

## STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JULY 25, 2018

FILE NUMBER: AB-18-094

AGENDA ITEM: E.1

STAFF CONTACT: Kathe Green, Assistant Planner

**AGENDA TITLE:** To make a recommendation to the Board of Supervisors regarding an application from Carson City for abandonment of up to a 20-foot wide public ingress/egress easement from Ash Canyon Road to Wellington South, then north on Wellington West, turning west and ending at the southwest corner of lot 12 of Wellington Crescent Subdivision.

**STAFF SUMMARY:** The subject easement was recorded August 26, 1992 as document number 133478 in Carson City to create a non-exclusive easement to allow members of the public a means of ingress and egress to Ash Canyon. Per the recorded document, the easement was to be rescinded and revoked when an additional means of ingress and egress was dedicated that provides members of the public with an alternate access to Ash Canyon. This alternate access for the public was secured by Carson City, and was recorded August 26, 2003 under document 304501. Therefore, abandonment of the easement is proposed. It is noted the 50-foot private access, public utility easements(s) as well as the 20-foot public water easement are not being abandoned and will remain in effect. The abandonment is adjacent to Assessor's Parcel Numbers referenced in the Order of Abandonment.

**PROPOSED MOTION:** I move to recommend that the Board of Supervisors approve AB-18-094, an abandonment of easement application, to allow an abandonment of up to a 20-foot wide public ingress/egress easement from Ash Canyon Road to Wellington South, then north on Wellington West, turning west and ending at the southwest corner of Lot 12 of Wellington Crescent Subdivision, adjacent to Assessor's Parcel Numbers referenced in the Order of Abandonment, based on seven findings and subject to the conditions of approval contained in the staff report."



**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 in order 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 considerations (this Notice of Decision will be mailed to the applicant for signature after approval by the Board of Supervisors).
3. The area of abandonment totals approximately 22,608 square feet and is more particularly described in the Order of Abandonment and exhibits. This easement abandonment pertains to areas up to 20 feet wide, adjacent to Assessor's Parcel Numbers 007-371-05, 007-371-08, 007-371-09, 007-371-10, 007-371-12, 007-371-34, 007-371-35, 007-371-36, 007-371-37, 007-371-38, 007-371-60 and 007-371-61, and addressed as 2777 Wellington South, 1654 Wellington West, 1686 Wellington West, 1718 Wellington West, 1792 Wellington West, 2778 Wellington South, 1673 Wellington West, 1711 Wellington West, 1747 Wellington West, 1789 Wellington West, 1560 Wellington West and 1622 Wellington West.
4. Conditional approval for the requested abandonment shall expire four years after Board of Supervisors approval of the original application, unless an extension of time has been granted by the Board of Supervisors.

**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 (LDR)

**Adjacent ZONING:** Single Family 1 Acre (SF1A)

**KEY ISSUES:** Will the City or public be materially injured by the approval of the abandonment of the ingress/egress easement?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Single Family 1 Acre (SF1A)/Residences

SOUTH: Single Family 1 Acre (SF1A)/Residences

WEST: Single Family 1 Acre (SF1A)/Residences

EAST: Single Family 1 Acre (SF1A)/Residences

**PREVIOUS REVIEWS:** None

**DISCUSSION:**

This request is to allow the relinquishment of an ingress/egress easement granted by Canyon Properties in 1992, to allow members of the public a means of ingress and egress to Ash Canyon. The grant of easement included provisions that the easement would be rescinded and revoked by Carson City when an additional means of ingress and egress was dedicated, which would provide members of the public an alternative means of access to Ash Canyon. This alternative access was secured in 2003 and was recorded as Carson City Recorder's document number 304501. As a result of this alternative access, the original ingress/egress easement is no longer required. This request is to abandon the access easement pursuant to the original agreement.

The area of abandonment totals approximately 22,608 square feet and is more particularly described in the Order of Abandonment and exhibits. This easement abandonment pertains to areas up to 20 feet wide, adjacent to Assessor's Parcel Numbers 007-371-05, 007-371-08, 007-371-09, 007-371-10, 007-371-12, 007-371-34, 007-371-35, 007-371-36, 007-371-37, 007-371-38, 007-371-60 and 007-371-61, and addressed as 2777 Wellington South, 1654 Wellington West, 1686 Wellington West, 1718 Wellington West, 1792 Wellington West, 2778 Wellington South, 1673 Wellington West, 1711 Wellington West, 1747 Wellington West, 1789 Wellington West, 1560 Wellington West and 1622 Wellington West.

Pursuant to NRS 278.480 Vacation or Abandonment of a Street or Easement: 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.

With the recommended conditions of approval and if it is determined based on the findings of fact that the public will not be materially injured by the proposed vacation, it is recommended that the Planning Commission make a recommendation to the Board of Supervisors for approval of AB-18-094, subject to the recommended conditions of approval.

Carson City Public Works has provided detail regarding the Chain of Title as follows: The right-of-way was created pursuant to Document 133478, a grant of public easement for a 20-foot public access ingress/egress easement. There was no fee title right-of-way dedication, only a grant of easement. There is no record that the City ever paid for the grant of easement.

**PUBLIC COMMENTS:** A public notice was sent by certified mail to the 13 adjacent property owners per Nevada Revised States on June 29, 2018. At the writing of this report, there have been no comments received in opposition or support of 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.

**Building Department:** No concerns

**Engineering Division:** Recommends APPROVAL of the proposed abandonment of the easement.

**Fire Department:** No concerns

**Environmental Health:** No concerns

**RIGHT-OF-WAY ABANDONMENT FINDINGS:** In accordance with Title 17.15.010, the 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 easement was created to provide public ingress/egress to Ash Canyon. A condition of the original document was that the easement would be relinquished when an alternative means of access was created. This access was created in 2003. Therefore, this easement is no longer needed. Property owners will not be damaged by this abandonment application, nor will the public be materially injured by the abandonment.

Per the information provided by Stephen Pottey of the Engineering Division, Carson City Public Works, as well as the Planning Division, the public will not be materially injured by the proposed abandonment

of the easement. There will be no landlocked parcels created as a result of the proposed abandonment. There are other easements in the vicinity of this easement which will not be relinquished. All other easements will remain in place.

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

The proposal is to relinquish the easement, not the street. The easement was created to provide public ingress/egress to Ash Canyon. There are no records indicating that the City ever paid for the easement. Since Carson City did not pay for the easement, it is staff's conclusion that no charge for the easement be required.

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

It has been determined by the Engineering Division that there are no indications that the City of Carson City ever paid for the easement in question. It is recommended that there 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?**

No charge for this abandonment is recommended. Therefore, this item does not apply to this abandonment.

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

The streets in Wellington Crescent Subdivision are a part of the adjacent residential parcels. No change is proposed to parking as a result of the abandonment of the easement. Property owners and guests may continue to park in same areas as are presently utilized. No impact to parking is anticipated as a result of an approval of the request to abandon this access ingress/egress easement. Approval of the abandonment will not result in any elimination or changes to existing parking.

**6. Should utilities easements be reserved, continued or vacated?**

No changes to any other existing utility or access easements in the area are being proposed. The Carson City Engineering Division has reviewed the submitted documents. The documents to relinquish this easement will need to be recorded if approved.

**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, which relate to the responsibilities of the applicant in the event this application is approved.

Attachments:

Engineering Division comments  
Fire Department comments  
Environmental Control comments  
Building Division comments  
Draft Order of Abandonment  
Application (AB-18-094)



## MEMORANDUM

**DATE:** 7/18/2018

**TO:** Hope Sullivan – Planning Division

**FROM:** Stephen Pottéy P.E. – Development Engineering Division

**RE:** AB-18-094 Public Access Easement on Wellington West, apns 007-371-05,08,09,10,12,34,35,36,37,38,60,61  
Engineering Division 1<sup>st</sup> Submittal Review Comments

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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 Engineering Division recommends APPROVAL of the proposed abandonment and offers no conditions of approval.

**DISCUSSION:** The 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?

The right-of-way was created pursuant to Document 133478, a grant of public easement for a 20-foot public access ingress/egress easement. There was no fee title right-of-way dedication, only a grant of easement. There is no record that the City ever paid for the grant of easement.

2. Will the abandonment result in material injury to the public?

No. A private access easement is maintained for residents, a PUE is maintained for utilities, and alternative access to Ash Canyon has been provided to the public.

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

The right-of-way was created pursuant to Document 133478, a grant of public easement for a 20-foot public access ingress/egress easement. There was no fee title right-of-way dedication, only a grant of easement. There is no record that the City ever paid for the grant of easement.

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

Since there are no records indicating that the City ever paid for the grant of easement, it is recommended that there be no cost to the adjacent property owners for gaining the abandoned easement.

5. If abandonment has a public benefit, how much of the public benefit should be offset against the

determination of reasonable consideration?

The benefit to the public is negligible since alternative access is available.

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

Parking is not allowed in the easement.

7. Should utilities easements be reserved, continued or vacated?

Public utility easements (PUE) and a private access easement exist through the final map that created the lots and these easements are retained.

8. Are any conditions of approval by the board of supervisors or recommendations by the planning commission or staff included?

Development Engineering offers no conditions of approval for consideration.

## **Fire Department Comments**

06/19/2018

Fire has no comment on AB 18-094

***Dave Ruben***

Fire Marshal  
Carson City Fire Department  
777 S. Stewart Street  
Carson City, NV 89701

Direct 775-283-7153  
Main 775-887-2210  
FAX 775-887-2209

## MEMORANDUM

**TO :** Planning Department

**FROM :** Mark Irwin

**Re :** AB - 18-094

**DATE :** June 22, 2018

Greetings,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for AB-18-094.

1. ECA has no requirements or comments.

**Building Department Comments**

06/15/2018

AB-18-094 Wellington West (Carson City Public Works)  
-no comments

APN(s): 007-371-05, 007-371-08, 007-371-09, 007-371-10, 007-371-12, 007-371-34, 007-371-35, 007-371-36, 007-371-37, 007-371-38, 007-371-60 and 007-371-61

AN ORDER ABANDONING UP TO A 20-FOOT WIDE PUBLIC ACCESS INGRESS/EGRESS EASEMENT FROM ASH CANYON ROAD TO WELLINGTON SOUTH, THEN NORTH ON WELLINGTON WEST, TURNING WEST AND ENDING AT THE SOUTHWEST CORNER OF LOT 12 OF WELLINGTON CRESCENT SUBDIVISION MAP, DOCUMENT NO. 104082 OF THE CARSON CITY RECORDER'S OFFICE, BEING 22,608 SQUARE FEET MORE OR LESS, LOCATED WITHIN A PORTION OF THE SOUTHEAST ONE-QUARTER OF SECTION 12, TOWNSHIP 15 NORTH, RANGE 19 EAST, MDB&M, CARSON CITY, NEVADA, ON AREAS LOCATED ADJACENT TO 2777 WELLINGTON SOUTH, 1654 WELLINGTON WEST, 1686 WELLINGTON WEST, 1718 WELLINGTON WEST, 1792 WELLINGTON WEST, 2778 WELLINGTON SOUTH, 1673 WELLINGTON WEST, 1711 WELLINGTON WEST, 1747 WELLINGTON WEST, 1789 WELLINGTON WEST, 1560 WELLINGTON WEST AND 1622 WELLINGTON WEST IN CARSON CITY, NEVADA.

WHEREAS, on June 11, 2018, Carson City Public Works duly filed a written application seeking vacation and abandonment of up to a 20-foot wide public access ingress/egress easement from Ash Canyon Road to Wellington South, then north on Wellington West, turning west and ending at the southwest corner of Lot 12 of Wellington Crescent Subdivision, being approximately 22,608 square feet more or less, located within a portion of the southeast one-quarter of Section 12, Township 15 North, Range 19 East, MDB&M, Carson City, Nevada, adjacent to APN(s) 007-371-05, 007-371-08, 007-371-09, 007-371-10, 007-371-12, 007-371-34, 007-371-35, 007-371-36, 007-371-37, 007-371-38, 007-371-60 and 007-371-61, in Carson City, Nevada; 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 July 25, 2018. At the public hearing testimony was taken and the Commission, after discussion and deliberation, recommended approval of

abandonment of the subject public access ingress/egress easement 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 \_\_\_\_\_ 2018, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the abandonment of the public ingress/egress easement in question subject to the conditions of approval included in Exhibit(s) "C" and 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, the vacation and abandonment of the ingress/egress easement is more particularly described on the attached Exhibit(s) "A" of written descriptions of the ingress/egress easement abandonment, and maps are also shown as Exhibit(s) "A", and the attached utility statements are shown as Exhibit(s) "B".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described ingress/egress easement is hereby abandoned according to the provisions of NRS 278.480.
2. That if a utility company has a utility or an easement over or under the property hereby vacated and abandoned by this order, said easement or easements shall be continued and shall not be affected by the abandonment.
3. That utility facilities, which may presently exist within the areas affected by abandonment, will be protected by existing easements.

ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2018, by the Carson City Board of Supervisors.

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ROBERT L. CROWELL, Mayor

ATTEST:

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SUSAN MERRIWETHER, Clerk-Recorder

**EXHIBIT "C"**

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 in order 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 considerations (this Notice of Decision will be mailed to the applicant for signature after approval by the Board of Supervisors).
3. The area of abandonment totals approximately 22,608 square feet and is more particularly described in the Order of Abandonment and exhibits. This easement abandonment pertains to areas up to 20 feet wide, adjacent to Assessor's Parcel Numbers 007-371-05, 007-371-08, 007-371-09, 007-371-10, 007-371-12, 007-371-34, 007-371-35, 007-371-36, 007-371-37, 007-371-38, 007-371-60 and 007-371-61, and addressed as 2777 Wellington South, 1654 Wellington West, 1686 Wellington West, 1718 Wellington West, 1792 Wellington West, 2778 Wellington South, 1673 Wellington West, 1711 Wellington West, 1747 Wellington West, 1789 Wellington West, 1560 Wellington West and 1622 Wellington West.
4. Conditional approval for the requested abandonment shall expire four years after Board of Supervisors approval of the original application, unless an extension of time has been granted by the Board of Supervisors.

<b>Carson City Planning Division</b> <b>108 E. Proctor Street, Carson City, NV 89701</b> <b>Phone: (775) 887-2180 Email: <a href="mailto:planning@carson.org">planning@carson.org</a></b>		<b>FOR OFFICE USE ONLY:</b> <b>CCMC 17.15</b>
<b>FILE # AB - 18 -</b>		
APPLICANT	PHONE #	
Carson City Public Works		
MAILING ADDRESS, CITY, STATE, ZIP		
3505 Butti Way, Carson City, Nevada 89701		
EMAIL ADDRESS		
PROPERTY OWNER	PHONE #	
Carson City		
MAILING ADDRESS, CITY, STATE, ZIP		
201 N. Carson Street, Carson City, NV 89701		
EMAIL ADDRESS		
APPLICANT AGENT/REPRESENTATIVE	PHONE #	
Stephanie Hicks, Real Property Mgr 775-283-7904		
MAILING ADDRESS, CITY, STATE, ZIP		
3505 Butti Way, Carson City, Nevada 89701		
EMAIL ADDRESS		
shicks@carson.org		
Project's Assessor Parcel Number(s): Please see attachment		Street Address Wellington West, Carson City, NV 89701

Briefly describe the proposed right-of-way abandonment. If you are abandoning an access, explain how the parcel will be accessed:

Carson City Public Works is proposing to abandon a 20-foot public ingress/egress easement created per Doc. 133478. Pursuant to the grant of easement, the easement was to be rescinded and revoked when an additional means of ingress and egress was dedicated that provides members of the public with alternative access to Ash Canyon. This alternative access was obtained in 2003. The 50-foot private access and PUE as well as the 20-foot public water easement will remain.

PROPERTY OWNER'S AFFIDAVIT

I, Stephanie Hicks, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Stephanie Hicks  
Signature Carson City Real Property Manager

3505 Butti Way, Carson City, NV 89701

Address

6/8/18

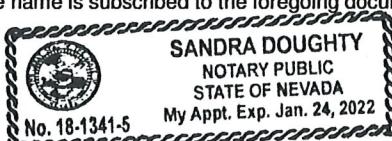
Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA )  
COUNTY Carson )

On June 8<sup>th</sup>, 2018, Stephanie Antoinette Hicks, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public



**Wellington West 20-foot Public Ingress/Egress Easement**

APN 007-371-05

APN 007-371-08

APN 007-371-09

APN 007-371-10

APN 007-371-12

APN 007-371-34

APN 007-371-35

APN 007-371-36

APN 007-371-37

APN 007-371-38

APN 007-371-60

APN 007-371-61



# CARSON CITY NEVADA

## Consolidated Municipality and State Capital

## PUBLIC WORKS

June 8, 2018

Hope Sullivan, AICP  
Carson City Planning Division  
108 E. Proctor Street  
Carson City, Nevada 89701

### **Subject: Justification for Abandonment of 20-foot Public Ingress/Egress Easement on Wellington West**

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Dear Ms. Sullivan:

Please accept this letter as the project description and statement of justification for a request for abandonment of a 20-foot public ingress/egress easement on Wellington West per Document Number 133478. This easement was granted by Canyon Properties in 1992 to allow members of the public a means of ingress and egress to Ash Canyon. However, the grant of easement included provisions that the easement would be rescinded and revoked by the City when an additional means of ingress and egress were dedicated to provide members of the public with an alternative access to Ash Canyon.

An alternative access to Ash Canyon was subsequently secured in 2003 pursuant to Document Number 304501. However, the original access easement never abandoned. Therefore, this request will abandon the original access easement pursuant to the agreement.

The area to be abandoned totals approximately 22,608 square feet and is more particularly described in the attached exhibits.

Pursuant to Carson City Municipal Code 17.15.010, we have addressed the required findings below.

*1. Will the abandonment result in material injury to the public?*

*Comment:* Neither the adjacent property owners nor the public will be materially damaged by this abandonment. Alternative access to Ash Canyon for bicycles and pedestrians has been provided to the public has been constructed. Additionally, residential parcels have access through the 50-foot private access and public utility easement which is not being abandoned as a part of this request.

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

*Comment:* The right-of-way was created pursuant to Document 133478, a grant of public easement for a 20-foot public access ingress/egress easement. There was no fee title right-of-way dedication, only a grant of easement.

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

*Comment:* Since there are no records indicating that the City ever paid for the grant of easement, it is recommended that there be no cost to the adjacent property owners for gaining the abandoned right-of-way.

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

*Comment:* No charge for the abandonment is recommended. Therefore, this item does not apply to this abandonment.

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

*Comment:* The abandonment will not result in the elimination of on-street parking. The subject area is not currently used as a roadway or for parking area.

6. *Should utilities easements be reserved, continued, or vacated?*

*Comment:* The abandonment of the ingress/egress easement does not include the abandonment of any utility easements. There are separate easements for a 50-foot private access and public utility easement along Wellington West which will remain. Additionally, there is a separate 20-foot public water main easement between APN 007-371-11 and 007-371-12 to remain.

7. *Are any conditions of approval by the board of supervisors or recommendations by the planning commission or staff included?*

*Comment:* There are no additional conditions from the Engineering Division.

If you have any questions, please contact me directly at (775) 283-7904. Thank you for your assistance with this matter.

Sincerely,



Stephanie A. Hicks, AICP, CFM  
Real Property Manager

## UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Wellington West 20-foot Public Ingress/Egress Easement over APNs 007-371-05, -08, -09, -10, -12, -34, -35, -36, -37, -38, -60 and -61.  
(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signature	Print Name	Company	Date
Signature	Print Name	Company	Date
Signature	Print Name	Company	Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signature	Print Name	Company	Date
Signature	Print Name	Company	Date
Signature	Print Name	Company	Date

3. OTHER: (Please type in a statement which applies to your situation): We do not have facilities in the Row being abandoned, however there we do have facilities in the overlapping Row not being abandoned

Signature	Print Name	Company	Date
	MATT GINGERICH	NV Energy	5/28/18

Signature	Print Name	Company	Date
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### THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy  
Charter Communications  
Carson City Utilities (will sign during review)

Southwest Gas Corporation  
AT&T Nevada

## UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

LOCATED AT: Wellington West 20-foot Public Ingress/Egress Easement over APNs 007-371-05, -08, -09, -10, -12, -34, -35, -36, -37, -38, -60 and -61.  
(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

<u>Amanda Marcucci</u> Signature	<u>Amanda Marcucci</u> Print Name	<u>Southwest Gas</u> Company	<u>6/7/18</u> Date
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Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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### **THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS**

NV Energy  
Charter Communications  
Carson City Utilities (will sign during review)

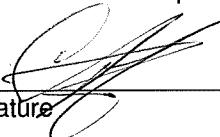
Southwest Gas Corporation  
AT&T Nevada

## UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

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(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

	CLIFF COOPER MGR OSP PLANNING	NEVADA BEL TELEPHONE CO d/b/a AT&T NEVADA	05/14/2018
Signature	Print Name	Company	Date

Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

Signature	Print Name	Company	Date
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Signature	Print Name	Company	Date
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LOCATED AT: Wellington West 20-foot Public Ingress/Egress Easement over APNs 007-371-05, -08, -09, -10, -12, -34, -35, -36, -37, -38, -60 and -61.

(THE LOCATION, APN NUMBER AND ADDRESS MUST BE LISTED ABOVE PRIOR TO OBTAINING SIGNATURES)

1. We DO NOT have a utility in the right-of-way being abandoned and DO NOT desire continuation of said easement in its present location.

John M. Neft James Neft Charter Comm. 5-14-18  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

2. We DO have a utility in the right-of-way being abandoned and desire creation of a public utility easement (PUE) along the alignment of the existing utility.

\_\_\_\_\_  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

3. OTHER: (Please type in a statement which applies to your situation): \_\_\_\_\_

\_\_\_\_\_  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

\_\_\_\_\_  
Signature Print Name Company Date

### THE FOLLOWING PUBLIC UTILITIES SHALL SIGN ONE OF THE ABOVE STATEMENTS

NV Energy  
Charter Communications  
Carson City Utilities (will sign during review)

Southwest Gas Corporation  
AT&T Nevada

EXHIBIT "A"

DESCRIPTION OF PUBLIC EASEMENT RELINQUISHMENT

All that area described in that Grant of Public Easement recorded August 26, 1992 as Document No. 133478 in the Official Records of Carson City, Nevada, more particularly described as follows:

BEGINNING at a point being the intersection of the Westerly line of the Southeast one-quarter of said Section 12 and the Southwest corner of Lot 12 as shown on the Wellington Crescent Subdivision Map, Document No. 104082 of the Carson City Recorder's office, said point bears S. 00°01'16" W., 790.89 feet from the center of said Section 12 as shown on said Wellington Crescent Subdivision map;

thence N. 00°01'16" E., along the Westerly line of said Lot 12, 10.00 feet;

thence S. 89°58'44" E., 260.00 feet;

thence S. 00°01'16" W., 859.96 feet;

thence 46.44 feet along the arc of a curve to the right having a central angle of 24°11'14" and a radius of 110.00 feet, (chord bears S. 12°06'53" W., 46.09 feet);

thence S. 24°12'30" W., 158.09 feet;

thence 33.52 feet along the arc of a curve to the left having a central angle of 21°20'31" and a radius of 90.00 feet, (chord bears S. 13°32'14" W., 33.33 feet), to a point on the Northerly right-of-way line of Ash Canyon Road as shown on said Wellington Crescent Subdivision Map;

thence N. 87°08'01" W., along said Northerly right-of-way line 20.00 feet;

thence 40.97 feet along the arc of a curve to the right having a central angle of 21°20'31" and a radius of 110.00 feet, (chord bears N. 13°32'14" E., 40.74 feet);

thence N. 24°12'30" E., 158.09 feet;

thence 37.99 feet along the arc of a curve to the left having a central angle of 24°11'14" and a radius of 90.00 feet, (chord bears N. 12°06'53" E., 37.71 feet);

thence N. 00°01'16" E., 675.72 feet to a point on the Northerly line of Lot 10 of said Wellington Crescent Subdivision Map;

thence S. 89°58'44" E., along the Northerly line of said Lot 10, 10.00 feet to a point on the center line of 'Wellington West of said Wellington Crescent Subdivision Map;

thence N. 00°01'16" E., along said centerline of Wellington West, 174.24 feet to the Southeast corner of said Lot 12;

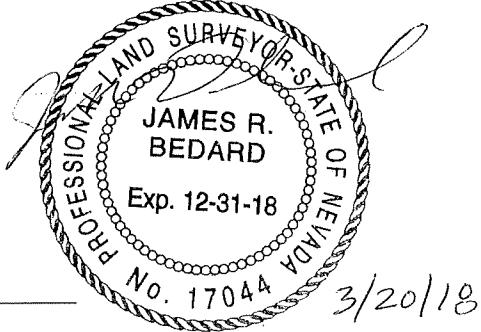
thence N.  $89^{\circ}58'44''$  W., along the Southerly line of said Lot 12, 250.00 feet to the POINT OF BEGINNING.

Containing 22,608 square feet more or less.

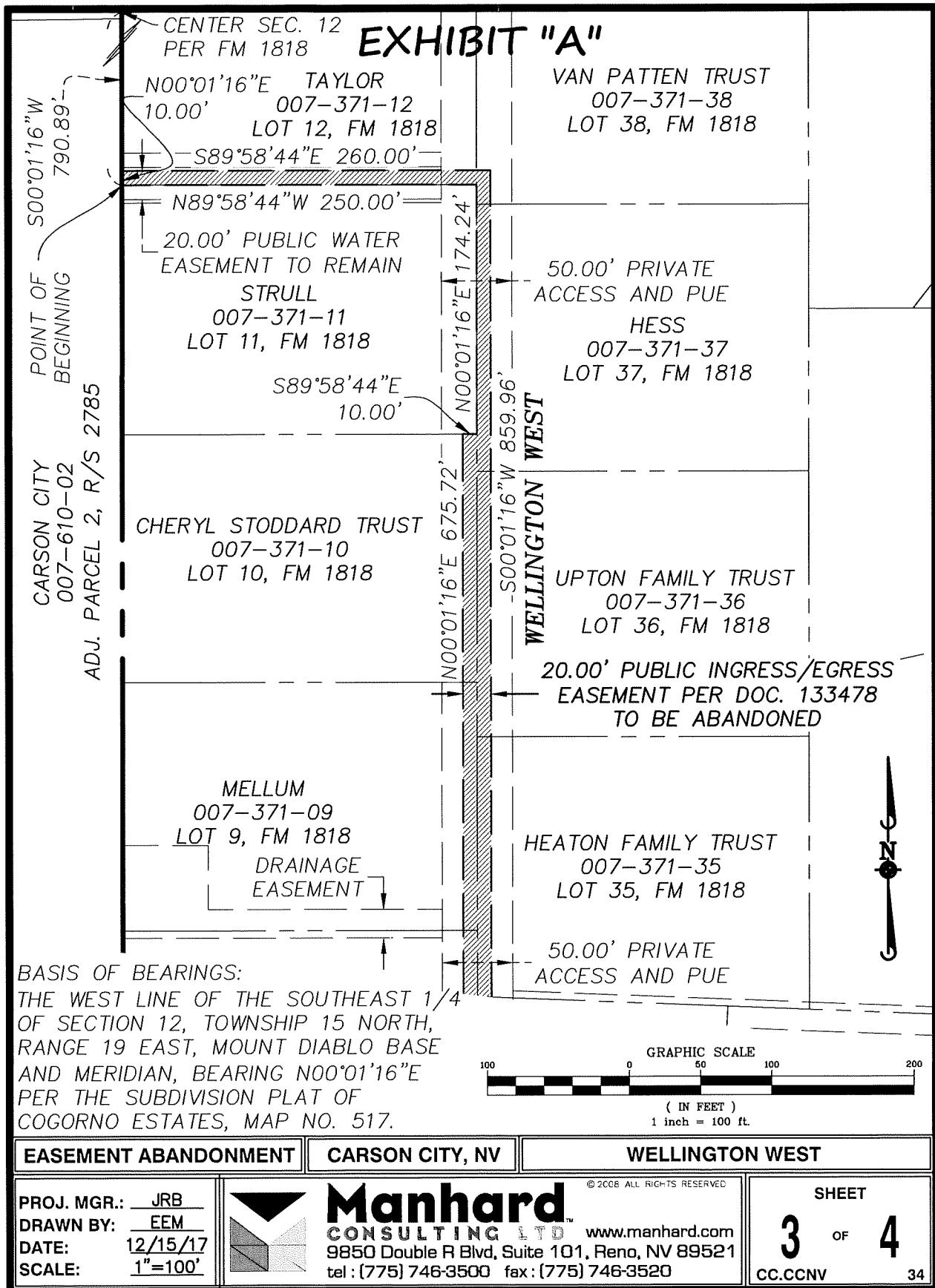
The above legal description describes the same area as described in document No. 133478, recorded August 26, 1992, in the Official Records of Carson City, Nevada.

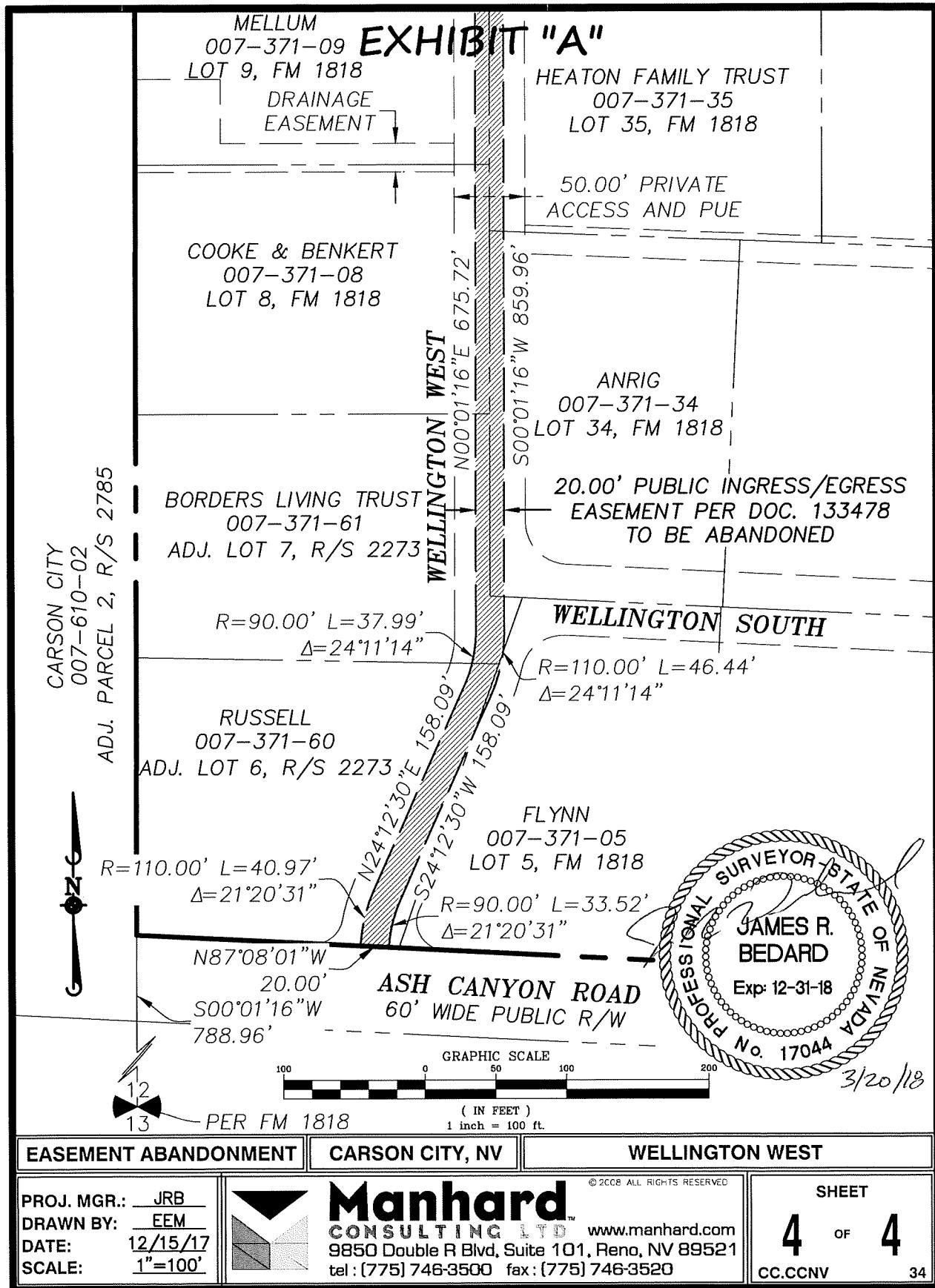
Prepared by:

Manhard Consulting Ltd  
9850 Double R Blvd, Suite 101  
Reno, NV 89521



James R. Bedard, P.L.S.  
Nevada Certificate No. 17044





**FINAL MAP FOR WELLINGTON CRESCENT**  
**SE 4 SECTION 12, T15 N. R19 E. M.D.B. & M.**  
**CARSON CITY, NEVADA**

**NORTH**

**OWNER'S CERTIFICATE**

THIS IS TO CERTIFY THAT CANYON PROPERTIES A NEVADA LIMITED PARTNERSHIP IS THE OWNER OF THE TRACT OF LAND REPRESENTED ON THIS PLAT AND THAT THE SAME IS EXECUTED IN COMPLIANCE WITH AND SUBJECT TO THE PROVISIONS OF N.R.S. CHAPTER 278, THAT ALL EASEMENTS SHOWN HERON ARE DEDICATED AS PERMANENT EASEMENTS FOR THE STATED PURPOSE, IN WITNESS WHEREOF, THE UNDERSIGNED HAS AFFIXED HIS NAME.

*James J. Newman*

JAMES J. NEWMAN, GENERAL PARTNER  
 CANYON PROPERTIES, A NEVADA LIMITED PARTNERSHIP

6/25/90  
 DATE

**STATE OF NEVADA**

**5.S.**

**CARSON CITY**

ON THIS 25<sup>th</sup> DAY OF June, 1990 JAMES J. NEWMAN DID PERSONALLY APPEAR BEFORE ME AND UPON 6TH DUE DEDUCE AND SAY THAT HE EXECUTED THE FORGOING INSTRUMENT FREELY AND VOLUNTARILY, FOR THE USES AND PURPOSES STATED THEREIN.

**CAROL J. WOODS**

NOTARY PUBLIC

6/25/90  
 DATE

**SURVEYOR'S CERTIFICATE**

I, BRUCE R. SCOTT, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF CANTON PROPERTIES, A NEVADA LIMITED PARTNERSHIP.
2. THE LANDS SURVEYED LIE WITHIN A PORTION OF THE SE 1/4 OF SECTION 12, T.15 N. R.19 E., M.D.B. & M. AND THE SURVEY WAS COMPLETED ON JUNE 1, 1990.
3. THIS PLAT COMPLETES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES.
4. THE MONUMENTS WILL BE OF THE CHARACTER SHOWN AND WILL OCCUPY THE POSITIONS INDICATED BY JAMES J. NEWMAN, AND THAT AN APPROPRIATE PERFORMANCE BOND HAS BEEN OR WILL BE POSTED WITH THE GOVERNING BODY TO ASSURE THEIR INSTALLATION.

*Bruce R. Scott*

6/18/90  
 DATE

*Harvey M. Scott*

6/18/90  
 DATE

**UTILITY COMPANY APPROVALS**

THE EASEMENTS SHOWN ON THIS PLAT HAVE BEEN CHECKED AND APPROVED BY:

*C. J. Scott* 6-22-90 At: 6:15a 6/29/90  
 NEVADA BELL

*Sierra Pacific Power Co.* 6-25-90 Sierra Pacific Power Co. 6/29/90  
 SOUTHWEST GAS CORP.

*Sierra Pacific Power Co.* 6-25-90 Sierra Pacific Power Co. 6/29/90  
 SOUTHWEST GAS CORP.

6/29/90  
 DATE

**TITLE COMPANY CERTIFICATE**

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS PLAT HAS BEEN EXAMINED, THAT ANY LIEN OR MORTGAGE HOLDERS ARE LISTED AND THAT THE DEVELOPERS, OFFERING SAID MAP ARE THE LAST RECORD TITLE HOLDER OF THE LANDS SHOWN HEREON AS OF 7-25-1990.

6/25/90  
 DATE

**DIVISION OF WATER RESOURCES CERTIFICATE**

THIS FINAL MAP HAS BEEN APPROVED BY THE DIVISION OF WATER RESOURCES OF THE STATE OF NEVADA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY SUBJECT TO THE REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

*Robert J. Heron* 6/29/90  
 DIVISION OF WATER RESOURCES

DATE

**PLANNING COMMISSION REVIEW**

THIS FINAL PLAT HAS BEEN EXAMINED AND FOUND TO BE SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ALL CONDITIONS IMPOSED UPON ITS APPROVAL HAVE BEEN SATISFIED. THE TENTATIVE MAP OF THE SUBDIVISION SHOWN HEREON WAS REVIEWED BY THE CARSON CITY REGIONAL PLANNING COMMISSION ON THE 19TH DAY OF DECEMBER, 1989.

*John A. Atch* 12/19/89  
 CARSON CITY REGIONAL PLANNING COMMISSION

DATE

**TREASURER CERTIFICATE**

THIS FINAL PLAT HAS BEEN EXAMINED AND FOUND TO BE SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ALL CONDITIONS IMPOSED UPON ITS APPROVAL HAVE BEEN SATISFIED. THE TENTATIVE MAP OF THE SUBDIVISION SHOWN HEREON WAS REVIEWED BY THE CARSON CITY REGIONAL PLANNING COMMISSION ON THE 19TH DAY OF DECEMBER, 1989.

*John A. Atch* 12/19/89  
 CARSON CITY REGIONAL PLANNING COMMISSION

DATE

**CLERK/RECORDERS CERTIFICATE**

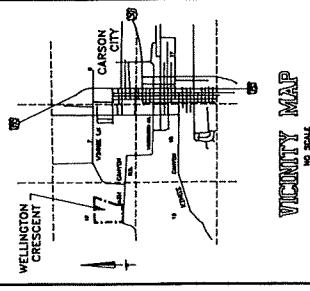
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*John A. Atch* 12/19/89  
 CARSON CITY REGIONAL PLANNING COMMISSION

DATE

*John A. Atch* 12/19/89  
 CARSON CITY REGIONAL PLANNING COMMISSION

DATE



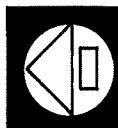
VICINITY MAP  
 NO SCALE

**RESOURCES CONCEPTS INC.**  
 340 North Minnesota Street, Carson City, Nevada 89701  
 (702) 883-1500

**RESOURCES CONCEPTS INC.**  
 340 North Minnesota Street, Carson City, Nevada 89701  
 (702) 883-1500



Sheet 1 of 2



NORTH

Scale 1" = 100'

440 North Minnesota Street, Carson City, Nevada (702) 883-1600  
ENGINEERING • SURVEYING  
RESOURCES INC.

Sheet 2 of 3

1/8/8A

## FINAL MAP

FOR  
WELLINGTON CRESCENTNORTH  
BOUNDARY AND LOT INFORMATIONRESOURCES INC. • SURVEYING  
ENGINEERING

SE 1/4 SEC. 12, T-15 N., R-19 E., M.D.B.&amp; M.

## LEGEND

ST 5/8" REAR W/TG 379

FOUND 5/8" REAR &amp; TAC 379

UNLESS OTHERWISE NOTED

OF COORDINATES TO BE SET

AT TIME OF CONSTRUCTION

LOT LINE CURVE DATA

CURVE NO. △ R L

1-4 251725' 750.00' 200.00'

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GRANT OF PUBLIC EASEMENT

COMES NOW, CANYON PROPERTIES, a Nevada limited partnership, which entity is the owner of the following described real property located in Carson City, Nevada:

Lots 5, 6, 7, 8, 9, 10, 12, 34, 35, 36, 37 and 38 as shown on the map of WELLINGTON CRESCENT, filed in the office of the Carson City Recorder on August 3, 1990, Book 6 of the Maps, Map No. 1818, File 104082

CANYON PROPERTIES does now grant a non-exclusive easement to members of the public to be used as a means of ingress and egress to Ash Canyon. The ingress and egress easement granted hereby shall not be used for parking nor shall it be used by unlicensed motor vehicles. The easement shall not be used as a means of providing primary or secondary subdivision access or for the placement of utilities for subdivision development other than the Wellington Crescent subdivision.

The non-exclusive ingress and egress easement granted hereby is described as follows:

See Attached Exhibit "B"

The non-exclusive ingress and egress easement granted hereby shall be rescinded and revoked when an additional means of ingress

and egress is dedicated that provides members of the public with alternative access to Ash Canyon.

DATED this 13<sup>th</sup> day of August, 1992.

CANYON PROPERTIES, a Nevada  
Limited Partnership

By James J. Newman  
JAMES J. NEWMAN  
General Partner

STATE OF NEVADA )  
:ss.  
CARSON CITY )

On this 13<sup>th</sup> day of August, 1992, before me, a notary public, personally appeared JAMES J. NEWMAN, who is the General Partner of Canyon Properties, a Nevada limited partnership, personally known to me to be the person whose name is subscribed to the above instrument and who acknowledged that he executed the instrument.

Nancy Sheppard  
NOTARY PUBLIC



Exhibit "B"

Wellington Crescent  
Lots 5, 6, 7, 8, 9, 10, 12, 34, 35, 36, 37 and 38  
Access Easement  
Legal Description

August 10, 1992

A 20 foot wide access easement located within a portion of the Southeast one-quarter of Section 12, Township 15 North, Range 19 East, MDB&M, Carson City, Nevada, being more particularly described as follows:

BEGINNING at a point being the intersection of the Westerly line of the Southeast one-quarter of said Section 12 and the Southwest corner of Lot 12 as shown on the Wellington Crescent Subdivision Map, Document No. 104082 of the Carson City Recorder's Office, said point bears S.  $00^{\circ}01'16''$  W., 790.89 feet from the center of said Section 12 as shown on said Wellington Crescent Subdivision Map;

thence N.  $00^{\circ}01'16''$  E., along the Westerly line of said Lot 12, 10.00 feet;

thence S.  $89^{\circ}58'44''$  E., 260.00 feet;

thence S.  $00^{\circ}01'16''$  W., 859.96 feet;

thence 46.44 feet along the arc of a curve to the right having a central angle of  $24^{\circ}11'14''$  and a radius of 110.00 feet, (chord bears S.  $12^{\circ}06'53''$  W., 46.09 feet);

thence S.  $24^{\circ}12'30''$  W., 158.09 feet;

thence 33.52 feet along the arc of a curve to the left having a central angle of  $21^{\circ}20'31''$  and a radius of 90.00 feet, (chord bears S.  $13^{\circ}32'14''$  W., 33.33 feet), to a point on the Northerly right-of-way line of Ash Canyon Road as shown on said Wellington Crescent Subdivision Map;

thence N.  $87^{\circ}08'01''$  W., along said Northerly right-of-way line 20.00 feet;

thence 40.97 feet along the arc of a curve to the right having a central angle of  $21^{\circ}20'31''$  and a radius of 110.00 feet, (chord bears N.  $13^{\circ}32'14''$  E., 40.74 feet);

thence N.  $24^{\circ}12'30''$  E., 158.09 feet;

000133478

thence 37.99 feet along the arc of a curve to the left having a central angle of  $24^{\circ}11'14''$  and a radius of 90.00 feet, (chord bears N.  $12^{\circ}06'53''$  E., 37.71 feet);

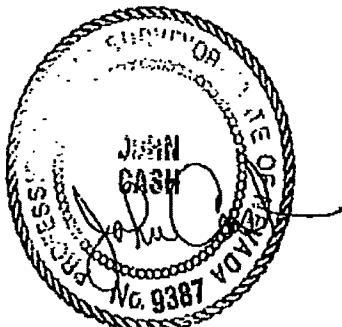
thence N.  $00^{\circ}01'16''$  E., 675.72 feet to a point on the Northerly line of Lot 10 of said Wellington Crescent Subdivision Map;

thence S.  $89^{\circ}58'44''$  E., along the Northerly line of said Lot 10, 10.00 feet to a point on the center line of Wellington West of said Wellington Crescent Subdivision Map;

thence N.  $00^{\circ}01'16''$  E., along said centerline of Wellington West, 174.24 feet to the Southeast corner of said Lot 12;

thence N.  $89^{\circ}58'44''$  W., along the Southerly line of said Lot 12, 250.00 feet to the POINT OF BEGINNING.

Containing 22,608 square feet more or less.



08/13/92

FILED FOR RECORD  
AT THE REQUEST OF  
*Scarpello & Alling*  
'92 AUG 26 P3:30

000133478  
FILE NO. ....  
KIYOSHI NISHIKAWA  
CARSON CITY RECORDER  
FEE \$ 800 DEP. 00

000133478

FILED FOR RECORD  
AT THE REQUEST OF  
**STEWART TITLE OF CARSON CITY**

2003 AUG 26 PM 3:15

FILE NO. **304501**

ALAN CLOVER  
CARSON CITY RECORDER

FEES *JK* DEP *L*

APN Ptn of APN 007-371-30

Recording Requested By:

**Stewart Title of Carson City**

111 W. Proctor

Carson City, NV 89703

Escrow No. 03022076

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Agreement  
(Title of Document)

This page added to provide additional information required by NRS 111.312 Sections 1-2.  
(Additional recording fee applies)

This cover page must be typed.

• **304501**

AFTER RECORDING RETURN TO:  
LAWRENCE A. WERNER, P.E., R.L.S.  
CARSON CITY DEVELOPMENT SERVICES  
ENGINEERING DIVISION  
2621 NORTHGATE LANE, SUITE 54  
CARSON CITY, NV 89706

LEGAL DESCRIPTION PREPARED BY:  
HEIDI A. MIRELES  
NEVADA DEPT. OF TRANSPORTATION  
R/W DIVISION  
1263 S. STEWART STREET  
CARSON CITY, NV 89712

AGREEMENT

THIS AGREEMENT, made this 3rd day of July, 2003  
between the WELLINGTON CRESCENT PROPERTY OWNERS ASSOCIATION, a Nevada  
nonprofit corporation, hereinafter called the OWNER, and CARSON CITY, NEVADA, A  
CONSOLIDATED MUNICIPALITY, hereinafter called the CITY,

WITNESSETH:

1. The OWNER, for and in consideration of the covenants and payments to be  
performed and paid as hereinafter provided agrees as follows:

(a) To grant a permanent access and maintenance easement for the purpose  
of a bicycle/pedestrian path upon, over and across certain real property, together with the  
improvements, including those items listed in the inventory attached hereto and made a part  
hereof by reference, to the CITY; said real property situate, lying and being in Carson City, State  
of Nevada, and more particularly described as being a portion of the SE 1/4 of Section 12,  
T.15N., R.19E., M.D.M., and further described as being a portion of Lot 30 as shown on the  
FINAL MAP FOR WELLINGTON CRESCENT, filed in the Carson City Recorder's Office on  
August 3, 1990 as in Book 6, Page 2438 as Document 104082 and more particularly described  
as follows:

COMMENCING at the S 1/4 of Section 12, T15N., R19E., M.D.M.; thence  
N00°01'16"E., 788.96 feet; thence S87°08'01"E., 1132.31 feet, along the northerly right-of-way  
line of Ash Canyon Road to the TRUE POINT OF BEGINNING for this description, said point is  
on the northerly right-of-way line of Ash Canyon Road and the westerly boundary of Lot 30 as  
shown on the FINAL MAP FOR WELLINGTON CRESCENT, filed August 3<sup>rd</sup>, 1990 file number  
104082, Official Records of Carson City, Nevada;

thence N07°15'51"W., 58.30 feet; thence 32.74 feet on a curve to the right, with a  
delta angle of 1°22'07", a radius of 1370.68 feet, and a chord bearing N6°34'48"W, a distance of  
32.74 feet; thence N89°18'46"E., 8.36 feet; thence S5°46'26"E., 79.28 feet; thence 13.56 feet on  
a curve to the left, with a delta angle of 37°51'59", a radius of 20.52 feet, and a chord bearing  
S24°28'32"E., a distance of 13.32 feet; thence N.87°08'02"W., a distance of 10.74 feet, along  
the northerly right-of-way line of Ash Canyon Road, returning to the TRUE POINT OF  
BEGINNING.

Containing 697 square feet more or less.

Basis of Bearing

The west line of the Southeast 1/4 of Section 12, T.15N., R.19E., M.D.M. (N.00°01'16"E.,) per the  
SUBDIVISION PLAT FOR COGORNO ESTATES, filed August 3<sup>rd</sup>, 1976 file number 64356,  
Official Records of Carson City, Nevada.

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(c) To deliver to the CITY upon receipt of payment an easement deed granting to the CITY a permanent easement for the purpose of a bicycle/pedestrian path upon, over and across certain real property described as Parcel 3PE, V & T Bike Path upon, over and across certain real property described as Parcel 3TE, V & T Bike Path. OWNER further understands and agrees that said deeds shall be recorded upon execution of this agreement.

(d) To be responsible for said premises, including risk and liability for loss or damage including all repairs and/or maintenance to said premises until such date as OWNER has delivered the before mentioned deed to the CITY, or such date as OWNER has given physical possession of said premises to the CITY.

(e) To permit the CITY or its authorized agents, assignees and contractors to enter in and upon OWNER'S adjacent remaining lands of Lot 30 of the Wellington Crescent Subdivision, as necessary, to construct modifications in the landscape irrigation system to accommodate the new planter box located on a portion of Lot 30 of the Wellington Crescent Subdivision.

(f) To permit the CITY or its authorized agents or contractors to enter in and upon OWNER'S before mentioned lands which are herein agreed to be conveyed for the purpose of constructing a bicycle/pedestrian path prior to the close of escrow.

(g) To waive and hereby does waive, with full knowledge that a portion of a bicycle/pedestrian path and the necessary incidents thereto are to be located upon, over and across the lands hereinabove described, any claim for any and all damages to the remaining adjacent lands and property of the OWNER by reason of the location, construction, landscaping and maintenance of said bicycle/pedestrian path and appurtenances in said location.

2. The CITY, in consideration of the promises and covenants of the OWNER hereinabove set forth, agrees as follows:

(a) To pay to the OWNER in the manner hereinafter provided the sum of FORTY THOUSAND AND NO/100 DOLLARS (\$40,000.00), which shall be the total purchase price for all that said property to be conveyed and improvements, listed as follows:

697 SF of Permanent Easement for a Bicycle/Pedestrian Path and Installation of ADA walk-through gate, concrete pads for drive-through gate controllers, pipe or boulder protection for the gate controller pedestals, conduit from rough-in to the drive-through gate and controllers, conduit to the subdivision sign, 6 foot fence extension from the drive-through gate.	\$40,000.00
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(b) To provide full compensation in the amount of TWO THOUSAND FIVE HUNDRED NINE AND NO/100 DOLLARS (\$2,509.00) for conveying the easement needed for the purpose of a bicycle/pedestrian path. Compensation may be provided to owner for termination of a twenty-foot wide ingress and egress easement located along the Wellington West roadway and then between Lots 11 and 12 in the Wellington Crescent Subdivision after completion of the V & T Bike/Pedestrian Path construction and an alternate access is provided.

(c) To deposit in escrow with Stewart Title Company, 111 W. Proctor, Carson City, Nevada, the before mentioned total purchase price, which sum shall be disbursed in accordance with the herein recited covenants, promises and agreements made, and payments to be performed and paid.

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(d) To leave the adjacent remaining portion of Lot 30 of the Wellington Crescent Subdivision upon which entry is required in as neat and presentable condition as existed prior to such entry, with all property belonging to the OWNER, which the CITY may find it necessary to remove or relocate in order to modify the landscape irrigation system to be replaced as nearly in their original condition and position as is reasonably possible.

(e) To the extent provided by law, including but not limited to the provisions of Nevada Revised Statutes Chapter 41, the CITY agrees to indemnify and hold harmless OWNER from and against any liability arising out of the exercises of the rights granted pursuant to this agreement proximately caused by any act or omission of CITY, or its officers, agents and employees.

(f) That the gate width shall be a minimum of 15 feet, approved, in writing, by the Carson City Fire Marshall, and approved by the Carson City Traffic Engineer and Carson City Board of Supervisors.

(g) To maintain the wall adjacent to the old V & T right-of-way, specifically, the removal of graffiti.

(h) To terminate a twenty-foot wide ingress and egress easement located along the Wellington West roadway and then between Lots 11 and 12 in the Wellington Crescent Subdivision as filed for the record the 26th day of August 1992 in the Official Records of Carson City, Nevada as File Number 133478, after completion of the V & T Bike/Pedestrian Path construction and an alternate access is provided.

3. It is mutually agreed and understood by the CITY and by the OWNER as follows:

(a) That all of the facilities and improvements constructed within the easement granted to the CITY shall be designed in accordance with Carson City Development Standards.

(b) That the CITY will operate and maintain the pedestrian/bicycle path and appurtenances located within said easement.

(c) That the permanent easement described herein will benefit the residents of Carson City.

(d) If OWNER or CITY fails, neglects, or refuses to do or perform any act or thing herein covenanted and agreed to be done or performed, such failure, neglect, or refusal will constitute a default breach of this Agreement. If OWNER or CITY fails, neglects, or refuses to cure the default upon the request of the other party, such other party, at its option, may correct such default and thereupon recover from the other party the cost thereof or may require the specific performance by the other party of all terms, conditions, and covenants of this agreement. The foregoing will be in addition to and exclusive of any other remedy now or hereafter provided by law, and the pursuit of any right or remedy will not be construed as an election.

(e) The illegality or invalidity of any provision or portion of this agreement shall not affect the validity of any remaining provision.

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(f) The laws of the State of Nevada shall be applied in interpreting and construing this Agreement.

(g) This agreement shall constitute the entire contract between the parties hereto, and no modification hereof shall be binding unless endorsed hereon in writing.

(h) All property descriptions are approximate and subject to slight adjustment as necessary to meet construction requirements.

(i) All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, successors and assigns, as the case may be, of the respective parties.

(j) As used herein the term OWNER shall include the plural as well as the singular, and the feminine as well as the masculine and the neuter.

(k) That CITY shall have the right to adapt and improve the whole or any part of said property in accordance with the provisions of N.R.S. 271.265.

(l) The regulations pertaining to nondiscrimination and Title VI of the Civil Rights Act of 1964, as contained in Title 23, Code of Federal Regulations Part 200, and Title 49, Code of Federal Regulations Part 21, are hereby incorporated by reference and made a part of this Agreement.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first above written.

WELLINGTON CRESCENT PROPERTY OWNERS ASSOCIATION,  
a Nevada nonprofit corporation

By: Gary A. Anderson 6/12/03  
GARY A. ANDERSON, President Date

STATE OF Nevada  
Carson City

On this 12th day of June, 2003, personally appeared before me, the undersigned, a Notary Public in and for the Carson City, State of Nevada

Blay A. Anderson personally known (or proved) to me to be the person whose name is subscribed to the above instrument and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes thereby mentioned.

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E  
A  
L

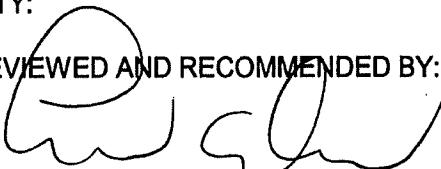


IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Lauren McClellan • 304501  
Notary Public

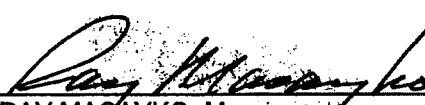
CITY:

REVIEWED AND RECOMMENDED BY:

  
LAWRENCE A. WERNER, P.E., R.L.S.  
City Engineer

APPROVED FOR LEGALITY AND FORM:

  
Carson City District Attorney

  
RAY MASAYKO, Mayor

  
ATTEST: RAYSON C. GLOVER  
Alan Glover, Clerk Recorder



304501

## EXHIBIT "A"

ASH CANYON RD.

007-371-01  
 DUNBAR, REVOCABLE FAMILY  
 TRUST  
 LOT 1

L4  
 L3  
 L2  
 C1  
 EXHIBIT B 697 SF  
 C2

LOT 30  
 007-371-30  
 WELLINGTON WEST  
 OWNERS ASSN.

304501

CARSON CITY  
 ENGINEERING DEPARTMENT

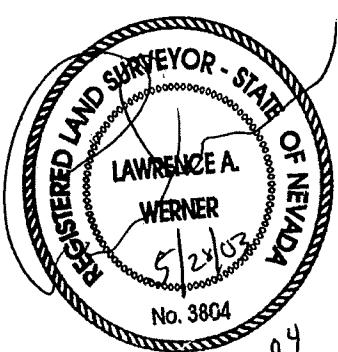
PERMANANT ACCESS AND  
 MAINTENANCE EASEMENTS  
 EXHIBIT A  
 WELLINGTON CRESCENT

3505 BUTTI WAY  
 PH: 887-2355

CARSON CITY, NEVADA 89701  
 FAX: 887-2614

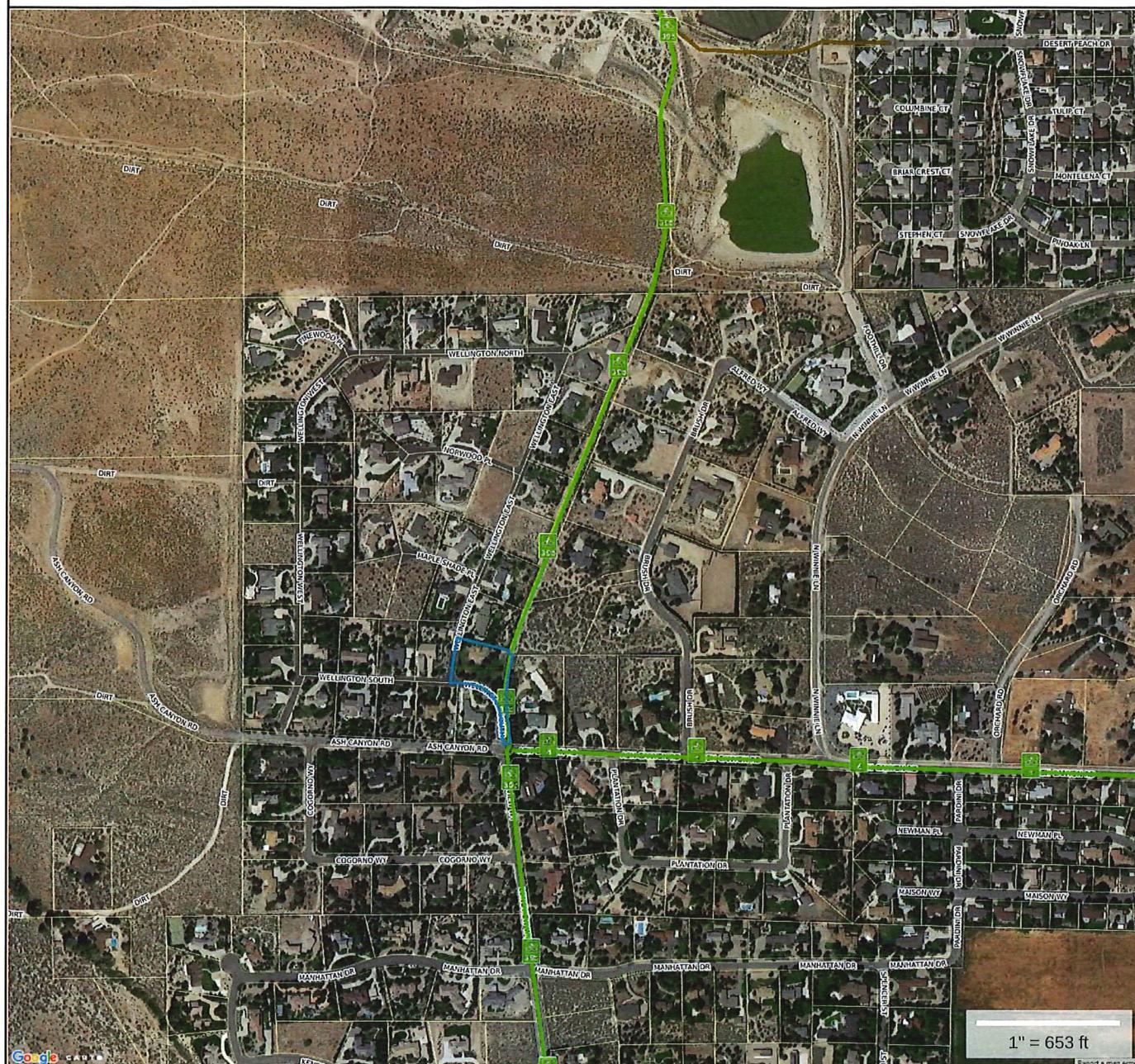
DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_ TG  
 CHECKED BY: \_\_\_\_\_  
 SCALE (HORIZ): 1"=40'  
 DATE: 5/23/2003

FIGURE  
 2



LINE #	BEARING	DISTANCE
L1	N7°15'51"W	58.30'
L2	S89°18'46"E	8.36'
L3	S5°46'26"E	79.28'
L4	N87°08'02"W	10.74'

## Lot 30 and Route 395



## Property Information

Property ID 00737164  
Location 1619 WELLINGTON EAST  
Owner WELLINGTON CRESCENT PROP OWNERS



[CLICK LOGO FOR TUTORIAL](#)

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

Carson City , NV makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 05/15/2018  
Properties updated 05/15/2018



## **Stephanie Hicks**

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**From:** Dan Stucky  
**Sent:** Monday, June 11, 2018 7:59 AM  
**To:** Stephanie Hicks  
**Subject:** RE: Wellington Crescent Easement Abandonment

I support this abandonment

**Dan Stucky, P.E.** | City Engineer  
Public Works Department | Carson City



3505 Butti Way, Carson City, NV 89701 | Office: 775-887-2355 | Direct: 775-283-7084  
Email: [dstucky@carson.org](mailto:dstucky@carson.org) | Web: [www.carson.org](http://www.carson.org)

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**From:** Stephanie Hicks  
**Sent:** Friday, June 8, 2018 12:44 PM  
**To:** Dan Stucky  
**Subject:** Wellington Crescent Easement Abandonment

Hi Dan:

Could you please provide me a response to this email indicating your support of the abandonment of the 20-foot ingress/egress easement in the Wellington Crescent Subdivision for access to Ash Canyon?

Thanks much!

Stephanie Hicks, AICP, CFM  
Real Property Manager  
Carson City Public Works  
3505 Butti Way  
Carson City, NV 89701  
(775) 283-7904

