

## STAFF REPORT

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**Date:** February 28, 2024

**To:** Mayor and City Council

**Thru:** Doug Thornley, City Manager

**Subject:** Staff Report (For Possible Action): Case No. ABN24-00004 (Bell Street Abandonment) Request for the abandonment of public right-of-way totaling  $\pm 30,600$  square feet generally located at the northern portion of Bell Street, including contiguous 20-foot unnamed alleyways, between Washington Street to the west, Ralston Street to the east, and West Second Street to the south. The proposed abandonment area is bordered by Mixed-Use Downtown Northwest Quadrant District (MD-NWQ) zoning with a Master Plan land use designation of Downtown Mixed-Use (DT-MU).

**From:** Jeff Foster, Associate Planner

**Department:** Development Services - Planning

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### **Summary:**

The request is for the abandonment of a  $\pm 30,600$  square foot portion of Bell Street and adjacent unnamed 20-foot alleyways generally located between Washington Street to the west, Ralston Street to the east, West Third Street to the north, and West Second Street to the south (**Exhibits A & B**). The original subject area was offered through dedication, and utilities exist in the proposed area of abandonment. The public is not anticipated to be materially injured by the abandonment and City staff recommends approval.

### **Alignment with Strategic Plan:**

Economic and Community Development

### **Background:**

This request for abandonment includes a dead-end portion of Bell Street (before it continues north of West Fifth Street), an adjacent east-west unnamed alley, and two adjacent north-south unnamed alleys. City records indicate that the rights-of-way for Bell Street and the alleys were offered to the City of Reno per Tract Map No. 91, recorded April 10, 1891, Official Records of Washoe County, Nevada.

The properties affected by the proposed abandonment and their current land uses include: Assessor Parcel Numbers (APNs) 011-640-09, 011-021-01, and 011-021-02 (vacant parcels); APNs 011-017-12, 011-017-11, and 011-021-09 (parking and vacant office/industrial buildings); and APN 011-021-03 (office conversion) (**Exhibit C**).

The abandonment would allow for future consolidation of adjacent parcels intended for code-compliant development of this block. Public amenities within the abandonment area consist of 21 non-metered public parking spaces and a four-foot-wide sidewalk on each side of Bell Street (**Exhibit D**). There are no bus stops, City-owned trees, benches, or other public amenities that would be impacted by the abandonment.

#### **Discussion:**

Available records indicate that the rights-of-way are held in easement only and no fee title; if abandoned, the area would revert back to the adjacent properties on either side from the centerline with no associated fee (**Exhibit E**). All the abandoned areas will become part of the adjacent parcels, which are zoned Mixed-Use Downtown Northwest Quadrant District (MD-NWQ). This zoning will be applied to the abandoned land upon recordation of the order of abandonment. Upon abandonment, the adjacent property owner(s) will be responsible for all maintenance of the subject area.

#### **Analysis:**

This request has been processed in accordance with Reno Municipal Code (RMC) 18.08.707 (Abandonment), which requires a proposed abandonment, other than such involving a sewer or storm drain easement, to be heard by Council. Approval of the request requires Council to determine the public will not be materially injured by the proposed abandonment.

#### **Utilities:**

There are existing utilities within the abandonment area including overhead electric and telephone lines, as well as underground water, gas, and City sanitary sewer lines. If the abandonment is approved, the applicant shall coordinate all utility relocations to the approval of the servicing utility companies and reserve public utility easements for all existing utilities, unless they are relocated prior to issuing the order of abandonment (**Condition 4**). Prior to the recordation of the order of abandonment, the applicant shall grant permanent sewer easements to the City for the maintenance and operations of these facilities (**Condition 5**).

#### **Traffic, Access, and Circulation:**

Approval of this request will not have a negative impact on the adjacent street network or overall traffic circulation in the area. The subject portion of Bell Street and the adjacent alleyways are primarily used by the subject property owners and petitioners of the proposed abandonment. Other properties in the area will continue to have access from Washington Street, West Second

Street, Ralston Street, and the remaining portion of Bell Street north of West Second Street. Continued access to the rear portion of APN 011-021-03, which is accessed from the alley, will be accommodated by a private access easement to be provided to this parcel. Until such a time that redevelopment occurs, **Condition 6** is recommended to reserve access through the abandonment area.

***Public Safety:***

No concerns were received from either the Reno Fire Department (RFD) or the Reno Police Department (RPD) regarding this request.

***Master Plan Conformance:***

The adjacent properties have a Master Plan land use designation of Downtown Mixed-Use (DT-MU). Upon abandonment, the adjacent MD-NWQ zoning designation would be applied to the entire area to be vacated. As proposed and with recommended conditions, the abandonment is consistent with the following applicable Master Plan goals and policies:

- GP 3: Thriving Downtown & University District
- 1.5B: Urban Revitalization
- 2.2A: Priority Locations for Infill and Redevelopment

***Public and Stakeholder Engagement:***

Utility company comments received have been incorporated into the discussion as applicable (**Exhibit F**). The project will be presented at the Ward 1 Neighborhood Advisory Board (NAB) meeting on February 12, 2024. Courtesy notices upon initial submittal of the project as well as required public notices were mailed out to surrounding property owners. Two public comments were received related to who would benefit from the abandonment and objection to the potential use of the area as open lot parking (**Exhibit G**). Any future comments will be forwarded to Council as received.

***Financial Implications:***

Available records indicate that the subject area was offered for dedication to the City of Reno and no value was exchanged for the rights-of-way. As such, the area would revert back to the adjacent property owners with no associated fee if abandoned (**Exhibit E**). The City will benefit from reduced liability and maintenance responsibility associated with the existing roadway and alleyways.

**Legal Implications:**

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

**Recommended Conditions of Approval:**

All conditions shall be met to the satisfaction of Development Services Department staff unless otherwise noted.

1. The order of abandonment shall reserve to the City all water rights, whether surface or groundwater, appurtenant to the area to be abandoned.
2. The applicant(s) is responsible for payment to the Washoe County Recorder for all recording fees.
3. The order of abandonment shall be recorded with the Washoe County Recorder within eighteen (18) months of the date of Council approval, or said approval shall be null and void.
4. The order of abandonment shall provide public utility easements for existing utilities unless the utilities are relocated to the approval of the servicing utility company prior to issuing the order of abandonment.
5. Prior to the recordation of the order of abandonment, the applicant shall grant permanent sewer easements to the City for the maintenance and operations of these facilities. If any of the sewer facilities are relocated, replaced, or rerouted, the new facilities shall be sized appropriately to maintain current levels of service to the approval of the Public Works, Utility Services, and Development Services Departments.
6. Prior to the recordation of the order of abandonment, the order shall include the reservation of an access easement over the area of abandonment to provide vehicular access to properties that abut the abandonment area until it has been determined that the easement is no longer necessary to provide access to these properties.

**Findings:**

In approving any abandonment, Council shall find that the public will not be materially injured by the proposed abandonment.

**Recommendation:**

Staff recommends Council make a determination that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the staff report.

**Proposed Motion:**

I move to approve staff recommendation.

**Attachments:**

Exhibit A. Case Maps

Exhibit B. Abandonment Area

Exhibit C. Existing Site Plan

Exhibit D. Abandonment Area Photos

Exhibit E. Public Works Memo

Exhibit F. Utility Company Comments

Exhibit G. Public Comments

Bell Street Abandonment Legal Notice