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2 Dane W. Anderson, Esq.
3 Nevada Bar No. 6883
4 ANDERSON KEUSCHER BRACHMANN
5 905 Plumas Street
6 Reno, Nevada 89509
7 Telephone: 775-823-0049
8 Email: dane@andersonkeuscher.com

9 Attorneys for Plaintiff, the Regional Transportation
10 Commission of Washoe County

11
12 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
13
14 IN AND FOR THE COUNTY OF WASHOE

15 THE REGIONAL TRANSPORTATION
16 COMMISSION OF WASHOE COUNTY, a
17 special purpose unit of the government,
18
19 Plaintiff,
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21 v.
22
23 GENEVIEVE A. SOUTH, Trustee of the
24 South Revocable Trust dated 12/12/11;
25 SIERRA DISPLAYS BILLBOARDS &
26 CONSULTING LTD., a Nevada corporation;
27 SAVEWAY MOTORS, INC., a Nevada
28 corporation; and DOES 1 – 5, inclusive;
29
30 Defendants.

Case No.:
Dept. No.:

31 **VERIFIED COMPLAINT IN EMINENT DOMAIN**

32 Plaintiff, the Regional Transportation Commission of Washoe County (“RTC”),
33 alleges as follows:

- 34 1. RTC is a special purpose unit of government, duly organized and existing
35 under the laws of the State of Nevada. RTC’s principal offices are located at 1105 Terminal
36 Way, Reno, Nevada. RTC is charged with providing regional transportation services which
37 are of a quality and standard necessary to satisfactorily meet the needs of the traveling public.
38 2. Pursuant to Chapters 37, 241 and 277A of the Nevada Revised Statutes, RTC
39 has the power to exercise the right of eminent domain to acquire property for public purposes
40 within the jurisdictional limits of local government if authority for the acquisition of the

1 property has been approved by said government and notice of the condemning agency's intent
2 to condemn has been given as required by law.

3 3. Pursuant to an Interlocal Cooperative Agreement, a copy of which is attached
4 as **Exhibit 1** and incorporated herein by reference, the County of Washoe and the City of
5 Reno authorized the RTC to initiate condemnation proceedings, as necessary, to acquire
6 property needed for the construction of the Mill Street Capacity and Safety Project which will
7 widen Mill Street from 4 to 5 lanes from Terminal Way to Kietzke Lane (referred to herein as
8 "the Project.").

9 4. The property RTC seeks to acquire by its power of eminent domain consists of
10 the following situated in Washoe County, Nevada: (1) a fee simple interest in a portion of
11 APN 013-082-16; (2) a public utility easement on a portion of APN 013-082-16; and (3) a
12 temporary construction easement on a portion of APN 013-082-16. Metes and bounds
13 descriptions and depictions of these property interests are set forth in **Exhibit 2** and are
14 incorporated herein by reference (which property interests are collectively referred to herein
15 as the "Property"). APN 013-082-16 is currently owned by the South Revocable Trust dated
16 12/12/11, of which plaintiff Genevieve A. South is the trustee. The Property is on real
17 property commonly known as 2070 Mill Street and/or 2071 Market Street in Reno, Nevada,
18 generally located near Interstate 580/US 395.

19 5. Based on available information, the names of all parties who may claim a
20 compensable interest arising from RTC's acquisition of the Property are as follows:

- 21 a. South Revocable Trust dated 12/12/11, of which Genevieve A. South is
22 the surviving trustee.
- 23 b. Sierra Displays Billboards & Consulting, Ltd.
- 24 c. Saveway Motors, Inc.

25 6. The true names and capacities of defendant DOES 1 through 5, are unknown to
26 RTC at this time. RTC is informed and believes and thereupon alleges that each DOE
27 defendant may claim an interest in the Property. RTC will seek leave to amend this complaint
28 to insert their true names when the same can be ascertained. RTC seeks to acquire by eminent

1 domain any interests the DOE defendants may claim in the Property for the purposes
2 described herein.

3 7. On October 3, 2024, RTC caused a “Notice of Public Meeting Required by
4 NRS 241.034” to be sent by certified mail to the owner of the Property, South Revocable
5 Trust, advising that the RTC Board would meet on October 18, 2024 to consider acquisition
6 of the Property by the exercise of eminent domain. A true and correct copy of that letter is
7 attached as **Exhibit 3** and incorporated herein by reference.

8 8. On October 18, 2024, at a properly noticed public meeting, RTC adopted a
9 “Resolution of Condemnation” authorizing its counsel to proceed, if necessary, to acquire the
10 Property by the institution of eminent domain proceedings, and to apply for an order
11 permitting RTC to take immediate possession of the Property as may be necessary for the
12 construction of the Project. Pursuant to the Resolution of Condemnation, RTC determined
13 that the acquisition of the Property is to be applied to a public use, to wit, the Project, and that
14 the Property is necessary for that public use. A true and correct copy of the Resolution of
15 Condemnation is attached hereto as **Exhibit 4** and is incorporated herein by reference.

16 9. The Property RTC seeks to acquire and/or temporarily occupy is to be applied
17 for the specific purpose of constructing the Project, which is within RTC’s purpose of
18 providing quality transportation facilities, a public use authorized by law. This public use will
19 improve traffic flow and safety in the area of the Project. The Property is necessary for such
20 public use.

21 10. If there are two (2) or more estates or divided interests in the Property, then
22 NRS 37.115 entitles RTC to have the amount of the award for the property first determined as
23 between RTC and all defendants claiming any interest therein. The respective rights of each
24 defendant in and to the award are to be determined subsequently at a separate hearing in the
25 same proceeding.

26 11. Pursuant to NRS 37.055, all proceedings related to this matter take precedence
27 over all other causes and actions not involving the public interest so that all such proceedings
28 may be heard and determined in a timely manner.

1 WHEREFORE, RTC prays for the following relief:

- 2 1. That the Court decree that the taking of the Property as described herein for
3 use in the Project is a public use authorized by law;
- 4 2. That the Court decree that the taking of the Property as described herein is
5 necessary for that public use;
- 6 3. That, pursuant to NRS 37.100, the Court order that RTC be allowed immediate
7 occupancy of the Property upon application and compliance with the
8 requirements of law;
- 9 4. That the Court ascertain and assess compensation and damages as set forth in
10 NRS 37.110, as between RTC and defendants, for the value of the Property
11 sought to be acquired by eminent domain and the amount of any severance
12 damages and/or special benefits as set forth in NRS 37.110;
- 13 5. That the Court ensure that any taxes or liens owing or due Washoe County or
14 any other public agency on the Property sought to be acquired by this action be
15 paid prior to the entry of any order authorizing withdrawal of any funds
16 deposited by RTC pursuant to NRS 37.100 or NRS 37.150;
- 17 6. That the Court enter judgment granting RTC the interests its seeks in the
18 Property by eminent domain;
- 19 7. That the Court enter a Final Order of Condemnation pursuant to NRS 37.160;
- 20 8. For an order of fees and costs as allowed by law; and
- 21 9. For further relief as the Court deems just and proper under the circumstances.

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Affirmation pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED: December 13, 2024.

ANDERSON KEUSCHER BRACHMAN

By/s/ Dane W. Anderson

Dane W. Anderson, Esq.

Nevada Bar No. 6883

Attorneys for Plaintiff The Regional Transportation
Commission of Washoe County

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VERIFICATION

STATE OF NEVADA)
) ss
COUNTY OF WASHOE)


I, Dale Keller, hereby swear under penalty of perjury that the assertions of this Verified Complaint are true and correct to the best of my knowledge.

The undersigned declares that he is the Director of Engineering of the Regional Transportation Commission of Washoe County and in such capacity has read the foregoing Verified Complaint In Eminent Domain and knows the contents thereof, that the same is true to the best of his own knowledge, except as to the matters stated on information and belief, and that as to such matters, he believes them to be true.

Dated this 13 day of December, 2024.

By: 
Dale Keller, Director of Engineering
The Regional Transportation Commission
of Washoe County

Subscribed and sworn to before me
this 13TH day of December, 2024.


NOTARY PUBLIC

