

FILED
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CV24-02835
2024-12-13 05:03:00 PM
Alicia L. Lerud
Clerk of the Court
Transaction # 10730715 : sacordag

EXHIBIT 4

EXHIBIT 4

RESOLUTION OF CONDEMNATION 24-14

WHEREAS, it is necessary for the Regional Transportation Commission of Washoe County, Nevada (“RTC”) to provide regional transportation facilities which are of a quality and standard necessary to satisfactorily meet the needs of the traveling public; and

WHEREAS, the RTC approved the FY 2022 Program of Projects for the Regional Street & Highway Program, which included the Mill Street Capacity and Safety Project (the “Project”); and

WHEREAS, pursuant to an Interlocal Cooperative Agreement (“ICA”) between the RTC and the City of Reno dated December 9, 2020, the City of Reno authorized the RTC to initiate such eminent domain proceedings as may be necessary for the Project; and

WHEREAS, Chapter 277A of Nevada Revised Statutes provides that the RTC may exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves; and

WHEREAS, the current owner of record of the property interests to be acquired, as listed in the records of the Washoe County Recorder’s Office and insofar as is known to the RTC, is South Revocable Trust.

NOW, THEREFORE, BE IT RESOLVED, that the RTC does hereby find:

1. That RTC needs the following property interests to construct the Project: (1) a fee simple interest on a portion of APN 013-082-16; (2) a public utility easement interest on a portion of APN 013-082-16; and (3) a temporary construction easement on a portion of APN 013-082-16 (collectively, the “Property Rights”). The Property Rights are depicted in the metes and bounds descriptions and design drawings attached hereto.
2. That RTC staff has previously contacted the owner(s) about the Property Rights. While there have been discussions, proposals and offers made, the efforts to reach a mutually acceptable agreement for the acquisition of the Property Rights through purchase have been unsuccessful to date.
3. That the Property Rights to be acquired in conjunction with the above referenced Project are to be applied to a public use, to wit, the Project.
4. That the Property Rights described herein are necessary for such public use.

5. By certified mail sent on October 4, 2024, proper notice of the RTC's intent to consider eminent domain action to acquire the Property Rights of the above referenced owner(s) has been given as required by NRS 241.034.

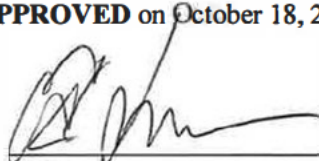
NOW, THEREFORE, BE IT FURTHER RESOLVED, based on the aforementioned findings of fact, that the RTC does hereby direct:

1. That RTC's legal counsel initiate, if needed, eminent domain proceedings on behalf of the RTC in accordance with provisions of Chapters 37 and 277A of Nevada Revised Statutes to acquire the Property Rights.

2. That RTC's legal counsel shall commence and prosecute, in the name of the RTC, eminent domain proceedings in the court having jurisdiction of the Property Rights.

3. That RTC's legal counsel is authorized to pursue all actions deemed appropriate for the successful prosecution of this case, including but not limited to, an application to the court for an order permitting the RTC to take immediate possession of the Property Rights for the construction of the Project, upon complying with conditions imposed by law.

PASSED, ADOPTED AND APPROVED on October 18, 2024.



Ed Lawson, Chair
Regional Transportation Commission of Washoe County

Attachments

1. Exhibit "A" and "B" for Ptn. of APN 013-082-16 - Fee Parcel
2. Exhibit "A" and "B" for Ptn. of APN 013-082-16 - Public Utility Easement
3. Exhibit "A" and "B" for Ptn. of APN 013-082-16 – Temporary Construction Easement

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR, PLS
JACOBS ENGINEERING
50 W. LIBERTY ST., SUITE 205
RENO, NV 89501

EXHIBIT "A"
LEGAL DESCRIPTION

Ptn. of APN 013-082-16
Fee Parcel

Situate, lying and being in the City of Reno, County of Washoe, State of Nevada, and more particularly described as being a portion of the SW 1/4 of Section 7, T. 19 N., R. 20 E., M.D.M.; and more fully described by metes and bounds as follows:

BEGINNING at the intersection of the right or southerly right-of-way line of Mill Street with Grantor's westerly boundary line, 50.50 feet right of and at right angles to Highway Engineer's Station "M" 100+64.58 P.O.T.; said point of beginning further described as bearing S. 35°20'43" W. a distance of 2,970.00 feet from the center quarter corner of said Section 7; said corner further described as being a 3 inch brass cap in a survey well stamped "Center Sec 7/C ENGR" in Glendale Avenue; thence N. 25°47'53" E. along said westerly boundary line, a distance of 13.50 feet to the former right or southerly right-of-way line of said Mill Street; thence S. 63°53'38" E., along said former right-of-way line, a distance of 75.00 feet to Grantor's easterly boundary line; thence S. 25°47'53" W., along said easterly boundary line, a distance of 13.69 feet to said right or southerly right-of-way line of Mill Street; thence N. 63°45'10" W., along said southerly right-of-way line, a distance of 75.00 feet to the point of beginning; said parcel contains an area of 1,020 square feet (0.02 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.



4-9-23

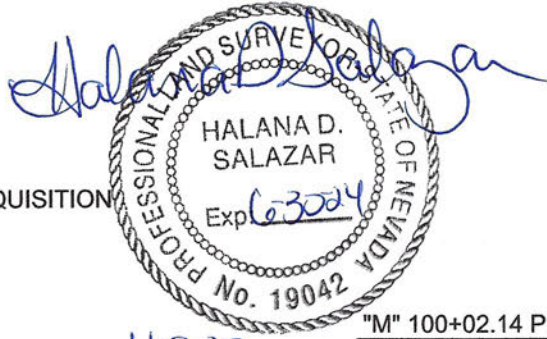
EXHIBIT "B"



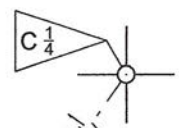
SCALE: 1"=50'



FEE ACQUISITION



4923



TIE: S 35° 20' 43" W /
2,970.00'

"M" 100+02.14 P.O.T. =
"G" 2+96.18 P.O.T.



OWNER: DUANE R. SOUTH, TRUSTEE, GENEVIEVE A. SOUTH, TRUSTEE, SOUTH REVOCABLE TRUST DATED 12/12/11
 ASSESSOR PARCEL NO's: APN 013-082-16
 SECTION, TOWNSHIP, RANGE: SW 1/4 SECTION 7, T. 19 N., R. 20 E.
 AREA: 1,020 SQUARE FEET
 LOCATION: CITY OF RENO, COUNTY OF WASHOE

<p>PROPERTY LOCATION MAP</p>	<p>JOB NO: W7Y47500</p>	<p>JACOBS 50 W. LIBERTY ST. STE #205 RENO, NV 89501 (775) 329-7300</p>
	<p>DATE: 04/09/2023</p>	
	<p>DRAWN BY: SB</p>	
	<p>CHECKED BY: HS</p>	

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR, PLS
JACOBS ENGINEERING
50 W. LIBERTY ST., SUITE 205
RENO, NV 89501

EXHIBIT "A"
NV ENERGY PERMANENT EASEMENT
LEGAL DESCRIPTION

Ptn. of APN 013-082-16

Situate, lying and being in the City of Reno, County of Washoe, State of Nevada, and more particularly described as being a portion of the SW 1/4 of Section 7, T. 19 N., R. 20 E., M.D.M.; and more fully described by metes and bounds as follows:

BEGINNING at the intersection of the right or southerly right-of-way line of Mill Street with Grantor's easterly boundary line, 50.50 feet right of and at right angles to Highway Engineer's Station "M" 101+39.58 P.O.T.; said point of beginning further described as bearing S. 33°54'40" W. a distance of 2,959.07 feet from the center quarter corner of said Section 7; said corner further described as being a 3 inch brass cap in a survey well stamped "Center Sec 7/C ENGR" in Glendale Avenue; thence S. 25°47'53" W., along said easterly boundary line, a distance of 7.17 feet; thence N. 63°45'10" W. a distance of 8.89 feet; thence N. 26°14'50" E. a distance of 7.17 feet to said right or southerly right-of-way line; thence S. 63°45'10" E., along said southerly right-of-way line, a distance of 8.84 feet to the point of beginning; said parcel contains an area 64 square feet.

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.



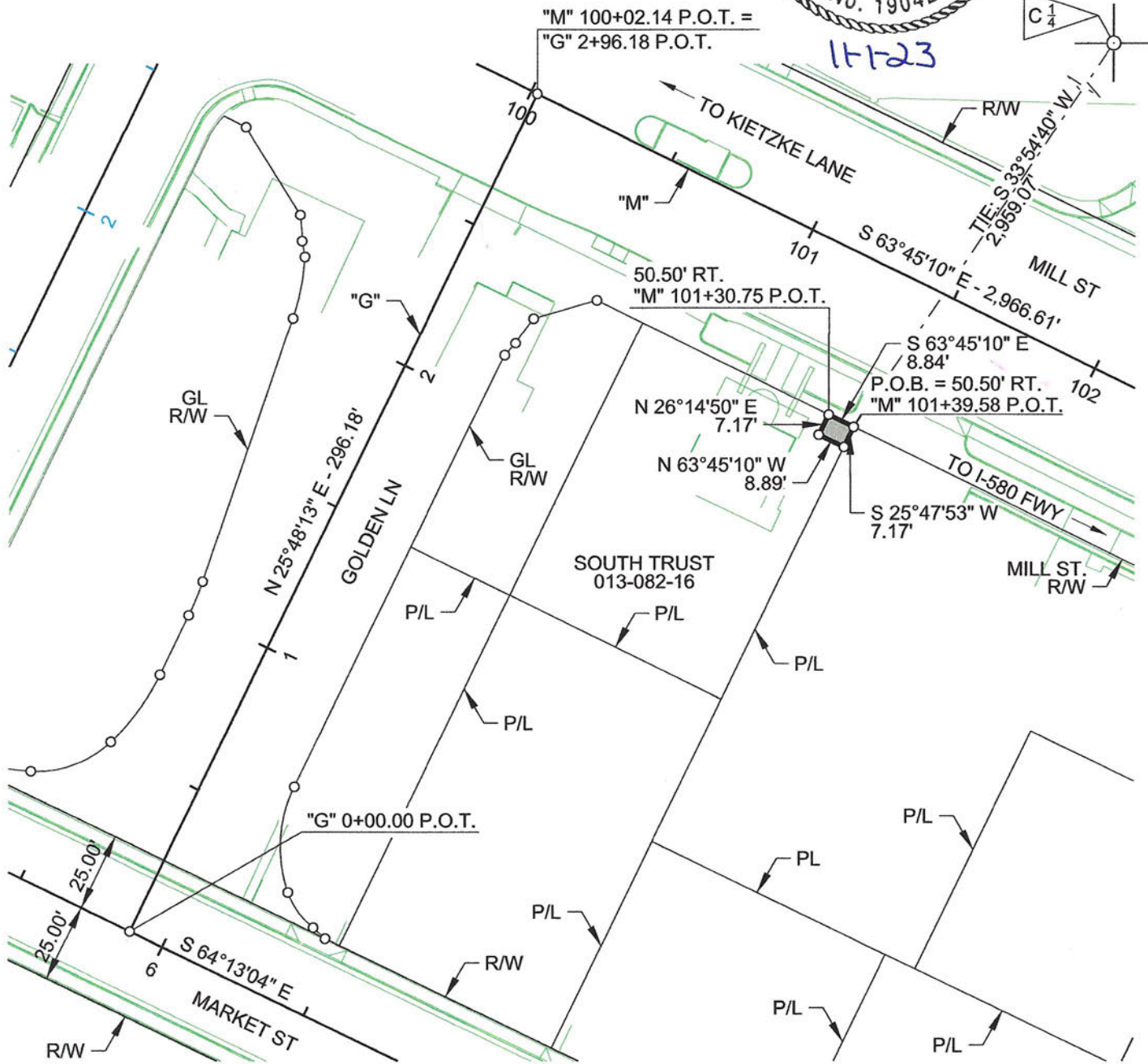
EXHIBIT "B"



SCALE: 1"=50'



NV ENERGY
PERMANENT EASEMENT



OWNER: DUANE R. SOUTH, TRUSTEE, GENEVIEVE A. SOUTH, TRUSTEE, SOUTH REVOCABLE TRUST DATED 12/12/11
 ASSESSOR PARCEL NO's: APN 013-082-16
 SECTION, TOWNSHIP, RANGE: SW 1/4 SECTION 7, T. 19 N., R. 20 E.
 AREA: 64 SQUARE FEET
 LOCATION: CITY OF RENO, COUNTY OF WASHOE

MAP TO SUPPORT AGREEMENT
FOR CONSTRUCTION
OUTSIDE OF RIGHT-OF-WAY

JOB NO: W7Y47500

DATE: 11/01/2023

DRAWN BY: SB

CHECKED BY: HS

JACOBS

50 W. LIBERTY ST. STE #205
RENO, NV 89501
(775) 329-7300

LEGAL DESCRIPTION PREPARED BY:
HALANA D. SALAZAR, PLS
JACOBS ENGINEERING
50 W. LIBERTY ST., SUITE 205
RENO, NV 89501

EXHIBIT "A"
TEMPORARY CONSTRUCTION EASEMENT
LEGAL DESCRIPTION

Ptn. of APN 013-082-16

Situate, lying and being in the City of Reno, County of Washoe, State of Nevada, and more particularly described as being a portion of the SW 1/4 of Section 7, T. 19 N., R. 20 E., M.D.M.; and more fully described by metes and bounds as follows:

BEGINNING at the intersection of the right or southerly right-of-way line of Mill Street with Grantor's westerly boundary line, 50.50 feet right of and at right angles to Highway Engineer's Station "M" 100+64.58 P.O.T.; said point of beginning further described as bearing S. 35°20'43" W. a distance of 2,970.00 feet from the center quarter corner of said Section 7; said corner further described as being a 3 inch brass cap in a survey well stamped "Center Sec 7/C ENGR" in Glendale Avenue; thence S. 63°45'10" E., along said southerly right-of-way line, a distance of 75.00 feet to Grantor's easterly boundary line; thence S. 25°47'53" W., along said easterly boundary line, a distance of 11.00 feet; thence along the following five (5) courses and distances:

- 1) N. 63°45'10" W. – 12.09 feet;
- 2) N. 26°14'50" E. – 9.50 feet;
- 3) N. 63°45'10" W. – 33.05 feet;
- 4) S. 25°48'01" W. – 9.50 feet;
- 5) N. 63°45'10" W. – 29.93 feet to said Grantor's westerly boundary line;

thence N. 25°47'53" E., along said westerly boundary line, a distance of 11.00 feet to the point of beginning; said parcel contains an area of 511 square feet (0.01 of an acre).

The Basis of Bearing for this description is the NEVADA STATE PLANE COORDINATE SYSTEM, NAD 83/94 DATUM, West Zone as determined by the State of Nevada, Department of Transportation.



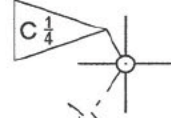
EXHIBIT "B"



SCALE: 1"=50'



TEMPORARY CONSTRUCTION EASEMENT



TIE: S 35° 20' 43" W / 2,970.00'

"M" 100+02.14 P.O.T. =
"G" 2+96.18 P.O.T.



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 AREA: 511 SQUARE FEET
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PROPERTY LOCATION MAP

JOB NO: W7Y47500
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