



## STAFF REPORT

**Report To:** Board of Supervisors      **Meeting Date:** May 6, 2021

**Staff Contact:** Darren Schulz, Public Works Director

**Agenda Title:** For Possible Action: Discussion and possible action regarding Carson City's grant, as the property owner of APN 007-071-10, of a permanent right-of-way easement and grant of a public utility easement ("Easements"), to itself for public and utility use, that are necessary for the Kings Canyon Road and Trailhead Federal Lands Access Program ("FLAP") Project ("Project"). (Dan Stucky, DStucky@carson.org; Robert Nellis, RNellis@carson.org; Christopher Martinovich, CMartinovich@carson.org)

Staff Summary: Carson City is the owner of this parcel and is granting these Easements for the purposes of constructing, repairing and maintaining the roadway, drainage facilities, other appurtenances associated with Kings Canyon Road and to allow for the relocation of public utilities as is necessary to construct the Project. The permanent right-of-way easement is for a total of 2,041 square-feet to allow for slope and drainage improvements. The public utility easement is for a total of 19,007 square-feet to allow for relocation of overhead public utilities.

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

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### Proposed Motion

I move to approve, and authorize the Mayor to sign, the Easements as presented.

### Board's Strategic Goal

Sustainable Infrastructure

### Previous Action

The Project has been presented to the Regional Transportation Commission ("RTC") at the following meetings:

At the November 27, 2017 RTC meeting, the RTC approved submission of the FLAP Grant for the Project.

At the August 8, 2018 RTC meeting, the RTC approved a FLAP Memorandum of Agreement for the Project and Reimbursement Agreement Modification 001 with a total agreement amount of \$3,707,000, of which the City was obligated to pay a 5% local match totaling \$185,350.

At the March 10, 2021 RTC meeting, the RTC approved Reimbursement Agreement Modification 002 increasing the total agreement amount to \$5,110,000, including increasing the City's 5% local match to \$255,500, plus an additional \$30,000 in costs not eligible for federal funding, for a total local match of \$285,500.

At the April 1, 2021 Board of Supervisors (“Board”) meeting, the Board approved a permanent roadway and drainage easement from a private landowner to the City on APN 007-071-13 for the Project.

At the April 15, 2021 Board meeting, the Board approved four permanent roadway and drainage easements from private landowners to the City for APNs 007-081-04, 007-071-04, 007-071-23 and 007-071-02 for the Project.

### **Background/Issues & Analysis**

In 2018, Carson City was awarded a FLAP grant for the Project. This is a federally funded project to reconstruct approximately one mile of roadway and to design and construct a formal trailhead parking area to improve the access and management of the existing trailhead. The roadway and trailhead are in a state of disrepair. The roadway pavement is deteriorating due to old age and erosion from inadequate roadside drainage, creating safety concerns, and routine maintenance needs. The current trailhead is undersized, lacks access control and amenities, and is rapidly deteriorating due to stormwater erosion and parking along the shoulder. These issues are creating chaotic conditions which could hinder first responders and are having a negative impact to the quality of life for residences along Kings Canyon Road.

The design of the Project necessitates a permanent right-of-way easement for roadway slope and drainage improvements. The City is dedicating a permanent right-of-way easement to itself to ensure that the right-of-way easement remains a valid and well-noticed encumbrance even if the City disposes of APN 007-071-10 in the future.

The Project also requires the relocation of several utility poles located along this parcel. The poles, owned by NV Energy, carry overhead electric and telephone services to Kings Canyon. They are currently located within the existing right-of-way of Kings Canyon Road. Proposed widening of the roadway and enhancement to the roadside ditches and slopes result in the poles needing to be placed outside of the existing right-of-way. A public utility easement will be granted along the Kings Canyon Road parcel frontage to accommodate the relocations and allow for current and future utilities to utilize the area. The poles will be relocated by NV Energy prior to the Project at no cost to Carson City under the existing franchise agreement. A Utility Relocation Agreement with NV Energy has been executed.

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

NRS 244.270, 271.330, and 709.050; CCMC 5.06.020

### **Financial Information**

**Is there a fiscal impact?** No

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

**Is it currently budgeted?** No

**Explanation of Fiscal Impact:** N/A

### **Alternatives**

Do not accept staff's recommendation, or provide alternate direction to staff.

### **Attachments:**

[Exhibits\\_Carson City PUE Permanent Easement.pdf](#)

[00707110\\_PUE\\_Grant\\_-\\_3900\\_Kings\\_Canyon\\_Rd\\_Final \(DA Clean Copy\).doc](#)

**Board Action Taken:**

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

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

Aye/Nay

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(Vote Recorded By)

**EXHIBIT 'A'**  
**PUBLIC UTILITY EASEMENT**  
**(OVER APN 007-071-10)**  
**CARSON CITY**

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

A strip of land for public utility easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

**BEGINNING** at the southwest corner of APN 007-071-10 as shown on the Record of Survey for Carson City filed for record March 2, 1984 in the office of Recorder, Carson City County, Nevada as Document No. 25143, said point falling on the northerly line of Kings Canyon Road;

thence along the west line of said APN 007-071-10, North 03°31'15" East, 15.13 feet;

thence North 86°01'05" East, 119.42 feet;

thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 3,345.00 feet, central angle of 06°57'50", arc length of 406.56 feet, and chord bearing and distance of North 86°01'05" East, 406.31 feet;

thence North 86°01'05" East, 207.16 feet;

thence along the arc of a curve to the left, having a radius of 400.00 feet, central angle of 21°15'58", arc length of 148.46 feet, and chord bearing and distance of North 75°23'06" East, 147.61 feet;

thence North 64°45'07" East, 353.06 feet;

thence North 69°39'42" East, 32.22 feet to a point on the east line of said APN 007-071-10;

thence along said east line of APN 007-071-10, South 00°48'24" West, 16.08 feet to a point on said north line of Kings Canyon Road;

thence along said north line of Kings Canyon Road, South 69°39'42" West, 25.78 feet;

thence continuing along said north line of Kings Canyon Road, South 64°45'07" West, 352.42 feet;

thence leaving said north line of Kings Canyon Road, along the arc of a curve to the right, having a radius of 415.00 feet, central angle of 21°15'58", arc length of 154.03 feet and chord bearing and distance of South 75°23'06" West, 153.15 feet;

thence South 86°01'05" West, 207.61 feet;

thence along the arc of a curve to the left, non-tangent to the preceding course, having a radius of 3,330.00 feet, central angle of 06°58'46", arc length of 405.65 feet, and chord bearing and distance of South 86°01'05" West, 405.39 feet;

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thence South 86°01'05" West, 121.85 feet to the **POINT OF BEGINNING**,  
containing 19,007 square feet, more or less.

The Basis of Bearing for this description is the Nevada State Plane Coordinate System,  
NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988  
P.O. Box 2229  
Minden, Nevada 89423



**EXHIBIT 'B'**  
**PERMANENT EASEMENT**  
**(OVER APN 007-071-10)**  
**CARSON CITY**

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

A strip of land for permanent easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

**PERMANENT EASEMENT NO. 1:**

**COMMENCING** at the southwest corner of APN 007-071-10 as shown on the Record of Survey for Carson City filed for record March 2, 1984 in the office of Recorder, Carson City County, Nevada as Document No. 25143, said point falling on the northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, North 86°01'05" East, 121.85 feet to the **POINT OF BEGINNING**;

thence along the arc of a curve to the right, non-tangent to the preceding course, having a radius of 3,330.00 feet, central angle of 06°58'46", arc length of 405.65 feet, and chord bearing and distance of North 86°01'05" East, 405.39 feet to a point on said northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, South 86°01'05" West, 405.39 feet to the **POINT OF BEGINNING**, containing 1,669 square feet, more or less.

**PERMANENT EASEMENT NO. 2:**

A strip of land for permanent easement purposes located within a portion of Section 23, Township 15 North, Range 19 East, Mount Diablo Meridian, further described as follows:

**COMMENCING** at the southwest corner of APN 007-071-10 as shown on the Record of Survey for Carson City filed for record March 2, 1984 in the office of Recorder, Carson City County, Nevada as Document No. 25143, said point falling on the northerly line of Kings Canyon Road;

thence along said northerly line of Kings Canyon Road, North 86°01'05" East, 734.85 feet to the **POINT OF BEGINNING**;

thence along the arc of a curve to the left, having a radius of 415.00 feet, central angle of 21°15'58", arc length of 154.03 feet, and chord bearing and distance of North 75°23'06" East, 153.15 feet to a point on said northerly line of Kings Canyon Road;

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thence along said northerly line of Kings Canyon Road, South  $64^{\circ}45'07''$  West, 77.91 feet;

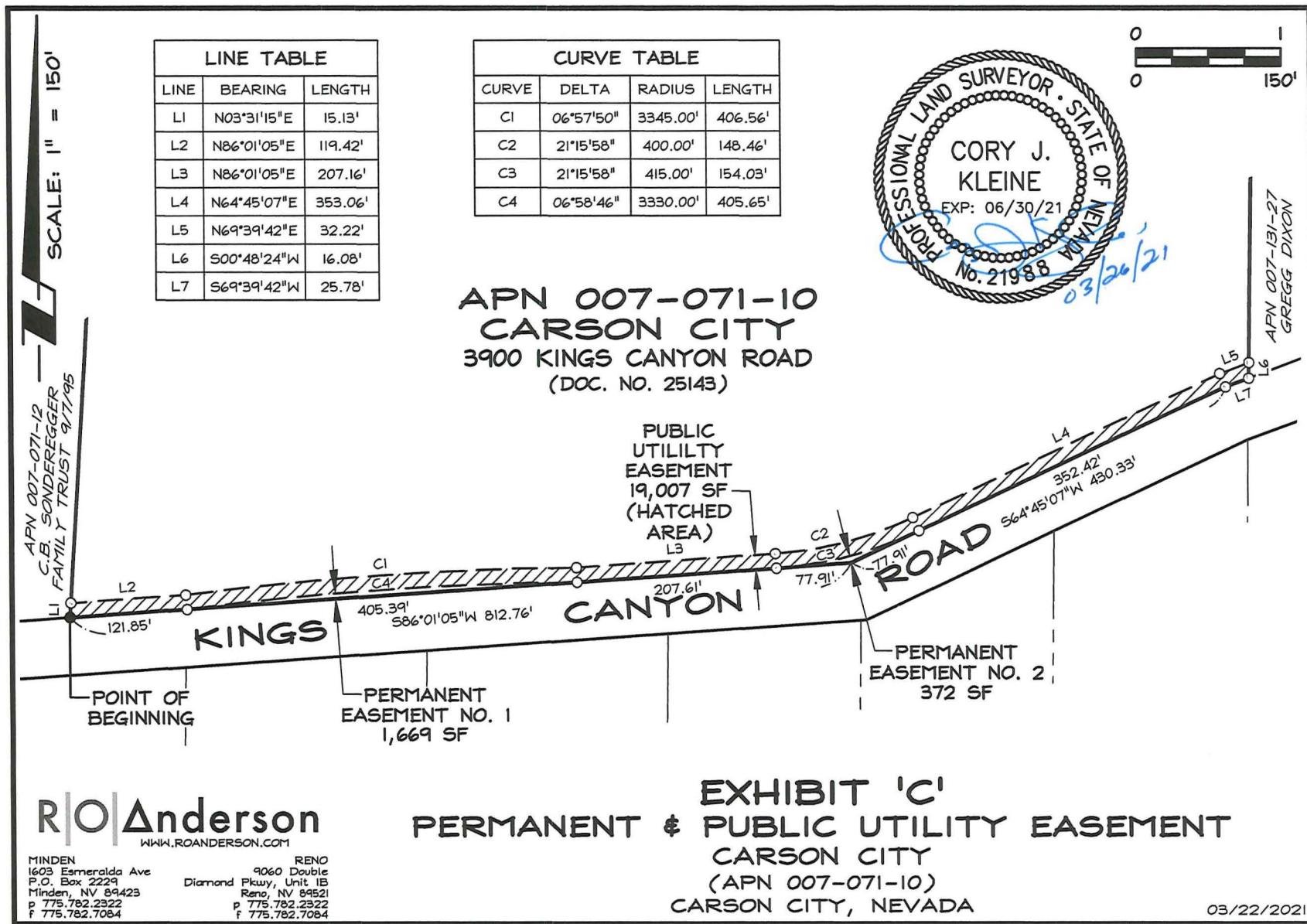
thence continuing along said northerly line of Kings Canyon Road, South  $86^{\circ}01'05''$  West, 77.91 feet to the **POINT OF BEGINNING**, containing 372 square feet, more or less.

The Basis of Bearing for this description is the Nevada State Plane Coordinate System, NAD83, Zone West as determined by the Carson City Control Network.

Prepared By: R.O. ANDERSON ENGINEERING, INC.

Cory J. Kleine, P.L.S. 21988  
P.O. Box 2229  
Minden, Nevada 89423





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Reno, NV 89521  
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AFTER RECORDING RETURN TO:  
REAL PROPERTY MANAGER  
CARSON CITY PUBLIC WORKS  
3505 BUTTI WAY  
CARSON CITY, NEVADA 89701

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

**GRANT OF RIGHT-OF-WAY EASEMENT AND  
GRANT OF PUBLIC UTILITY EASEMENT**

**1. GRANT OF RIGHT-OF-WAY EASEMENT**

THIS GRANT OF RIGHT-OF-WAY EASEMENT ("Right-of-Way Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021, and hereby provides notice that Carson City, Nevada, a consolidated municipality and political subdivision of the State of Nevada ("City"), for those purposes as contained in Chapter 271 of the Nevada Revised Statutes, as Grantor ("City-Grantor") grants and/or reserves for itself ("City-Grantee") a permanent easement and right-of-way for a roadway and associated improvements upon, under, over, and across certain real property, such that any and all future conveyances regarding APN 007-071-10 shall be made subject to the City-Grantee's Right-of-Way Easement. The Right-of-Way Easement is shown and more fully described in Exhibit 'B' and 'C', attached hereto and made a part hereof.

The City shall have the right to enter the easement at will for access to and to install, construct, inspect, repair, maintain, remove, and replace, in whole or in part, or take any other action regarding—the roadway, drainage channels and slopes, and associated improvements. The City may install certain appurtenances that would support the safe operation, management, and maintenance of the roadway and drainage facilities. The public shall also have the right to access the roadway and appurtenances. The easement shall run with the land and bind the City's heirs, executors, representatives, successors, and assigns.

TO HAVE AND TO HOLD all and singular the said Right-of-Way Easement, together with the appurtenances, unto the said City-Grantee and to any heirs, successors and assigns forever.

**2. GRANT OF PUBLIC UTILITY EASMENT**

IN ADDITION, THE CITY DOES HEREBY GRANT, this \_\_\_\_\_ day of \_\_\_\_\_, 2021, a non-exclusive perpetual and permanent public utility easement for access, ingress, egress, construction, reconstruction, maintenance, operation, repair, or replacement of public utilities upon, under, over, and across a strip of real property more particularly described in the attached Exhibit 'A' and depicted on the attached Exhibit 'C', both of which are incorporated herein, together with a three (3) foot wide area extending around all guy wire supports and anchors falling outside the area depicted on Exhibit 'C'.

The City retains for its benefit, the right to maintain, use, and otherwise enjoy the Public Utility Easement Area for its own purposes, provided that no use will interfere with use, rights, and stated purpose of the Public Utility Easement.

The provisions of this grant shall be binding upon and inure to the benefit of the City's heirs, successors, assigns, and personal representatives.

**3. CITY SIGNATURE AS TO THE GRANT OF RIGHT-OF-WAY EASEMENT AND GRANT OF PUBLIC UTILITY EASEMENT**

Therefore, the City has hereunder signed, in regard to both the GRANT OF RIGHT-OF-WAY EASEMENT AND GRANT OF PUBLIC UTILITY EASEMENT, effective on the dates indicated above.

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APN 007-071-10

**CARSON CITY, NEVADA, a Consolidated Municipality**

CITY:

REVIEWED AND RECOMMENDED BY:

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Randall Rice, City Engineer

Date

APPROVED FOR LEGALITY AND FORM:

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Deputy District Attorney

Date

APPROVED AND ACCEPTED:

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Lori Bagwell, Mayor

Date

ATTEST:

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Aubrey Rowlett, Clerk-Recorder

Date