



# STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** February 16, 2023

**Staff Contact:** Nancy Paulson, City Manager

**Agenda Title:** For Possible Action: Discussion and possible action regarding the proposed grant of permanent drainage easement (“Easement”) located on 3590 N. Carson Street, Assessor’s Parcel Number (“APN”) 007-462-03 from the Kilpatrick Family Trust (the “Trust”) to Carson City, at no cost as part of a settlement agreement with the Trust. (Nancy Paulson, npaulson@carson.org)

Staff Summary: This Easement is being granted to the City as part of the Settlement Agreement between the Trust and the City in order to resolve the claims regarding an April 2, 1999 Agreement For Grant Easement between the prior owner of 3590 N. Carson Street and the City. The Easement permits the City to access, maintain, construct, reconstruct, remove, operate and modify storm water and other drainage improvements in the Easement area.

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

**Proposed Motion**

I move to approve the Easement as presented.

**Board's Strategic Goal**

Sustainable Infrastructure

**Previous Action**

N/A

**Background/Issues & Analysis**

Please see the staff report for the settlement agreement for additional information.

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

NRS 244.270

**Financial Information**

**Is there a fiscal impact?** No

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

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:**

**Alternatives**

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

**Attachments:**

[Drainage Easement Final.pdf](#)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

APN 007-462-03

Address: 3590 N Carson Street, Carson City, Nevada 89703

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

The undersigned hereby affirms that this document, including any exhibits, submitted for recording does not contain the social security number of any person or persons. (NRS 239B.030)

### DRAINAGE EASEMENT

This DRAINAGE EASEMENT, made this 3rd day of February, 2023, by Charles M. Kilpatrick III and Josephine K. Kilpatrick, trustees of the Kilpatrick Family Trust, dated July 25, 2005, ("Grantor"), and CARSON CITY, NEVADA, a consolidated municipality and political subdivision of the State of Nevada ("Grantee").

#### WITNESSETH:

In consideration of the mutual promises contained in this easement, the Grantor does hereby grant and convey a permanent drainage easement, to access, maintain, construct, reconstruct, remove, operate and modify stormwater and other drainage improvements upon, under, over and across a certain portion of real property with Assessor's Parcel Number ("APN") 007-462-03 to the Grantee, with said easement more fully described in the attached Exhibit "A" ("Easement Area").

The Grantor hereby covenants for the benefit of the Grantee that no building, structure, or other permanent improvement, or fences or trees will be constructed or placed within the Easement Area without the prior written consent of Grantee, which consent shall not be unreasonably withheld. In conformance with this provision, Grantee agrees that a billboard may be placed in the Easement Area as permitted by, described in, and limited by the Settlement Agreement and release dated February 16, 2023.

All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the successors, assigns, tenants, and personal representatives of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Drainage Easement as of the day and year first above written.

***[Signature Page Follows]***

APN 007-462-03  
Address: 3590 N Carson Street, Carson City, Nevada 89703

Grantor:

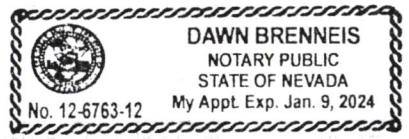
Charles M. Kilpatrick  
Charles M. Kilpatrick III, Trustee

Josephine K. Trustee  
Josephine K. Kilpatrick, Trustee

STATE OF Nevada )

COUNTY OF Carson City )

This instrument was acknowledged before me on this 3rd day of February, 2023  
by Charles M. Kilpatrick + Josephine K. Kilpatrick



Dawn Brenneis  
Notary Public

Grantee:

REVIEWED AND RECOMMENDED BY:

\_\_\_\_\_  
Randall Rice, City Engineer Date

APPROVED FOR LEGALITY AND FORM:

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

APPROVED:

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

ATTEST:

\_\_\_\_\_  
William Scott Hoen, Clerk-Recorder Date

**DESCRIPTION OF A DRAINAGE EASEMENT, WITHIN A PORTION OF THE SE1/4 SECTION 6, T.15 n., R.20 E., M.D.B.&M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

Commencing at the Southwest corner Section 6, T.15 N., R. 20 E., M.D.B.&M., Carson City, Nevada. Thence N.  $61^{\circ} 59' 17''$  E., 4213.22 feet to the West corner of APN 7-462-03, formerly A.P.N. 8-061-13, thence along the South property line of said parcel S.  $89^{\circ} 50' 25''$  E., 228.88 feet to the **TRUE POINT OF BEGINNING** thence running parallel with U.S. Hwy 395, N.  $25^{\circ} 13' 03''$  W., 83.90 feet to a point on the Southerly right-of-way line of West College Parkway, thence along said Southerly right-of-way line on a curve to the right with a delta of  $00^{\circ} 58' 19''$ , a radius of 1160.00 feet and an arc length 19.68 feet (tangent bears N.  $72^{\circ} 58' 52''$  E.), thence along a curve to the right with a delta of  $80^{\circ} 49' 46''$ , a radius of 30.00 feet and an arc length of 42.32 feet to a point on the westerly right-of-way line of U.S. Hwy 395, thence along said right-of-way line S.  $25^{\circ} 13' 03''$  E., 72.49 feet to the south property line of APN 7-462-03, formerly A.P.N. 8-061-13, thence along the south property line of said parcel N.  $89^{\circ} 50' 25''$  W., 49.42 feet to the **TRUE POINT OF BEGINNING**.

(Containing 3935 sq. ft. more or less) Basis of Bearings: The South line of APN 7-462-03; formerly A.P.N. 8-061-06 as shown on Parcel Map No. 2030 Carson City, Nevada (S.  $89^{\circ} 50' 25''$  e.).

**EXHIBIT A**

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