

STAFF REPORT

Date: May 8, 2024

To: Mayor and City Council

Through: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Possible approval of Assignment and Assumption of Easement Deed and Agreement, transferring the assignment of a Union Pacific Railroad Company (UPRR) Easement Deed and Agreement from the City of Reno to Washoe County, as successor. The Union Pacific easement area is located south of Mogul, on the south side of Interstate 80 (I-80) and west of Exit #7.

From: Angela Fuss, Assistant Director of Development Services

Department: Development Services

Summary:

The City of Reno and Union Pacific Railroad (UPRR) have had an agreement since 2006 that outlines the rights and obligations of an access easement over UPRR property located in the Mogul area. The agreement allows the use of the UPRR property to be used for a public access easement. The area planned for development that would be serviced by the access easement was previously located within the City of Reno Sphere of Influence (SOI) but has since been removed and is now solely within Washoe County's jurisdiction. Any future development in this area will be under the Washoe County land use and building permit review. With the change in jurisdictional boundaries, the public access easement agreement between the City of Reno and UPRR is now being transferred to Washoe County. The Washoe County Commission approved the transfer of assignment in October and now the Reno City Council is tasked with also agreeing to the transfer of assignment, specific to future improvements, maintenance, and liability associated with the use and benefit of the access easement over UPRR property.

Consent Review	Yes	No
1. Is this item an annual or standard item that comes before Council for regular approval?		X
2. Is this item an agreement required based on an item previously approved by Council?	X	
3. Is this item included in the current budget approved and adopted by Council?		X
Other Considerations		
What percent of the total City budget does this item represent?	0%	

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

July 28, 2021 – Council sponsored an amendment to remove Assessor's Parcel Numbers (APNs) 038-172-16 and 17 from the City of Reno SOI.

Background:

In 2006, the UPRR and the City of Reno entered into an Easement Deed and Agreement (Deed), recorded in Washoe County as Document No. 3469380, that created a perpetual easement over certain real property as described in the 2006 Agreement. The easement allowed the use of the UPRR property as a public road for access to private property, more specifically identified as APNs 038-172-16 and 17. The Deed between the UPRR and the City of Reno was necessary because the property was within the City of Reno SOI and was anticipated to be annexed into the City at a future time. The Deed between the City and UPRR allowed for the UPRR property to serve as an access easement for future development.

In 2021, parcels 038-172-16 and 17 were removed from the City's SOI boundary. The Deed between the UPRR and the City of Reno is still in place and contains language that allows for successors of the public access easement. In this case, because the private development is now within Washoe County's land use and building permit review authority, the logical successor would be to transfer the assignment of this role from the City of Reno to Washoe County.

On October 14, 2023, the Washoe County Commission voted to approve the Assignment and Assumption of Easement Deed and Agreement and to accept the assignment of the UPRR easement. This action effectively transfers the 2006 Deed between UPRR and the City of Reno to Washoe County, which will assume the rights and obligations contained within the Deed.

Discussion:

In 2006, the City of Reno and UPRR entered into an agreement to allow for a public access roadway across railroad property. Among other parcels, the public access was intended to serve two parcels that were privately owned and anticipated to have development. The land was located within the City of Reno SOI and was intended to eventually develop under the City of Reno land use and building permit authority. However, in 2021, the land was removed from the City SOI, and will now be developed with an industrial project under Washoe County's land use and building permit review and authority. Since the land is no longer under the City of Reno SOI, the public access located on the UPRR right-of-way will now follow Washoe County roadway design and access standards, including all maintenance obligations.

The 2006 agreement between the City of Reno and UPRR allows for the assignment of the

easement and agreement to be transferred to other successors, which in this case, would be Washoe County. On October 14, 2023, the Washoe County Commission approved the transfer and accepted the assignment of the easement and agreement, thereby transferring all rights and obligations contained within the Deed from the City of Reno to Washoe County. The final step in the process is for the Reno City Council to also approve transferring the assignment of the Deed to Washoe County. Since the area has been removed from the City of Reno SOI, Washoe County will have ultimate authority over all future development and permitting.

Financial Implications:

None at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council approve the Assignment and Assumption of Easement Deed and Agreement, transferring the assignment of a Union Pacific Railroad Company Easement Deed and Agreement from the City of Reno to Washoe County, as successor.

Proposed Motion:

I move to support staff recommendation.

Attachments:

Exhibit A - Vicinity Map

Exhibit B – Easement Deed and Agreement Document 3469380

Exhibit C – Assignment and Assumption of Easement Deed and Agreement