

## STAFF REPORT

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**Date:** August 23, 2023

**To:** Mayor and City Council

**Thru:** Doug Thornley, City Manager

**Subject:** Staff Report (For Possible Action) Case No. ABN21-00006 (Market Street Abandonment) Request for the abandonment of a ±20,062 square foot portion of public road, Market Street, located between Kietzke Lane and Redwood Place. The site is adjacent to Mixed-Use Urban (MU) and General Commercial (GC) zoning districts, and Urban Mixed-Use (UMU) and Suburban Mixed Use (SMU) Master Plan land use designations respectively.

**From:** Brook Oswald, Associate Planner

**Department:** Development Services - Planning

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### Summary:

A request has been made for the abandonment of approximately 20,062 square feet of public right-of-way associated with the western terminus of Market Street between Kietzke Lane and Redwood Place (**Exhibit A**). The proposed abandonment is associated with a concurrent request for the development agreement DVA23-00001 (Market Street Abandonment - Development Agreement). The development agreement outlines coordination with the Regional Transportation Commission (RTC) – Mill Street Capacity and Safety Project related to required completion of Mill Street improvements and defines timing of the roadway construction and timelines to record the abandonment. Staff analysis focused on: public utilities; traffic, access and circulation, and public safety. The conditions as proposed and adoption of the associated development agreement provides the assurance that the public will not be materially injured by the proposed abandonment as required by Nevada Revised Statute 278.480. Staff recommends approval of the request.

### Alignment with Strategic Plan:

- Fiscal Sustainability
  - Advocate for new, sustainable, and equitable sources of revenue for the City and ensure equitable allocation of resources at the state and local level.
- Public Safety
  - Increase attention and efforts on traffic and pedestrian safety.

- Economic and Community Development
  - Implement the Master Plan to support revitalization of urban areas and well-designed neighborhoods.
  - Enhance procedures to comprehensively evaluate the environmental, infrastructure, and service impacts/benefits of developments.
  - Enhance and streamline processes to support and attract businesses interested in expanding or establishing projects in Reno.

**Previous Council Action:**

The request is associated with case DVA23-00001 (Market Street Abandonment – Development Agreement) to be heard concurrently.

**Discussion:**

The requested abandonment area is directly related to and impacted by the current Regional Transportation Commission (RTC) – Mill Street Capacity and Safety Project. The Mill Street project will improve traffic operations, safety, ADA accessibility, drainage and will underground existing overhead utilities. Until the Mill Street improvements are constructed, Market Street is critical for traffic circulation. The Development Services Department administrator determined that an associated development agreement DVA23-00001 (Market Street Abandonment - Development Agreement) is an appropriate procedure to clearly outline timing and legal requirements of this abandonment request (**Condition 4**). Timelines to complete the abandonment process and termination terms to protect the public interest have been included in the agreement (**Condition 5**). Approval of the abandonment is anticipated to improve safety related to parking and bay doors associated with an adjacent existing building and provide opportunity for the redevelopment of surrounding parcels.

**Analysis:**

This request has been processed in accordance with Reno Municipal Code (RMC) 18.08.707 (Abandonment). Abandonments relinquish the City’s interest in a public easement, street, or alley right-of-way. When a right-of-way is abandoned, the ownership of the property reverts to the abutting properties as outlined in Nevada Revised Statutes (NRS). Conditions of the abandonment order are proposed to secure easement rights until utilities have been relocated and appropriate circulation and access is secured. The following is an analysis of the required finding as it relates to this request with the support of the associated development agreement detailed in the discussion section.

***Traffic, Access and Circulation:*** The Regional Transportation Commission intends to make operational and capacity improvements on Mill Street from 300 feet west of Kietzke Lane to Terminal Way over the next three years (**Exhibit C**). The project is in the initial stages of the Mill Street Capacity and Safety project and the following improvements are planned for

construction:

- Widening of Mill Street from four to five lanes 300 feet west of Kietzke Lane to the I-580 southbound entrance ramp.
- Free-flow right turn from eastbound Mill Street to southbound I-580.
- New signalized intersection at Mill Street and Golden Lane; in conjunction with the realignment of Mill Street access at Redwood Place and the closure of Louise Street access.
- Intersection safety and operational improvements at the intersections of Reservation Road and Matley Lane by allowing right-in/right-out only movements to/from Mill Street.
- Intersection of Mill Street and Kietzke Lane is modified to widen the radius of the southeast corner of Kietzke Lane turning eastbound to Mill Street.

The proposed abandonment of the western portion of Market Street is not anticipated to impact traffic, access or circulation once improvements are complete and improved circulation patterns are established. In the interim, a public access easement allowing public traffic circulation through the abandonment area will be established and maintained until the RTC Mill Street Capacity and Safety Project is fully constructed (**Condition 6**).

***Utilities:***

Public utilities exist in the proposed abandonment area and the City will secure easement rights until utilities have been relocated and appropriate access for maintenance is secured (**Condition 7**).

***Public Safety:***

Fire hydrants exist within the abandonment area and the City will secure easement rights to ensure emergency service standards until the hydrants to the satisfaction of the Reno Fire Department (RFD) have been relocated and appropriate access for maintenance is secured (**Condition 7**).

***Master Plan Conformance:***

The surrounding area has an Urban Mixed-Use (UMU) and Suburban Mixed Use (SMU) Master Plan land use designation and is located in Urban Corridor per the Structure Plan framework of the Master Plan. As proposed and with recommended conditions, the project and associated RTC – Mill Street Capacity and Safety Project appear to be consistent with the following applicable Reno Master Plan policies:

- Policy 2.2B Underutilized Properties
- Policy 5.2E: Roadway Design and Classification
- Policy 5.2G: Access Management

- Policy C-UC.7 Complete Streets
- Policy C-UC.8 Access Management

***Public and Stakeholder Engagement:***

Agency comments received have been incorporated into the discussion as applicable (**Exhibit D**). The abandonment and development agreement cases were heard by the Ward 3 Neighborhood Advisory Board (NAB). The Reno Sparks Indian Colony approved the Mill Street Permission to Construct Agreement in July of 2023. Courtesy notices upon initial submittal of the project as well as required public notices have been mailed out to surrounding property owners and no written comments have been received at the time this report was prepared. Any future comments will be forwarded to Council, as received.

**Financial Implications:**

Historic records indicate Market Street was offered by private property owners as dedication (**Exhibit E**). Streets acquired by dedication from the abutting property owners or their predecessors in interest, require no payment for title to the proportionate part of the right-of-way reverted to each abutting property owner. Abandonments create private property and are subject to property tax. An abandonment would remove the area from the City's funding and maintenance responsibilities.

**Legal Implications:**

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

**Recommended Conditions of Approval:**

NRS 278.480(7) provides that the order of abandonment can be filed in the office of the county recorder when all the conditions of the order have been fulfilled. The order of abandonment shall not be filed until terms of the development agreement and the following conditions have been satisfied, 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 the 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. Title to abandoned areas shall revert and vest in the abutting property owners in the proportion that the property was originally dedicated as provided in NRS 278.480(7).
4. This approval is subject to ordinance adoption and all requirements, standards and timelines as detailed in the associated Development Agreement (DVA23-00001).

5. The abandonment approval is valid for four years from the date of adoption of the Development Agreement. If the bid cover sheet has not been executed for the RTC Mill Street Capacity and Safety Project by December 31, 2026, the agreement and abandonment approval will automatically terminate.
6. A public access easement allowing public access and traffic circulation will be reserved in the Abandonment Order until the RTC Mill Street Capacity and Safety Project is fully constructed.
7. 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.

**Findings:**

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

**Recommendation:**

Staff recommends City Council approve case ABN21-00001 (Market Street Abandonment) subject to conditions and in conjunction with the associated development agreement request DVA23-00001 (Market Street Abandonment – Development Agreement).

**Proposed Motion:**

I move to approve case ABN21-00001 (Market Street Abandonment) subject to conditions outlined in the staff report.

**Attachments:**

Exhibit A - Case Maps

Exhibit B - Abandonment Area, Proposed Easements and Legal Descriptions

Exhibit C - RTC – Mill Street Capacity and Safety Project

Exhibit D – Agency Comments

Exhibit E - Historical Deed