

STAFF REPORT

Date: October 25, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Case No. ABN24-00001 (Old Town Road Abandonment) Request for the abandonment of a ±23,888 square foot portion of Old Town Road located between South Boomtown Garson Road and the intersection of Old Town Road/Blue Heron Circle. The abandonment area is located adjacent to a parcel that is zoned Public Facilities (PF) and has Master Plan land use designations of Suburban Mixed-Use (SMU) and Public/Quasi-Public (PQP).

From: Jeff Foster, Associate Planner

Department: Development Services - Planning

Summary:

The request is for the abandonment of a ±23,888 square foot portion of Old Town Road located between South Boomtown Garson Road and the intersection of Old Town Road/Blue Heron Circle (**Exhibits A & B**). The subject area was originally offered through dedication and utilities exist within the proposed area of abandonment. The public is not anticipated to be materially injured by the abandonment and City staff recommends approval.

Alignment with Strategic Plan:

- Economic and Community Development

Background:

Old Town Road was initially dedicated to Washoe County as a public roadway with the Blue Heron Park Subdivision Unit 1. Assessor's Parcel Number (APN) 038-132-19 was originally a separate parcel owned by Washoe County. The parcel was located south of the I-80 Nevada Department of Transportation (NDOT) right-of-way. In 2022, the County extinguished the APN and the area became public right-of-way.

City of Reno records indicate that Old Town Road is a Washoe County roadway. However, the area requested for abandonment is adjacent to APN 038-132-39, a parcel which has now been annexed to the City. Per Nevada Revised Statute (NRS) 268.263, "If the annexed territory abuts

upon a county road, state highway or railroad on both sides of the road, highway or railroad, or if the annexed territory abuts upon one side of a county road, state highway or railroad and the territory which abuts upon the opposite side of the road, highway or railroad is within the existing boundaries of the annexing city, the annexed territory includes the portion of road, highway or railroad so abutted on both sides, and the portion of the county road which is included in the annexed territory becomes a city street.” Therefore, per NRS 268.663, when Reno annexed the abutting property to the north and south, any existing right-of-way that abutted the annexed territory also became City right-of-way.

The property to the north and south of this area was annexed into the City in 2001, through Ordinance #5264. This was part of the broader Mortensen Annexation that annexed 3,015 acres of land into the City. This right-of-way property will be used to access both the Meridian and Santerra-Quilici residential developments, consisting of multiple tentative maps that have been approved for development (LDC17-00061, LDC18-00087, LDC20-00013, and LDC21-00017).

With the development of the Meridian 120 South and Santerra-Quilici subdivisions, the existing roadway network needs to be altered to better conform to NDOT intersection spacing and access management standards related to the Boomtown Garson interchange. A roundabout (NDOT) is proposed at the on-ramp/off-ramp as well as another roundabout (City) at the extension of Warrior Lane to serve the future subdivisions. These improvements are currently under review with NDOT and the City.

With the addition of the on-ramp/off-ramp roundabout, the lane configurations and physical expansion of that intersection prevent the connection with the existing Old Town Road at its current location. As such, Condition #12 for Meridian South Villages 1-6 (LDC21-00038) requires that the abandonment of this section of Old Town Road be submitted for review and approval prior to the City’s acceptance of any roadways associated with the first final map (**Exhibit C**).

Discussion:

Available records indicate that the right-of-way is held in easement only and no fee title; if abandoned, the area would revert back to the adjacent properties on either side from the centerline with no associated fee (**Exhibit D**). The abandonment of the subject right-of-way is somewhat unique in that there is only one parcel that will benefit (APN 038-132-39), as the area adjoining the northern half is NDOT right-of-way. As such, the abandonment will not be split at the centerline; instead, all of the abandoned area will become part of this adjacent parcel to the south, which is zoned Public Facilities (PF). This zoning will be applied to the abandoned portion of land upon recordation of the order of abandonment. Upon abandonment, the adjacent property owner will be responsible for all maintenance of the subject area.

Correspondence with NDOT Right of Way and Roadway Design Division staff confirms that NDOT does not have any concerns with the request.

Analysis:

This request has been processed in accordance with 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.

Utilities:

Utilities within the abandonment area include overhead power lines, a private irrigation line, and two storm drain culverts. The applicant has indicated that the overhead power lines are to be relocated and the private irrigation line is to be relocated (it is being rerouted). The eastern underground storm drain culvert is being demolished as it is no longer needed. The remaining storm drain culvert will become privately owned and maintained. Overall, no easements need to be granted with the abandonment. If the abandonment is approved, 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 (**Conditions 4 & 5**).

Traffic, Access, and Circulation:

Approval of this request is not anticipated to have a material impact on overall traffic circulation in the area. The abandonment of Old Town Road will affect the residents of the Blue Heron Park subdivision as it currently provides direct access to South Boomtown Garson Road and I-80. With the approval of the Quilici Ranch access project, a new and improved vehicular and pedestrian access will be provided to the residents of the Blue Heron Park subdivision through the extension of Warrior Lane (**Exhibit C**). The applicant will be required to continuously maintain access and connectivity for the Blue Heron Park subdivision residents. Temporary access roads will be constructed to maintain access to the on-ramp and the bridge during construction of the NDOT roundabout. Once the NDOT roundabout and the City roundabout/street improvements are completed, the subject portion of Old Town Road will be abandoned and residents will be directed to the new extension of Warrior Lane connecting to South Boomtown Garson Road (**Condition 6**).

Public Safety:

No concerns were received from either the Reno Fire Department (RFD) or Reno Police Department (RPD) regarding this request.

Master Plan Conformance:

The adjacent property has Master Plan land use designations of Suburban Mixed-Use (SMU) and Public/Quasi-Public (PQP). Upon abandonment, the adjacent Public Facilities (PF) zoning designation would be applied to the entire area to be vacated. As proposed with the recommended conditions, the abandonment and proposed roadway development are consistent with the following applicable Master Plan policies:

- 5.2E: Roadway Design and Classification
- 5.2I: Traffic Calming and Pedestrian Safety

Public and Stakeholder Engagement:

Utility company comments received have been incorporated into the discussion as applicable (**Exhibit E**). The project was presented at the Ward 5 Neighborhood Advisory Board (NAB) meeting on September 12, 2023. Comments from NAB members were focused on the abandonment process, compensation, and future development of the abandonment area. One member of the public was concerned that Washoe County residents were not being notified. Courtesy notices upon initial submittal of the project as well as required public notices were mailed out to surrounding property owners within 750 feet. Public inquiries were received related to access and the proposed roadway development (**Exhibit F**). Any future comments will be forwarded to Council, as received.

Financial Implications:

Available records indicate that the subject road was offered for dedication to Washoe County and became City of Reno right-of-way through annexation. =There was no monetary exchange for the right-of-way. As such, the area should revert back to the adjacent property owner with no associated fee if abandoned (**Exhibit D**). The City will benefit from reduced liability and maintenance responsibility associated with the existing substandard roadway.

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. The applicant(s) is responsible for payment to the Washoe County Recorder for all recording fees.

3. The order of abandonment shall be recorded with the Washoe County Recorder within twenty four (24) months of the date of Council approval, or said approval shall be null and void.
4. 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.
5. Any relocated utility lines shall be accomplished in such a fashion that flow, capacity, access, and other functions are not diminished in comparison to their current configurations.
6. Prior to recordation of the order of abandonment, the new extension of Warrior Lane shall be constructed in such a fashion as to provide vehicular and pedestrian access to South Boomtown Garson Road and I-80 to the residents of the Blue Heron Park subdivision, subject to the approval of the Public Works and Development Services Departments.

Findings:

In approving any abandonment, the City 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 – Proposed Improvements and Abandonment
Exhibit D – Public Works Memo
Exhibit E – Utility Company Comments
Exhibit F – Public Comments
Legal Noticing