

Community Services Department
Planning and Building
ABANDONMENT APPLICATION



Community Services Department
Planning and Building
1001 E. Ninth St., Bldg. A
Reno, NV 89512-2845

Telephone: 775.328.6100

Abandonment

Washoe County Code (WCC) Chapter 110, Article 806, Abandonment, provides for the vacation or abandonment of easements or streets. Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Planning and Building or an owner of real property abutting an easement or public street right-of-way. See WCC 110.806, for further information.

Development Application Submittal Requirements

Applications are accepted on the 8th of each month. If the 8th falls on a non-business day, applications will be accepted on the next business day.

If you are submitting your application online, you may do so at [OneNV.us](https://www.onenv.us)

1. **Fees:** See Master Fee Schedule. **Most payments can be made directly through the OneNV.us portal.** If you would like to pay by check, please make the check payable to Washoe County and bring your application and payment to the Community Services Department (CSD). There may also be a fee due to Engineering and Capital Projects for Technical Plan Check.
2. **Development Application:** A completed Washoe County Development Application form.
3. **Owner Affidavit:** The Owner Affidavit must be signed and notarized by all owners of the property subject to the application request.
4. **Proof of Property Tax Payment:** The applicant must provide a written statement from the Washoe County Treasurer's Office indicating all property taxes for the current quarter of the fiscal year on the land have been paid.
5. **Application Materials:** The completed Abandonment Application materials.
6. **Title Report:** A preliminary title report, with an effective date of no more than one hundred twenty (120) days of the submittal date, by a title company which provides the following information:
 - Name and address of property owners.
 - Legal description of property.
 - Description of all easements and/or deed restrictions.
 - Description of all liens against property.
 - Any covenants, conditions and restrictions (CC&Rs) that apply.
7. **Site Plan Specifications:**
 - a. Lot size with dimensions drawn using standard engineering scales (e.g. scale 1" = 100', 1" = 200', or 1" = 500') showing all streets and ingress/egress to the property.
 - b. Show the location and configuration of all proposed buildings (with distances from the property lines and from each other), all existing buildings that will remain (with distances from the property lines and from each other), all existing buildings that will be removed, and site improvements on a base map with existing and proposed topography expressed in intervals of no more than five (5) feet.
 - c. Show the location and configuration of wells, septic systems and leach fields, overhead utilities, water and sewer lines, and all easements.
 - d. Show locations of parking, landscaping, signage and lighting.
8. **Application Map Specifications:** Map to be drawn using standard engineering scales (e.g. scale 1" = 100', 1" = 200', or 1" = 500') clearly depicting the area subject to the request, in relationship to

the exterior property lines. All dimensions and area values shall be clearly labeled and appropriate symbols and/or line types shall be included in the map legend to depict the map intent.

9. **Submission Packets:** One (1) packet and a flash drive. Any digital documents need to have a resolution of 300 dpi. If materials are unreadable, you will be asked to provide a higher quality copy. The packet shall include one (1) 8.5" x 11" reduction of any applicable site plan, development plan, and/or application map. Labeling on these reproductions should be no smaller than 8 point on the 8.5" x 11" display. Large format sheets should be included in a slide pocket(s). Any specialized reports identified above shall be included as attachments or appendices and be annotated as such.

Notes:

- (i) Application and map submittals must comply with all specific criteria as established in the Washoe County Development Code and/or the Nevada Revised Statutes.
- (ii) Appropriate map engineering and building architectural scales are subject to the approval of the Planning and Building and/or Engineering and Capital Projects.
- (iii) All oversized maps and plans must be folded to a 9" x 12" size.
- (iv) Based on the specific nature of the development request, Washoe County reserves the right to specify additional submittal packets, additional information and/or specialized studies that clarify the potential impacts and potential conditions of development in order to minimize or mitigate impacts resulting from the project. No application shall be processed until the information necessary to review and evaluate the proposed project is deemed complete by the Director of Planning and Building.
- (v) The Title Report should only be included in the one (1) original packet.
- (vi) **Labels:** If the assigned planner determines the abandonment will affect the access to a mobile home park, the applicant will be required to submit a list of mailing addresses for every tenant residing in the mobile home park.

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Permit WBLD22-102499: 5854 Melarkey Way Addition			
Project Description: Permit WBLD22-102499: 5854 Melarkey Way: Abandon/vacate a 10 foot by 20 foot portion of the 33' Road, P.U.E., and Drainage Easement on the south side of the property to comply with the 30' front yard setback requirement. the owners' are requesting a 7 foot abandonment to accommodate the three room addition and expansion of the existing bathroom as currently planned for.			
Project Address: 5854 Melarkey Way, Reno, Nevada 89511 (APN: 150-250-54)			
Project Area (acres or square feet): Existing Structure: 702 square feet; Addition: 520 square feet; Total Project Area: 1,222 square feet.			
Project Location (with point of reference to major cross streets AND area locator): Southwest portion of the property (abutting Melarkey Way)			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
150-250-54	2.53		
Indicate any previous Washoe County approvals associated with this application: Case No.(s). Permit WBLD22-102499: 5854 Melarkey Way Addition. Issued April 12, 2018			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: Daniel C. Hershkowitz & Nicole A. St Laurent		Name:	
Address: 5854 Melarkey Way, Reno Nevada		Address:	
Zip: 89511		Zip:	
Phone: 7755442451 Fax:		Phone: Fax:	
Email: dch@kalickicollier.com		Email:	
Cell: Other: 92585879		Cell: Other:	
Contact Person:		Contact Person:	
Applicant/Developer:		Other Persons to be Contacted:	
Name: Daniel C. Hershkowitz		Name:	
Address: See above		Address:	
Zip:		Zip:	
Phone: Fax:		Phone: Fax:	
Email:		Email:	
Cell: Other:		Cell: Other:	
Contact Person:		Contact Person:	
For Office Use Only			
Date Received: Initial:		Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

**Abandonment Application
Supplemental Information**
(All required information may be separately attached)

1. What and where is the abandonment that is being requested?

Please see the attached Supplemental Information Document attached to this Abandonment Application as Exhibit 1.

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

Please see the attached Supplemental Information Document attached to this Abandonment Application as Exhibit 1.

3. What is the proposed use for the vacated area?

Please see the attached Supplemental Information Document attached to this Abandonment Application as Exhibit 1.

4. What replacement easements are proposed for any to be abandoned?

Please see the attached Supplemental Information Document attached to this Abandonment Application as Exhibit 1.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

Please see the attached Supplemental Information Document attached to this Abandonment Application as Exhibit 1.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

* Yes	* No X
-------	--------

IMPORTANT

NOTICE REGARDING ABANDONMENTS:

To the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, an abandonment request is in effect a “quitclaim” by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. For example, if the abandonment is approved by Washoe County and recorded, it will likely affect the allowable building envelope on the property, to the benefit of the applicant. However, even if the abandonment is approved, it should not be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, an approved abandonment by the County does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

EXHIBIT 1

EXHIBIT 1

**WBLD22-102499, 5854 MELARKEY WAY, RENO, NEVADA 89511: ABANDONMENT
APPLICATION SUPPLEMENTAL INFORMATION**

1. *What and where is the abandonment that is being requested?*

The owners, Daniel C. Hershkowitz and Nicole A. St. Laurent (hereinafter the "Owners") are requesting a 10-foot in width by 20-foot in length abandonment/vacation of the 33' Road, P.U.E., and Drainage Easement (hereinafter the "Easement") that runs east to west on the south end of the property to comply with front yard setback requirements, Article 406: Building Placement Standards, Sections 110.406.05: General; and Table 110.406.05.01: Standards, Part Three: Yard and Setback Dimensions (30-foot front yard setback) (hereinafter the "Abandonment").

2. *On which map or document (please include with application) is the easement or right of way referenced?*

Recording No.: Book G, Page 223, as Document No.: 367505, Official Records, recorded on September 17, 1962. Please find a copy of the same attached hereto as Exhibit 2.

3. *What is the proposed use for the vacated area?*

The proposed use and purpose of the abandoned/vacated area is to comply with the Washoe County Development Code, Article 406: Building Placement Standards, Sections 110.406.05: General; and Table 110.406.05.01: Standards, Part Three: Yard and Setback Dimensions' requirements for front yard setbacks (30-foot front yard setback) to construct an addition to the existing residential structure.

4. *What replacement easements are proposed for any to be abandoned?*

The owners have not proposed any replacement easements for the following reasons:

- A) The abutting property, 5845 Rock Farm Road, Reno, NV 89511 (APN: 150-250-22) also maintains an identical 33' Road, P.U.E., and Drainage Easement that runs adjacent to the Easement allowing for additional road/street space if need be (over 56 feet of total available road space even when the Abandonment is approved);
- B) Almost the entirety of Melarkey Way (the street that runs west and east for neighborhood ingress and egress) is on the Easement and Owners' property, 5854 Melarkey Way, which almost exclusively burdens the Easement and Owners' property, 5854 Melarkey Way;
- C) The Owners are requesting as minimal of an abandonment as possible while satisfying the 30-foot front yard setback requirements, which is a 10-foot by 20-foot Abandonment; and

D) The total width of the road would still be well over 30 feet when the Abandonment is approved.

5. *What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other propert[ies] in the vicinity?*

There are no factors will cause any damage or discrimination to other properties. The Owners have requested their neighbors to be present at the Neighborhood Meeting /Public Hearing personally in addition the 10-Day Notice requirement, so that they can confirm the same.

Even when the Abandonment is approved, the width of the road will still be well over 30 feet, which is 6 feet more than is required for ingress and egress to service 8 -10 lots in the vicinity.

The Abandonment would actually benefit the properties in the vicinity. The road, Melarkey Way, is unmaintained by Washoe County or the City of Reno. The Owners have and will continue to maintain their portion of the road by:

- A) Removing snow from the road and storing the same;
- B) Clear debris, rocks, and brush;
- C) Mitigate erosion; and
- D) Maintain as smooth a road surface as possible for public ingress and egress.

This has increased pedestrian and bicycle traffic (safer road conditions), and made the access for emergency vehicles and personnel, waste management, and utility companies' much easier and safer. The Addition complies with the IWUIC requirements, which makes the structure as a whole, less of a fire risk and safer to the surrounding area (materials used, defensible space, etc.).

Further, the Owners' property, 5854 Melarkey Way, is the most burdened and discriminated property among abutting properties. Almost the entirety of Melarkey Way (the street that runs west and east for neighborhood ingress and egress) is on the Easement and the Owners' property, 5854 Melarkey Way, which almost exclusively burdens and discriminates against the Easement and Owners' property, 5854 Melarkey Way. In addition to the 33' Road, PUE, and Drainage Easements on the West, South, and East side of the Owners' property, another easement was recorded on July 12, 1994, burdening the Owners' property (servient estate) for the benefit of 5855 Melarkey Way, (APN: 150-250-53), and 5853 Melarkey Way (APN: 150-250-01) (dominant estate). Please find a copy of the same attached hereto as Exhibit 3.

EXHIBIT 2

EXHIBIT 2

Nevada 052350

The United States of America,

To all whom these presents shall come, Greeting:

323

WHEREAS, a Certificate of the Land Office at Reno, Nevada, has been issued showing that full payment has been made by the claimant
 Marjorie I. Cocks
 pursuant to the provisions of the Act of Congress approved June 1, 1938 (52 Stat. 609), entitled "An Act to provide for the purchase of public lands for home and other sites," and the acts supplemental thereto, for the following-described land:

Mount Diablo Meridian, Nevada.

T. 18 N., R. 19 E.,

Sec. 26, W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 5.00 acres, according to the Official Plat of the Survey of the said Land, on file in the Bureau of Land Management:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right-of-way thereon for ditches or canals constructed by the authority of the United States. Excepting and reserving, also, to the United States all oil, gas and other mineral deposits, in the land so patented, together with the right to prospect for, mine, and remove the same according to the provisions of said Act of June 1, 1938. This patent is subject to a right-of-way not exceeding 33 feet in width, for roadway and public utilities purposes, to be located along the boundaries of said land.

Subject to such rights for telephone line purposes as the Bell Telephone Company of Nevada may have under the Act of March 4, 1911 (36 Stat. 1253) as amended (43 U.S.C. Sec. 961).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat., 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the TWENTY-FIRST day of AUGUST in the year of our Lord one thousand nine hundred and SIXTY-TWO and of the Independence of the United States the one hundred and EIGHTY-SEVENTH.

For the Director, Bureau of Land Management.

By Elizabeth B. Duck
 Acting Chief, Patents Section.

Patent Number 1228241

W-76804-M

224

DOCUMENT No. 7505

PIONEER TITLE INSURANCE CO.
OF NEVADA

Filed for record at the request of.....

SEP 17 1962 at Minutes past 9 o'clock 11 M.

Recorded in Book 9 of LAND PATENTS

Page 223 Records of Washoe County, Nevada

Fee: \$ 1.75

County Recorder
By: *[Signature]* Deputy

COPY

EXHIBIT 3

EXHIBIT 3

1818322

After recording mail to:

Redfield Land Company
1755 East Plumb Lane, Suite 212
P. O. Box 61
Reno, NV 89504

EASEMENT

This Easement is made this 12th day of July, 1994 by and between TMS Associates, a limited partnership ("TMS") and Betty Alyce Jones, Helen Jeanne Jones, Iris G. Brewerton, Kenneth G. Walker and Gerald C. Smith, surviving trustees of the Nell J. Redfield Trust (collectively referred to herein as the "Trust").

RECITALS:

This Easement is made with reference to the following facts:

1. On or about July 1, 1980 Nell J. Redfield and TMS Associates entered into an agreement wherein TMS would provide to Redfield the location of an easement over a portion of the properties owned by TMS more particularly described in Exhibit "A" attached hereto (the "TMS Property") for use in conjunction with certain real property then owned by Ms. Redfield.
2. The Trust, successor-in-interest of Nell J. Redfield, owns that certain real property described in Exhibit "B" (the "Trust Property") and wishes to obtain an easement for the purposes described hereinafter.

NOW THEREFORE, it is hereby agreed between the parties as follows:

A. Easement Over The Easement Property.

1. Grant of Easement: TMS hereby grants to the Trust, for the benefit of the Trust Property and the mortgagees, holders of security interest, tenants, lessees, sublessees, employees and agents of the Trust an easement for the ingress and egress of vehicles to the Trust Property over that portion of the TMS Property described on Exhibit "C" attached hereto (hereinafter the "Easement Property").

2. Purpose of Easement: The easement granted hereby shall be for the purpose of allowing the ingress and egress of vehicles from Zolezzi Lane to the Trust Property and providing for underground utilities.

BK4114PG0118

BK 4114PG0119

B. Non-Exclusive Easement. This Easement is non-exclusive and may be used by TMS, its mortgagees, holders of security interest, tenants, lessees, sub-lessees, grantees, employees, agents, licensees, visitors and invitees for any purpose, including general unrestricted access to the TMS Property. TMS may, at TMS's sole discretion, pave the road constructed on the Easement Property (the "Road"), widen it and move it to another location on the TMS Property so long as access is still provided to the Trust Property to the satisfaction of Washoe County and the Nevada Division of Forestry. TMS may, at TMS's sole discretion, relocate the roadway and utilities, if so placed within the Easement Property, with the consent of the Trust which consent will not be unreasonably withheld. The Trust agrees to provide TMS with no less than sixty days notice prior to the placement of any utilities within the Easement Property. The Trust agrees to withhold any and all objections to TMS tying into utilities placed within the Easement Property. TMS agrees to fund its proportionate share of the utility construction cost if TMS ties into the utilities placed within the Easement Property.

C. Road Design; Bridges. The Road shall be constructed at the expense of the Trust and/or the County of Washoe and under no circumstances at the expense of TMS. The Road design, method of construction, any bridges constructed thereon, culverts and all other matters in connection with the design and construction of the Road on the Easement Property must comply with all ordinances and requirements of all governmental agencies for such a road and must be approved by TMS, which approval shall not be unreasonably withheld.

D. Maintenance. The Trust shall maintain the Road at all times, all culverts and bridges constructed thereon or associated therewith and all slopes and shall grade the Road, keep it free of debris and vegetation and keep it passable at all times as shall be reasonably required and approved by TMS and in conformance with all regulations of Washoe County.

E. Easement Runs With The Land. The easement granted hereby shall run with the land, benefit the Trust Property, burden the TMS Property and shall bind and inure to the benefit of the respective heirs, executors, administrators, successors and assigns of both TMS and the Trust in ownership of their respective properties described herein. Neither the benefits nor the burdens of the easement granted hereby shall run with any other land or to the benefit of any other entity or person whatsoever. No other person or entity is intended to nor shall any such person or entity be the beneficiary of any provision of this document.

F. Indemnity. The Trust shall indemnify and hold TMS harmless from any liability, claims, causes of action, damages or costs, including attorneys fees, which TMS may incur in connection with or relative to the easement granted hereby and to the

construction, use and maintenance of the Road, arising from any act or failure to act, except the intentional act, failure to act or negligence of TMS. The Trust shall protect, indemnify and hold harmless TMS, its partners, officers, agents, employees, attorneys, successors and assigns from and against any loss, damage, claim, expense or liability (including attorneys fees) directly or indirectly arising out of or attributable to the use, presence, generation, production, release, discharge or disposal of a hazardous substance (as defined in any statute or ordinance or governmental regulation) on or about the Easement Property caused in any way by the Trust or its successors and assigns or anyone using the Easement Property granted hereby, or any replacement thereof, for access to the Trust Property.

G. Prior Agreements. This Easement supersedes any and all prior understandings and agreements between TMS and the Trust of any kind whatsoever, including but not limited to the agreement of July 1, 1980 described in recital 1 above, and shall be deemed to be in complete satisfaction of and in complete compliance with all such agreements and understandings.

H. Attorneys Fees. Either party may enforce this instrument by appropriate action and the prevailing party shall be entitled to recover costs, including reasonable attorneys fees.

I. Law. This Easement shall be governed by Nevada law.

TMS ASSOCIATES, a limited partnership

By: *Peter M. Thomas*
Peter M. Thomas, General Partner

By: *Robert J. Sullivan*
Robert J. Sullivan, General Partner

Betty Alyce Jones
Betty Alyce Jones, surviving trustee
of the Nell J. Redfield Trust

Helen Jeanne Jones
Helen Jeanne Jones, surviving trustee
of the Nell J. Redfield Trust

BK 4114 PGO 120

Iris G. Brewerton, surviving trustee
of the Nell J. Redfield Trust

Kenneth G. Walker, surviving trustee
of the Nell J. Redfield Trust

Gerald C. Smith
Gerald C. Smith, surviving trustee
of the Nell J. Redfield Trust

State of Nevada
County of Washoe

This instrument was acknowledged before me on July 12, 1994 by Peter M. Thomas, General Partner of TMS Associates, a limited partnership.

Linda A. Sealock
Notary Public



State of NEVADA
County of WASHOE

This instrument was acknowledged before me on June 15,
1994 by Robert J. Sullivan, General Partner of TMS Associates, a limited partnership.

Esther D. DeVries
Notary Public

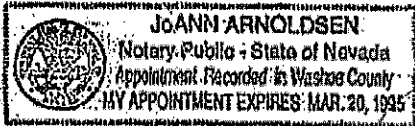


BK 4114 PGO 121

State of Nevada

County of Washoe

This instrument was acknowledged before me on June
29, 1994 by Betty Alyce Jones, surviving trustee of the Nell
J. Redfield Trust.

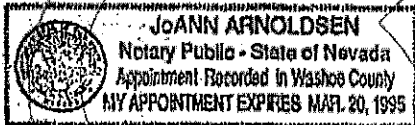


JoAnn Arnoldsen
Notary Public

State of Nevada

County of Washoe

This instrument was acknowledged before me on June
29, 1994 by Helen Jeanne Jones, surviving trustee of the
Nell J. Redfield Trust.



JoAnn Arnoldsen
Notary Public

State of _____

County of _____

This instrument was acknowledged before me on _____
by Iris G. Brewerton, surviving trustee of the Nell
J. Redfield Trust.

Notary Public

BK 4 114 PG 0122

State of _____

County of _____

This instrument was acknowledged before me on _____
by Kenneth G. Walker, surviving trustee of the Nell
J. Redfield Trust.

Notary Public

State of Nevada

County of Washoe

This instrument was acknowledged before me on June
29, 1994 by Gerald C. Smith, surviving trustee of the Nell
J. Redfield Trust.

JoAnn Arnoldsen

Notary Public



BK4114PG0123

EXHIBIT "A"

TMS PROPERTY

The real property situate in the County of Washoe, State of Nevada,
described as follows:

All of Section 13, Township 18 North, Range 19 East,
M.D.B. & M.

EXCEPTING THEREFROM that portion lying Northeasterly of
the Steamboat Ditch.

Said land is shown on Survey Map No. 1326 recorded August
23, 1979, as File No. 625159.

BK 41 14 950 124

APN

49-010-05
06

EXHIBIT "B"
TRUST PROPERTY

The real property situate in the County of Washoe, State of Nevada,
described as follows:

All of the following sections of Township 18 North, Range
19 East, M.D.B. & M.:

2, 10, 14, 15, 22, 23, 24, 26, 27.

APN 49-010-10

BK 4 114 PG 0125

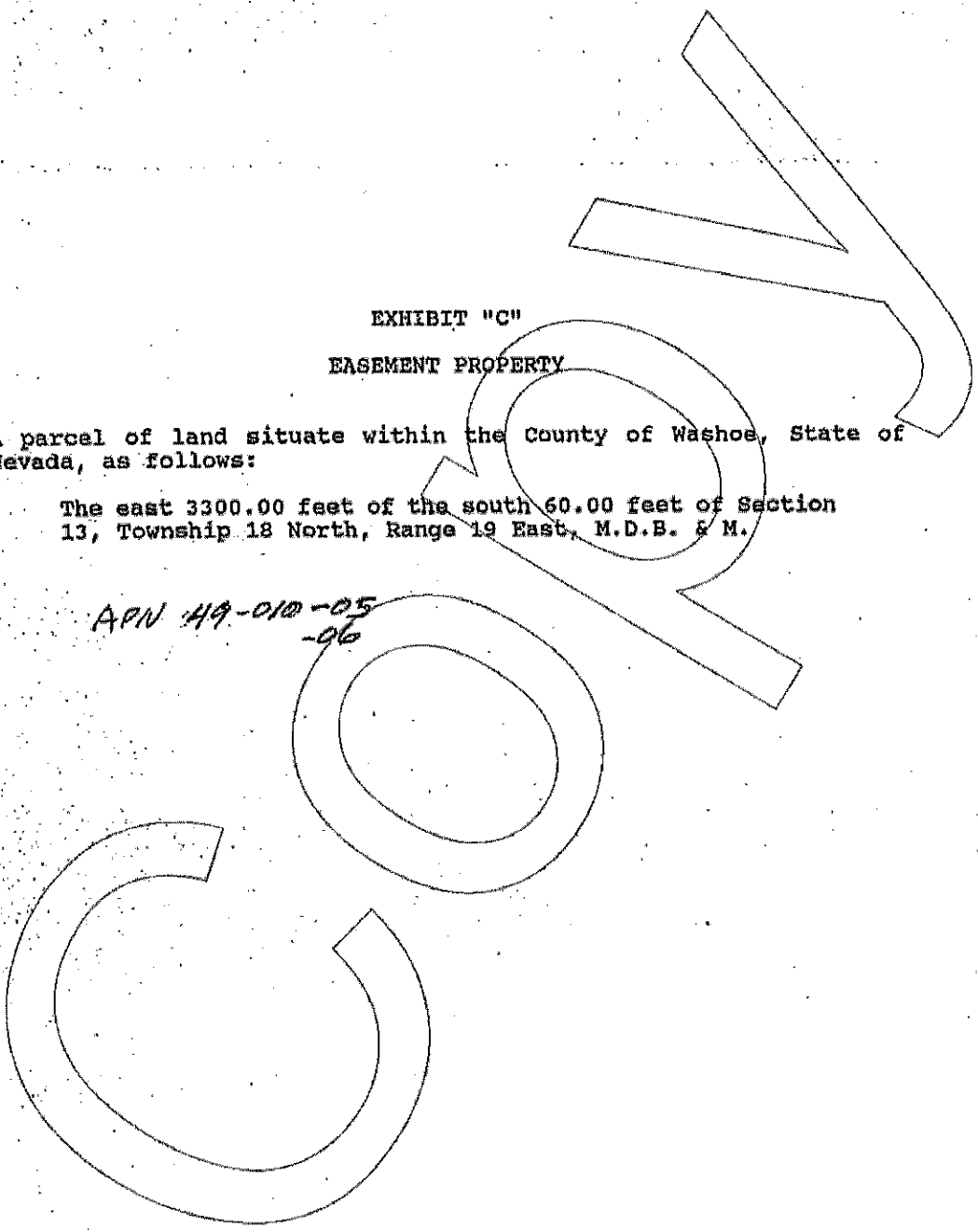
EXHIBIT "C"
EASEMENT PROPERTY

A parcel of land situate within the County of Washoe, State of Nevada, as follows:

The east 3300.00 feet of the south 60.00 feet of Section 13, Township 18 North, Range 19 East, M.D.B. & M.

APN 49-010-05
-06

BK 4114 PG 0126



OFFICIAL RECORDS
WASHOE CO., NEVADA
RECORD REQUESTED BY
James Arnoldson
94 JUL 25 A9:07

1818322

JOE MELCHER
COUNTY RECORDER
FEE 15.00 DEP 68

