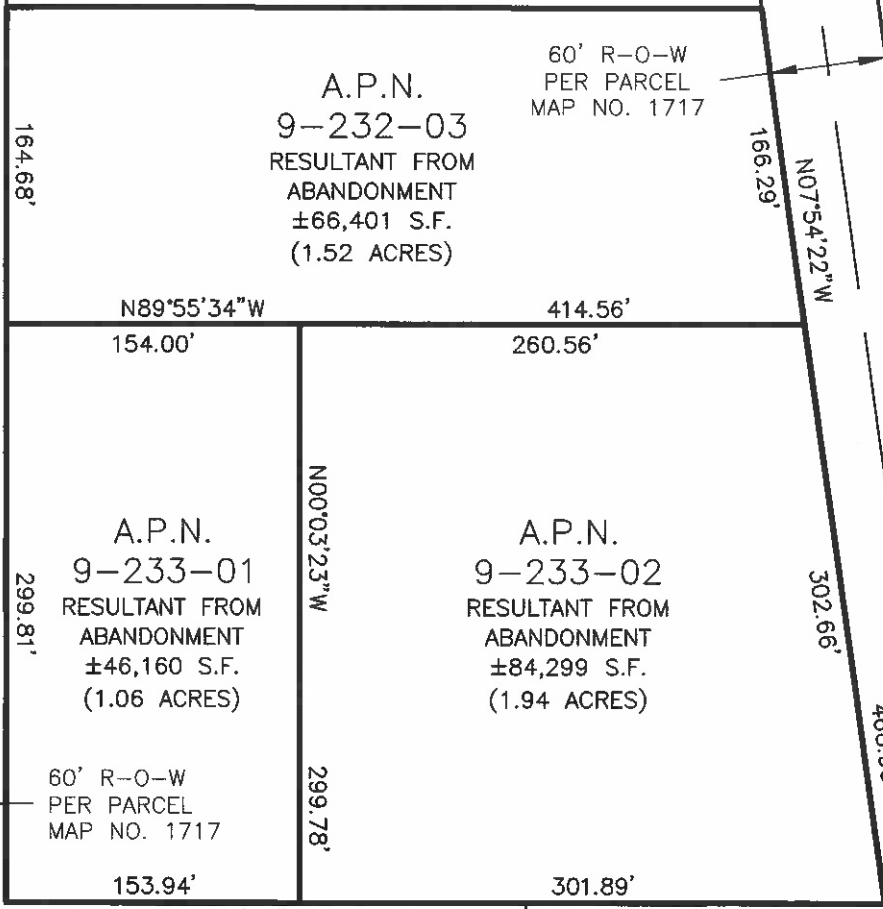


US HIGHWAY 395 / 580



A.P.N. 9-232-02

S89°55'34"E 391.88'



SILVER SAGE DRIVE

CENTER DRIVE

ARTHUR STREET

60' R-O-W PER PARCEL MAP NO. 519

04-14-2022

20-283
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EXHIBIT B-2

RESULTANTS FROM ABANDONMENT

A.P.N. 9-232-03, 9-233-01, & 9-233-02

PORTION OF SECTION 32, T.15N., R.20E., M.D.M.

BASIS OF BEARINGS

IDENTICAL TO THE PARCEL MAP FOR ROY M. FOGEL AND KAREN V. FOGEL FILED SEPTEMBER 18, 1989 IN BOOK 6, AT PAGE 1717 IN THE OFFICE OF RECORDER, CARSON CITY, NEVADA AS FILE NO. 90517 AND AS MAP NO. 1717.

LEGEND

LINES

- _____ CENTERLINE
- _____ RESULTANT BOUNDARY LINE
- _____ RIGHT OF WAY LINE



04-14-2022

20-283
21-341
21-347

