

**Carson City Board of Supervisors
Agenda Report**

Date Submitted: January 28, 2011

Agenda Date Requested: February 17, 2011
Time Requested: Consent

To: Mayor and Supervisors

From: Public Works

Subject Title: Action to accept a Right-Of-Way Grant, serial number NVN 087468, from the United States Department of the Interior Bureau of Land Management, authorizing the City to construct, operate and maintain a sedimentation basin on public lands located at the northeast corner of the intersection of South Edmonds Drive and Valley View Drive. (Sharp)

Staff Summary: Public Works staff recently made application to BLM for this 230' long by 145' wide right of way adjacent to Valley View Drive and South Edmonds Drive in order to allow future construction of a storm water sedimentation basin. This area receives abundant storm water runoff from Prison Hill during heavy rainfall events. The runoff carries with it a substantial amount of sediment and debris that tends to clog downstream storm water conveyance facilities, and makes a mess on the area roadways. Once constructed, the sedimentation basin will be useful to catch the sediment and debris.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to accept a Right-Of-Way Grant, serial number NVN 087468, from the United States Department of the Interior Bureau of Land Management, authorizing the City to construct, operate and maintain a sedimentation basin on public lands located at the northeast corner of the intersection of South Edmonds Drive and Valley View Drive.

Explanation for Recommended Board Action: See staff summary above.

Applicable Statute, Code, Policy, Rule or Regulation: N/A

Fiscal Impact: None. The standard BLM Right-Of-Way Grant document, section 3a. Rental includes the phrase "unless specifically exempted from such payment by regulation." The regulation that exempts the City from paying rent for this right-of-way is included in Title 43 Code of Federal Regulations (CFR) section 2806.14.

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Do not accept the right-of-way grant.

Supporting Material: Right-Of-Way Grant including Exhibit A Map and Attachment 1 Native Seed Mix for Restoration and Reclamation. Excerpt from Title 43 CFR section 2806.14.

Prepared By: Jeff Sharp, City Engineer

Reviewed By: 
(Public Works Director)

Date: 2-8-11


(City Manager)

Date: 2/8/11


(District Attorney)

Date: 2/8/11

Board Action Taken:

Motion: _____

- | | Aye/Nay |
|----------|---------|
| 1) _____ | _____ |
| 2) _____ | _____ |
| 3) _____ | _____ |
| 4) _____ | _____ |
| 5) _____ | _____ |

(Vote Recorded By)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Issuing Office:
Sierra Front Field Office

RIGHT-OF-WAY GRANT

Serial Number:
NVN 087468

1. A right-of-way is hereby granted pursuant to:

- a. Title V of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2776; 43 U.S.C. 1761).
- b. Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185).

2. Nature of Interest:

a. By this instrument, the holder:

Carson City
201 N. Carson Street, Suite 2
Carson City, NV 89701

receives a right to construct, operate, maintain, and terminate a sedimentation basin on public lands described as follows:

Mount Diablo Meridian
T. 15 N., R. 20 E.,
sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$

- b. The right-of-way (ROW) area granted herein is 145 feet wide, 230 feet long, containing 0.77 acres, more or less.
- c. This instrument shall terminate on December 31st, 2039, unless, prior thereto, it is relinquished, abandoned, terminated, or modified pursuant to the terms and conditions of this instrument or of any applicable Federal law or regulation.
- d. This instrument may be renewed. If renewed, the right-of-way shall be subject to the regulations existing at the time of renewal and any other terms and conditions that the authorized officer deems necessary to protect the public interest.
- e. Notwithstanding the expiration of this instrument or any renewal thereof, early relinquishment, abandonment, or termination, the provisions of this instrument, to the extent applicable, shall continue in effect and shall be binding on the holder, its successors, or assigns, until they have fully satisfied the obligations and/or liabilities accruing herein before or on account of the expiration, or prior termination, of the grant.

3. Rental:

- a. For and in consideration of the rights granted, the holder agrees to pay the Bureau of Land Management (BLM) fair market value rental as determined by the authorized officer unless specifically exempted from such payment by regulation. Provided, however, that the rental may be adjusted by the authorized officer, whenever necessary, to reflect changes in the fair market rental value as determined by the application of sound business management principles, and so far as practicable and feasible, in accordance with comparable commercial practices.

4. Terms and Conditions:

- a. This grant is issued subject to the holder's compliance with all applicable regulations contained in Title 43 Code of Federal Regulations (CFR) parts 2800 and 2880.
- b. Upon grant termination by the authorized officer, all improvements shall be removed from the public lands within 180 days, or otherwise disposed of as provided in paragraph (4)(d) or as directed by the authorized officer.
- c. Each grant issued pursuant to the authority of paragraph (1)(a) for a term of 20 years or more shall, at a minimum, be reviewed by the authorized officer at the end of the 20th year and at regular intervals thereafter not to exceed 10 years. Provided, however, that a ROW granted herein may be reviewed at any time deemed necessary by the authorized officer.
- d. The stipulations, plans, maps, or designs set forth in Exhibits(s) A dated August 11, 2010, attached hereto, are incorporated into and made a part of this grant instrument as fully and effectively as if they were set forth herein in their entirety.
- e. Failure of the holder to comply with applicable law or any provision of this ROW grant shall constitute grounds for suspension or termination thereof.
- f. The grant is subject to all valid rights existing on the effective date of the grant.
- g. The holder shall perform all operations in a good and workmanlike manner so as to ensure protection of the environment and the health and safety of the public.
- h. In case of change of address, the holder shall immediately notify the authorized officer.
- i. The holder shall contact the Washoe Tribe of Nevada and California and provide the opportunity for a tribal monitor to be onsite to monitor surface disturbing activities authorized by this grant.

Any cultural (historic or prehistoric site or object) or paleontological resources or Native American human remains, funerary items, sacred objects, or objects of cultural patrimony discovered by the holder, or any person working on their behalf, during the course of activities on federal land shall be immediately reported to the authorized officer by telephone, followed by written confirmation. The holder shall suspend all operations in the immediate area of such discovery and protect it until an evaluation of the discovery can be made by the authorized officer.

For cultural resources other than Native American human remains, funerary items, sacred objects, or objects of cultural patrimony, this evaluation will determine the significance of the discovery and what mitigation measures are necessary to allow the activities to proceed. The holder is responsible for the cost of evaluation and mitigation. Any decision on treatment and/or mitigation will be made by the authorized officer after consulting with the holder. Operations may resume only upon written authorization to proceed from the authorized officer.