



WASHOE COUNTY

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PARK COMMISSION STAFF REPORT

MEETING DATE: JUNE 2, 2020

DATE: May 20, 2020

TO: Open Space and Regional Parks Commission

FROM: Sophia Kirschenman, Park Planner, Planning & Building Division, Community Services Department, 328-3623, skirschenman@washoecounty.us

THROUGH: Eric Crump, Operations Division Director, Community Services Department, 328-2182, ecrump@washoecounty.us

SUBJECT: Presentation, discussion, and possible recommendation to Community Services Department staff to negotiate a stormwater facilities easement and an amendment to an existing sewer line easement on Betsy Caughlin Donnelly Park, as well as appropriate mitigation for said easement and easement amendment, with Mayberry Gardens, LLC for review and possible approval by the Washoe County Board of County Commissioners. (Commission District 1.)

SUMMARY

Washoe County, through its Community Services Department, has received a parkland easement application from Mayberry Gardens, LLC (the "Applicant") to amend an existing sewer line easement and grant a stormwater drainage facilities easement on Washoe County's Betsy Caughlin Donnelly Park (currently identified as APN 009-742-01). The applicant is the owner of the property adjacent to the park (currently identified as APN 009-742-02) and is planning to re-develop that property. In order to do so, the applicant needs to bring electric and gas service to his property and also needs to construct stormwater detention facilities. The current easement proposals would support these activities.

The existing sewer line easement (Exhibit A) is located parallel with Mayberry Dr., along a portion of the northern park property boundary. The current proposal would broaden this easement to allow for the installation of other utilities, including gas and electrical lines, within the same easement footprint. The drainage facilities easement would be located along the west side of the Applicant's property and would allow for stormwater to discharge from a detention basin into the portion of Alum Creek that flows through the park property during significant water events. If approved, this item would direct Washoe County staff, through its Community Services Department, to negotiate mitigation terms and prepare the easement deeds and agreements, contingent on approval by the Washoe County Board of County Commissioners.

County Strategic Objective supported by this item: Proactive Economic Development and Diversification

PREVIOUS ACTION

May 11, 2009 – The Washoe County Board of County Commissioners granted a sewer line easement to Bath-Bishop Land, LLC for the construction and maintenance of a sanitary sewer line on the Betsy Caughlin Donnelly Park property.

April 7, 2009 – The Washoe County Open Space and Regional Parks Commission recommended that the Board of County Commissioners grant a sewer line easement to Bath-Bishop Land, LLC as negotiated with proposed mitigation measures, including six (6) dedicated parking spaces on the Bath-Bishop Land, LLC property for park users and \$15,000 worth of landscaping at Betsy Caughlin Donnelly Park.

March 10, 2008 – The Washoe County Open Space and Regional Parks Commission recommended that the Board of County Commissioners deny the sewer line easement request submitted by Bath-Bishop Land, LLC due to the proposal's inconsistency with the Washoe County Parkland Easement Policy.

August 11, 1992 – The Washoe County Board of County Commissioners approved a deed of correction, amending the original gift deed to correct the legal descriptions of the park and the property adjacent to the park, then owned by Betsy Caughlin Donnelly.

December 31, 1990 – The Washoe County Board of County Commissioners accepted a gift deed from Betsy Caughlin Donnelly, which granted ownership of the Betsy Caughlin Donnelly Park property to Washoe County.

BACKGROUND

Washoe County, through its Community Services Department, has received a two-fold parkland easement request from Mayberry Gardens, LLC (the "Applicant"), owner of a property (APN 009-742-02) that is surrounded by Betsy Caughlin Donnelly Park to the east, south, and west. First, the Applicant would like to amend an existing sewer line easement that was granted to Bath-Bishop Land, LLC, previous owner of the Applicant's property. If approved, the easement would be amended to become a utilities easement and would allow for the construction of additional utility lines within the existing easement area. Second, the Applicant is requesting a small stormwater drainage easement on the west side of the Applicant's property to allow for the discharge of stormwater from the detention pond on the Applicant's property into Alum Creek on the park property, during high water events.

Sewer Line Easement Amendment

The Applicant has applied for permits through the City of Reno to redevelop the property into a business park. In order to do so, the Applicant needs to bring gas and electrical service to the parcel. The existing sewer line easement (Exhibit A) is 20 feet wide and 250 feet long (0.12 acres) and is located parallel with Mayberry Dr., along a portion of the park's northern property boundary. It was granted to the former owner of the Applicant's property in 2009. As part of the sewer line easement approval process, Bath-Bishop Land, LLC provided \$15,000 worth of mitigation in the form of landscaping, as well as six (6) parking spaces dedicated for park users.

The current proposal would not expand the easement area, but would allow for additional uses within the easement footprint. As part of the application process, the Applicant did analyze the alternative of installing the gas and electrical line within the existing right-of-way on Mayberry Drive. However, the current project will require the Applicant to replace the existing 4”-diameter sewer line with a larger line to accommodate increased sewer demands, so the Applicant will be accessing and constructing within the sewer easement area on the park property regardless. This alternative would burden the applicant with additional costs estimated at roughly \$26,000 and would not reduce park impacts. Therefore, staff is supportive of the proposed easement amendment.

Stormwater Drainage Facilities Easement

The redevelopment project on the Applicant’s property is subject to the “Low Impact Design” criteria established by the City of Reno’s Historical Resources Commission, including criteria for the management of stormwater. As such, connecting to the municipal stormwater system is prohibited and the Applicant is required to retain stormwater discharge onsite. However, during significant storm events, the proposed detention basin may overflow. Thus, the Applicant is requesting a stormwater drainage facilities easement to allow for the discharge of excess stormwater flows from the detention basin into Alum Creek, which flows through Betsy Caughlin Donnelly Park. If approved, construction activities will include the installation of a small discharge pipe and the placement of ±40 sf of rip rap to stabilize the slopes leading to Alum Creek.

The Applicant’s original proposal requested that Washoe County grant an easement for three stormwater discharge points. At the request of Washoe County staff, the Applicant analyzed the feasibility of routing all stormwater flows to the detention basin, thus requiring only one stormwater discharge point on the park property. This will cost the Applicant an additional \$5,000, but will minimize impacts to the park property and better comply with the City of Reno’s low impact design standards. This affected area within the park is inaccessible to the public and thus will not impact the park user experience nor future park amenity opportunities.

Impacts and Revegetation

If approved, there will be short-term impacts associated with construction, but long-term impacts associated with the project are expected to be minor in nature. Some riparian vegetation will be removed as part of the installation of the drainage facilities. However, the creek will be stabilized using best management practices and maintained until riparian vegetation is reestablished. The Nevada Department of Environmental Protection has also confirmed that they will not require any additional permitting for this project. All disturbed areas will be revegetated utilizing a native seed blend, as reviewed and approved by Washoe County Parks. Revegetation shall be complete when plant coverage of the disturbed area is equal to the coverage of adjacent, undisturbed areas. Monitoring shall be completed on a yearly basis until revegetation criteria are met and additional planting/seeding efforts shall be required, as necessary.

Mitigation

After discussing various mitigation options, the applicant and staff are supportive of the following mitigation measures: if approved, the Applicant would provide electrical and water lines to the park property to support Reno Food Systems’ current operations and future park needs. The Applicant would install the necessary infrastructure, which would give Washoe County Parks the

option to set up water service. This would allow for year-round irrigation at the park and could potentially support the construction of additional park amenities that would benefit the public.

Additionally, when Betsy Caughlin Donnelly gifted the park property to Washoe County, a number of deed restrictions were placed on the park property to ensure that future park development would maintain the privacy of the adjacent residence. Now that the adjacent property is being redeveloped into a business park for commercial uses, Washoe County and the Applicant have discussed the potential amendment of those deed restrictions to allow for additional uses at the park. Washoe County Parks' legal counsel is currently reviewing the deed restriction to evaluate whether an amendment is possible. If it is possible, the Applicant, as Betsy Caughlin Donnelly's successor in interest, is open to amending this language, which would benefit the community and the park.

Parkland Easement Policy Compliance

Overall, broadening the sewer line easement to allow for the installation and maintenance of other utilities may result in the need to access the easement area more frequently, but will not significantly alter the intent of the existing easement nor will it result in significantly greater impacts to the park. The stormwater drainage facilities easement would be small and located in an area of the park that is inaccessible to the public. Given this information, neither proposal would greatly alter the park user experience. The proposals are compliant with the Parkland Easement Policy as they are complementary with existing park uses. Additionally, with the proposed mitigation measures, granting these easements will benefit the general public.

FISCAL IMPACT

Should the easement be approved, any mitigation measures associated with the project would be the responsibility of the applicant.

RECOMMENDATION

It is recommended that the Open Space and Regional Parks Commission recommend that Community Services Department staff negotiate a stormwater facilities easement and an amendment to an existing sewer line easement on Betsy Caughlin Donnelly Park, as well as appropriate mitigation for said easement and easement amendment, with Mayberry Gardens, LLC for review and possible approval by the Washoe County Board of County Commissioners.

POSSIBLE MOTION

Should the Commission agree with staff's recommendation, a possible motion would be:

“Move to recommend that Community Services Department staff negotiate a stormwater facilities easement and an amendment to an existing sewer line easement on Betsy Caughlin Donnelly Park, as well as appropriate mitigation for said easement and easement amendment, with Mayberry Gardens, LLC for review and possible approval by the Washoe County Board of County Commissioners.”

APN# 009-740-01

Recording Requested by:

Name: Jennifer Budge FOR WASHOE COUNTY
Address: 2601 PLUMAS STREET
City/State/Zip: RENO, NV 89509

When Recorded Mail to:

Name: SAME
Address: _____
City/State/Zip: _____

Mail Tax Statement to:

Name: _____
Address: _____
City/State/Zip: _____

3769079

06/10/2009 09:58:48 AM

Requested By
WASHOE COUNTY PARKS DEPT
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 9

CONFORMED COPY

COPY (has not been compared
with the Original Document - WCR

GRANT OF EASEMENT
(Title of Document)

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law: _____
(State specific law)

Jennifer Budge
Signature

Park Planner
Title

JENNIFER BUDGE
Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

(Additional recording fee applies)

APN:

Return to:

Washoe County
County Engineer
P.O. Box 11130
Reno, Nevada 89520

GRANT OF EASEMENT

THIS GRANT OF EASEMENT, made and entered into this 11th day of May, 2009, by and between COUNTY OF WASHOE, a political subdivision of the State of Nevada, Party of the First Part, hereinafter referred to as "Grantor"; and BATH-BISHOP LAND, LLC, a Nevada limited liability company, Party of the Second Part, hereinafter referred to as "Grantee".

WITNESSETH:

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable a consideration, receipt of which is hereby acknowledged, Grantor hereby grants to Grantee a permanent sanitary sewer easement upon, over, across and through the land herein described, together with perpetual right to construct, reconstruct, maintain and repair any sanitary sewer line installed therein.

The easement and right of entry hereby granted is situate in the County of Washoe, State of Nevada, more particularly described in Exhibit A and attached hereto and by this reference made a part hereof.

TO HAVE AND TO HOLD, said easement and right of entry, unto the Grantee and unto it successors and assigns forever.

Grantee covenants and agrees for Grantee, its successors and assigns, to release, and does hereby release, and agrees to indemnify and defend Grantor, its successors and assigns, of and from any and all claims, liability, obligation and responsibilities for any loss, damage or destruction of any kind or character whatsoever, to the property and improvements within the above described easement of Grantee, by reason of or resulting from construction, reconstruction, maintenance, or repair upon, over, across or through the property described herein.

Grantee covenants and agrees for Grantee, its successors and assigns, to release, and does hereby release hold harmless and agrees to indemnify Grantor, its successors and assigns, of and from any and all claims that the granting of this easement and any previous sewer easement on Grantor's property in any way violates

the terms of Gift Deed, recorded in Washoe County as document number 1451175, BK3194PG0778 and Deed of Correction recorded in Washoe County as documents number 1606279. BK3567PG1972.

Grantee further covenants and agrees to provide mitigation measures valued at approximately \$15,000.

This is a non-exclusive easement and to the extent that other uses do not interfere with the use of said easement by Grantee as permitted hereunder, Grantor, its successors and assigns, shall be permitted to use the same for any purpose they may desire.

The easement granted herein is for the benefit of and is appurtenant to certain real property known as APN 09-740.02 and as described in Exhibit B.

The covenants and agreements herein contained shall inure to the benefit of and shall be binding upon the executors, administrators, heirs, successors and assigns of the parties and shall be, and are, covenants running with the land binding upon said property of Grantors and for the benefit of Grantee as described in Exhibit A.

TO HAVE AND TO HOLD, all and singular, the premises, together with the appurtenances, unto the said Grantee and to its assigns forever.

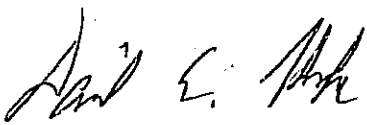
IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

Grantor:

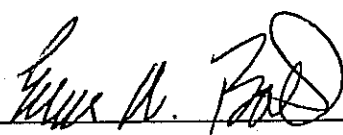
Grantee:

WASHOE COUNTY

BATH-BISHOP LAND, LLC

By 

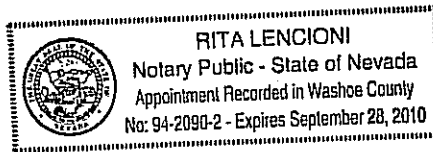
David E. Humke
Chairman



STATE OF NEVADA)
) SS:
COUNTY OF WASHOE)

On the 11th day of May, 2009, personally
Appeared before me, a Notary Public, DAVID F. NUNKE, who
Acknowledged that ~~she~~ he executed the above instrument.

Rita Lencioni
NOTARY PUBLIC



Accepted for the County of Washoe,

By: Jeffery H. Cruess
Jeffery H. Cruess
County Surveyor

5/12/09
Date

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I hereby certify that on this day before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared EDWIN BATH, to me known and known to be the person described in and who executed the foregoing instrument as Managing Member of BATH-BISHOP LAND, LLC, a limited liability company named therein, and acknowledged before me that he executed the same as such officer, in the name of and for and on behalf of the said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 26th day of May, 2009.

Joan Atkinson
NOTARY PUBLIC





Land Information Solutions

TRI STATE SURVEYING, Ltd.

1925 E. Prater Way, Sparks, Nevada 89434
Telephone (775) 358-9491 ♦ FAX (775) 358-3664
Toll Free: 1-800-411-3752

Project No. 08355.01.RC
Sanitary Sewer Easement
Legal Description

The following describes a twenty (20) foot wide sanitary sewer easement situate within a portion of Section 16, T19N, R19E, MDM, City of Reno, County of Washoe, State of Nevada, lying ten (10) feet each side of the following described centerline:

Commencing at the northeast corner of Parcel B, as shown on that Record of Survey for Washoe County Engineering, filed October 9, 1992, as Survey Map 2486, File No. 1612609, Official Records of Washoe County, Nevada;

Thence along the easterly line of said Parcel B, S 16°46'00" W, 10.13 feet to the **TRUE POINT OF BEGINNING**;

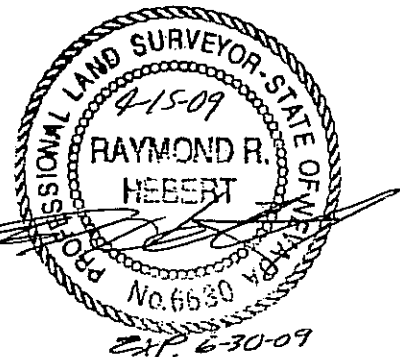
Thence departing said easterly line S 63°55'06" E, 250.00 feet to the point of terminus for this description from which point the northwest corner of Parcel 4, as shown on that Parcel Map for Juniper Trails Development Company, filed August 15, 1984, as Parcel Map 1707, File No. 943725 bears S 66°16'46" E, 242.75 feet distant.

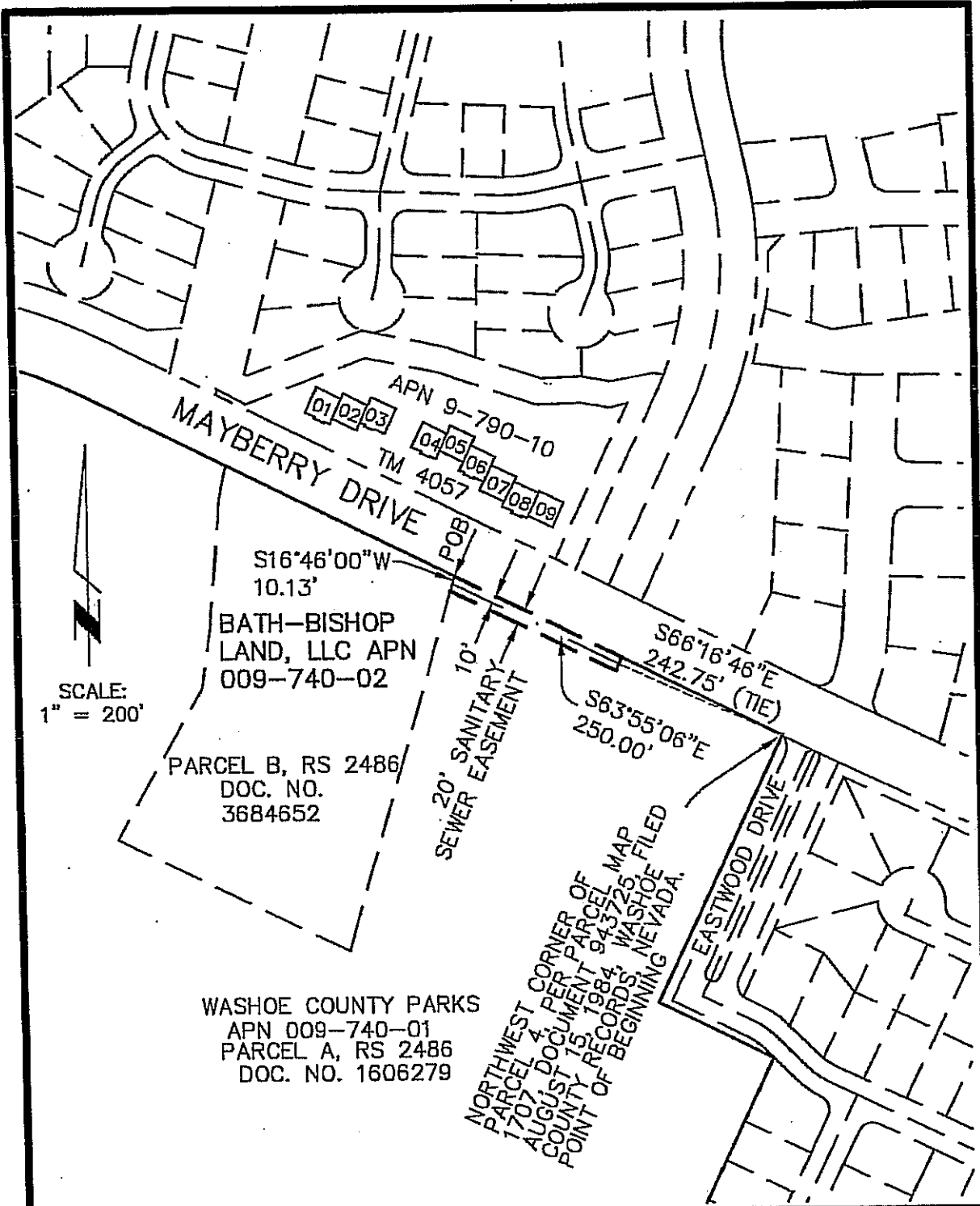
The sidelines of the above-described easement shall be lengthened or shortened so as to terminate upon the end lines.

Containing an area of 5,000 square feet of land, more or less.

BASIS OF BEARINGS: Nevada State Plane Coordinate System West Zone, Truckee Meadows Modified.

N:\0 PM Ray\Projects\08355.01.RC_Bath-Mayberry_TP\wpdocs\3-25-09_20 SS Easement.doc





SCALE:
1" = 200'

APN 9-790-10
TM 4057
MAYBERRY DRIVE

S16°46'00"W
10.13'
BATH-BISHOP
LAND, LLC APN
009-740-02

PARCEL B, RS 2486
DOC. NO.
3684652

WASHOE COUNTY PARKS
APN 009-740-01
PARCEL A, RS 2486
DOC. NO. 1606279

20' SANITARY
SEWER EASEMENT

NORTHWEST CORNER OF
PARCEL 4, PER PARCEL MAP
AUGUST DOCUMENT 943725, FILED
COUNTY RECORDS, WASHOE COUNTY,
POINT OF BEGINNING NEVADA.

S66°16'46"E
242.75' (TIE)
S63°55'06"E
250.00'

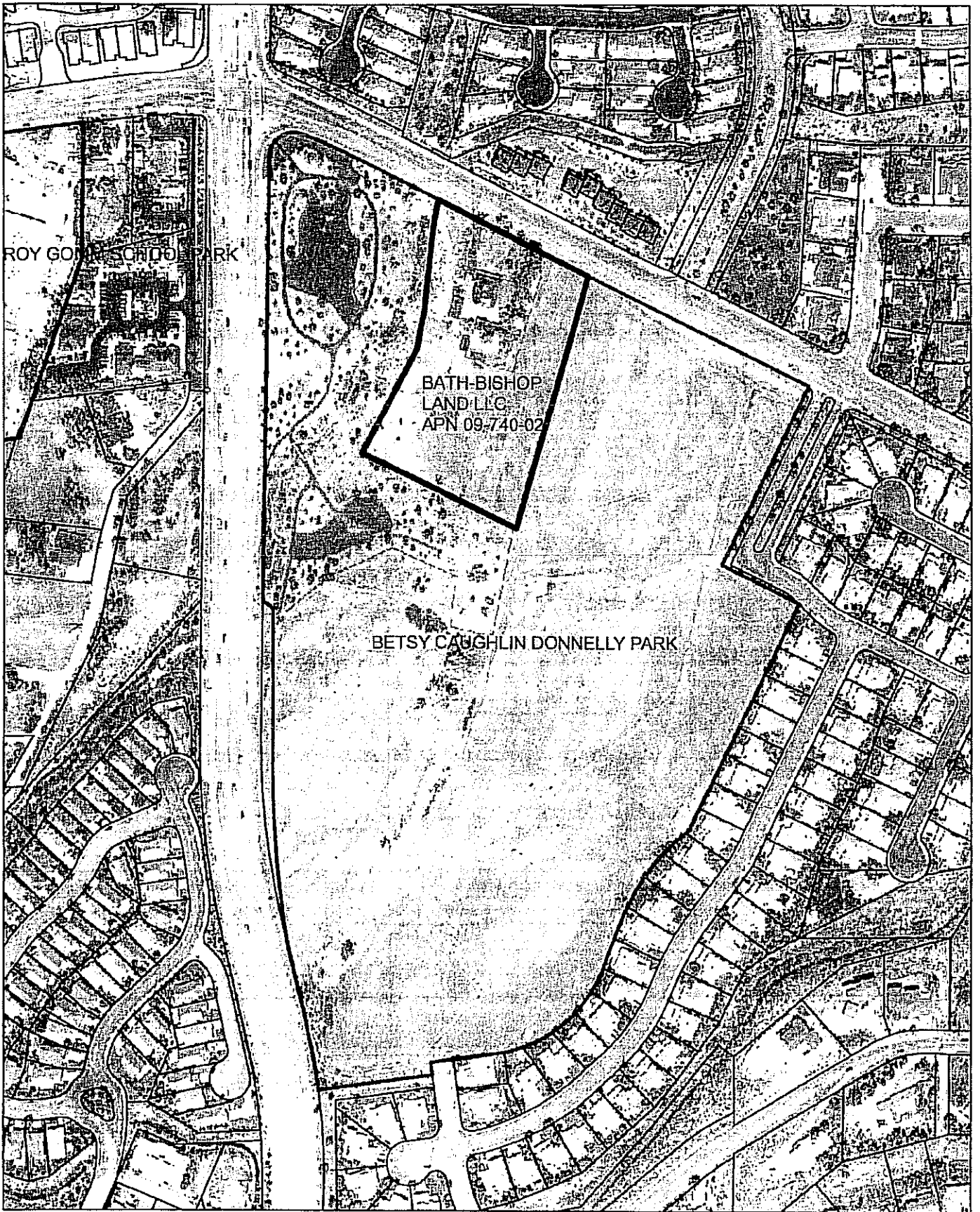
EASTWOOD DRIVE

TRI STATE SURVEYING, LTD
1925 E. PRATER WAY
SPARKS, NEVADA 89434
(775) 358-9491 * FAX (775) 358-3664

DRAWN BY: RRH
CHECKED BY: DCC

EXHIBIT MAP
TO ACCOMPANY
LEGAL DESCRIPTION
FOR
SANITARY SEWER EASEMENT
BEING A PORTION OF THE SW 1/4 OF
SEC. 16, T 19 N., R 19 E., M.D.M.,
WASHOE COUNTY NEVADA

JOB NO.
08355.01.RC
SHEET
1
OF 1



Washoe County Department of
Regional Parks and Open Space
2601 Plumas St.
Reno, NV 89509
(775) 828-6642



**BATH-BISHOP
SEWER EASEMENT**

0 0.00.02 0.04 Miles

EXHIBIT A

2