

**City of Carson City
Agenda Report**

Date Submitted: May 10, 2011

Agenda Date Requested: May 19, 2011

Time Requested: Consent

To: Mayor and Supervisors

From: Parks and Recreation Department

Subject Title: Action to correct the minutes, records, and actions taken by the Board of Supervisors regarding APN 2-374-01 located at Karin Drive. (Juan F. Guzman / Lee Plemel)

Staff Summary: The staff reports erroneously identified the property as APN 4-374-01 while the correct number is 2-374-01. This action will correct the record and that in turn will facilitate finding the actions of the Board through our minutes and recording system.

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 correct the minutes, records, and actions taken by the Board of Supervisors regarding APN 2-374-01 located at Karin Drive. (Juan F. Guzman)

Explanation for Recommended Board Action: When the Board of Supervisors took action there were maps and other documents presented that correctly identified the property except for the erroneous assessor parcel number. This action is intended to correct the record. There were two actions that necessitate this correction. The first one was on December 2, 2010, and the second was a Resolution No. 2010-R-63 adopted on December 16, 2010. The subject matter of the Board's action was to permit the sale of APN 2-374-01 (consisting of 3,900 square feet) to an adjacent property owner, Mr. Robert Morris.

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

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: N/A

Supporting Material:

- Minutes of December 2, 2010
- Minutes of December 16, 2010 regarding adoption of Resolution No. 2010-R-63

Prepared By:  _____

Juan F. Guzman, Open Space Manager

Date: 5/19/11

Reviewed By: *RM Moellendorf* Date: 5/19/11
Roger Moellendorf, Parks & Recreation Director

AB Burnham Date: 5/19/11
Andrew Burnham, Acting City Manager

for: *Kathleen King, Deputy* Date: 5/10/11
Alan Glover, Assessor Clerk - Recorder

Randy [Signature] Date: 5/10/11
District Attorney's Office

Uliel [Signature] Date: 5/10/11
Finance Department

Board Action Taken:

Motion: _____ 1: _____ Aye/Nay
2: _____

(Vote Recorded By)

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 2, 2010 Meeting
Page 8

mortgage on the balance of the property and they participate in the equity at the time they decide to sell with our land trust. That keeps our property permanently affordable to the next buyer.” Mayor Crowell reviewed the pending motion, and Mr. Hamer acknowledged the importance of notifying the adjacent neighbors. He emphasized the importance of not stigmatizing a buyer “because they’re moving into ‘an affordable house.’”

(9:42:42) Morris White expressed the opinion that encumbering the property as low income “will depress the value of that property and the surrounding properties and will cost the City property tax monies. That’s not acceptable.” He expressed the further opinion that disposal of City property “should be done on an open and competitive bid.” In response to a question, he expressed the opinion that designating the property for affordable housing “is just another way of saying low income. They go hand in hand, the two terms ...”

Mayor Crowell entertained further comments or questions and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

Mr. Plemel acknowledged that staff would develop a public outreach program prior to reagendaizing the item for Board action. Supervisor Aldean noted the number of rental properties in the neighborhood and requested Mr. Plemel to ensure that property owners as well as occupants are contacted. Discussion took place regarding the method by which to address similar requests. In response to a question, Supervisor Williamson provided background information on the Brown Street property. Ms. Dayton provided a status report on the Brown Street property “in that we recently initiated a follow-up phase 1 environmental because there has been some dumping on the property.”

* **13(C) ACTION TO DETERMINE THAT CITY PROPERTY, LOCATED ON KARIN DRIVE, APN 004-374-01, APPROXIMATELY 3,900 SQUARE FEET IN SIZE, IS NOT DESIRED FOR USE BY THE CITY AND, AS A RESULT OF ITS SIZE, IS TOO SMALL TO ESTABLISH AN ECONOMICALLY VIABLE USE BY ANYONE OTHER THAN A PERSON WHO OWNS REAL PROPERTY ADJACENT TO IT PURSUANT TO NRS 268.061(1)(e), AND DIRECT STAFF TO INITIATE A SALE OF THE PROPERTY TO THE ADJACENT PROPERTY OWNER**

(9:48:43) - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. He responded to questions of clarification regarding the adjacent property boundaries, and discussed restrictions relative to the possibility of future park or residential development. He clarified that “the City owns the whole thing, the right-of-way and ... this park parcel. If you just get rid of the park parcel, it’s not a developable lot. It’s substandard. ... And, with the right-of-way, you would have to dedicate it back to the adjacent property owners for no compensation because it was dedicated with the map.” Mr. Plemel further clarified staff’s recommended action to determine that the parcel is only valuable to the adjacent property owner. He acknowledged that the subsequent abandonment process would be coordinated in such a way as to provide Mr. Morris and his neighbors with half the right-of-way and the neighbors to the west with half the right-of-way.

Mr. Plemel acknowledged that the subject right-of-way was dedicated with the subdivision map. He advised of having been informed by the District Attorney that the Board’s action must be by resolution, which would be agendaized for a future meeting. In response to a question, Mr. Werner explained that the open space requirement was introduced with planned unit development law in the late 1970s. He was unaware of any legal encumbrance which would prohibit deeding the park and right-of-way property to the adjacent property owners. “Knowing that area and knowing the age,” Mr. Werner expressed the belief that “Lee’s description is absolutely correct. You’ve got a piece of surplus property and you’ve got a dedicated