

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JANUARY 15, 2019

FILE NUMBER: AB-18-173

AGENDA ITEM: E1

STAFF CONTACT: Kathe Green, Assistant Planner

AGENDA TITLE: To make a recommendation to the Board of Supervisors for an abandonment of a portion of a public right-of-way, a one foot wide section of the northern area of West Fifth Street between the easterly right-of-way area of South Curry Street and the westerly right-of-way area of South Carson Street. The total area is 170 square feet, more or less, adjacent to properties located at 114 West Fifth Street and 418 South Carson Street, APNs 003-116-03 and 003-116-04. (Kathe Green, kgreen@carson.org)

STAFF SUMMARY: The proposal is to abandon a one foot by 170 feet portion of right-of-way on the north side of West Fifth Street between South Curry Street and South Carson Street. If approved, this one block section of Fifth Street would become 65 feet wide. This request is to accommodate an existing building which was built into the right-of-way area on the northern portion of the area under review. Per CCMC 17.15, the Planning Commission makes a recommendation to the Board of Supervisors regarding requests for right-of-way abandonment. The Board of Supervisors is authorized to abandon the right-of-way.

PROPOSED MOTION: **I move to recommend that the Board of Supervisors approve AB-18-173, an abandonment of a portion of a public right-of-way based on seven findings and subject to the conditions of approval contained in the staff report.**

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to the recordation of said abandonment, the applicant shall be responsible for the submittal of all necessary legal documentation and title search materials as required by the Planning Division 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. Approval of the abandonment shall expire four years after Board of Supervisor 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.

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

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Downtown Mixed-Use (DT-MU)/Vacant and Jack's Bar

SOUTH: Downtown Mixed-Use (DT-MU)/Ormsby House

WEST: Downtown Mixed-Use (DT-MU)/Commercial and Residential

EAST: Downtown Mixed-Use/Public (DT-MU, P)/Legislative Building and dentist

PREVIOUS REVIEWS:

None

DISCUSSION:

Carson City Municipal Code (CCMC) 17.15 addresses Abandonment of Right-of-Way. Consistent with CCMC 17.15.010, the staff's recommendation is based on seven findings. The staff makes a recommendation to the Planning Commission, and the Planning Commission makes a recommendation to the Board of Supervisors. In considering its recommendation, the Planning Commission must make a finding that the public will not be materially injured by the proposed abandonment.

This request is to allow the abandonment of a one foot wide portion of West Fifth Street, being an area 170 feet long on the northern portion of the public right-of-way area between South Curry Street and South Carson Street. The portion of right-of-way to be abandoned is adjacent to properties located at 114 West Fifth Street and 418 South Carson Street, APNs 003-116-03 and 003-116-04.

The building at the corner of Carson Street and Fifth Street is known as Jack's Bar/Bank Saloon, which was built in 1899, according to the historical information on file. When the property was recently surveyed, it was determined that the building encroaches into the Fifth Street right-of-way by up to one foot. The subject request is to abandon the portion of right-of-way where the building is located so that the building is located entirely on private property. The property to the west of the building is vacant. In order to provide continuity in width of the right-of-way for the entire block, a one foot wide abandonment of the entire 170 foot length of the block is being proposed. The resulting right-of-way width of West Fifth Street would be 65 feet. This width will be adequate to accommodate traffic in the area. No changes are proposed to the existing infrastructure. The curbs, gutters and sidewalks would remain in

place as currently configured.

NV Energy, Southwest Gas and Charter Communications have indicated they do not have utilities in the public roadway area proposed for abandonment and do not require an easement reservation. The Engineering Division supports the proposed abandonment.

Completion of any additional documentation required to complete the abandonment and recording of appropriate paperwork will be a required condition of approval.

It is determined that based on the findings of fact 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-18-173, subject to the recommended conditions of approval.

If the public right-of-way property reverts to the adjacent parcels, the property owner(s) will be responsible for any increased taxes due on the adjusted (increased) acreage.

PUBLIC COMMENTS: A public notice was sent by certified mail to the adjacent property owner per Nevada Revised States on December 27, 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.

Engineering Division: The Engineering Division recommends APPROVAL of the proposed abandonment.

RIGHT-OF-WAY ABANDONMENT FINDINGS: In accordance with the CCMC17.15.010, staff recommendation is based upon the following findings, which are substantiated in the public record.

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

The proposed abandonment will not result in material injury to the public. The building at the corner of 5th Street and Carson Street has existed in that location for over 100 years. The building encroaches one foot into the right-of-way, making the right-of-way essentially unusable as a right-of-way. The requested abandonment will cause the existing building to be entirely on private property.

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

West Fifth Street was created as a part of the Sears, Thompson and Sears Subdivision of Carson City. A copy was recorded under document number 57481. Later, a Record of Survey shows the right-of-way easement being 33-feet on either side of the centerline. Carson City acquired the right-of-way on January 29, 2008 from the Nevada Department of Transportation through a relinquishment of a portion of West Fifth Street (SR-513) from South Division Street to the westerly right-of-way line of Carson Street. There are no records indicating that the City ever paid for the right-of-way.

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

As there are no records indicating that the City ever paid for the right-of-way, it is staff's conclusion is that no fee for the right-of-way should be required.

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

The existing right-of-way has no public benefit as there is a building on it, and has had a building on it for over one hundred years. Although the one foot wide section is technically public right-of-way, it has not benefitted the public.

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

The one foot wide section of right-of-way does not accommodate parking. The proposed abandonment will not impact parking as no physical modifications to the right-of-way are proposed. Rather, the portion requested for abandonments has a building on it, and will continue to have a building on it.

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

No public utilities are located in the portion of West Fifth Street to be abandoned. Therefore, there is no need to reserve, continue, or vacate utility easements.

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

By vacating the one foot wide portion of right-of-way, this historic building which qualifies for the National Register of Historic Places will be entirely on private property.

Attachments:

Engineering Division comments
Draft Order of Abandonment
Application (AB-18-173)



MEMORANDUM

DATE: 1/4/2019

TO: Hope Sullivan – Planning Division

FROM: Guillermo Munoz E.I. – Development Engineering Division

RE: AB-18-173 114 W Fifth St & 418 S Carson St (Nevada Builders Alliance)
Engineering Division 1st Submittal Review Comments

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.

CONDITIONS OF APPROVAL: None.

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?

West Fifth Street was created as a part of the Sears, Thompson and Sears Subdivision of Carson City. A copy was recorded under document #57481. Later, a Record of Survey show the right-of-way easement being 33-feet on either side of the centerline. Carson City acquired the right-of-way on January 29, 2008 from the Nevada Department of Transportation through a relinquishment of a portion of West Fifth Street (SR-513) from South Division Street to the westerly right-of-way line of Carson Street. There are no records indicating that the City ever paid for the right of way.

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

No.

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

Not applicable.

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

Development Engineering has no comment on this finding.

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

Development Engineering has no comment on this finding.

6. What is the applicability of the parking value analysis applied to this request?
The abandonment is not located in the public right of way and will not alter the no parking .
7. Should utilities easements be reserved, continued or vacated?
Not applicable.
8. Are any conditions of approval by the board of supervisors or recommendations by the planning commission or staff included?
None.

APN(s): 003-116-03 and 003-116-04

AN ORDER ABANDONING A PORTION OF THE NORTH SIDE OF WEST FIFTH STREET RIGHT-OF-WAY, AS SHOWN ON THE SEARS, THOMPSON AND SEARS DIVISION OF CARSON CITY, A COPY OF SAID DIVISION RECORDED JUNE 3, 1963, IN BOOK 1 OF MAPS, PAGE 174, AS DOCUMENT NO. 57481, OFFICIAL RECORDS OF CARSON CITY, STATE OF NEVADA, BEING APPROXIMATELY ONE FOOT WIDE BY 170 FEET LONG, APPROXIMATELY 170 SQUARE FEET, MORE OR LESS, LOCATED BETWEEN THE EASTERLY RIGHT-OF-WAY OF SOUTH CURRY STREET AND THE WESTERLY RIGHT-OF-WAY OF SOUTH CARSON STREET ON THE NORTH SIDE OF THE RIGHT-OF-WAY, WITHIN A PORTION OF THE SOUTHWEST 1/4 OF SECTION 17, TOWNSHIP 15 NORTH, RANGE 20 EAST, M.D.M., CARSON CITY, STATE OF NEVADA, ON PROPERTIES LOCATED ADJACENT TO 114 WEST FIFTH STREET AND 418 SOUTH CARSON STREET, ASSESSOR'S PARCEL NUMBERS 003-116-03 AND 003-116-04, IN CARSON CITY, NEVADA.

WHEREAS, on December 6, 2018, Nevada Builders Alliance duly filed a written application seeking vacation and abandonment of a portion of Fifth Street right-of-way between South Curry Street and South Carson Street, being approximately one foot wide by 170 feet long, approximately 170 square feet, more or less, located between the westerly right-of-way of South Curry Street and the easterly right-of-way of South Carson Street, on the north side of the right-of-way, within a portion of the southwest 1/4 of section 17, Township 15 North, Range 20 East, M.D.M. Carson City, State of Nevada, adjacent to APN(s) 003-116-03 and 003-116-04, 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 January 15, 2019. At the public hearing testimony was taken and the Commission, after discussion and deliberation,

recommended approval of abandonment of the subject right-of-way to the Carson City Board of Supervisors, finding that the public would not be materially injured by the vacation; and

WHEREAS, the Carson City Board of Supervisors, at their regular and duly noticed meeting of _____ 2019, found that the public would not be materially injured by the proposed vacation, and accordingly ordered the abandonment of a portion of the public right-of-way in question pursuant to the provisions of NRS 278.480, which among its provisions, requires a written order to be prepared and recorded in the office of the Carson City Recorder; and

WHEREAS, the vacation and abandonment of the right-of-way is more particularly described on the attached Exhibit(s) "A-1" and "A-2" of written descriptions of the right-of-way abandonment, resultant parcels are described on Exhibit(s) "B-1" and "B-2", maps are shown as the Exhibit(s) "C-1" and "C-2", and the attached utility statements are shown as Exhibit(s) "D".

NOW, THEREFORE, the Board of Supervisors hereby orders:

1. That the above-described right-of-way 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's, will be protected by easements. The abandonment may be subject to reserving easements for utility companies and/or Carson City, if requested.

ORDERED this ____ day of _____, 2019, by the Carson City Board of Supervisors.

ROBERT L. CROWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk-Recorder

Carson City Planning Division
108 E. Proctor Street, Carson City, NV 89701
Phone: (775) 887-2180 Email: planning@carson.org

FILE # AB - 18 -

APPLICANT **NEVADA BUILDERS ALLIANCE 882-4353**
MAILING ADDRESS, CITY, STATE, ZIP **PO BOX 1947, CARSON CITY 89702**

EMAIL ADDRESS **AARON@NEVADABUILDERS.ORG**

PROPERTY OWNER **Ed SAME**
MAILING ADDRESS, CITY, STATE, ZIP **SAME**

EMAIL ADDRESS **SAME**

APPLICANT AGENT/REPRESENTATIVE **AARON WEST** PHONE # **775-240-2068**
MAILING ADDRESS, CITY, STATE, ZIP

EMAIL ADDRESS **SAME**

Project's Assessor Parcel Number(s): **603-116-03804** Street Address **418 S. CARSON ST.**

FOR OFFICE USE ONLY:

CCMC 17.15

**ABANDONMENT OF
PUBLIC RIGHT-OF-WAY**

Fee: **\$2,450.00 + noticing fee**

*Due after application is deemed complete by staff

SUBMITTAL PACKET - 4 Complete Packets (1 Unbound Original and 3 Copies) including:

Application Form
Written Project Description
Justification Statement
Site Map/Exhibit
Legal Descriptions
Development Engineering Memo of Support
Utility Statements
Title Report
Documentation of Taxes Paid to Date

CD or USB DRIVE with complete application in PDF

Application Reviewed and Received By:

Submittal Deadline: See attached Planning Commission application submittal schedule.

Note: Submittals must be of sufficient clarity and detail to adequately review the request. Additional information may be required.

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

I IN PURCHASING, THE SUBJECT PROPERTY WE DISCOVERED
A RECORD OF SURVEY DEPICTING THE BUILDING (FROM 1899)
ENCROACHING IN THE R-O-W. THE ABANDONMENT
RESOLVES THIS ISSUE.

PROPERTY OWNER'S AFFIDAVIT

I, AARON WEST, 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.

Signature Aaron West

Address PO Box 1947, Carson 89702

Date 10/29/18

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

STATE OF NEVADA
COUNTY Carson City

On October 20th, 2018 Aaron B. West, 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.

Alejandra Avila
Notary Public



personally appeared before me, a notary public,
ALEJANDRA AVILA
NOTARY PUBLIC
STATE OF NEVADA
APPT No. 14-14003-3
MY APPT EXPIRES JUNE 28 2022

Response to Findings for Nevada Builders Alliance request for right-of-way relinquishment.

1. Will the abandonment result in material injury to the public? – No, as the building has been occupying the subject property since approximately 1899.
2. What is the history regarding the street being dedicated or not? – It was dedicated per the original plat, I guess surveying techniques were lacking back in the day.
3. What should the reasonable consideration be if the street was not dedicated? – not applicable
4. If an abandonment has a public benefit, how much of the public benefit should be offset against the determination of reasonable consideration? – We acquired the property in 2018 and this issue was brought to light. We're just trying to clean it up for future use.
5. What is the applicability of the parking value analysis applied to this request? – not applicable
6. Should utilities easements be reserved, continued or vacated? – Request to vacate per the utility companies contacted.
7. Are any conditions of approval by the board of supervisors or recommendations by the planning commission or staff included? - unaware

CENTER LINE OF FENCE

CENTER LINE OF FENCE

4.33'	S 89°52'34" E (M)	S 90°00'00" E (3)	4.49'
	84.87 (M)	85.40' (3)	.76'

OHU ENCROACHMENT (6)
NO RECORDED EASEMENT (6)

(1)(w) 3 .85.£1.00 N

SEE DETAIL "B"

EXISTING BUILDING

APN 03-116-04
AREA=2,521 SF+/-

85.40' (3)
84.95' (4)
S 89°53'27" E (W) 170.32' (W)
S 90°33'00" E (S) 170.80' (3)
0.63' -8 INCH ENCROACHES -0.75' Z 2/1

(33.00) (m)(3)(E)

EX BACK FACE OF CURB

S 90°00'00"	E (5)
N 89°53'27"	W (M)
<u>242.90'</u>	
	(M)
	(5)

5TH STREET

500

EXHIBIT A-1
FIFTH STREET ABANDONMENT
EAST ONE-HALF

A portion of Fifth Street as shown on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada, situate within a portion of the SW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the southeast corner of Lot 9 of Block 35 of said Sears, Thompson and Sears Division;

THENCE along the westerly right of way line of South Carson Street extended southerly, South, 1.00 foot;

THENCE along a line that is southerly 1.00 foot of and parallel with the south line of said Block 35, West, 85.00 feet to the intersection of the centerline of the alley way of said Block 35 extended southerly;

THENCE along said alley way centerline extension, North, 1.00 foot to the southerly line of said Block 35;

THENCE along the southerly line of said Block 35 and said Lot 9, East, 85.00 feet to the **POINT OF BEGINNING**, and the end of this description.

Containing 85 square feet, more or less.

The **BASIS OF BEARING** for this description is based on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada.

Prepared by:

Lumos & Associates
Gregory S. Phillips, P.L.S. 17616
308 North Curry St., Suite 200
Carson City, NV 89703

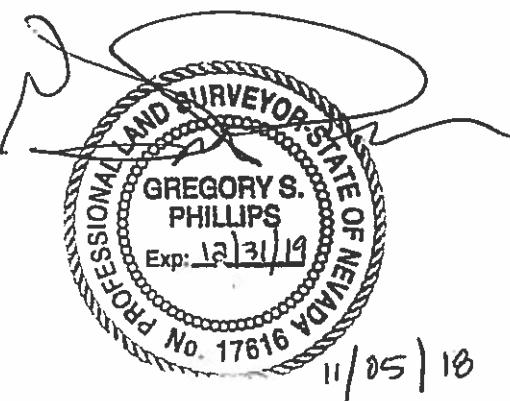


EXHIBIT B-1
**FIFTH STREET ABANDONMENT
EAST RESULTANT PARCEL**

JN 9618.000

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

The South 29 and one-half feet of Lot 9, or Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the County Recorder of Carson City, State of Nevada on June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

Together with the Easterly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

TOGETHER WITH

A portion of Fifth Street as shown on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada, situate within a portion of the SW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the southeast corner of Lot 9 of Block 35 of said Sears, Thompson and Sears Division;

THENCE along the westerly right of way line of South Carson Street, South 1.00 foot;

THENCE along a line that is southerly 1.00 foot of and parallel with the south line of said Block 35, West, 85.00 feet to the intersection of the centerline of the alley way of said Block 35 extended southerly;

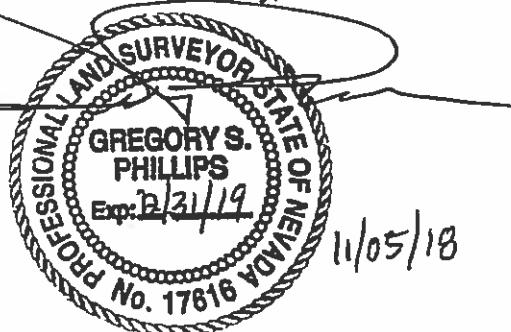
THENCE along said alley way centerline extension, North, 1.00 foot to the southerly line of said Block 35;

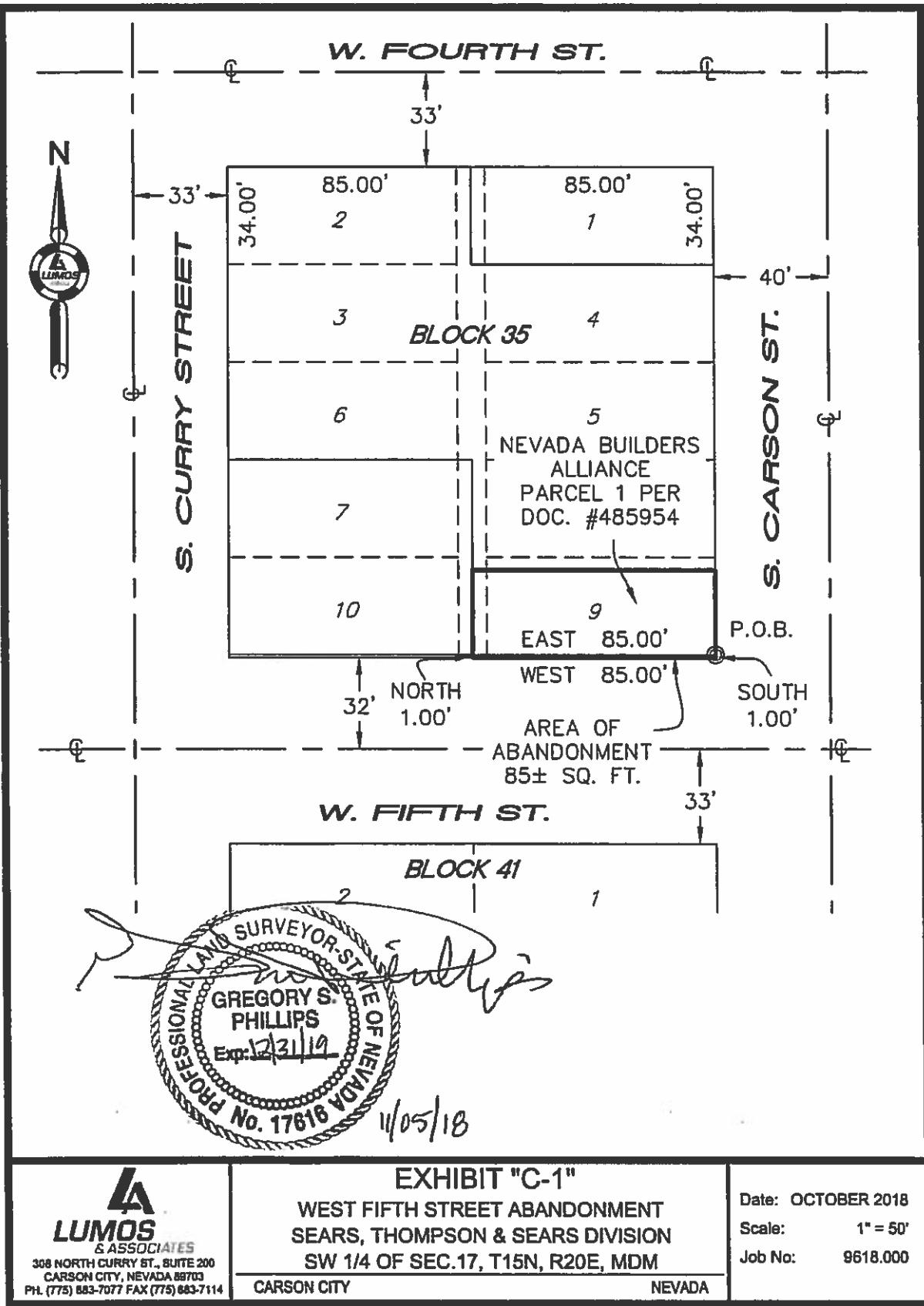
THENCE along the southerly line of said Block 35 and said Lot 9, East 85.00 feet to the **POINT OF BEGINNING**, and the end of this description.

Containing 85 square feet, more or less.

The **BASIS OF BEARING** for this description is based on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada.

Prepared by:
Lumos & Associates
Gregory S. Phillips, P.L.S. 17616
308 North Curry St., Suite 200
Carson City, NV 89703





**EXHIBIT A-2
FIFTH STREET ABANDONMENT
WEST ONE-HALF**

A portion of Fifth Street as shown on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada, situate within a portion of the SW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the southwest corner of Lot 10 of Block 35 of said Sears, Thompson and Sears Division;

THENCE along the southerly line of said Lot 10 and said Block 35, East, 85.00 feet to intersection of the centerline of the alley way of said Block 35;

THENCE along said alley way centerline extended southerly, South, 1.00 foot;

THENCE along a line that is southerly 1.00 foot of and parallel with the south line of said Block 35, West, 85.00 feet to the easterly right of way of South Curry Street, extended southerly;

THENCE along the said easterly right of way line extension, North, 1.00 foot to the **POINT OF BENINNING**, and the end of this description.

Containing 85 square feet, more or less.

The **BASIS OF BEARING** for this description is based on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada.

Prepared by:

Lumos & Associates
Gregory S. Phillips, P.L.S. 17616
308 North Curry St., Suite 200
Carson City, NV 89703



EXHIBIT B-2
FIFTH STREET ABANDONMENT
WEST RESULTANT PARCEL

JN 9618.000

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

Lot 7 and 10, of Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the Country Recorder of Carson City, State of Nevada of June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

Together with the Westerly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

TOGETHER WITH

A portion of Fifth Street as shown on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada, situate within a portion of the SW1/4 of Section 17, Township 15 North, Range 20 East, M.D.M., Carson City, State of Nevada, being more particularly described as follows:

BEGINNING at the southeast corner of Lot 9 of Block 35 of said Sears, Thompson and Sears Division;

THENCE along the westerly right of way line of South Carson Street extended southerly, South, 1.00 foot;

THENCE along a line that is southerly 1.00 foot of and parallel with the south line of said Block 35, West, 85.00 feet to the intersection of the centerline of the alley way of said Block 35 extended southerly;

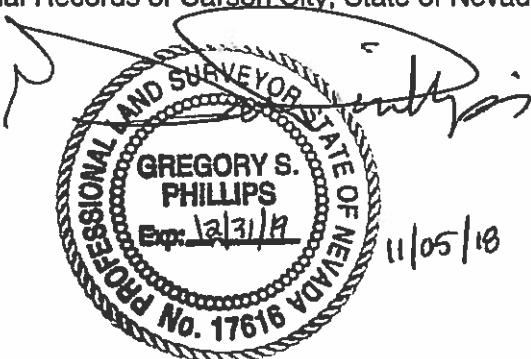
THENCE along said alley way centerline extension, North, 1.00 foot to the southerly line of said Block 35;

THENCE along the southerly line of said Block 35 and said Lot 9, East, 85.00 feet to the **POINT OF BEGINNING**, and the end of this description.

Containing 85 square feet, more or less.

The **BASIS OF BEARING** for this description is based on the Sears, Thompson and Sears Division of Carson City, a copy of said Division recorded June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records of Carson City, State of Nevada.

Prepared by:
Lumos & Associates
Gregory S. Phillips, P.L.S. 17616
308 North Curry St., Suite 200
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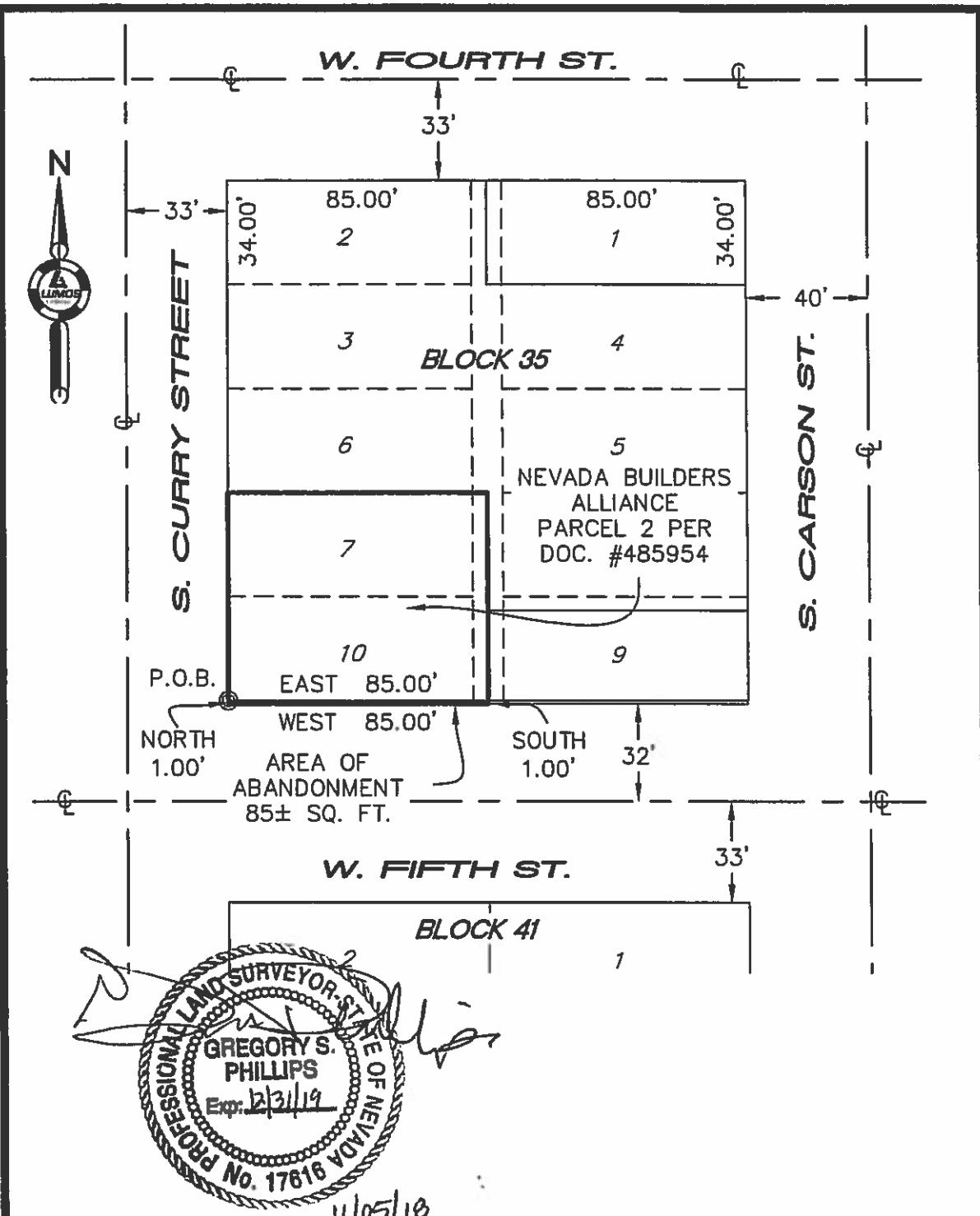


EXHIBIT "C-2"
WEST FIFTH STREET ABANDONMENT
SEARS, THOMPSON & SEARS DIVISION
SW 1/4 OF SEC.17, T15N, R20E, MDM
CARSON CITY NEVADA

Date: OCTOBER 2018
Scale: 1" = 50'
Job No: 9618.000



CARSON CITY NEVADA
Consolidated Municipality and State Capital
PUBLIC WORKS
MEMORANDUM

TO: Aaron West
CC: Hope Sullivan, Planning Manager
FROM: Dan Stucky, City Engineer
SUBJECT: Request for ROW Abandonment for Bank Saloon (APNs 003-116-03 and -04)
DATE: November 9, 2018

Thank you for the opportunity to review your request to abandon a portion of East Fifth Street adjacent to the historic Bank Saloon. We understand that the proposed area to be abandoned is a width of 1-foot off of the current right-of-way and will encompass an existing encroachment into the right-of-way of the historic building on APN 003-116-04. Additionally, the abandonment will extend along adjacent APN 003-116-03 to the corner of South Division Street in order to provide continuity along the right-of-way.

Carson City acquired the right-of-way on January 29, 2008, from the Nevada Department of Transportation through a relinquishment of a portion of West Fifth Street (SR -513) from South Division Street to the westerly right-of-way line of Carson Street. There was no cost to Carson City for the right-of-way.

Carson City Public Works does support this request for abandonment and there are no existing Carson City utilities within the right-of-way to be abandoned. However, please be advised that once the property reverts to the adjacent parcels, you will be responsible for property taxes on the adjusted acreage.

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY

FIFTH STREET FROM CARSON ST. TO CURRY ST.
LOCATED AT: 418 S. CARSON, DOB-116-03404

(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.

 Brandon Thompson Charter Comm. 12-6-18
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**

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
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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
FIFTH STREET FROM CARSON ST. TO CURRY ST.
LOCATED AT: 418 S. CARSON, 003-116-03404

(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.

Amanda Marcucci Amanda Marcucci Southwest Gas 11/29/18
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

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY
FIFTH STREET FROM CARSON ST. TO CURRY ST.
LOCATED AT: 418 S. Carson, 003-116-03404

(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.

MM/GJ Matt Gingrich NV Energy 11/14/18
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

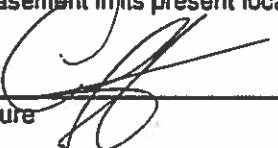
NV Energy
Charter Communications
Carson City Utilities (will sign during review)

Southwest Gas Corporation
AT&T Nevada

UTILITY STATEMENTS FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY
FIFTH STREET FROM CARSON ST. TO CURRY ST.
LOCATED AT: 418 S. CARSON, DD3-116 - 03404

(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 Print Name	NEVADA BELL TELEPHONE CO d/b/a AT&T Nevada	11/05/2018
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

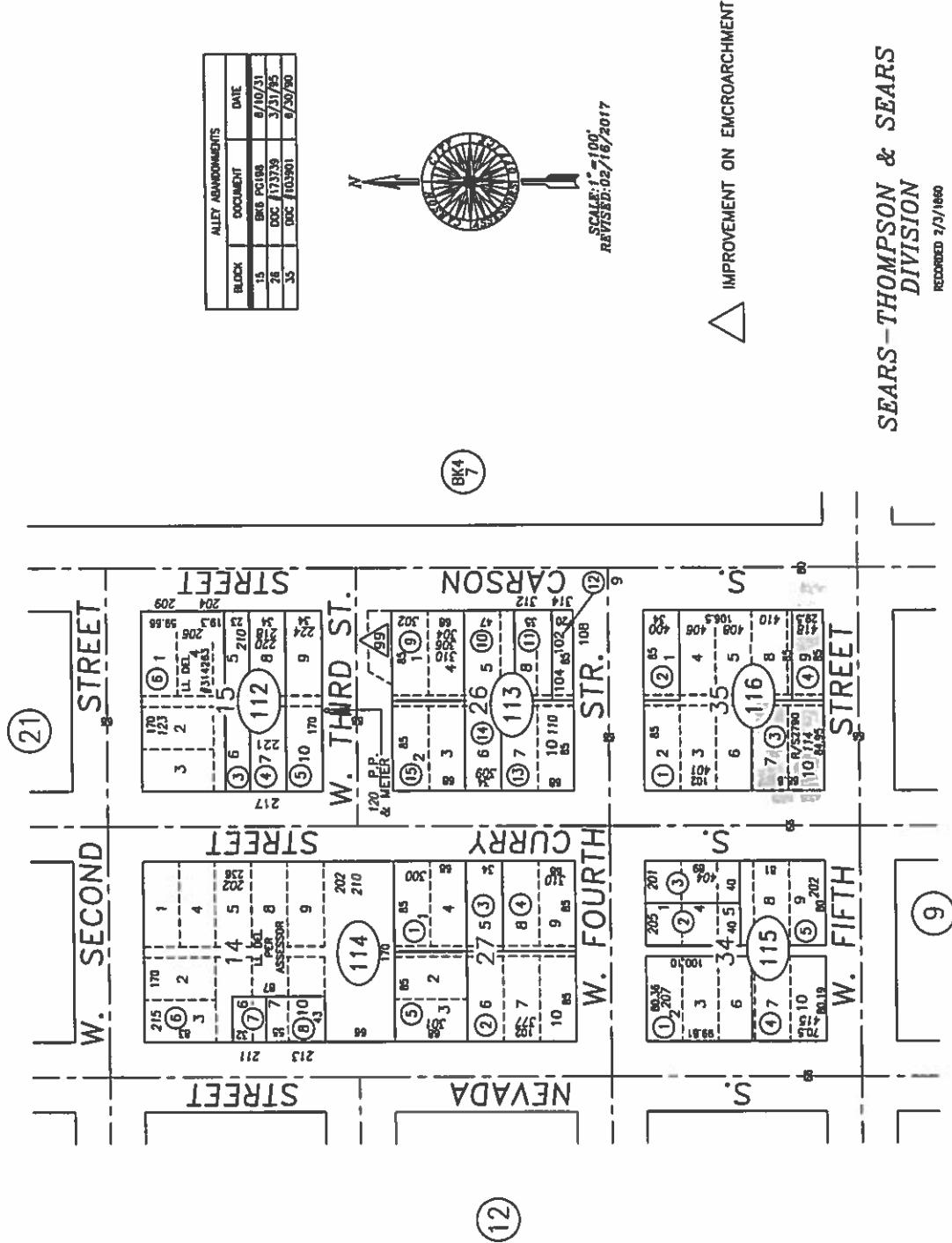
3. OTHER: (Please type in a statement which applies to your situation): _____

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



94-511-100 מילון מילים וביטויים



PRELIMINARY REPORT

Proposed Buyer: Nevada Builders Alliance or assignee

Proposed Lender

Proposed Loan Amount: \$0.00

Property Address: 418 S. Carson Street and 114 W. Fifth Street, Carson City, Nevada

Escrow Office:

Ticor Title of Nevada, Inc.
5441 Kietzke Lane, Suite 100
Reno, NV 89511
Phone: (775) 324-7400 Fax: (775) 824-3233
Escrow Officer: Commercial Division
Customer No.: /

Title Office:

Ticor Title of Nevada, Inc.
5441 Kietzke Lane, Suite 100
Reno, NV 89511
Phone: (775) 324-7400 Fax: (775) 324-7402
Order No.: 01802489-CD

The information contained in this report is through the date of
May 11, 2018 at 7:30 a.m.

In response to the application for a policy of title insurance referenced herein, Ticor Title of Nevada, Inc. hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a policy or policies of title insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an exception herein or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations or Conditions of said policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said policy or policies are set forth in Attachment One. The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than that set forth in the arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in Attachment One. Copies of the policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

The policy(s) of title insurance to be issued hereunder will be policy(s) of Chicago Title Insurance Company.

Please read the exceptions shown or referred to herein and the exceptions and exclusions set forth in Attachment One of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.

A handwritten signature in black ink that reads "Shelly Saltz".

Shelly Saltz, Title Officer

THE FOLLOWING REQUIREMENTS MUST BE MET PRIOR TO CLOSE OF ESCROW:

1. The Company will require the following documents for review prior to the issuance of any title insurance predicated upon a conveyance or encumbrance from the entity named below:

Limited Liability Company: Cubix Ormsby, LLC a Nevada limited liability company

- a) A copy of its operating agreement, if any, and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member
- b) If a domestic Limited Liability Company, a copy of its Articles of Organization and all amendments thereto with the appropriate filing stamps
- c) If the Limited Liability Company is member-managed, a full and complete current list of members certified by the appropriate manager or member
- d) A current dated certificate of good standing from the proper governmental authority of the state in which the entity was created
- e) If less than all members, or managers, as appropriate, will be executing the closing documents, furnish evidence of the authority of those signing.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

2. In order to complete this transaction the Company requires the following:

Satisfactory evidence showing the due formation and continued existence of Nevada Builders Alliance as a legal entity under the laws of the State of Nevada.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

3. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

SCHEDULE A

The estate or interest in the land hereinafter described or referred to covered by this report is:

FEE

Title to said estate or interest at the date hereof is vested in:

Cubix Ormsby, LLC a Nevada limited liability company

The land referred to in this Report is situate in the State of Nevada, County of Carson City and described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
6. Any lien or right to lien for services, labor or material not shown in the Public Records.
7. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2018-2019. Tax Identification No.: 3-116-03 and 04
8. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Nevada Revised Statutes.
9. Any liens, charges or assessments levied by the Carson City water, sanitary sewer and storm water utility district by reason that the Land is located within said district. To verify payment, delinquencies or liens, contact Carson City Utilities at (775) 887-2355.
10. Any unpaid charges for Waste Management, plus any interest and/or penalties, which would create a lien and attach to said Land, pursuant to Nevada Revised Statutes.
11. Water rights, claims or title to water, whether or not disclosed by the public records.
12. Rights of way for any existing roads and alleys, trails, canals, ditches, flumes, conduits, pipes, poles or transmission lines on, under, over, through or across the Land.
13. Subject to any rights and/or provisions of the General Highway Act for improvements, repair or landscaping to the public highway located along the boundary of the Land.
14. Rights of way for W. Fifth Street, S. Curry Street and S. Carson Street, and any easements pertaining thereto, including but not limited to any prescriptive or implied rights and/or easements.

15. Easement(s) and rights incidental thereto as delineated or as offered for dedication on the Map of Sears Thompson & Sears Subdivision
Recording Date: June 3, 1963
Recording No: Book 1, Page 174, as Document No. 57481, Official Records
16. Terms, provisions and conditions as contained in an instrument
Entitled: Carson City Redevelopment Project Number One
Executed by: The Carson City Board of Supervisors
Recording Date: March 17, 1986
Recording No: Book 420, Page 435, as Document No. 43774, Official Records
17. Any irregularities, reservations, easements or other matters in the proceedings occasioning the abandonment or vacation of the street/road shown below:
Name: that Unnamed Alley in Block 35
Recording Date: July 30, 1990
Recording No: 103901, Official Records
Affects: the Westerly portion of Parcel 1 and the Easterly portion of Parcel 2
18. Easement(s) and rights incidental thereto as delineated or as offered for dedication on the Record of Survey for Cubix Ormsby, LLC
Recording Date: June 6 2013
Recording No: Book 10, Page 2790, as Document No. 435193, Official Records
19. Any liens or assessments that may arise by reason of a document entitled "Ordinance No. 2016-1, Neighborhood Improvement District"
Recording Date: April 21, 2016
Recording No: 463799, Official Records
20. Any liens or assessments that may arise by reason of a document entitled "Resolution No. 2017-R-12, Downtown NID Assessment"
Recording Date: May 24, 2017
Recording No: 475186, Official Records
21. Rights and claims of parties in possession by reason of unrecorded leases, if any, that would be disclosed by an inquiry of the parties or by an inspection of said Land.

INFORMATIONAL NOTES

Note: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts are:

Assessor's Parcel No.: 3-116-04
Fiscal Year: 2017-2018
Total Taxes: \$674.52
Affects: Parcel 1

Note: Property taxes for the fiscal year shown below are PAID. For proration purposes the amounts are:

Assessor's Parcel No.: 3-116-03
Fiscal Year: 2017-2018
Total Taxes: \$913.23
Affects: Parcel 2

Note: The charge for a policy of title insurance, when issued through this title order, will be based on the Basic Title Insurance Rate.

Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Type of Dwelling: Commercial Building
Address: 418 S. Carson Street, Carson City, Nevada
Affects: Parcel 1

Note: The following information is provided strictly as an accommodation. According to the Assessor, the address of the Land is as follows:

Type of Dwelling: Vacant Land
Address: 114 W. Fifth Street, Carson City, Nevada
Affects: Parcel 2

Order No.: 01802489-CD

EXHIBIT A

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

PARCEL 1:

The South 29 and one-half feet of Lot 9, of Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the County Recorder of Carson City, State of Nevada on June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

Together with the Easterly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

APN: 3-116-04

PARCEL 2:

Lot 7 and 10, of Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the County Recorder of Carson City, State of Nevada on June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

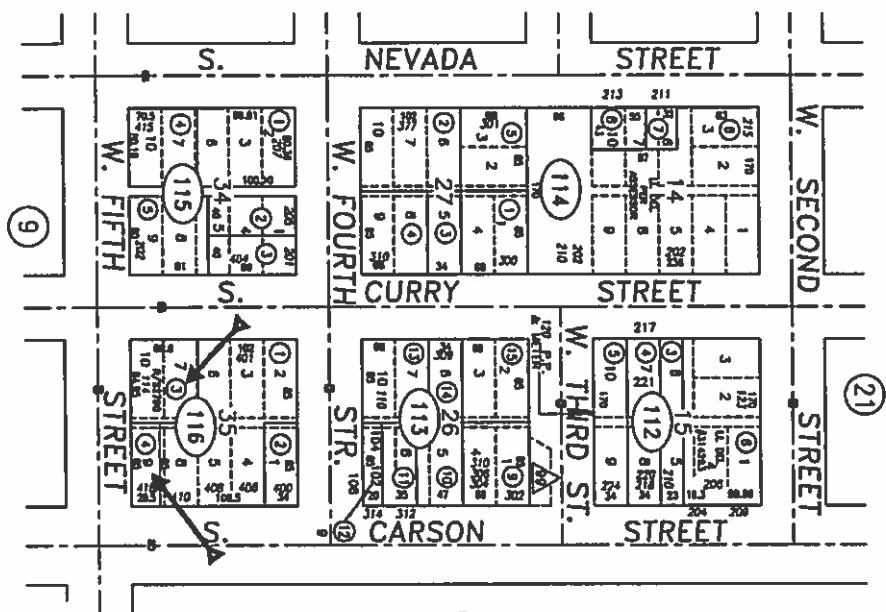
Together with the Westerly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

APN: 3-116-03

PORTION NW 1/4 SW 1/4 SECTION 17, T.15 N., R.20 E., M.D.B. & M.

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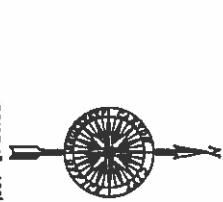
2025 RELEASE UNDER E.O. 14176



SEARS-THOMPSON & SEARS
DIVISION

SYNTHETIC

△ IMPROVEMENT ON ENCOURAGEMENT



NAME	DOCUMENT	DATE
SAFETY	00000000000000000000000000000000	1/1/1970

This map/plot is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.



CARSON CITY

Capital of Nevada

[Treasurer Home](#)[Assessor Data Inquiry](#)[Back to Last Page](#)

Secured Tax Inquiry Detail for Parcel # 003-116-03

Property Location: 114 W FIFTH ST
 Billed to: NEVADA BUILDERS ALLIANCE
 P O BOX 1947
 CARSON CITY, NV 89702-0000

Tax Year: 2018-19

Roll #: 012649

District: 1.5

Tax Service:

Land Use Code: 140

[Code Table](#)

Outstanding Taxes:

Prior Year	Tax	Penalty/Interest	Total	Amount Paid	Total Due
------------	-----	------------------	-------	-------------	-----------

Current Year

08/20/18	229.23		229.23	229.23	.00
10/01/18	228.00		228.00	228.00	.00
01/07/19	228.00		228.00	228.00	.00
03/04/19	228.00		228.00	228.00	.00
Totals:	913.23	.00	913.23	913.23	

[Payment Cart](#)[History](#)

Additional Information

	2018-19	2017-18	2016-17	2015-16	2014-15
Tax Rate	3.5700	3.5700	3.5200	3.5200	3.5400
Tax Cap Percent	4.2	2.6	.2	3.2	3.0
Abatement Amount					3.69



CARSON CITY

Capital of Nevada

[Treasurer Home](#)[Assessor Data Inquiry](#)[Back to Last Page](#)

Secured Tax Inquiry Detail for Parcel # 003-116-04

Property Location: 418 S CARSON ST
 Billed to: NEVADA BUILDERS ALLIANCE
 P O BOX 1947
 CARSON CITY, NV 89702-0000

Tax Year: 2018-19

Roll #: 012650

District: 1.5

Tax Service:

Land Use Code: 400

[Code Table](#)

Outstanding Taxes:

Prior Year	Tax	Penalty/Interest	Total	Amount Paid	Total Due
------------	-----	------------------	-------	-------------	-----------

Current Year

08/20/18	174.99		174.99	174.99	.00
10/01/18	171.00		171.00	171.00	.00
01/07/19	171.00		171.00	171.00	.00
03/04/19	171.00		171.00	171.00	.00
Totals:	687.99	.00	687.99	687.99	

[Payment Cart](#)[History](#)

Additional Information

	2018-19	2017-18	2016-17	2015-16	2014-15
Tax Rate	3.5700	3.5700	3.5200	3.5200	3.5400
Tax Cap Percent	4.2	2.6	.2	3.2	3.0
Abatement Amount		6.47			315.14

WHEN RECORDED MAIL TO:
GRANTEE
PO BOX 1947
CARSON CITY, NV 89702

MAIL TAX STATEMENTS TO:
SAME AS ABOVE

RECORDED AT THE REQUEST OF
TICOR TITLE - RENO (COMMERCIAL)
06/14/2018 02:26PM
FILE NO.485954
SUSAN MERRIWETHER
CARSON CITY RECORDER
FEE \$35.00 DEP SY

Escrow No. 01802489-CD

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

APN No.: 3-116-03 and 04 SPACE ABOVE FOR RECORDER'S
R.P.T.T. \$1,170.00

USE ONLY

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That

CUBIX ORMSBY, LLC, a Nevada limited liability company

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, do/does hereby
Grant, Bargain, Sell and Convey to

Nevada Builders Alliance, a Nevada corporation

all that real property situated in the County of Carson City, State of Nevada, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

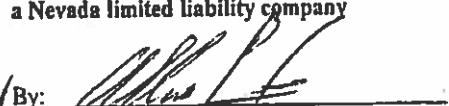
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging
or in anywise appertaining.

THIS SPACE INTENTIONALLY LEFT BLANK
Signature and notary acknowledgement on page two.

485954

Escrow No. 01802489-CD
APN No.: 3-116-03 and 04

CUBIX ORMSBY, LLC,
a Nevada limited liability company

By: 

Allan G. Fiegehen
Manager


Donald A. Lehr
Manager

STATE OF Nevada
COUNTY OF Carson City

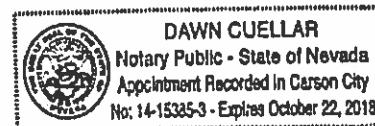
} ss:

6/14/18

This instrument was acknowledged before me on, 6/14/18
by Allan G. Fiegehen.



NOTARY PUBLIC



STATE OF Nevada
COUNTY OF Carson City

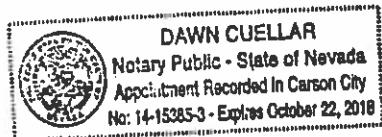
} ss:

6/14/18

This instrument was acknowledged before me on, 6/14/18
by Donald A. Lehr.



NOTARY PUBLIC



485954

**This Signature and Notary Acknowledgement is attached to that certain Grant, Bargain, Sale Deed
under escrow No. 01802489.**

485954

**EXHIBIT A
LEGAL DESCRIPTION**

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

PARCEL 1:

The South 29 and one-half feet of Lot 9, of Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the County Recorder of Carson City, State of Nevada on June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

Together with the Easterly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

APN: 3-116-04

PARCEL 2:

Lot 7 and 10, of Block 35, of Sears, Thompson and Sears Division, according to the map thereof, filed in the office of the County Recorder of Carson City, State of Nevada on June 3, 1963, in Book 1 of Maps, Page 174, as Document No. 57481, Official Records.

Together with the Westerly 1/2 of the alley adjacent thereto, as abandoned by "An Order Vacating and Abandoning an Unnamed Alleyway", recorded July 30, 1990, as Document No. 103901, Official Records.

APN: 3-116-03