

City of Carson City Agenda Report

Date Submitted: November 22, 2010

Agenda Date Requested: December 2, 2010

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Public Works – Planning Division

Subject Title: Action to determine that City property located on Karin Drive, APN 4-374-01, approximately 3,900 square feet in size, is not desired for use by the City and as a result of its size is too small to establish an economically viable use by anyone other than a person who owns real property adjacent to it pursuant to NRS 268.061(1)(e), and direct staff to initiate a sale of the property to the adjacent property owner. (Lee Plemel)

Summary: The subject lot was offered as a City park site as part of the Sunland Vista Subdivision approval. However, the remnant parcel is isolated from other park property within the subdivision and is not intended to be developed as park property. Approval of this action would allow the adjacent property owner to purchase the lot and incorporate it into their existing residential lot.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to determine that City property located on Karin Drive, APN 4-374-01, approximately 3,900 square feet in size, is not desired for use as a City park and as a result of its size is too small to establish an economically viable use by anyone other than a person who owns real property adjacent to it pursuant to NRS 268.061(1)(e), and direct staff to initiate a sale of the property to the adjacent property owner.

Explanation for Recommended Board Action: See attached staff memo.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 266.267, 268.059, 268.061(1)(e).

Fiscal Impact: Disposal of the City property would increase property tax revenue to the City.

Explanation of Impact: Upon sale of the property, the property would no longer be tax-exempt and property taxes would be collected by the City.

Funding Source: N/A

Alternatives: Do not authorize the disposal of the property.

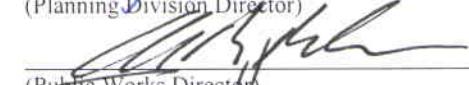
Supporting Material:

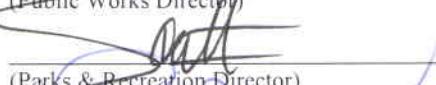
- 1) Staff memo
- 2) Request letter from adjacent property owner
- 3) Property locator map

Prepared By: Lee Plemel, Planning Director

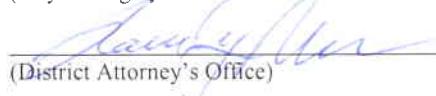
Reviewed By:


(Planning Division Director)


(Public Works Director)


(Parks & Recreation Director)


(City Manager)


(District Attorney's Office)

Date: 11-22-10

Date: 11-22-10

Date: 11-22-10

Date: 11/22/10

Date: 11/22/10

Board Action Taken:

Motion:	1)	2)	Aye/Nay

(Vote Recorded By)



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180
planning@carson.org
www.carson.org/planning

MEMORANDUM

Board of Supervisors Meeting of December 2, 2010

FROM: Lee Plemel, Planning Director
DATE: November 18, 2010
SUBJECT: Disposal of Remnant City Property on Karin Drive

The subject parcel was dedicated to Carson City with the development of the Sunland Vista subdivision. It was apparently the intention at the time the subdivision was created, in 1972, that the roadway would be continued to the north and a linear park would be created for this access between Karin Drive and Hamilton Avenue. However, the property to the north was subsequently developed by parcel maps that cut off any access between Karin Drive and Hamilton Avenue through this location. It has left a remnant City-owned property and right-of-way that is the responsibility of the City but is not currently maintained.



The property owner to the north of the subject parcel, Bob Morris, approached City staff with the offer to buy the City property to incorporate it into his property. Mr. Morris has indicated that he is working with the property owners to the east of the subject parcel and to the west of the unused right-of-way to obtain their interests in the property. The ultimate goal would be to abandon the unused right-of-way, as well, to incorporate the whole property into the adjacent parcel. A copy of the proposal from Mr. Morris is attached.

NRS 268.061(1)(e) allows the City to work directly with the adjacent property owner in selling the property, without putting the property to auction, if the City determines that the property is "too small to establish an economically viable use by anyone other than a person who owns real property" adjacent to the parcel. The subject City-owned property is substandard in area (3,900 square feet) and width for development as a residence in the Single Family 6,000 zoning district. Even if the road was abandoned to the two adjacent properties, the subject property would still be substandard in width. Additionally, it was not intended to create an additional development lot with the original subdivision. Therefore, staff believes it is most appropriate to incorporate the property into one or more of the adjacent private properties.

The Parks and Recreation Department has indicated that they have no desire to construct park facilities on the subject lot. In fact, they indicate that maintenance and liability on the property has been an issue that they would rather not deal with and they recommend disposing of the property.

With Board of Supervisors' determination that the property should be disposed of and is not economically viable except to the adjacent properties due its size, staff would begin work on valuing the property and working with the adjacent property owners to sell it. Once that is worked out, it is anticipated that an abandonment application would be submitted to put the remainder of the unused property into the ownership of the adjacent property owners.

If you have additional questions, I can be contacted at 283-7075 or Iplemel@carson.org.

THOMAS E. PERKINS, LTD. ATTORNEY AT LAW
1592 MONO AVENUE P.O. Box 880 MINDEN, NV 89423
TEL. (775) 782-4033 FAX. 782-1206 THOMAS1592@MSN.COM

RECEIVED

SEP 17 2010

CARSON CITY
PLANNING DIVISION

September 17, 2010

Carson City Parks and Recreation
Juan Guzman, Open Space Director
3303 Butti Way, #9
Carson City, NV 89701

Re: Robert Morris and Kay Ellen Armstrong; application to purchase
Park property

Dear Juan,

This is in reference to the application of Robert Morris and Kay Ellen Armstrong, who reside at 1946 Hamilton, Carson City, Nevada (APN 02-523-09), to acquire the vacant property South of their home, off Karin Drive, and they offer to purchase that portion dedicated as park property on the terms contained herein.

The acquisition of this vacant property has two parts. The first part of the application, addressed to your office, is to acquire the portion dedicated as park property by purchase. Except for a piece adjacent to the Moore's Western fenceline, about halfway North from Karin, which is shown on the enclosed drawings, they have made arrangements with the Moore's to acquire any rights they would have to purchase the Park property. The road and the adjacent park property were dedicated in connection with the Sunland Vista Subdivision Unit 12-C, recorded January 31, 1973, No. 16186. The owner of the property, Anda Enterprises, Inc., is no longer in existence. It is apparent from the configuration shown on the subdivision map that the roadway and adjacent park strip were at one time planned to extend to the North, however, these intentions were abandoned when the adjacent property to the North, along Hamilton, where Mr. Morris and Ms. Armstrong reside, was platted. The property has been vacant since the 1973 subdivision map, and throughout the twenty-one years since they moved into their home.

The second part of their application will be for the abandonment of a remnant of an unnamed roadway North of Karin Drive, and this application will be filed as soon as this offer to purchase is ready to be submitted to the Board of Supervisors for action; hopefully, they can be heard together. The roadway lies between the residence of Kurt and Nancy Grange, at 1712 Karin Drive (APN 02-371-01) on the West, and a 3,000 square foot remnant of Carson City Park property to the East (APN 02-314-01). East of

Juan Guzman
September 17, 2010
Page Two

Park property is the residence of Randolph and Carol Moore, 1792 Karin Drive (APN02232-01). Mr. Morris and Ms. Armstrong have made arrangements with the Granges to purchase any rights they would have to the abandoned roadway.

Mr. Morris and Ms. Armstrong plan to put in landscaping improvements and a swimming pool on the property, with adequate design and security improvements. Their agreements with the neighbors preserve sideway access to utilities and improvements.

Sale of property owned by the City is governed by NRS 266.267 and 268.059, which requires a finding that the sale is in the best interest of the City, and at least one appraisal. We do request that the City proceed with securing an independent appraisal at this time, and are willing to make the arrangements, at your request. At the same time, we recognize that the property has nominal value, for a number of reasons, and it is probable that the appraisal may cost more than the property is worth. This is due to the odd, nonconforming size of the property, as well as the legal and engineering costs necessary to establish it as a discrete parcel subject to sale, and to eliminate its status as a nonconforming parcel subject to any other form of development than what is planned. To the extent that it would be acceptable to the City, Mr. Morris and Ms. Armstrong are willing to negotiate a fair price without a fee appraisal, pursuant to NRS 268.061(1)(e), which provides, in relevant part:

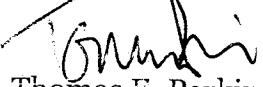
(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to: (1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a: (I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility; [or] (II) *Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease;* (emphasis added)

My suggestion is a price of \$3,000 for approximately 3,000 square feet of the property, and we would like to discuss this further with you. The sale of this property is in the City's best interest. It is not practical, nor would it be wise, to develop this small parcel for park purposes, and the planned improvements are very attractive compared to

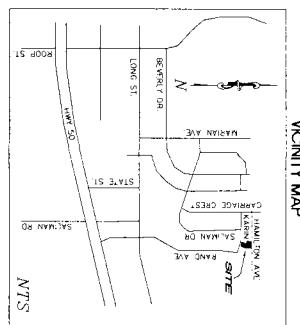
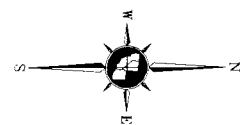
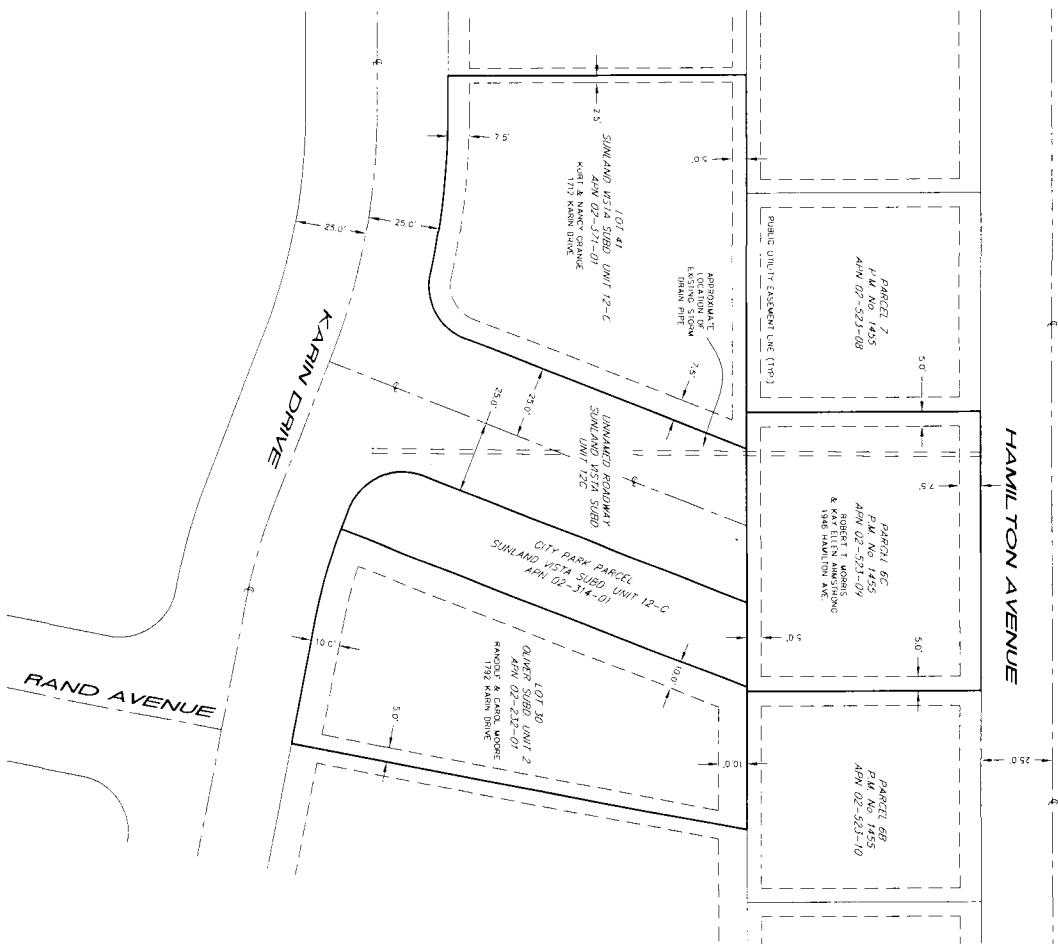
Juan Guzman
September 17, 2010
Page Three

a weedy vacant lot. We are willing to work with the City in any manner to bring this matter to a successful conclusion. If we can provide any further information, or answer any questions, please don't hesitate to contact us at any time.

Sincerely yours,


Thomas E. Perkins
Attorney at Law

TEP/s
Enc.
cc: Kristin Luis
Jeff Sharp
Lee Plemel
Greg Phillips
Robert Morris and Kay Ellen Armstrong



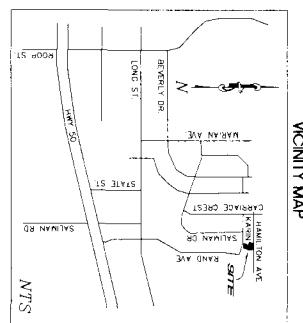
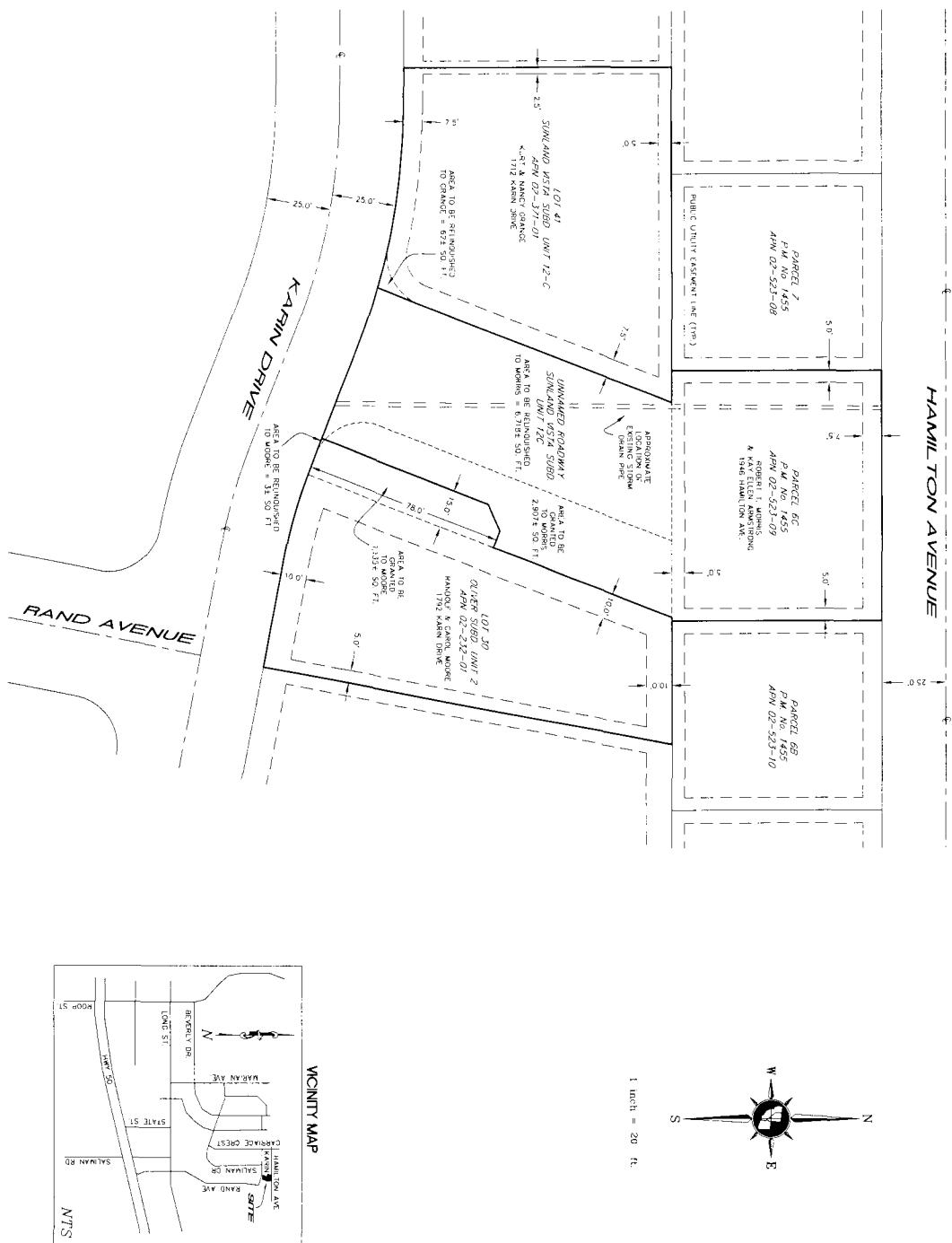
CURRENT ROAD AND
PARCEL EXHIBIT
MORRIS ROADWAY ABANDONMENT
CARSON CITY, NEVADA

TRI STATE SURVEYING, LTD.



**425 EAST LONG STREET
CARSON CITY, NEVADA 89706-250**

DATE	REASON(S) AND RECORD OF ISSUE	NO.	BY	APD
CYCNET ID:	INHERIT ID:			
SAVED:	INHERIT ID:			
IMG VOL #:	INHERIT ID:			
PLOTTED:	INHERIT ID:			
	INHERIT ID:			



PROPOSED ROAD
ABANDONMENT EXHIBIT
1946 HAMILTON AVENUE
CARSON CITY, NEVADA



425 EAST LONG STREET
CARSON CITY, NEVADA 89706-2509
(775) 887-9911 • FAX # 887-9915

DATE	REVISIONS AND RECORD OF ISSUE			NO	BY	CK	APP	
CYCLONE ID:	AREA 1 ID:							
SAVED:	AREA 2 ID:							
END VAR #:	AREA 3 ID:							
PLOTTED:	THEAT 1 ID:							
USM:	SM:	2005 1 ID:						

CITY ENGINEER'S CERTIFICATE

CITY ENGINEER'S CERTIFICATE:
The undersigned hereby certifies that he is the duly
appointed Concord City Engineer and that he has
examined the subdivision shown herein and found that
it is substantially the same as it appeared on the tentative

map and any apparent intimation thereof; and that all provisions of the laws of the State of Nevada and Carson City applicable to the one of approach, the tentative map have been complied with and he is satisfied that this map is technically correct.

—
P.D. 1/1/22
been compared with and no
error is technically correct.

NEVADA STATE HEALTH DEPARTMENT:

This map is approved by the Health Division of the Department of Health, Welfare and Rehabilitation concerning sewage disposal, water pollution, water quality, and water quantity in accordance with Nevada
Powered Stations

James B. Williams, Jr.
Health Division

CARRIAGE CREST

UTILITY COMPANIES CERTIFICATE:
I hereby certify that I have examined and approved
the documents shown on this subdivision plan to be
used by my company. 7/11/19

Sierra Pacific Power

BOARD OF SUPERVISORS CERTIFICATE:
Approved and accepted by the Carson City Board
of Supervisors this 19 day of September, 1972.

10

Attest: Franklin D. Smith
Major

PLANNING COMMISSION CERTIFICATE:
The restrictive map of this subdivision as shown
hereon was approved by the Carson City Regional
Planning Commission on the 20th day of July, 1953.

ER. B. W. WEISBERG

STATE OF NEVADA
COUNTY OF CARSON S.S.
On the 25th day of April, 1932, James C. Lederer and
James E. Lederer, and personally known to me and
seen with said persons and say that they executed the
foregoing contract freely and voluntarily for the uses
hereinafter set forth.

and purposes stated herein.

卷之三

NOTARIES' CERTIFICATE.
I, E.O. Chapman, U. S. Surveyor, certify that this office is a
true and accurate copy of the lands shown herein
surveyed by me and my sub-surveyors, which were
marked places at the instance of the aforementioned
owners; that their location has been definitely established
as perambulated in strict accordance with the law; and
that they are wholly within the S.W. 1/4 sec. 9, S. 56 E. 14
Sec. 3, T. 17 N., R. 10 D. 111., Carson County,
New Mexico, & that the survey was completed on the 17th.

E.P. 7-29-4
E.P. Desgab.
L.S. No. 445

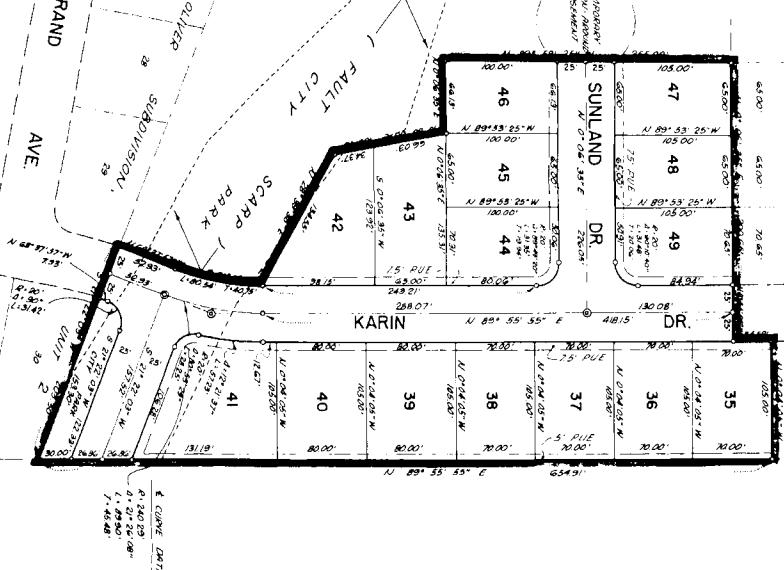
SCALE 1" = 50'
02350 *or* Bearings: sunward 112-8

SUNLAND VISTA
SUBDIVISION UNIT 12-C

SUBDIVISION PLAT

ST. 1/4 OF SEC. 9, SE 1/4 OF SEC. 8
 T. 15 N., R. 20 E., M. D. & M. - CARSON COUNTY, NEV.
 OSGOOD ENGINEERS
 1972

RENO, NEVADA
 SHEET 1 OF 2



NRS 268.061 Sale or lease of certain real property: Determination that sale or lease is in best interest of city; notice; appraisal; exceptions; second offering; effect of sale or lease in violation of section.

1. Except as otherwise provided in this subsection and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise provided by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, primary or general city election or special election:

(a) If a governing body has determined by resolution that the sale or lease of any real property owned by the city will be in the best interest of the city, it may sell or lease the real property in the manner prescribed for the sale or lease of real property in NRS 268.062.

(b) Before the governing body may sell or lease any real property as provided in paragraph (a), it shall:

(1) Post copies of the resolution described in paragraph (a) in three public places in the city; and

(2) Cause to be published at least once a week for 3 successive weeks, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(I) A description of the real property proposed to be sold or leased in such a manner as to identify it;

(II) The minimum price, if applicable, of the real property proposed to be sold or leased; and

(III) The places at which the resolution described in paragraph (a) has been posted pursuant to subparagraph (1), and any other places at which copies of that resolution may be obtained.

► If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

(c) If the governing body by its resolution finds additionally that the real property to be sold is worth more than \$1,000, the governing body shall, as applicable, conduct an appraisal or appraisals pursuant to NRS 268.059 to determine the value of the real property. Except for real property acquired pursuant to NRS 371.047, the governing body shall not sell or lease it for less than the highest appraised value.

(d) If the real property is appraised at \$1,000 or more, the governing body may:

(1) Lease the real property; or

(2) Sell the real property for:

(I) Cash; or

(II) Not less than 25 percent cash down and upon deferred payments over a period of not more than 10 years, secured by a mortgage or deed of trust bearing such interest and upon such further terms as the governing body may specify.

(e) A governing body may sell or lease any real property owned by the city without complying with the provisions of this section and NRS 268.059 and 268.062 to:

(1) A person who owns real property located adjacent to the real property to be sold or leased if the governing body has determined by resolution that the sale or lease will be in the best interest of the city and the real property is a:

(I) Remnant that was separated from its original parcel due to the construction of a street, alley, avenue or other thoroughfare, or portion thereof, flood control facility or other public facility;

(II) Parcel that, as a result of its size, is too small to establish an economically viable use by anyone other than the person who owns real property adjacent to the real property offered for sale or lease; or

(III) Parcel which is subject to a deed restriction prohibiting the use of the real property by anyone other than the person who owns real property adjacent to the real property offered for sale or lease.

(2) The State or another governmental entity if:

(I) The sale or lease restricts the use of the real property to a public use; and

(II) The governing body adopts a resolution finding that the sale or lease will be in the best interest of the city.

(f) A governing body that disposes of real property pursuant to paragraph (e) is not required to offer to reconvey the real property to the person from whom the real property was received or acquired by donation or dedication.

(g) If real property that is offered for sale or lease pursuant to this section is not sold or leased at the initial offering of the contract for the sale or lease of the real property, the governing body may offer the real property for sale or lease a second time pursuant to this section. If there is a material change relating to the title, zoning or an ordinance governing the use of the real property, the governing body must obtain a new appraisal of the real property pursuant to the provisions of NRS 268.059 before offering the real property for sale or lease a second time. If real property that is offered for sale or lease pursuant to this section is not sold or leased at the second offering of the contract for the sale or lease of the real property, the governing body may list the real property for sale or lease at the appraised value with a licensed real estate broker, provided that the broker or a person related to the broker within the first degree of consanguinity or affinity does not have an interest in the real property or an adjoining property.

2. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and

(b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

(Added to NRS by 2005, 1463; A 2005, 2677, 2680; 2007, 567, 2010, 2833)

NRS 268.062 Sale or lease of certain real property at auction: Resolution declaring intention to sell or lease property; requirements; notice; procedure; deposit to cover certain costs; effect of sale or lease in violation of section.

1. Except as otherwise provided in this section and NRS 268.048 to 268.058, inclusive, 268.063, 278.479 to 278.4965, inclusive, and subsection 3 of NRS 496.080, except as otherwise required by federal law, except as otherwise required pursuant to a cooperative agreement entered into pursuant to NRS 277.050 or 277.053 or an interlocal agreement in existence on October 1, 2004, except if the governing body is entering into a joint development agreement for real property owned by the city to which the governing body is a party, except for a lease of residential property with a term of 1 year or less, except for the sale or lease of real property to a public utility, as defined in NRS 704.020, to be used for a public purpose and except for the sale or lease of real property larger than 1 acre which is approved by the voters at a primary or general election, the governing body shall, in open meeting by a majority vote of the members and before ordering the sale or lease at auction of any real property, adopt a resolution declaring its intention to sell or lease the property at auction. The resolution must:

(a) Describe the property proposed to be sold or leased in such a manner as to identify it;

(b) Specify the minimum price and the terms upon which the property will be sold or leased; and
 (c) Fix a time, not less than 3 weeks thereafter, for a public meeting of the governing body to be held at its regular place of meeting, at which sealed bids will be received and considered.

2. Notice of the adoption of the resolution and of the time and place of holding the meeting must be given by:
 (a) Posting copies of the resolution in three public places in the county not less than 15 days before the date of the meeting; and
 (b) Causing to be published at least once a week for 3 successive weeks before the meeting, in a newspaper qualified under chapter 238 of NRS that is published in the county in which the real property is located, a notice setting forth:

(1) A description of the real property proposed to be sold or leased at auction in such a manner as to identify it;
 (2) The minimum price of the real property proposed to be sold or leased at auction; and
 (3) The places at which the resolution described in subsection 1 has been posted pursuant to paragraph (a), and any other places at which copies of that resolution may be obtained.

→ If no qualified newspaper is published within the county in which the real property is located, the required notice must be published in some qualified newspaper printed in the State of Nevada and having a general circulation within that county.

3. At the time and place fixed in the resolution for the meeting of the governing body, all sealed bids which have been received must, in public session, be opened, examined and declared by the governing body. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to sell or lease and which are made by responsible bidders, the bid which is the highest must be finally accepted, unless a higher oral bid is accepted or the governing body rejects all bids.

4. Before accepting any written bid, the governing body shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy or lease the property upon the terms and conditions specified in the resolution, for a price exceeding by at least 5 percent the highest written bid, then the highest oral bid which is made by a responsible person must be finally accepted.

5. The final acceptance by the governing body may be made either at the same session or at any adjourned session of the same meeting held within the 21 days next following.

6. The governing body may, either at the same session or at any adjourned session of the same meeting held within the 21 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale or lease.

7. Any resolution of acceptance of any bid made by the governing body must authorize and direct the chair of the governing body to execute a deed or lease and to deliver it upon performance and compliance by the purchaser or lessor with all the terms or conditions of the contract which are to be performed concurrently therewith.

8. The governing body may require any person requesting that real property be sold pursuant to the provisions of this section to deposit a sufficient amount of money to pay the costs to be incurred by the governing body in acting upon the application, including the costs of publication and the expenses of appraisal. This deposit must be refunded whenever the person making the deposit is not the successful bidder. The costs of acting upon the application, including the costs of publication and the expenses of appraisal, must be borne by the successful bidder.

9. If real property is sold or leased in violation of the provisions of this section:

(a) The sale or lease is void; and
 (b) Any change to an ordinance or law governing the zoning or use of the real property is void if the change takes place within 5 years after the date of the void sale or lease.

(Added to NRS by 2005, 1465; A 2005, 2679, 2680; 2007, 568, 2011, 2835)



HAMILTON

KARIN

Subject Parcel

RAND

