

STAFF REPORT

Date: June 5, 2024

To: Mayor and City Council

Through: Doug Thornley, City Manager

Subject: **Staff Report (For Possible Action): Case No. ABN24-00005 (La Rue Avenue and Martin Street Alley Abandonment) – A request has been made for the abandonment of a ±707 square foot (±0.02 acre) portion of a public alleyway located south of La Rue Avenue, between South Virginia Street and Haskell Street. The site is located within the Mixed-Use Midtown Commercial (MU-MC) zoning district and has a Master Plan land use designation of Urban Mixed-Use (UMU).**

From: Carter Williams, Associate Planner

Department: Development Services - Planning

Summary:

The applicant has requested the abandonment of a portion of an unnamed public alleyway located south of La Rue Avenue, north of Martin Street, between South Virginia and Haskell Streets (**Exhibit A**), directly behind the Best Bet Motel property at 941 South Virginia Street (Parcel No. 011-332-04). The abandonment area is a small triangular portion of the alley totaling ±707 square feet (**Exhibit B**). The remaining portion of the alley will continue to accommodate through-access between La Rue Avenue and Martin Street with a minimum 20-foot right-of-way. The portion of the alley to be abandoned is held in easement only and would revert back to the property of the petitioner pursuant to the Nevada Revised Statutes (NRS). Key issues addressed through conditions of approval are utilities, access, and circulation. Staff recommends Council approve the abandonment subject to listed conditions.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

There is no recent Council action relevant to this item.

Background:

The alley was offered to the City through dedication with Tract Map No. 74, recorded May 6, 1907, pursuant to Official Records of Washoe County, Nevada. Across the alley, a portion of Lot 7 was

dedeed to the City at a later date which likely was done in coordination with the construction of stormwater and sanitary sewer utilities. This action resulted in excess right-of-way width in the course of the alleyway.

Discussion:

Records indicate that this alley was dedicated to the City and held in easement, not in fee. If abandoned, this area would revert back to the adjacent property owner with no associated fee. The applicant and petitioner will receive 100% of the requested abandonment area. Upon abandonment the petitioner will be responsible for all maintenance of the subject area. The adjacent Mixed-Use Midtown Commercial (MU-MC) zoning designation would be applied to the requested abandonment area once vacated.

Utilities: There are low voltage electrical and telephone lines within the abandonment area. 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 the recordation of the order of abandonment (**Condition 4**). Waste Management access and operations shall not be impacted by the approval of the abandonment (**Condition 5**).

Access and Circulation: Approval of the abandonment is not anticipated to have any impact on the access and circulation of traffic in the alley. A minimum alley width of 20 feet must be maintained in conformance with the Public Works Design Manual as shown in **Exhibit B**.

Public and Stakeholder Engagement: Agency comments received were incorporated into this staff report. The project was presented at the Ward 1 Neighborhood Advisory Board (NAB) meeting on May 13, 2024, and no concerns were identified. Courtesy notices upon initial submittal of the project as well as required public notices were mailed out to surrounding property owners and no comments were received. Any future comments will be forwarded to Council as they are received.

Financial Implications:

No value was exchanged for the rights-of-way when dedicated and the area will revert back to the adjacent property owner with no associated fee if abandoned. The City will benefit from reduced liability and maintenance responsibility associated with the alleyway.

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. Prior to recordation of the order of abandonment, the applicant shall deposit with the City a check made payable to the Washoe County Recorder for the recording fee.
3. The abandonment order shall be recorded with the Washoe County Recorder within twelve (12) months of the date of Council approval or said approval shall be null and void.
4. Prior to issuance of the order of abandonment, 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.
5. Prior to recordation of the order of abandonment, the applicant shall provide verification from Waste Management demonstrating that access and operations within the alley will not be impacted by the vacation of right-of-way.

Findings:

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

Recommendation:

Staff recommends Council approve the abandonment, subject to the conditions in the staff report.

Proposed Motion:

I move to approve the proposed abandonment.

Attachments:

Exhibit A – Case Maps

Exhibit B – Abandonment Area

La Rue Avenue and Martin Street Alley Abandonment Legal Notice