

RESOLUTION NO. ____

**RESOLUTION OF THE RENO CITY COUNCIL
AUTHORIZING AND DIRECTING THE CONDEMNATION
AND ACQUISITION OF EASEMENT RIGHTS NECESSARY
FOR THE CONSTRUCTION OF THE 2022 PARR SEWER
REHABILITATION PROJECT ON THAT CERTAIN
PARCEL IDENTIFIED AS ASSESSOR'S PARCEL
NUMBER: 003-061-03, 003-061-04, AND 003-061-13, AND
OTHER MATTERS PROPERLY RELATING THERETO.**

A. **WHEREAS**, it is necessary for the City to provide and facilitate sanitation for the health and welfare of the public; and,

B. **WHEREAS**, in furtherance of such necessity and needs, City of Reno is undertaking the 2022 Parr Sewer Rehabilitation Project (the "Project"); and,

C. **WHEREAS**, the City is authorized to exercise the power of eminent domain, when necessary, to acquire real property situate within the State of Nevada to facilitate public uses; and,

D. **WHEREAS**, the City has identified certain property interests necessary for construction of the Project; and,

E. **WHEREAS**, the current owners of record of the necessary property interest is, to the best of City of Reno's knowledge, G Archie, LLC; and,

F. **WHEREAS**, the City has been unable to reach a voluntary sale of the necessary property interests with the owners.

NOW THEREFORE be it hereby resolved by the City Council as follows:

Section 1. The City Council hereby finds that the foregoing recitals are true and correct and are incorporated by reference.

Section 2. In addition, the City Council hereby finds:

1. That proper notice of the City Council's intent to consider the acquisition of the property interests by means of eminent domain has been given under NRS 241.034.

2. That the City has negotiated in good faith with the owners of record of that certain parcel identified as Assessor's Parcel Number: 003-061-03, 003-061-04, and 003-061-13, situated within the city limits of the City of Reno in Washoe County, for the acquisition of certain easement rights, but have been unable to reach a mutually acceptable agreement for the acquisition of the property rights necessary for the Project.

3. That the Project for which the acquisition of property interests is sought qualifies a bona fide public use within the meaning of the Nevada and United States Constitutions because it is *inter alia* a sewer project.

4. That the property interest to be acquired for the Project will be applied to a public use.

5. That the property interest described herein is necessary to such a public use.

6. That the project is located and planned in a manner which is most compatible with the greatest public good and the least private injury.

Section 3. The City Council hereby authorizes and directs:

1. That the City Attorney's Office initiate, if needed, eminent domain proceedings forthwith on behalf of City of Reno in accordance with provisions of Nevada Revised Statute Chapter 37 and all other applicable law to acquire the property interests described in Exhibits A through F, attached hereto, by filing a complaint in eminent domain in any court having jurisdiction over the property interest described in Exhibits A through F.

2. That the City Attorney's Office is authorized to pursue all actions it deems appropriate for successful prosecution of such matter, including but not limited to, hiring outside counsel, expert witnesses, applying to the court for an order of immediate occupancy, agreeing to mediate or otherwise settle the case subject to Council approval, and other such necessary and reasonable steps to acquire the property.

Section 4. The Mayor, City Manager, members, officers, employees and agents of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute, deliver and record all documents as may be required and otherwise to give effect to, carry out and comply with the terms and intent of this Resolution, and to take all necessary and appropriate actions to effectuate the intent of this Resolution.

Section 5. This resolution shall take effect immediately upon its passage.

Upon motion by Councilmember _____, and seconded by Councilmember _____, the foregoing Resolution was passed and adopted this 22nd day of February, 2023, by the following vote of the Council:

AYES: _____
NAYS: _____
ABSTAIN: _____ ABSENT: _____

APPROVED this ____ day of _____, 2023.

HILLARY L. SCHIEVE
MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION LICENSE
A.P.N. 003-061-04

A strip of land lying within a portion of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section Twenty-Six (26), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Base Meridian, in the City of Reno, County of Washoe, State of Nevada, being a portion of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county, being further described as follows:

COMMENCING from the northwest corner of said Parcel 2, also being on the easterly boundary of New Parcel 3, according to the Record of Survey showing a Boundary Line Adjustment for "Robert P. and Maxine M. Douglass, Patrick E. and Angeline M. Douglass, Michael and Sandra Jones", recorded as Record of Survey 2541, on February 08, 1993, as File 1645362, filed in the Official Records of said county;

THENCE on the northerly boundary of said Parcel 2, South 89°36'16" East, 29.04 feet, to the **POINT OF BEGINNING**;

THENCE continuing on said northerly boundary, South 89°36'16" East, 8.74 feet;

THENCE departing said northerly boundary, South 64°52'17" East, 54.06 feet;

THENCE North 25°07'43" East, 24.90 feet, to the northerly boundary of said Parcel 2;

THENCE on said northerly boundary, South 89°36'16" East, 44.04 feet;

THENCE departing said northerly boundary, South 25°07'43" West, 289.05 feet;

THENCE South 15°51'21" West, 104.94 feet to the westerly boundary of said Parcel 2;

THENCE on said westerly boundary, North 01°35'16" East, 142.49 feet;

THENCE departing said westerly boundary, North 25°07'43" East, 111.37 feet;

THENCE North 64°52'17" West, 48.52 feet to the westerly boundary of said Parcel 2;

THENCE on said westerly boundary, North 01°35'16" East, 33.75 feet;

THENCE departing said westerly boundary, North 25°07'43" East, 72.69 feet to the **POINT OF BEGINNING**;

EXCEPTING THEREFROM a twenty (20) foot wide permanent easement. See Exhibits "B" and "B-1", attached hereto.

Containing 12,730 square feet of land, more or less;

See Exhibit "A-1", plat to accompany description, attached hereto and made a part hereof.

EXHIBIT "B"
LEGAL DESCRIPTION FOR
PERMANENT EASEMENT
A.P.N. 003-061-04

A strip of land lying within a portion of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section Twenty-Six (26), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Base Meridian, in the City of Reno, County of Washoe, State of Nevada, being a portion of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county, being a twenty (20) foot wide easement, lying ten (10) feet each side of the further described centerline as follows:

COMMENCING from the northwest corner of said Parcel 2, also being on the easterly boundary of New Parcel 3, according to the Record of Survey showing a Boundary Line Adjustment for "Robert P. and Maxine M. Douglass, Patrick E. and Angeline M. Douglass, Michael and Sandra Jones", recorded as Record of Survey 2541, on February 08, 1993, as File 1645362, filed in the Official Records of said county;

THENCE on the northerly boundary of said Parcel 2, South 89°36'16" East, 119.32 feet, to the **POINT OF BEGINNING**;

THENCE departing said northerly boundary, South 25°07'43" West, 281.45 feet;

THENCE South 15°51'21" West, 27.92 feet, to the westerly boundary of said Parcel 2, also being the **POINT OF TERMINUS**, from which the southeasterly most corner of said New Parcel 3, bears, North 01°35'16" East, 77.62 feet;

Note: The sidelines of this easement are to be lengthened or shortened to said northerly and westerly boundaries of said Parcel 2.

Containing 6,193 square feet of land, more or less;

See Exhibit "B-1", plat to accompany description, attached hereto and made a part hereof.

EXHIBIT "C"
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION LICENSE
A.P.N. 003-061-13

A strip of land lying within a portion of the Southwest One-Quarter (SW 1/4) of the Southwest One-Quarter (SW 1/4) of Section Twenty-Six (26), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Base Meridian, in the City of Reno, County of Washoe, State of Nevada, being a portion of New Parcel 3, according to the Record of Survey showing a Boundary Line Adjustment for "Robert P. and Maxine M. Douglass, Patrick E. and Angeline M. Douglass, Michael and Sandra Jones", recorded as Record of Survey 2541, on February 08, 1993, as File 1645362, filed in the Official Records of said county, further described as follows:

LICENSE AREA 1:

COMMENCING from a point on the easterly boundary of said New Parcel 3, also being the northwesterly corner of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county ;

THENCE on said easterly boundary, South 89°36'16" East, 119.32 feet, to the **POINT OF BEGINNING**; said point being the centerline of a sixty (60) foot wide easement, lying thirty (30) feet each side, further described as follows;

THENCE departing said easterly boundary, on said centerline, North 25°07'43" East, 34.88 feet;

THENCE North 40°27'39" East, 78.95 feet to the easterly boundary of said New Parcel 3, also being the **POINT OF TERMINUS**;

EXCEPTING THEREFROM a forty (40) foot wide permanent easement. See Exhibit "D-1", attached hereto.

Note: The sidelines of this easement are to be lengthened or shortened to the easterly boundary of said New Parcel 3.

Containing 2,278 square feet of land, more or less;

LICENSE AREA 2:

COMMENCING from a point on the easterly boundary of said New Parcel 3, also being the northwesterly corner of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county ;

THENCE on said easterly boundary, South 89°36'16" East, 29.04 feet, to the **POINT OF BEGINNING**;

THENCE departing said easterly boundary, North 25°07'43" East, 3.66 feet;

**EXHIBIT "C" CONTINUED
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION LICENCE
A.P.N. 003-061-13**

THENCE South 64°52'17" East, 7.94 feet, to said easterly boundary,

THENCE on said easterly boundary, North 89°36'16" West, 8.74 feet to the **POINT OF BEGINNING**;

Containing 15 square feet of land, more or less;

LICENSE AREA 3:

COMMENCING from a point on the easterly boundary of said New Parcel 3, also being the northwesterly corner of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county ;

THENCE on said easterly boundary, also being the westerly boundary of said Parcel 2, South 01°35'16" West, 66.03 feet, to the **POINT OF BEGINNING**;

THENCE continuing on said easterly boundary, South 01°35'16" West, 33.75 feet;

THENCE departing said easterly boundary, North 64°52'17" West, 13.48 feet;

THENCE North 25°07'43" East, 30.94 feet to the **POINT OF BEGINNING**;

Containing 209 square feet of land, more or less;

See Exhibit "C-1", plat to accompany description, attached hereto and made a part hereof.

EXHIBIT "D"
LEGAL DESCRIPTION FOR
PERMANENT EASEMENT
A.P.N. 003-061-13

COMMENCING from a point on the easterly boundary of said New Parcel 3, also being the northwesterly corner of Parcel 2 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county ;

THENCE on said easterly boundary, South 89°36'16" East, 119.32 feet, to the **POINT OF BEGINNING**, said point being the centerline of a forty (40) foot wide easement, lying twenty (20) feet each side, further described as follows;

THENCE departing said easterly boundary, on said centerline, North 25°07'43" East, 34.88 feet;

THENCE North 40°27'39" East, 78.95 feet, to the easterly boundary of said New Parcel 3, also being the **POINT OF TERMINUS**;

Note: The sidelines of this easement are to be lengthened or shortened to the easterly boundary of said New Parcel 3.

Containing 4,553 square feet of land, more or less;

See Exhibit "D-1", plat to accompany description, attached hereto and made a part hereof.

EXHIBIT "E"
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION LICENSE
A.P.N. 003-061-03

A strip of land lying within a portion of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of Section Twenty-Six (26), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Base Meridian, in the City of Reno, County of Washoe, State of Nevada, being a portion of Parcel 1 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county, being a ten (10) foot wide easement, more particularly described as follows:

COMMENCING from the northwest corner of said Parcel 1, also being the southwesterly corner of Adjusted Parcel A, according to the Record of Survey showing a Boundary Line Adjustment for "Shirley L. Packer", recorded as Record of Survey 2739, on June 29, 1994, as File 1811188, filed in the Official Records of said county;

THENCE on the northerly boundary of said Parcel 1, South 89°45'36" East, 26.46 feet, to the **POINT OF BEGINNING**;

THENCE continuing on said northerly boundary, South 89°45'36" East, 13.10 feet;

THENCE departing said northerly boundary, South 40°27'39" West, 61.88 feet, to the westerly boundary of said Parcel 1;

THENCE on said westerly boundary, North 00°43'54" East, 15.65 feet;

THENCE departing said westerly boundary, North 40°27'39" East, 41.39 feet to the **POINT OF BEGINNING**;

Containing 516 square feet of land, more or less;

See Exhibit "E-1", plat to accompany description, attached hereto and made a part hereof.

EXHIBIT "F"
LEGAL DESCRIPTION FOR
PERMANENT EASEMENT
A.P.N. 003-061-03

A strip of land lying within a portion of the Southeast One-Quarter (SE 1/4) of the Southwest One-Quarter (SW 1/4) of Section Twenty-Six (26), Township Twenty (20) North, Range Nineteen (19) East, Mount Diablo Base Meridian, in the City of Reno, County of Washoe, State of Nevada, being a portion of Parcel 1 as described in Grant, Bargain, Sale Deed 4777514, recorded on January 05, 2018, filed in the Official Records of said county, more particularly described as follows:

BEGINNING at the northwest corner of said Parcel 1, also being the southwesterly corner of Adjusted Parcel A, according to the Record of Survey showing a Boundary Line Adjustment for "Shirley L. Packer", recorded as Record of Survey 2739, on June 29, 1994, as File 1811188, filed in the Official Records of said county;

THENCE on the northerly boundary of said Parcel 1, South 89°45'36" East, 26.46 feet;

THENCE departing said northerly boundary, South 40°27'39" West, 41.39 feet, to the westerly boundary of said Parcel 1;

THENCE on said westerly boundary, North 00°43'54" East, 31.61 feet to the **POINT OF BEGINNING**;

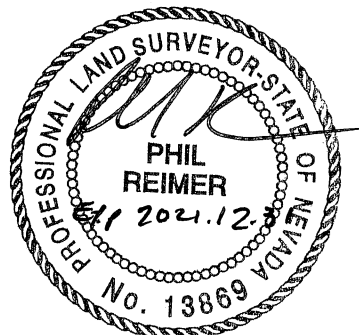
Containing 418 square feet of land, more or less;

See Exhibit "F-1", plat to accompany description, attached hereto and made a part hereof.

The basis of bearings for these descriptions is the Nevada Coordinate System of 1983, West Zone, High Accuracy Reference Network (NAD 83/94-HARN), as determined using Real Time Kinematic (RTK) GPS observations with corrections transmitted by the Nevada GPS Network. All dimensions shown are ground distances. Combined grid-to-ground factor = 1.000197939, scaled from 0.00n, 0.00e and converted to U.S. survey feet.

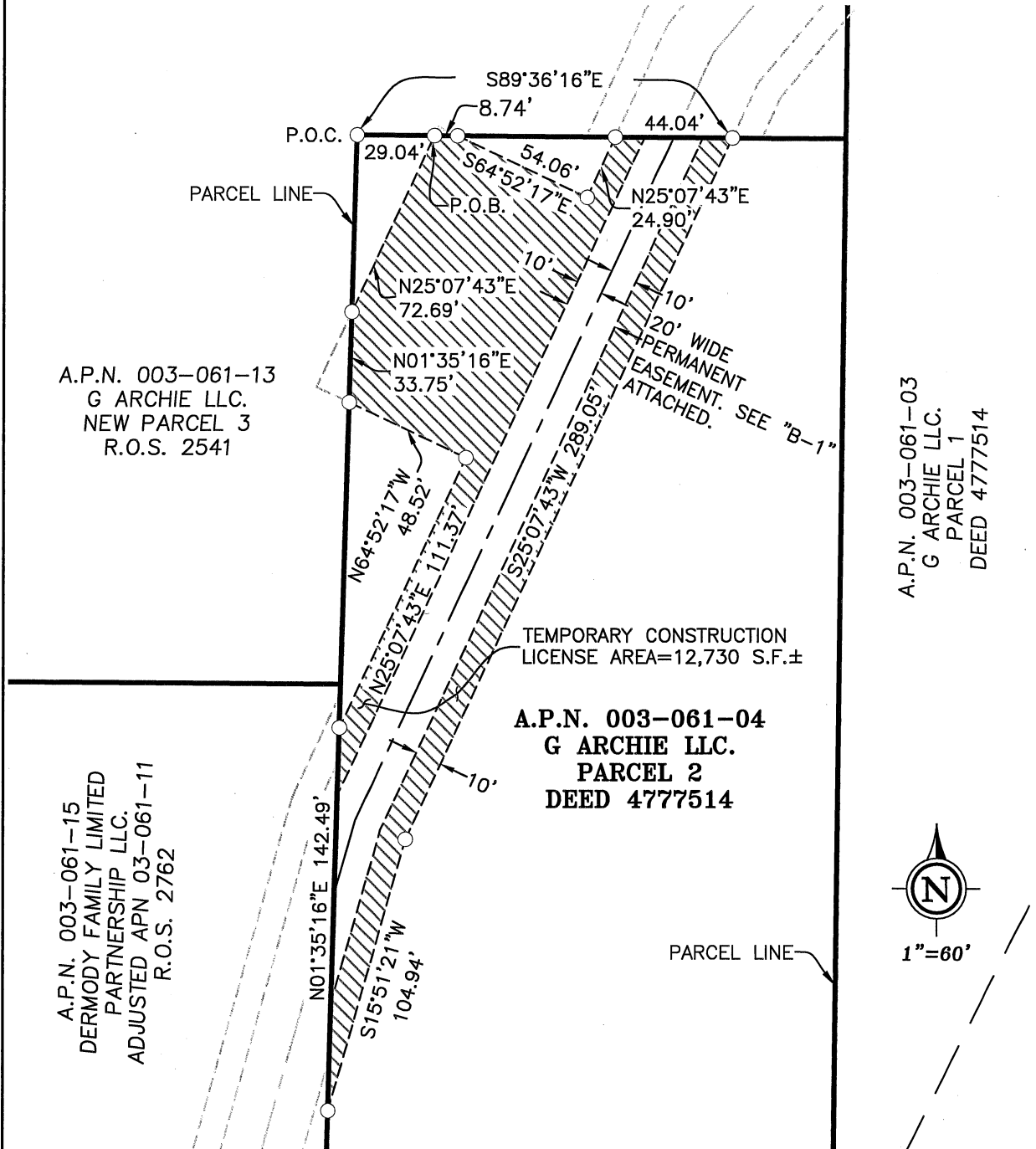
Prepared by:
Farr West Engineering
5510 Longley Lane
Reno, NV. 89511

Phil Reimer, P.L.S.
Nevada Certificate No.13869



2020.08.12

TEMPORARY CONSTRUCTION LICENSE
BEING A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26,
TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.M.
RENO WASHOE COUNTY NEVADA



FARR WEST ENGINEERING

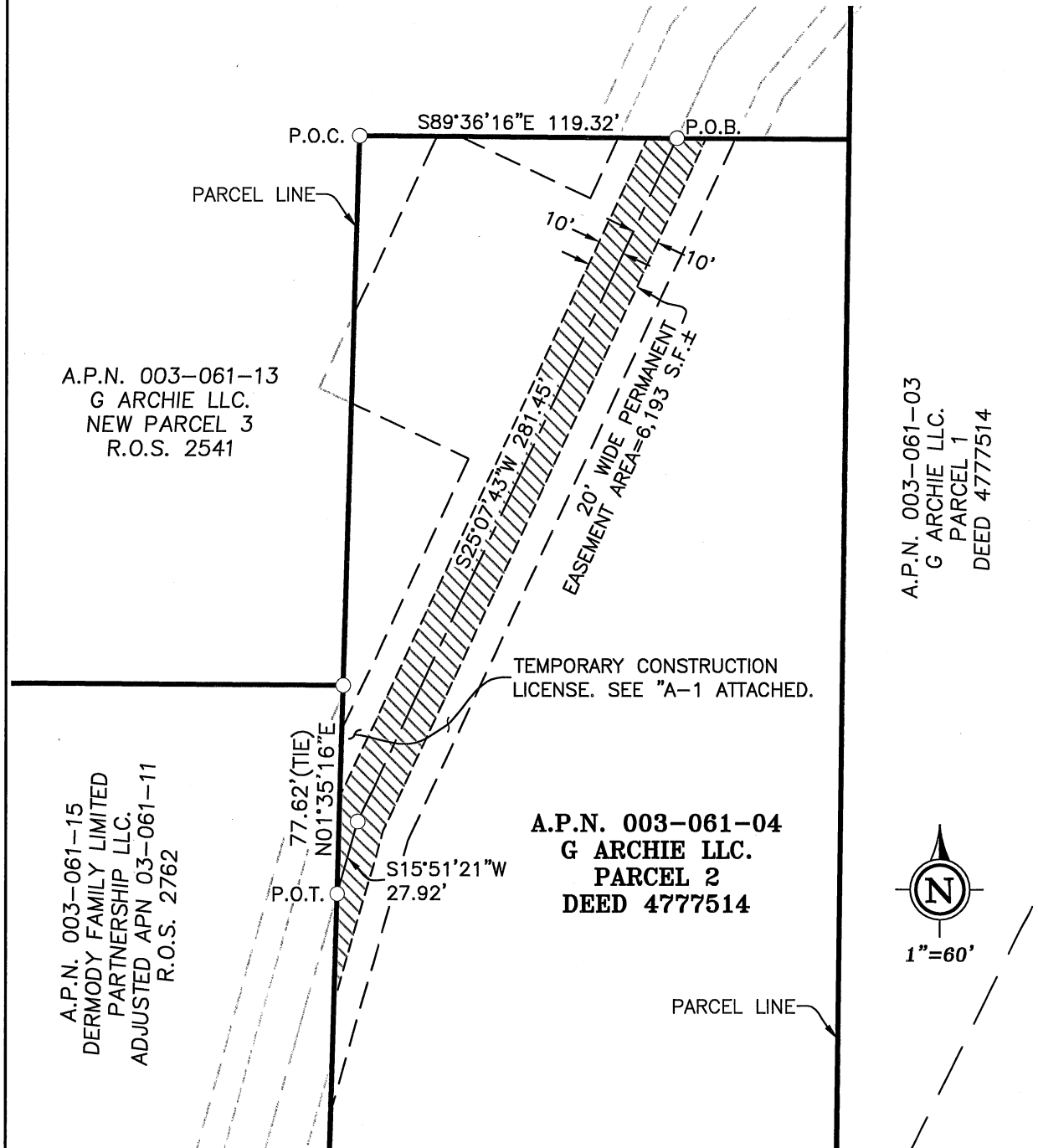
**5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766**

EXHIBIT A-1
PLAT TO ACCOMPANY
DESCRIPTION

JOB NO. 1853
SHEET 1 OF 1

PERMANENT EASEMENT

BEING A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26,
TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.M.
RENO WASHOE COUNTY NEVADA



FARR WEST
ENGINEERING

5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

EXHIBIT B-1
PLAT TO ACCOMPANY
DESCRIPTION

JOB NO. 1853
SHEET 1 OF 1

| LINE TABLE | | |
|------------|-------------|---------|
| NO. | BEARING | LENGTH |
| L1 | S89°36'16"E | 29.04' |
| L2 | N25°07'43"E | 3.66' |
| L3 | S64°52'17"E | 7.94' |
| L4 | N89°36'16"W | 8.74' |
| L5 | S89°36'16"E | 119.32' |
| L6 | N64°52'17"W | 13.48' |

[illegible]

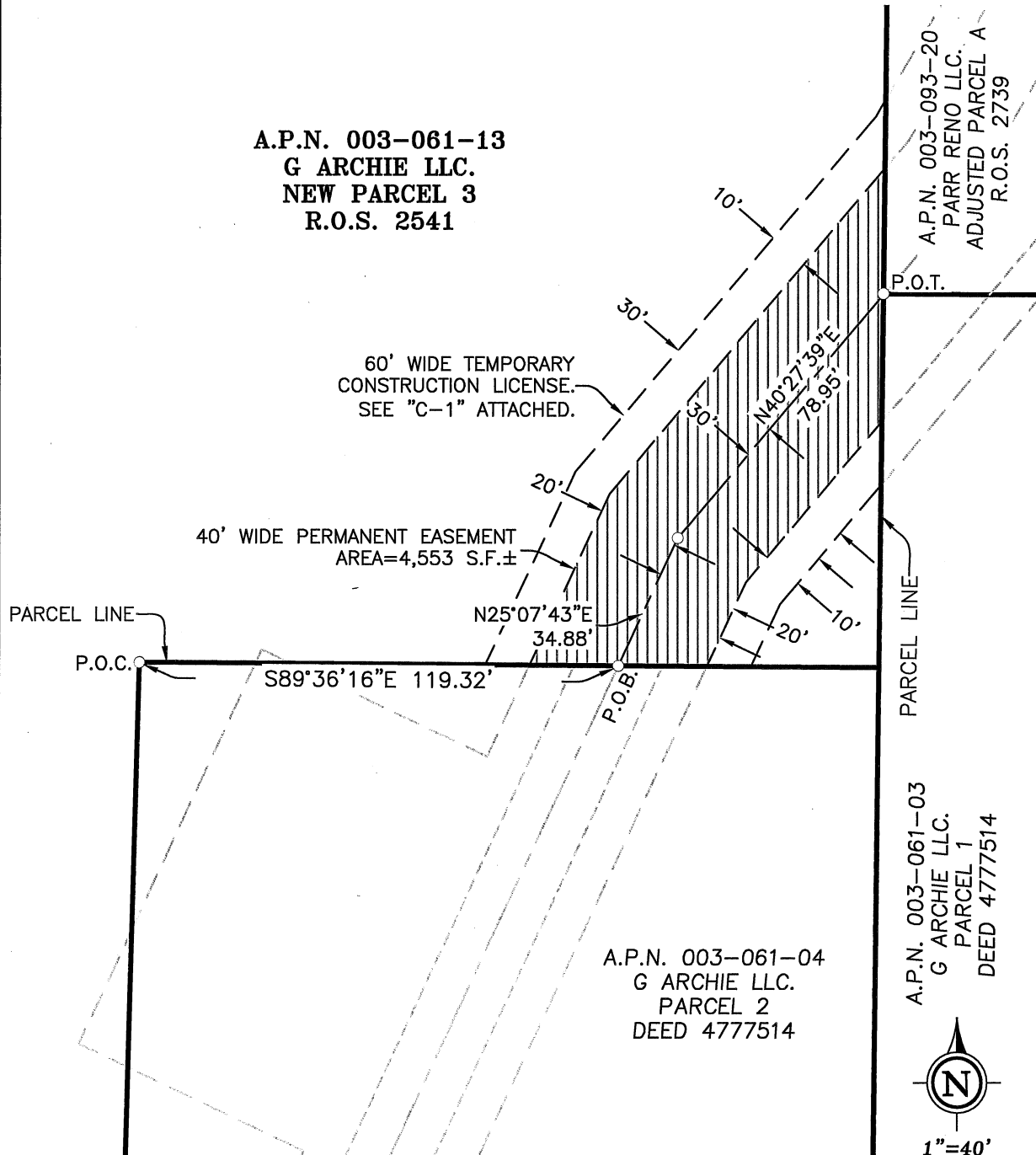
JOB NO. 1853
SHEET 1 OF 1

PERMANENT CONSTRUCTION EASEMENT

BEING A PORTION OF THE SW 1/4 OF THE SW 1/4 OF SECTION 26,
TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.M.
RENO WASHOE COUNTY NEVADA

A.P.N. 003-061-13
G ARCHIE LLC.
NEW PARCEL 3
R.O.S. 2541

A.P.N. 003-093-20
PARR RENO LLC.
ADJUSTED PARCEL A
R.O.S. 2739



A.P.N. 003-061-04
G ARCHIE LLC.
PARCEL 2
DEED 4777514

A.P.N. 003-061-03
G ARCHIE LLC.
PARCEL 1
DEED 4777514



FARR WEST
ENGINEERING

5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

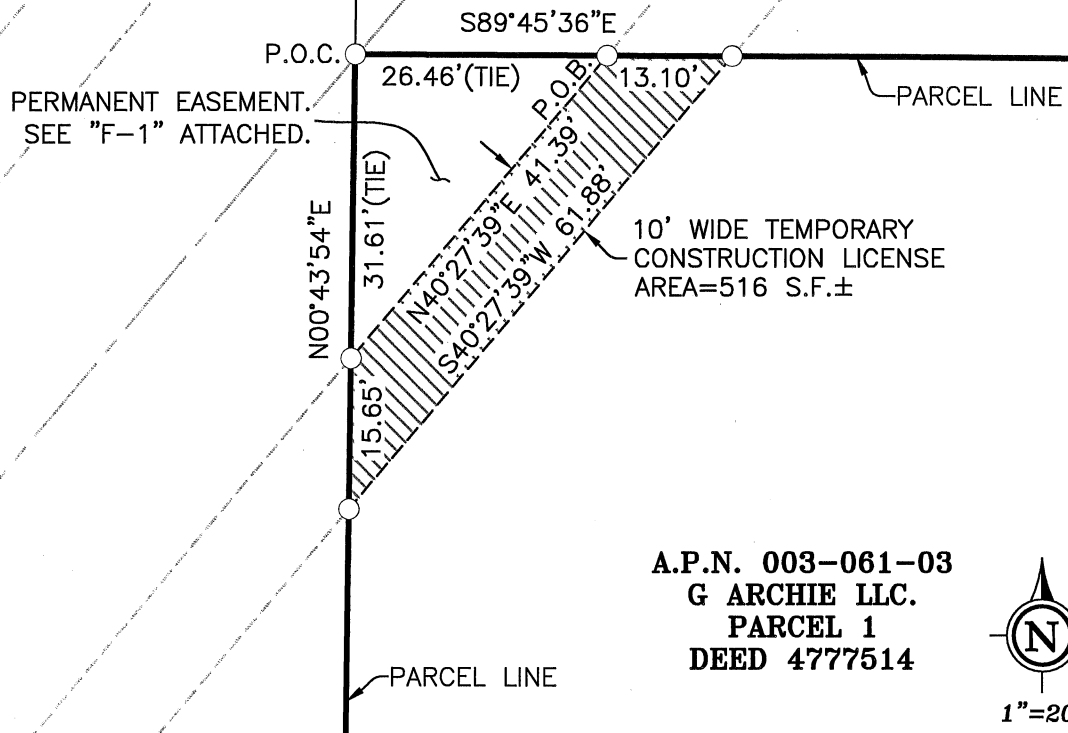
EXHIBIT D-1
PLAT TO ACCOMPANY
DESCRIPTION

JOB NO. 1853
SHEET 1 OF 1

TEMPORARY CONSTRUCTION LICENSE
BEING A PORTION OF THE NE 1/4 OF THE SW 1/4 OF SECTION 26,
TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.M.
RENO WASHOE COUNTY NEVADA

A.P.N. 003-061-13
G ARCHIE LLC.
NEW PARCEL 3
R.O.S. 2541

A.P.N. 003-093-20
PARR RENO LLC.
ADJUSTED PARCEL A
R.O.S. 2739



A.P.N. 003-061-03
G ARCHIE LLC.
PARCEL 1
DEED 4777514



FARR WEST
ENGINEERING

5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

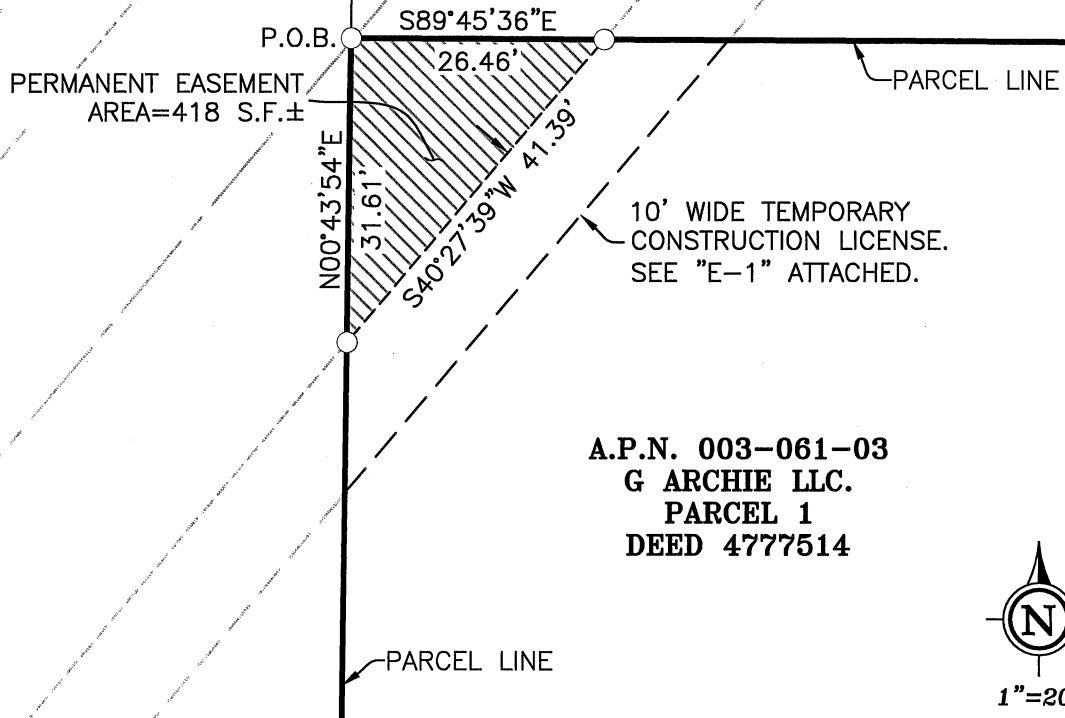
EXHIBIT E-1
PLAT TO ACCOMPANY
DESCRIPTION

JOB NO. 1853
SHEET 1 OF 1

PERMANENT EASEMENT
BEING A PORTION OF THE NE 1/4 OF THE SW 1/4 OF SECTION 26,
TOWNSHIP 20 NORTH, RANGE 19 EAST, M.D.B.M.
RENO WASHOE COUNTY NEVADA

A.P.N. 003-061-13
G ARCHIE LLC.
NEW PARCEL 3
R.O.S. 2541

A.P.N. 003-093-20
PARR RENO LLC.
ADJUSTED PARCEL A
R.O.S. 2739



A.P.N. 003-061-03
G ARCHIE LLC.
PARCEL 1
DEED 4777514



FARR WEST
ENGINEERING

5510 LONGLEY LANE
RENO, NEVADA 89511
PHONE: (775) 851-4788
FAX: (775) 851-0766

EXHIBIT F-1
PLAT TO ACCOMPANY
DESCRIPTION

JOB NO. 1853
SHEET 1 OF 1