



108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
Hearing Impaired: 711

DATE: May 25, 2022

TO: Board of Supervisors

FROM: Heather Ferris, Planning Manager

SUBJECT: 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)

Late Material
Item #:14A
Meeting date: 06-02-2022

The April 27, 2022 staff report to the Planning Commission was inadvertently left out of the packet. It is being provided to you as late material.

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF APRIL 27, 2022

FILE NUMBER: AB-2022-0086

AGENDA ITEM: 6.B

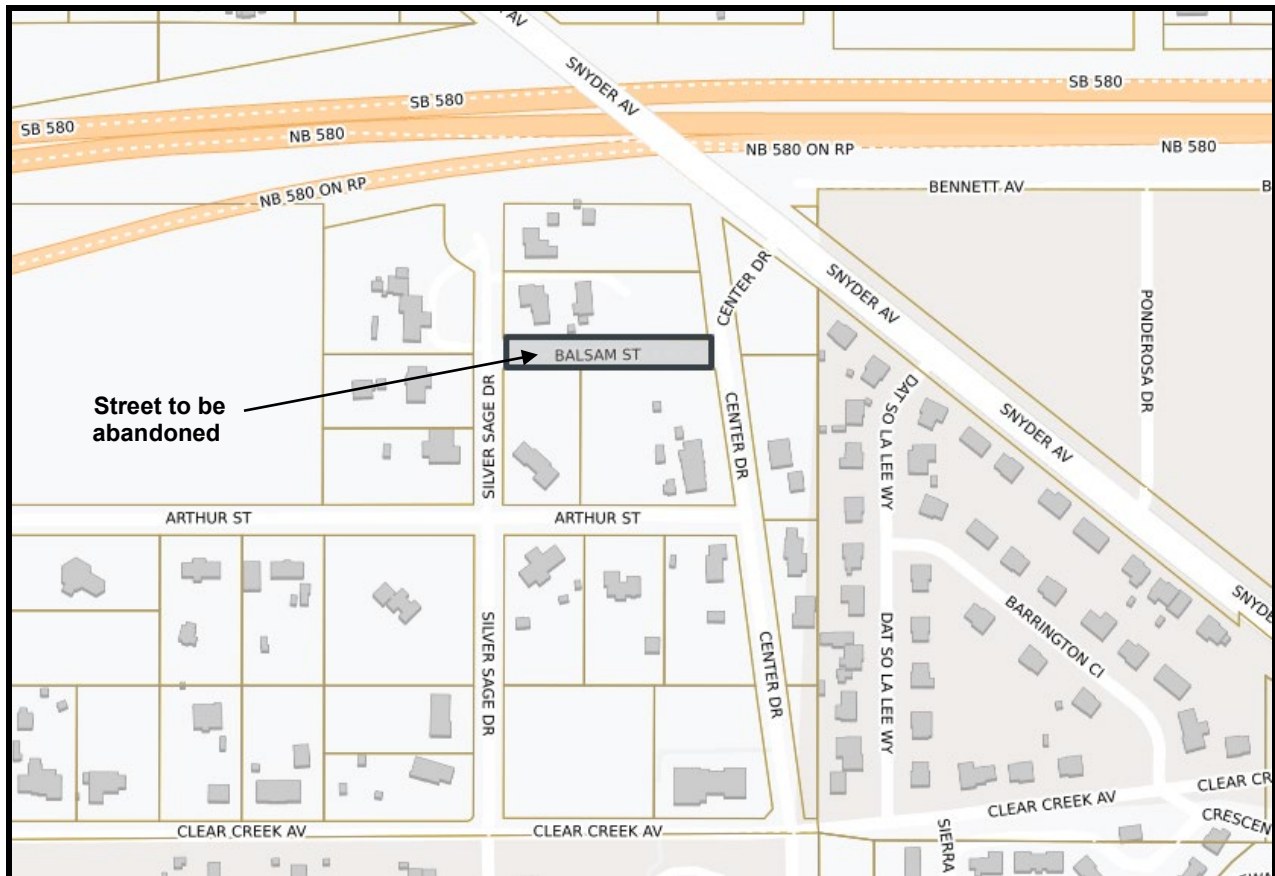
STAFF CONTACT: Lena Reseck, Assistant Planner

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. (Lena Reseck, lreseck@carson.org)

STAFF SUMMARY: Balsam Street was dedicated to the public 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 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 the abandonment of Balsam Street, 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 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 land area abandoned shall be reverted to adjacent parcels, as the area to be abandoned originated entirely from these parcels.

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: Low Density Residential

Adjacent ZONING: Single Family One Acre (“SF1A”)

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

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family One Acre
SOUTH: Single Family One Acre
EAST: Single Family One Acre
WEST: Single Family One Acre

DISCUSSION:

The request is to allow the abandonment of Balsam Street, adjacent to 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. The street to be abandoned is 60 feet wide.

BLM patent Book 93 Page 529 File Number 47050 included right-of-way not to exceed 33 feet in width. Subsequently, Parcel Map 1717 was recorded creating a 60 foot right-of-way (Balsam Street). The right-of-way was dedicated to the public per Parcel Map 1717, recorded on September 18, 1989. The area under review was never developed. The abandonment of this right-of-way area is proposed to be reverted in its entirety to the abutting parcels.

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 abutting property owners per Nevada Revised Statutes on April 13, 2022. 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.

The Development Engineering Division has completed a review of the above referenced project. Based on our review, the following recommendation and conditions of approval are offered:

RECOMMENDATION:

The Development Engineering Division recommends APPROVAL of the proposed abandonment.

CONDITIONS OF APPROVAL:

- The abandonment exhibit must be updated to show the areas, in square feet, to be abandoned.
- The exhibits must be updated to include a legend, or the corners must be labelled.
- The exhibits must be updated to include the basis of bearing from map 1717.
- The distances along the north-south boundaries of the new parcels on the south side of Balsam appear to be incorrect. Please address and correct, if necessary. The legal descriptions may need to be corrected as well.

DISCUSSION: The Development 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?
BLM patent Book 93 Page 529 File Number 47050 included right-of-way not to exceed 33 feet in width. Subsequently, Parcel Map 1717 was recorded creating a 60 foot right-of-way (Balsam Street). There are no records indicating that the City ever paid for the right of way.
2. Will the abandonment result in material injury to the public?
No, the section of right-of-way currently has no utilities and has not been improved for access.

CCMC 18.02.080(5)(c) - Traffic/Pedestrians

Local intersections: Balsam St intersects Silver Sage Dr and Center Dr. Both streets are local streets.

Will it create any landlock parcels: No, there are no properties currently using Balsam St to access their properties. All surrounding properties currently have access to either Silver Sage Dr or Center Dr.

Adjacent Streets On-Street Parking: There is no paved on-street parking.

Proposed and/or necessary improvements: None.

3. What is the history regarding the street being dedicated or not?
BLM patent Book 93 Page 529 File Number 47050 included right-of-way not to exceed 33 feet in width. Subsequently, Parcel Map 1717 was recorded creating a 60 foot right-of-way

(Balsam Street). There are no records indicating that the City ever paid for the right of way.

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?
On-street parking is not available on this right-of-way.
7. Should utilities easements be reserved, continued, or vacated?
Public utility easements (PUE) and a private access easement must be created as shown in the descriptions and exhibits.

CCMC 18.02.080(5)(d) - Public Services

Sanitary Sewer: The closet sewer main is approximately 930 feet south (Clear Creek Ave). This project does not impact that sewer main.

Water: The existing water main is 12-inch PVC to the west (Silver Sage Dr) and 8-inch PVC to the east (Center Dr). This project does not impact either water main.

Storm Drain: The existing storm drain is 15-inch reinforced concrete pipe to the west (Center Dr) which drains to a larger NDOT basin at 5050 Ponderosa Dr. This abandonment does not impact the storm drain infrastructure. Balsam St is located in Zone X (unshaded) so no special flood mitigation is required.

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 Balsam Street abutting APNs 009-232-03, 009-233-01, and 009-233-02. The area to be abandoned is 60 feet wide by approximately 418.69 feet long totaling approximately 24,873 square feet. The right-of-way was never constructed. The abandonment of this right-of-way is proposed to be absorbed into the abutting parcels. The right-of-way currently has no utilities.

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

BLM patent Book 93 Page 529 File Number 47050 included right-of-way not to exceed 33 feet in width. Subsequently, Parcel Map 1717 was recorded on September 18, 1989 for Roy and Karen Fogel creating a 60 foot right-of-way (Balsam Street). This road was offered for dedication but never officially accepted by the City. There are no improvements to the road at this time.

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

The right-of-way was offered for dedication by Parcel Map 1717 for Roy and Karen Fogel. There is no indication that Carson City ever officially accepted the right-of-way in question. It is recommended there should be no charge.

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

It is recommended there be no charge for this abandonment. The road was never improved or used for access. The abandonment is proposed to be reverted back to the adjacent parcels.

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

The area of abandonment does not provide for any parking or access to the adjacent parcels. Therefore, no negative impact is anticipated as a result of an approval of the abandonment.

6. Should utility easements be reserved, continued, or vacated?

There are no public utilities located on Balsam Street that are to be abandoned. Therefore, there is no need to reserve, continue, or vacate utility easements.

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

Staff has included within this staff report conditions of approval required by CCMC 18.02.105.9.

Attachments:

Draft Order of Abandonment
Application (AB-2022-0086)