

RENO CITY COUNCIL

Appeal of City of Reno Planning Commission [Case No. LDC23-00035]

I. Harvey Trust Issues:

1. Drainage and future damage
2. Line of Sight for Existing Sign
3. Corner of Property Landlocked
4. Dispute over property lines
5. Potable water contamination
6. Avoidance of Zoning Requirements
7. Green Acres Mislead Planning Commission re: Harvey Access

APN 043-282-03

Parcel Map



Harvey Trust Property

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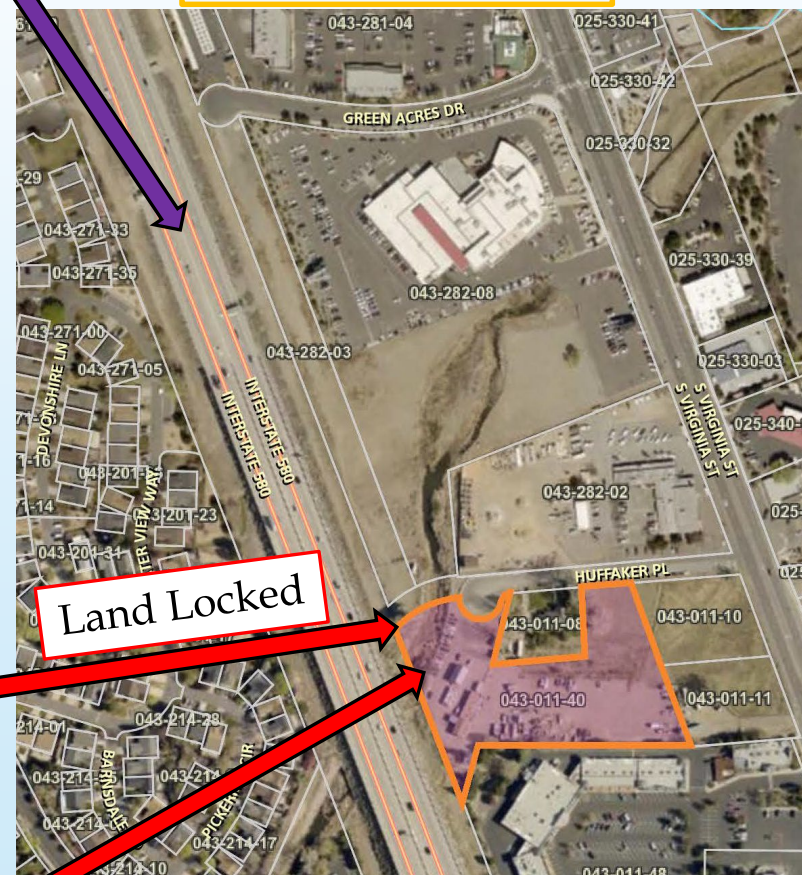
Recent Rainfall



Interstate 580

Recent
Runoff
NOT
Flood
Level
Rainfall

Parcel Map



Land Locked

Harvey
Trust
Property

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1. Drainage and Future Damage
 - a) Huge Offsite Drainage Area

Harvey Trust Property



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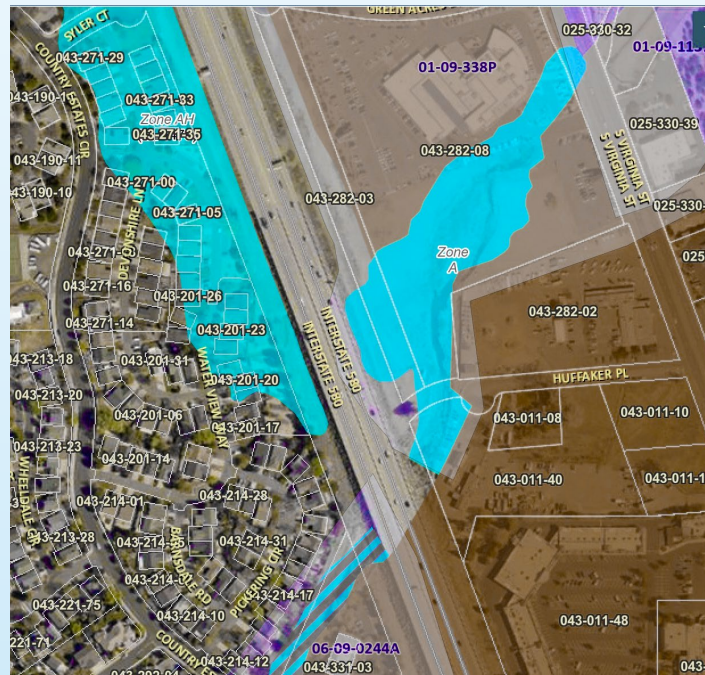
Appeal of City of Reno Planning Commission [Case No. LDC23-00035]

1. Drainage and Future Damage

- a) Huge Offsite Drainage Area
- b) Flood Zone

Grey Section: Historic
FEMA Boundary

Blue Section: 06/03/97
LOMA



Harvey Trust Property

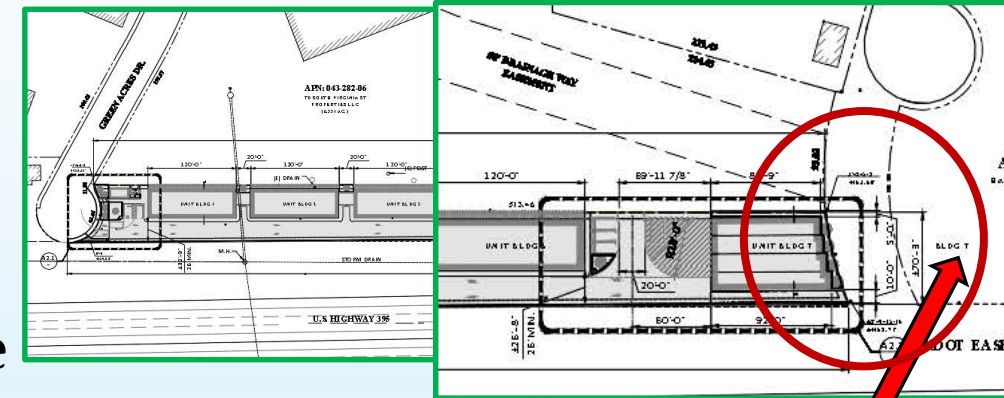
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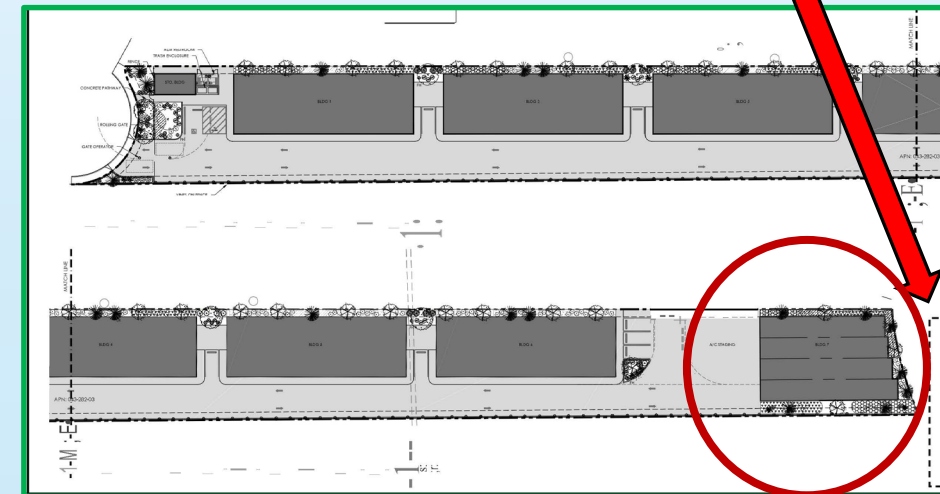
1. Drainage and Future Damage

- a) Huge Offsite Drainage Area
- b) Flood Zone
- c) Design for Parcel 043-282-03
Shows No Offset to Flood Zone
Encroachment

APN 043-282-03



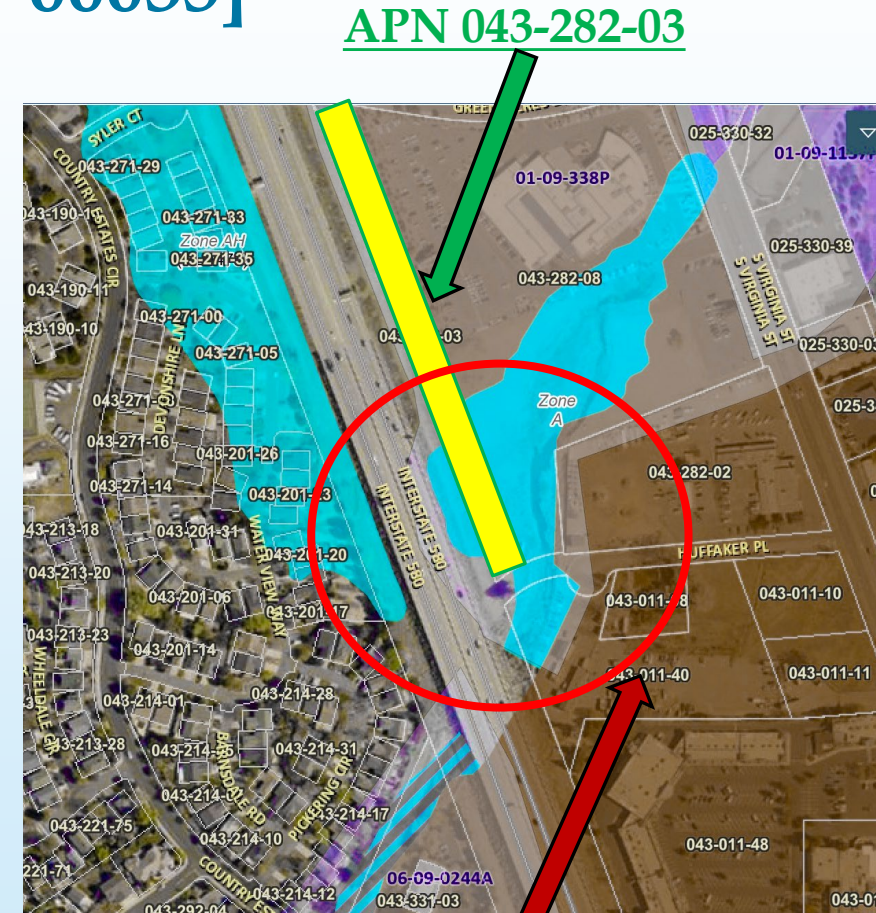
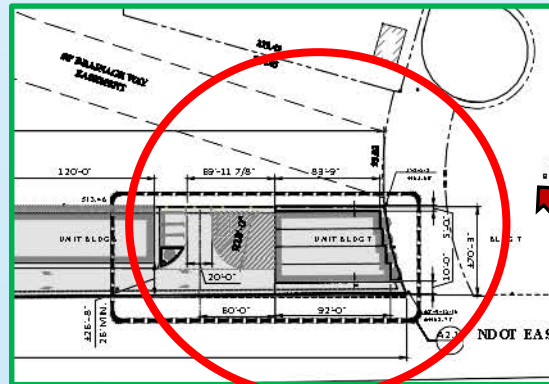
Harvey Trust Property



Appeal of City of Reno Planning Commission [Case No. LDC23-00035]

1. Drainage and Future Damage

- a) Huge Offsite Drainage Area
- b) Flood Zone
- c) Design for Parcel 043-282-03 Shows No Offset to Flood Zone Encroachment
- d) Blocking floodplain will cause increased elevations of flood water.



Harvey Trust Property

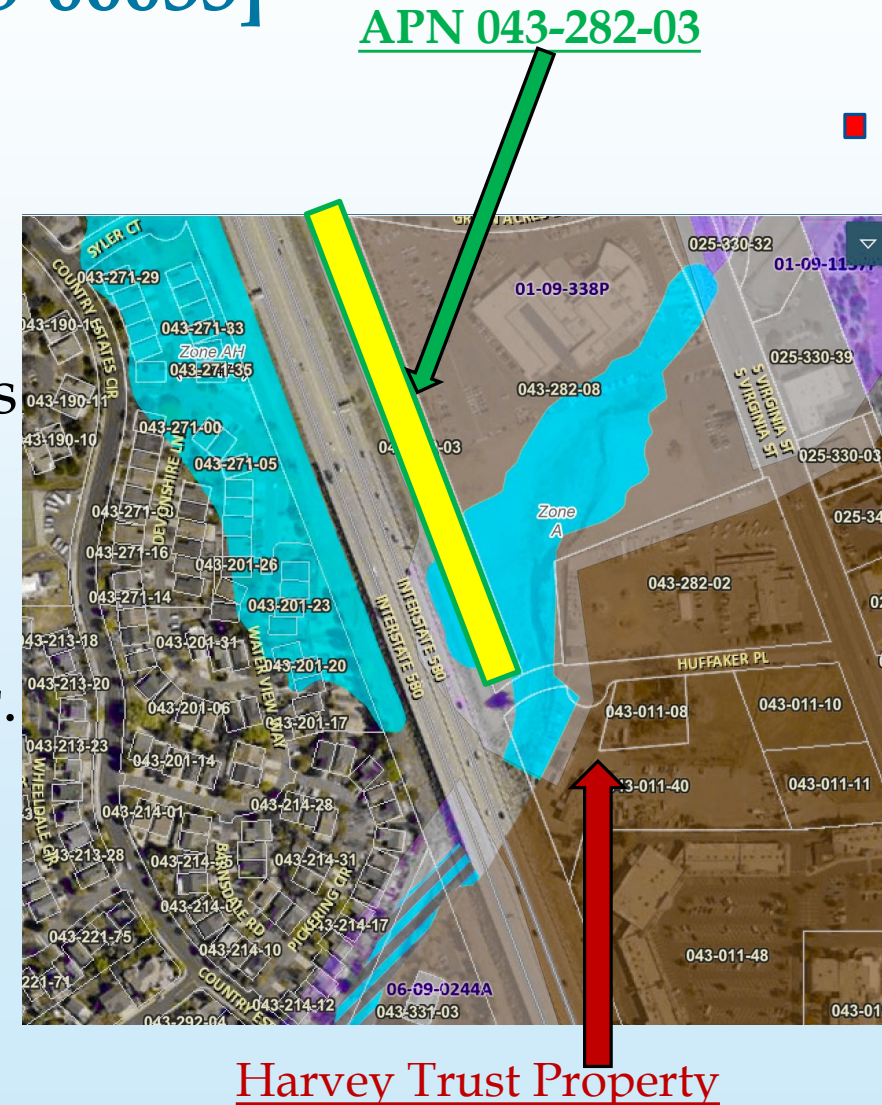
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Appeal of City of Reno Planning Commission

[Case No. LDC23-00035]

1. Drainage and Future Damage

- a) Huge Offsite Drainage Area
- b) Flood Zone
- c) Design for Parcel 043-282-03 Shows No Offset to Flood Zone Encroachment
- d) Blocking floodplain will cause increased elevations of flood water.
- e) City of Reno is setting itself up for Lemmon Valley #2 for Flooding
- f) **You are hereby Being Officially Warned of this Potential.**

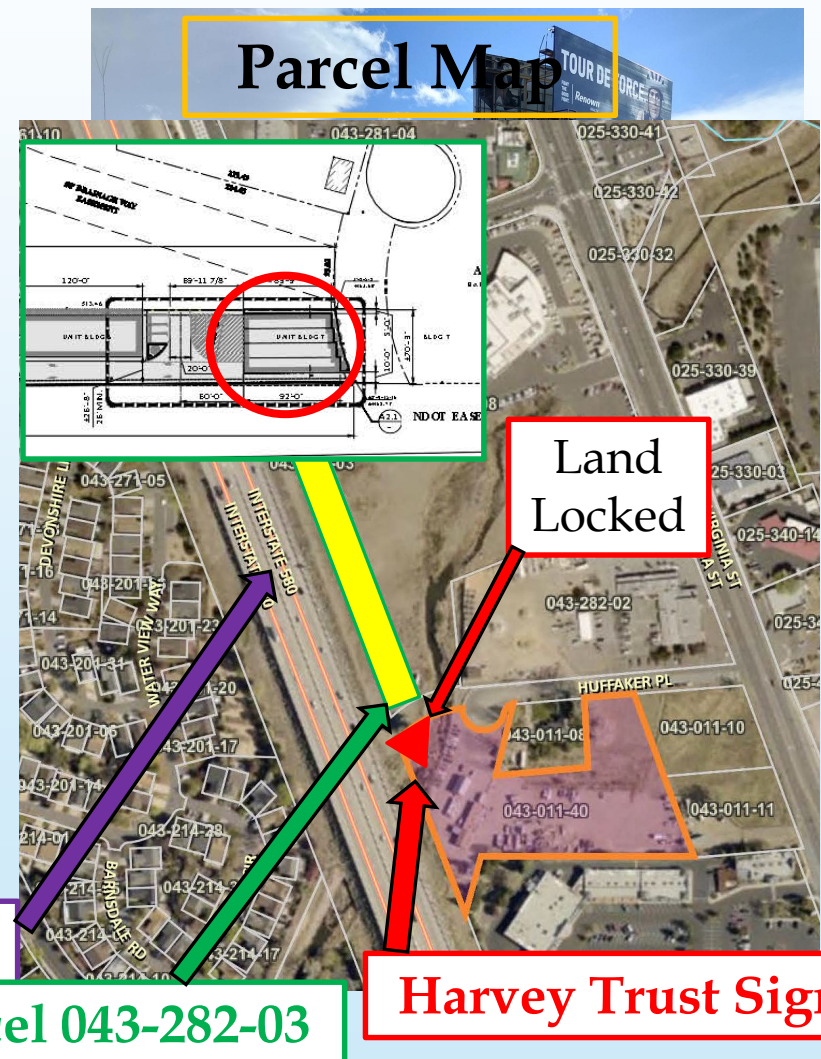


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2. Line of Sight for Existing Sign:

- Harvey Trust Property has Large Sign Adjacent to I-580
- The Sign is on the Landlocked Part of Parcel 043-011-40.
- Layout of Parcel 043-282-03 shows highest part of construction next to sign.
- At a minimum, City of Reno should issue requirement not to block line of sight for Existing Sign.**



Interstate 580

Parcel 043-282-03

Harvey Trust Sign

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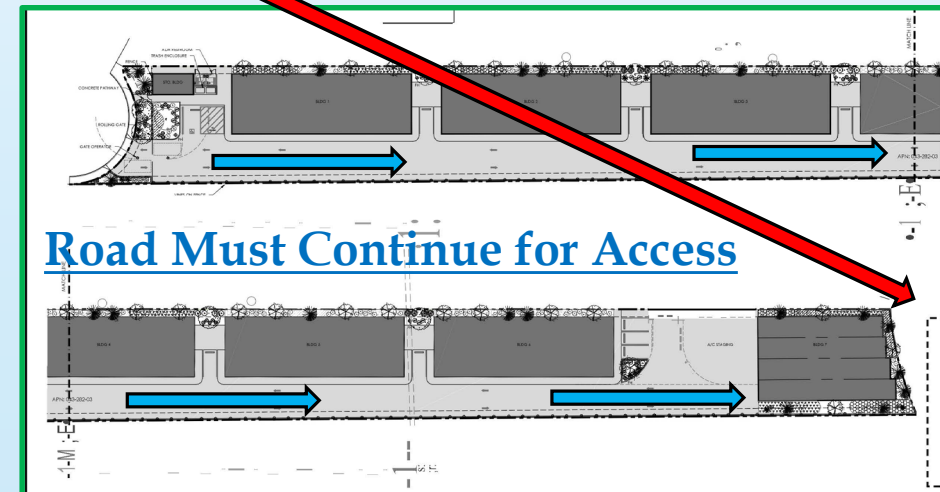
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3. Corner of Harvey Trust Property is Landlocked:

- a) City of Reno needs to require Green Acres to continue to give Access to Harvey Trust;
- b) Green Acres needs to Continue Access to Allow Semi Truck/ Large Sign Truck;
- c) **Otherwise, City of Reno is Using its Authority to Create a Landlocked Property;**

Harvey Trust
Landlocked
Property



Road Must Continue for Access

RENO CITY COUNCIL

Appeal of City of Reno Planning Commission

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3. Corner of Harvey Trust Property is Landlocked:

d) Contrary to Nevada Law:

- NRS 408.533(6) – Disposal of Property

The Department may reserve and except easements, rights or interests from the conveyance of any real property disposed of in accordance with this section or exchanged pursuant to subsection 5 of NRS 408.489. The easements, rights or interests include, but are not limited to: (a) **Abutter's rights of light, view or air.** (b) **Easements of access to and from abutting land.**

- According to Brooks vs. Bonnet, 124 Nev 372, 185 P.3d 346, 350 (2008), under NRS 278.480(5), a governing body is entitled to abandon an easement if it “is satisfied that the public will not be materially injured by the proposed [abandonment].”

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3. Corner of Harvey Trust Property is Landlocked:

d) Contrary to Nevada Law:

- In *State ex rel. Department of Highways vs. Linnecke*. 86 Nev. 257, 468 P.2d 816 (1970) the Nevada Supreme Court held that an abutting landowner has a special right of easement in a public road for access purposes. This is a property right of easement which cannot be ... taken from the owner without due compensation.
- If the City of Reno sanctions Green Acres' current design and ignores the Harvey Trusts' special easement rights, the City will be effectively condemning a money making portion of the Harvey's Property by rendering it landlocked.

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4. Current Dispute over Property Lines:

- a) Pursuant to recently filed Lawsuit, there is a dispute as to property lines.
- b) Harvey Trust vs. City of Reno, et. al.
- c) Filed on February 14, 2023
- d) Case No. CV23-00282

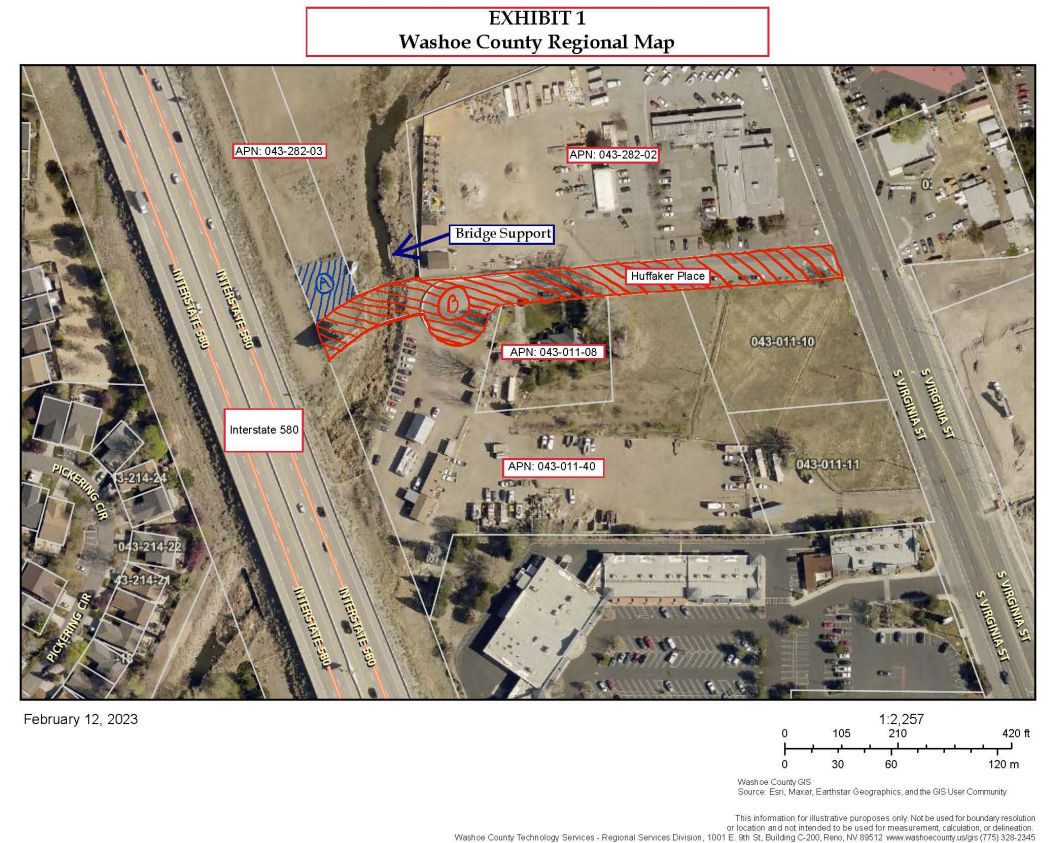
<p>\$1425</p> <p>1 TONY M. MAY, ESQ. Nevada Bar No. 8563</p> <p>2 MICHEAL J. BROCK, ESQ. Nevada Bar No. 9353</p> <p>3 MAY BROCK LAW GROUP 1850 E. Sahara Ave., Suite 206 Las Vegas, Nevada 89104 Telephone: (702) 388-0404 Facsimile: (702) 830-5699 Email: tmay@maybrocklaw.com Email: mbrock@maybrocklaw.com</p> <p>7 Attorneys for the DAVID T & JUDITH L HARVEY, TRUSTEES OF THE DAVID T 8 & JUDITH L HARVEY TRUST</p> <p>9 <u>IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA</u></p> <p>10 <u>IN AND FOR THE COUNTY OF WASHOE</u></p> <p>11 DAVID T & JUDITH L HARVEY, TRUSTEES 12 OF THE DAVID T & JUDITH L HARVEY 13 TRUST, Plaintiffs,</p> <p>14 vs.</p> <p>15 CITY OF RENO; WASHOE COUNTY; THE 16 STATE OF NEVADA, on relation of its Department of Transportation; GREEN ACRES STORAGE PARTNERS LLC, a 17 Nevada limited liability company; DOE Individuals I through X; and ROE Entities XI 18 through XX;</p> <p>19 Defendants.</p> <p>20</p>	<div style="border: 2px solid red; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center;">FILED Electronically CV23-00282 2023-02-14 11:57:04 AM Alicia L. Lerud Clerk of the Court Transaction # 9509420 : csulezic</p> </div> <p>CASE NO.: _____</p> <p>DEPT. NO.: _____</p> <p style="text-align: center;">COMPLAINT</p> <p>EXEMPT FROM ARBITRATION:</p> <p>(1) Action for Declaratory Relief;</p> <p>(2) Action Concerning Title to Real Estate; and</p> <p>(3) Action Seeking Equitable or Extraordinary Relief.</p> <p style="text-align: center;"><u>PLAINTIFF'S COMPLAINT</u></p>
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4. Current Dispute over Property Lines:

e) Exhibit A to Complaint



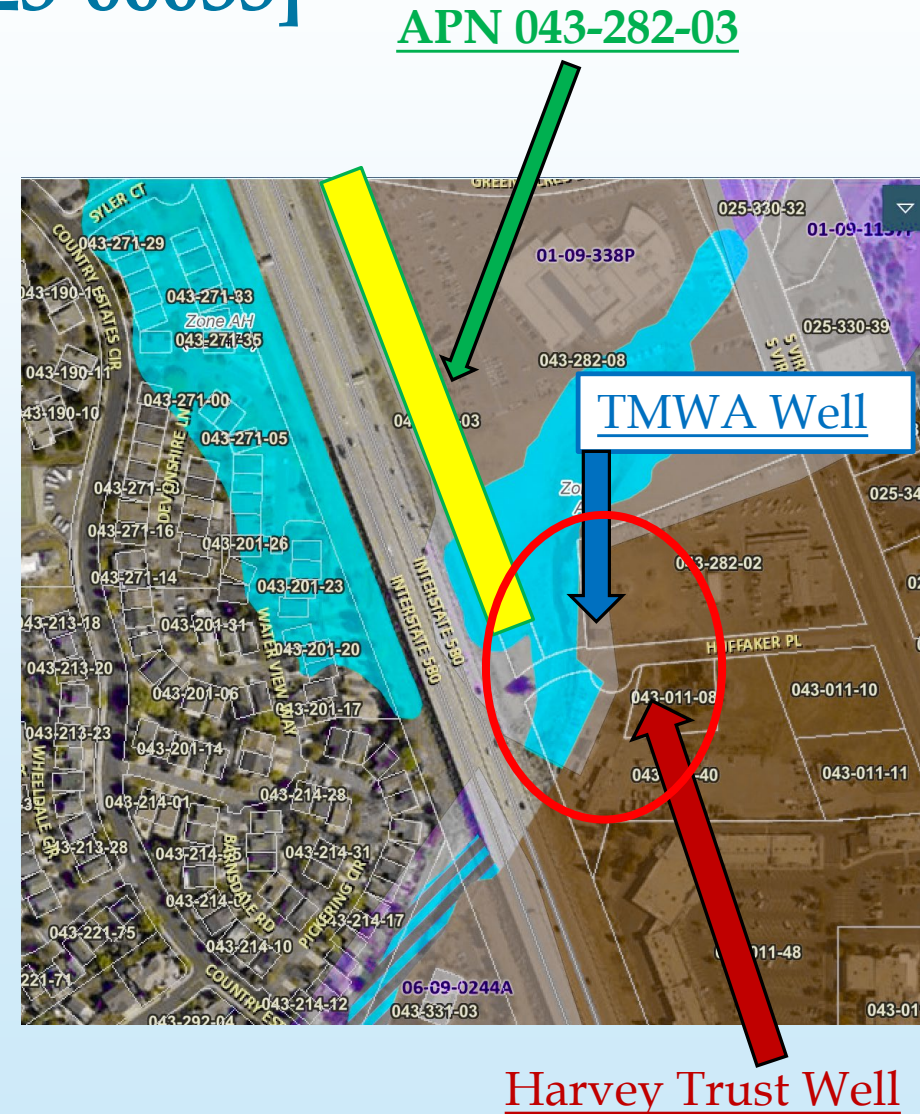
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5. Potable Water Contamination:

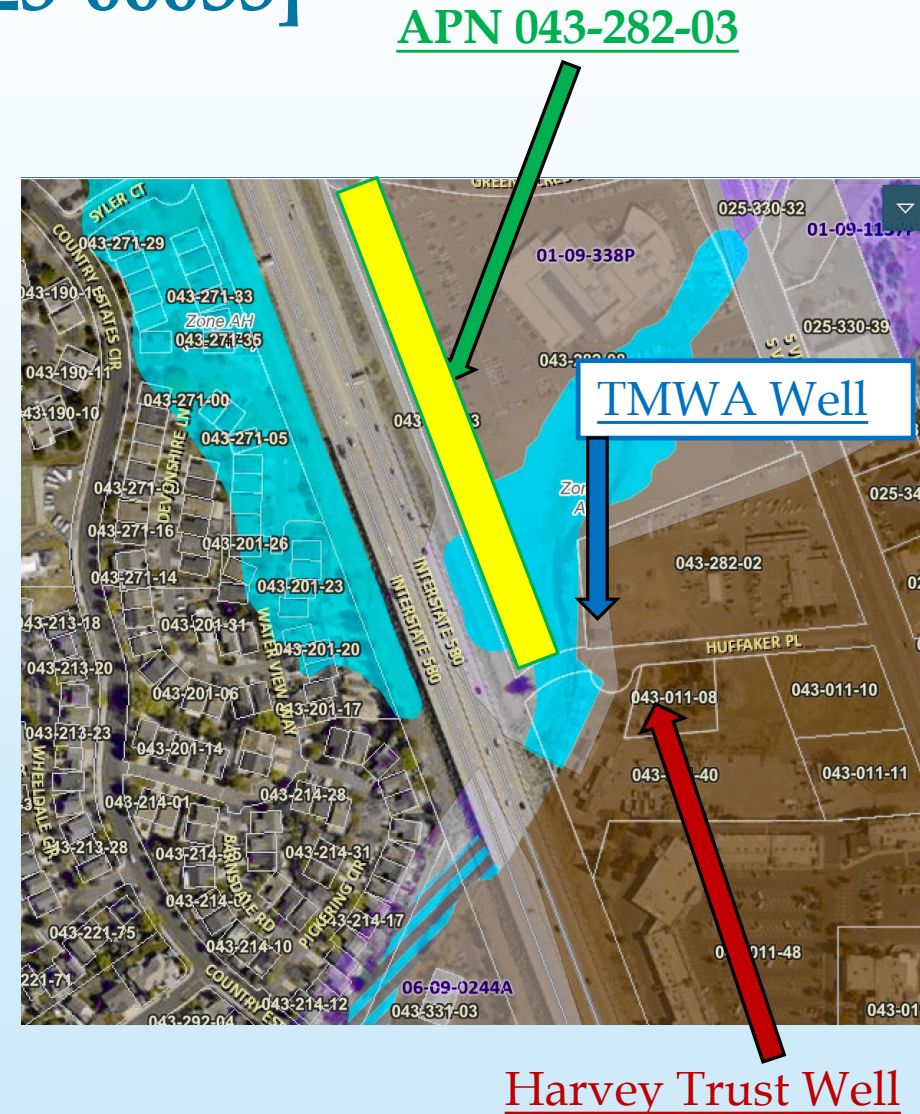
- a) Harvey Trust's predecessors have used water rights continuously since the 1800s;
- b) Flooding has Occurred Several Times in the Past;
- c) In 2015 Truckee Meadows Water Authority obtained surface drill rights on School's Property;
- d) **Harvey Trust's well is connected to same aquifer;**



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5. Potable Water Contamination:

- e) Contaminating this Truckee Well will Contaminate the Harvey Trust Well.
- f) This will Result in Significant Damage to Harvey Trust.
- g) City of Reno will be faced with its 2nd Lemmon Valley Styled lawsuit.
- h) Both for Flooding and Water Contamination
- i) **All Based on 1997 Study!!!!**



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6. Avoidance of Requirements:

- a) Planning Commission improperly allowed Green Acres to avoid local zoning requirements;
- b) Order (i.e., #11) does not contain any language requiring Parcel 043-282-03 owner to ensure both the 10-year and 100-year flood elevations stay the same and are not increased for adjacent land owners.
- c) #11 only refers to finished floor elevations of the development.
- d) City has failed to require Green Acres to perform a new drainage study to show current 100-year flows.**
- e) City of Reno still relies on Drainage Studies from 1990's**
- f) Leaving this up to other agencies has not worked in 27 years...**

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7. Green Acres Mislead Planning Commission re: Harvey Trust Access

- a) During Prior Hearing, Green Acres Mislead the Commission Regarding a Non-Existent Easement giving Harvey Trust Access through Parcel 043-282-08;
- b) Our review of the Property records Shows no Easement on Parcel 043-282-08, as claimed;
- c) Fidelity Title told Nick Harvey that there were no Easements relating to Parcel 043-282-08 and Parcel 043-011-40
- d) Stewart Title also informed our office that there were no Recorded Easements relating to Parcel 043-282-08 and Parcel 043-011-40.
- e) Thus, the statement made at prior hearing was false.