



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

STAFF REPORT

COMMISSION MEETING DATE: SEPTEMBER 1, 2020

DATE: August 14, 2020

TO: Open Space and Regional Parks Commission

FROM: Sophia Kirschenman, Park Planner, Community Services Department, 328-3623, SKirschenman@washoecounty.us

THROUGH: Eric Crump, Operations Division Director, Community Services Department, 328-3625, Ecrump@washoecounty.us

SUBJECT: Presentation, discussion and possible recommendation to the Board of County Commissioners to approve an Easement Deed granting an easement (totaling ± 47 square feet) to NV Energy on APN 038-112-09 in Verdi, NV for the placement of an underground anchor to support the relocation of an existing power pole above the Truckee River ordinary high water mark. (Commission District 5.)

SUMMARY

Washoe County owns a ± 0.1 acre site (APN 038-112-09) located between the Truckee River and the old US Highway 40 right-of-way in Verdi. NV Energy is requesting a permanent easement totaling ± 47 square feet to support the relocation of an existing powerline pole above the Truckee River ordinary high water mark.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities.

PREVIOUS ACTION

On October 9, 2007, the Washoe County Board of County Commissioners ordered that pursuant to the provisions of NRS 361.603, the application from the Washoe County Regional Parks and Open Space Program to acquire parcel 038-112-09, which was held in trust by the County Treasurer, be approved.

BACKGROUND

In 2007, the Washoe County Regional Parks and Open Space Program submitted an application to acquire parcel 038-112-09, which was held in trust by the County Treasurer. The parcel is adjacent to the Truckee River and has important riparian habitat values. However, at ± 0.1 acre, it is a small site with relatively little recreational development potential. No projects have been proposed on this property since it was acquired in 2007.

AGENDA ITEM # 8

NV Energy is currently in the process of planning a maintenance project that would include the removal of a powerline pole from below the Truckee River high water mark and replacement up the riverbank. One of the poles requires an anchor that would land just inside the open space property. In order to place the anchor, NV Energy is requesting the subject easement. Alternative alignments were considered to avoid the easement, but due to the angle of the slope an anchor is required. The 50' power pole will not be located on the park property. However, the anchor for this power pole will be underground and will extend onto the Washoe County parcel. Minimal impacts to the open space property are anticipated due to the small size of the easement area and the fact that the anchor will be placed underground.

After evaluation, staff have determined that the proposed easement is consistent with the Parkland Easement Policy as it is complementary with planned uses and will benefit public safety and welfare. No appraisal was required as it will not limit any future uses and the cost of conducting the appraisal would have been significantly greater than the value of the easement area itself. Additionally, this project serves a public benefit.

FISCAL IMPACT

No fiscal impact to Washoe County.

RECOMMENDATION

It is recommended that the Park Commissioners recommend that the Board of County Commissioners approve an Easement Deed granting an easement (totaling ±47 square feet) to NV Energy on APN 038-112-09 in Verdi, NV for the placement of an underground anchor to support the relocation of an existing power pole above the Truckee River ordinary high water mark.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to recommend that the Board of County Commissioners approve an Easement Deed granting an easement (totaling ±47 square feet) to NV Energy on APN 038-112-09 in Verdi, NV for the placement of an underground anchor to support the relocation of an existing power pole above the Truckee River ordinary high water mark."

APN(s): 038-112-09

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

**RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:**

Land Resources
NV Energy
P.O. Box 10100 MS S4B20
Reno, NV 89520

GRANT OF EASEMENT

Washoe County, a political subdivision of the State of Nevada, (“**Grantor**”), for One Dollar (\$1.00) and other good and valuable consideration – receipt of which is hereby acknowledged – and on behalf of itself and its successors and assigns, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy (“**Grantee**”) and its successors and assigns a perpetual right and easement:

1. to construct, operate, add to, modify, maintain and remove communication facilities and electric line systems for the distribution and transmission of electricity above ground and underground, consisting of poles, other structures, wires, cables, bollards, pole-mounted transformers, anchors, guys and other equipment, fixtures, apparatus, and improvements (“**Utility Facilities**”), and service boxes/meter panels, cabinets, bollards, and other equipment, fixtures, apparatus, and improvements (“**Additional Utility Facilities**”) upon, over, under and through the property legally described in Exhibit A attached hereto and by this reference made a part of this Grant of Easement (“**Easement Area**”);
2. for ingress and egress to, from, over and across the Easement Area for the allowed purposes defined in numbered paragraph 1 above and for all other activities permitted by this agreement;
3. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of the Easement Area as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the Utility Facilities or the Additional Utility Facilities within the Easement Area.

Grantee will be responsible for any damages, proximately caused by Grantee negligently constructing, operating, adding to, maintaining, or removing the Utility Facilities and/or the Additional Utility Facilities, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date Grantor signs the Grant of Easement.

APN(s): 038-112-09
RW# 0501-2019
Proj. # 3001691979
Project Name: E-US HWY 40-BOOMTOWN RD REBUILD-CPM-NVE
GOE_DESIGN_OH_UG (Rev. 8/2017)

Grantor covenants for the benefit of Grantee, its successors and assigns, that no building, structure or other real property improvements will be constructed or placed on or within the Easement Area without the prior written consent of Grantee, such structures and improvements to include, but not be limited to, drainage, trees, bridges, signage, roads, fencing, storage facilities, parking canopies, and other covered facilities. Grantee and Grantor must document Grantee's consent by both signing Grantee's standard, recordable use agreement. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape the Easement Area for its own purposes; provided, however, that all such purposes and uses do not interfere with Grantee's rights herein and are in all respects consistent with the Grantee's rights herein, Grantee's electrical practices, and the National Electrical Safety Code. Grantee may use this easement to provide service to any of its customers.

Grantor will not waive and intends to assert any and all applicable liability limitations set forth in NRS Chapter 41. This Easement shall be governed by and construed and enforced in accordance with the internal laws of the State of Nevada, and venue for any legal action taken by either party to enforce its terms shall be in Washoe County, Nevada.

[signature page follows]

APN(s): 038-112-09
RW# 0501-2019
Proj. # 3001691979
Project Name: E-US HWY 40-BOOMTOWN RD REBUILD-CPM-NVE
GOE_DESIGN_OH_UG (Rev. 8/2017)



W.O. 3001691979

Washoe County Regional Open Space Program

APN: 038-112-09

EXHIBIT "A"
EASEMENT

A portion of the Southeast quarter of Section 9, Township 19 North, Range 18 East, M.D.M., Washoe County, Nevada; situated within that Parcel of land described in a Quitclaim Deed, recorded as File Number 3659754 on June 13, 2008, Official Records of Washoe County, Nevada, more particularly described as:

An easement, 10 feet in width, lying 5.0 feet on each side of the following described centerline:

COMMENCING at a 5/8" rebar marked PLS 19567 being the southerly corner of Parcel 1-A per the Final Plat of West Meadows Estates Phase 1-Unit 2, recorded as File Number 4785686 on February 6, 2018, Official Records of Washoe County, Nevada;

THENCE North 71°21'43" West, 176.47 feet to the **POINT OF BEGINNING**;

THENCE South 67°51'27" West, 4.65 feet more or less to the ordinary high water mark of the Truckee River and the **TERMINUS OF THIS DESCRIPTION**.

The sidelines of said easement are to be extended or truncated as to meet at the ordinary high water mark of the Truckee River.

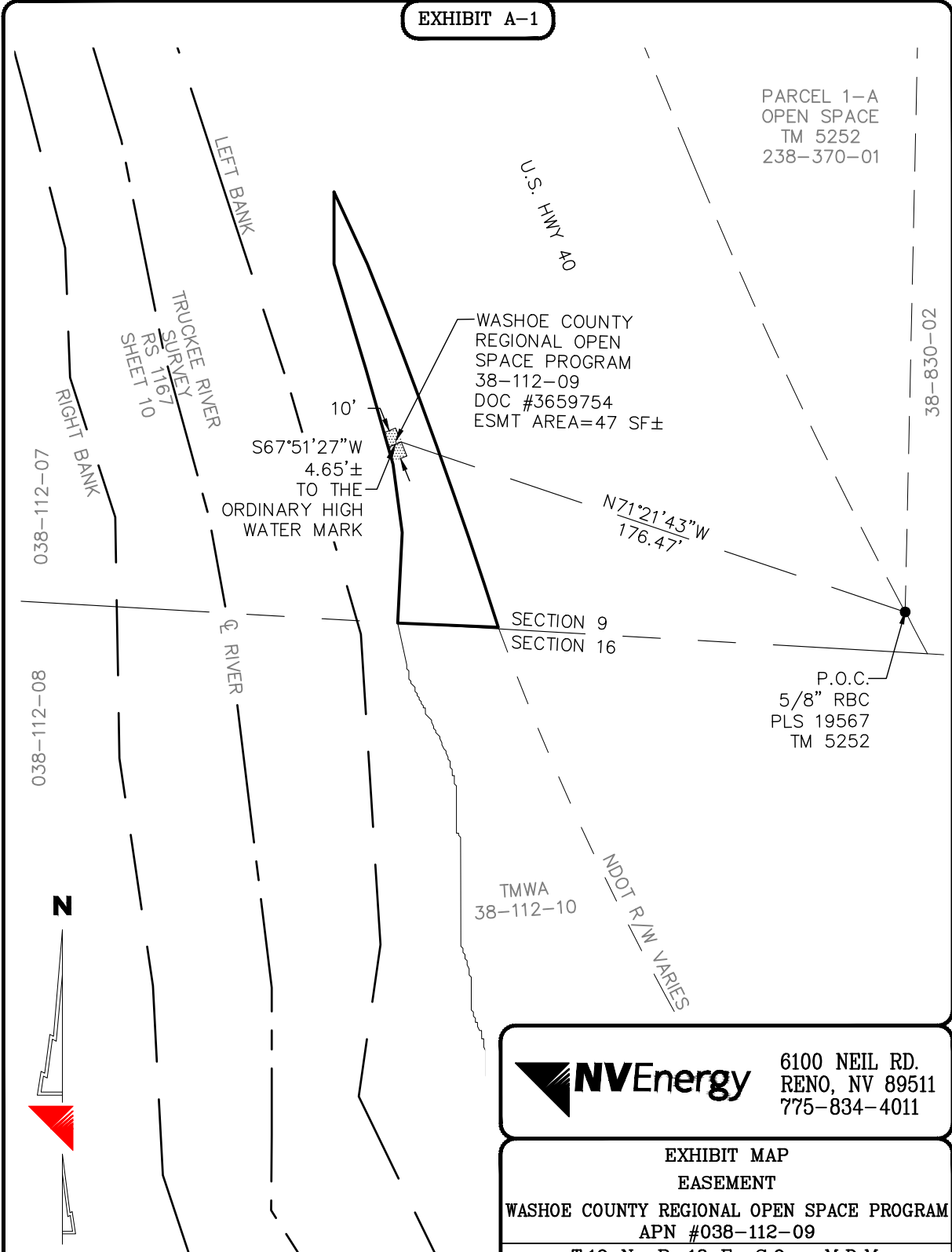
Said Easement contains 47 square feet more or less.

See Exhibit "A-1" attached hereto and made a part thereof.

The Basis of Bearings for this Exhibit is said Final Plat.

Prepared by Seth Horm, L.S.I.

EXHIBIT A-1



PARCEL 1-A
OPEN SPACE
TM 5252
238-370-01

WASHOE COUNTY
REGIONAL OPEN
SPACE PROGRAM
38-112-09
DOC #3659754
ESMT AREA=47 SF±

10'
S67°51'27"W
4.65'±
TO THE
ORDINARY HIGH
WATER MARK

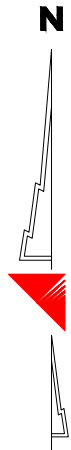
N71°21'43"W
176.47'

SECTION 9
SECTION 16

P.O.C.
5/8" RBC
PLS 19567
TM 5252

TMWA
38-112-10

NDOT R/W VARIES



SCALE: 1" = 50'

K:\Survey\CSE_Cse_Cad\Z-CSE-Archive\2017 Archive\3001691979 US HWY 40-Boomtown Rd\dwg
3001691979 US HWY 40-BOOMTOWN.dwg <sh23446> 12Aug20-12:28

NV Energy 6100 NEIL RD.
RENO, NV 89511
775-834-4011

**EXHIBIT MAP
EASEMENT
WASHOE COUNTY REGIONAL OPEN SPACE PROGRAM
APN #038-112-09**

T.19 N., R. 18 E., S.9 - M.D.M.
VERDI WASHOE COUNTY NEVADA

05/20/19	1 OF 1
----------	--------