

STAFF REPORT

Date: July 26, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Case No. ABN23-00002 (Carson Lane Abandonment) Request for the abandonment of the right-of-way totaling $\pm 14,025$ square feet generally located at the northern terminus of Carson Lane north of the intersection of Orrcrest Drive and Carson Lane. The proposed abandonment area is bordered by: Single-Family Residential - 8 dwelling units per acre (SF-8) to the west; Industrial (I) zoning to the east and has corresponding Master Plan land use designations of Single Family Neighborhood (SF) and Mixed Employment (ME).

From: Brook Oswald, Associate Planner

Department: Development Services - Planning

Summary:

The request is for the abandonment of the right-of-way totaling $\pm 14,025$ square feet of vacant land and is generally located at the northern terminus of Carson Lane (**Exhibits A & B**). The area is owned in fee by the City of Reno and vacating the City's interest is governed by Nevada Revised Statute. No City infrastructure, utilities, or easements are associated with the area. The public is not anticipated to be materially harmed by the abandonment of the area and City staff recommends approval.

Alignment with Strategic Plan:

- Economic and Community Development

Background:

The subject area and adjacent parcel to the east (APN 003-085-06) were annexed into the City of Reno in 1999. The roadway areas were established prior to annexation, assumed to be private, and assigned a parcel number. Tax had not been paid on the roadway portion of the 1999 annexation and per Nevada Revised Statutes (NRS) 361.585 and 361.590, property which is delinquent three consecutive fiscal years is deeded to the Washoe County Treasurer and is subject to be auctioned for non-payment of taxes. The subject property was obtained by the City

of Reno from Washoe County through this process on April 15, 2012 and established as a right of way (**Exhibit C**).

In 2005, the Highland Vista subdivision and two adjacent residential lots (APN 003-831-01 and 003-831-03) were established adjacent to the west of the subject site.

Discussion:

Per Nevada Revised Statutes, when a right of way (ROW) is not acquired by dedication, the governing body may make its order conditional upon payment by the abutting property owners for their proportionate part as the governing body determines to be reasonable. The City may reserve and accept all easements, rights, or interests that are deemed desirable for the use of the City.

If a governing body sells the vacated portion, it shall offer the right of first refusal to each abutting property owner as to the portion which abuts their property. No action may be taken by the governing body to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

The abutting residential parcel to the southwest (APN 003-831-01) has opted to purchase the property and the abutting residential zoned parcel to the northwest (APN 003-831-03) has chosen not to purchase the property. The abutting industrial zoned property to the east (APN 003-085-06) will purchase the portion of the abandonment area adjacent to the industrial property and the portion adjacent to the northwestern residential zoned property (**Exhibit D**). Access to the residential properties will not be impacted by the abandonment.

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.

Traffic, Access, and Circulation:

The subject property has not been established as a roadway and it is not in the public interest to establish one based on constraints of the railway, topography, and surrounding development patterns. Approval of this request will not have an impact on overall traffic circulation in this area. Access to the adjacent residential parcels is addressed by an established private driveway. Appropriate vehicular access and pedestrian connectivity along Orrcrest Drive will be determined with future development. All future development will be required to provide sidewalk and connectivity along the roadway right of way.

Utilities:

No utilities are located within the proposed abandonment area.

Public Safety:

No noted concerns were received from either the Reno Fire Department (RFD) or Reno Police Department (RPD) in regards to this request.

Master Plan Conformance:

The surrounding areas to the west of the subject site have Single Family Neighborhood (SF) Master Plan land use designations and are within the Foothill Neighborhood per the Structure Plan framework. Areas to the east of Carson Lane have the Mixed Employment (ME) designations and are assigned the Industrial/Logistics Employment designation per the Structure Plan. Upon abandonment, the adjacent (Single-Family Residential - 8 dwelling units per acre (SF-8) and Industrial (I) zoning designations would be applied to the center line of the area to be vacated. As proposed and with recommended conditions, the abandonment appears to be consistent with the following applicable Reno Master Plan policies:

2.1A: Growth Tiers

2.2B: Underutilized Properties

Public and Stakeholder Engagement:

Agency comments received have been incorporated into the discussion as applicable. The project was presented at the Neighborhood Advisory Board (NAB) meeting. Courtesy notices were sent out to surrounding property owners. Comments and questions have been received by staff (**Exhibit E**). All future comments will be forwarded to Council, as received.

Financial Implications:

The abandonment request area has been determined to be owned in fee and a reasonable fee has been established by the City. The total amount received by the City for the abandonment will be \$18,232.50. (**Exhibit C**).

Legal Implications:

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

Conditions of Approval: All conditions shall be met to the satisfaction of Community Development 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 recording of the Order of Abandonment the applicant(s) shall make payment to the City of Reno Clerk's Office in the amount of \$1.30 per square foot of the respective area(s) abandoned. The applicant(s) are responsible for payment to the Washoe County Recorder for all recording fees.
3. The abandonment order 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.

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 - Financial Assessment
Exhibit D - Abutting Property Owner's Interest
Exhibit E – Public Comments
Public Noticing