

**City of Carson City
Agenda Report**

Date Submitted:01/23/12

Agenda Date Requested:02/02/12

Time Requested: consent

To: Board of Supervisors

From: Carson City Airport Authority

Subject Title: Action to approve Airport lease amendment, to lease recorded as Document No. 291992, on lease lots 38 and 39 currently held by Carson Executive Hangar Condominium Association, Inc.

Staff Summary: At a regular meeting of the Carson City Airport Authority on January 18, 2012, publicly noticed for that purpose, the Authority approved an Airport lease amendment to reflect a lot line adjustment on the lease held by Carson Executive Hangar Condominium Association, Inc., to reflect the removal of 400 sq ft of building and underlying lease area.

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 that we) approve the Airport lease amendment to reflect a lot line adjustment on the lease held by Carson Executive Hangar Condominium Association, Inc.

Explanation for Recommended Board Action:

Under Nevada Chapter 844, which created the Carson City Airport Authority, lease agreements at the Airport must be approved by the Carson City Board of Supervisors. The Airport Authority has approved the lease assignment and requests Board of Supervisors approval.

As a part of its Master Plan, the Carson City Airport Authority constructed a new taxiway (named Taxiway D). To engineer a straight taxiway with adequate clearance between the taxiway and nearest structure, it was necessary to remove the end portion of some hangars owned by Dr. Raymond "Brad" Graber, which are owned as hangar condos within a lease held by Carson Executive Hangar Condominium Association, Inc. The acquisition of the area and building were approved by the FAA and funded by the FAA as part of the last FAA Airport Improvement Grant (approved by this body July 21, 2011). The change to the lease area is relatively small (400 sq ft out of 192,121 sq ft). In addition, the change reflects the removal of a portion of the building (also 400 sq ft) from the condo hangars owned by Dr. Graber.

The lease amendment reflects a new Record of Survey so that the Assessor's Office can accurately re-assign parcel numbers to the existing lease parcels.

Applicable Statue, Code, Policy, Rule or Regulation: Statutes of Nevada, Chapter 844.

Fiscal Impact: No City impact.

Explanation of Impact: Not Applicable.

Funding Source: Not Applicable.

Alternatives: Not Applicable

Supporting Material: Assignment

Prepared By: Tim Rowe, Airport Manager & Steven E. Tackes, Esq., Airport Counsel

Reviewed By: _____	Date: <u>1-23-2012</u>
(Department Head)	
_____	Date: <u>1/24/12</u>
(City Manager)	
_____	Date: <u>1/24/12</u>
(District Attorney)	
_____	Date: <u>1/24/12</u>
(Finance Director)	

Board Action Taken:

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

(Vote Recorded By)

APN 005-41-27 (H-39)
005-041-28 (H-38)

**AIRPORT LEASE AMENDMENT
(Lot Line Adjustment/ Reduction in Rent)**

This lot line adjustment lease amendment, made and entered into this 18 day of January, 2012, effective August 30, 2011, between the CARSON CITY AIRPORT AUTHORITY (LANDLORD), whose address is 2600 College Parkway #6, Carson City, Nevada 89706, and RAYMOND B. GRABER II ("BRAD"), affected tenant on behalf of CARSON EXECUTIVE HANGAR CONDOMINIUM ASSOCIATION, INC., a Nevada non-profit corporation ("CARSON EXECUTIVE"), whose address is 6195 Philoree Lane, Reno, Nevada 89511.

WITNESSETH:

WHEREAS, pursuant to Agreement dated May 20, 2011, BRAD agreed to remove 400 sq ft of building and underlying lease area held by him as owner under condo ownership from CARSON EXECUTIVE, the removal of which was an accomodation to the LANDLORD to allow for adequate clearance for construction of a straight taxiway D;

WHEREAS, the underlying lease was recorded as Document #291992, and includes condo lease parcels 38 and 39 affected by the removal and as shown in the attached Record of Survey exhibits. (Ex. D and E; ROS recorded doc 418793, Map 2772)

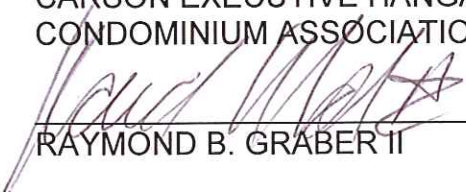
WHEREAS, the underlying lease lease should have a reduced rental rate and the reduction to the building may reduce the property tax thereon.

ACCORDINGLY, the parties agree as follows:

1. The attached Exhibits show the modified legal descriptions for parcels.

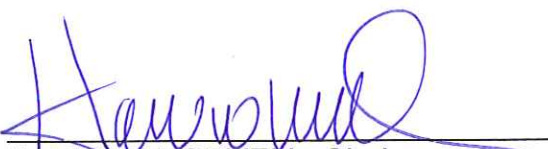
2. The monthly rent for CARSON EXECUTIVE is reduced by the amount of \$2.86/mo [calculated as 400 sq ft divided by 192,121 sq ft times current 2011 rental rate of \$1,431.92 / mo for entire CARSON EXECUTIVE leasehold].
3. The parcels are modified as shown in the Exhibits, thus reducing the leasehold by 400 sq feet.
4. Carson City is requested to reflect these changes in its records.
5. The other provisions of the Lease are unchanged.

RAYMOND B. GRABER II
 CARSON EXECUTIVE HANGAR
 CONDOMINIUM ASSOCIATION, INC.



 RAYMOND B. GRABER II

CARSON CITY AIRPORT AUTHORITY



 HARLOW NORVELL, Chairman

:

ATTEST:

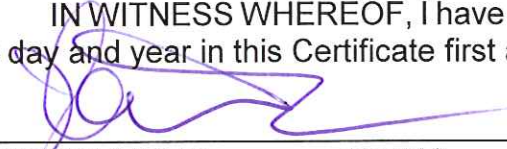


 ALEX CARTER, TREASURER

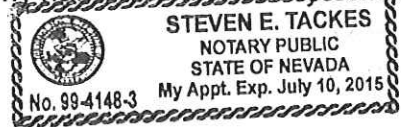
STATE OF NEVADA)
) : ss.
 COUNTY OF Carson City)

ON THE 21st day of January, 2012, before me, the undersigned, a Notary Public, personally appeared RAYMOND B. GRABER II, who acknowledged to me that he is the owner of the affected leasehold and the President of CARSON EXECUTIVE HANGAR CONDOMINIUM ASSOCIATION, INC., and, in such capacity, being duly authorized to do so, executed the foregoing instrument freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year in this Certificate first above written.



 NOTARY PUBLIC (SEAL)



CARSON CITY

Approved by the Board of Supervisors this ____ day of _____, 2012.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk/Recorder

CITY'S LEGAL COUNSEL
Approved as to form.

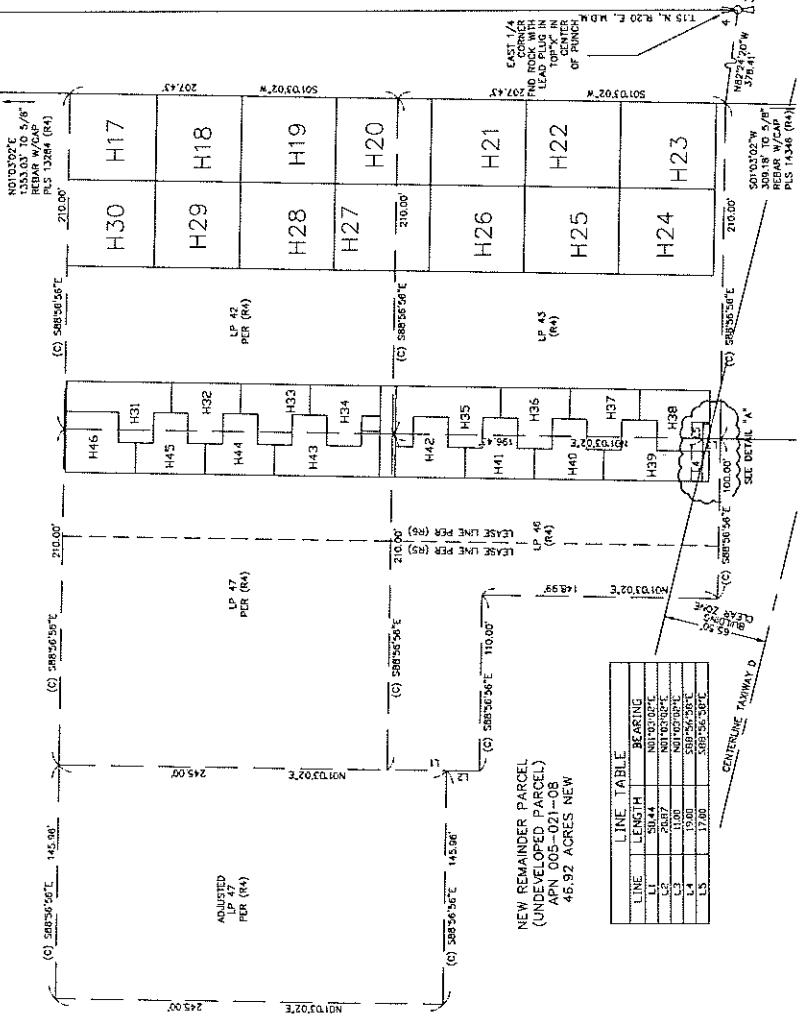


DISTRICT ATTORNEY

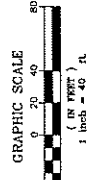
AIRPORT AUTHORITY COUNSEL
Approved as to form



STEVEN E. TACKES, ESQ.



LINE	LENGTH	BEARING
L1	50.44	N01°03'02"E
L2	20.77	N10°00'00"E
L3	10.00	S89°56'36"E
L4	17.60	S89°56'30"E
L5	17.60	S89°56'30"E



- LEGEND**
- LEASE PARCEL BOUNDARY
 - - - HANGAR LEASE PARCEL
 - - - DELETED LEASE LINE
 - - - NEW BUILDING LINE
 - - - PROPOSED LEASE LINE
 - (C) CALCULATED BEARING
 - ① ADJUSTED AREA = 77 SQ. FT.
 - ② ADJUSTED AREA = 69 SQ. FT.

BASIS OF BEARING
 THE BASIS OF BEARING FOR THIS SURVEY IS THE NEVADA STATE PLANE COORDINATE SYSTEM WEST ZONE, MODIFIED GRID, AS SHOWN ON THE RECORD OF SURVEY RS 2554, DOC. NO. 330854

- REFERENCE**
- (R) RECORD OF SURVEY ROS 2554 - DOC. NO. 330854
 - (R1) RECORD OF SURVEY ROS 2425 - DOC. NO. 287197
 - (R2) RECORD OF SURVEY ROS 2576 - DOC. NO. 374940
 - (R3) RECORD OF SURVEY ROS 2677 - DOC. NO. 384493
 - (R4) RECORD OF SURVEY ROS 291992 - DOC. NO. 384493
 - (R5) LEASE AGREEMENT DOC NO. 291992
 - (R6) LEASE AGREEMENT DOC NO. 291992
 - (R7) LEASE AGREEMENT DOC NO. 279547

SURVEYOR'S STATEMENT
 MICHAEL E. BAILEY, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:
 1. I HAVE PERFORMED A FIELD SURVEY SUFFICIENT TO LOCATE AND ADJUST THE PROPOSED BOUNDARY LINE.
 2. THE SURVEY WAS CONDUCTED AT THE INSTANCE OF CARSON CITY AIRPORT AUTHORITY.
 3. THE LANDS SURVEYED LE WITHIN THE EAST ONE HALF OF SECTION 4, T.15 N., R. 20 E., M.D.M., AND THE SURVEY WAS COMPLETED ON OCTOBER 27, 2011.
 4. ALL CORNERS AND ANGLE POINTS OF THE ADJUSTED BOUNDARY LINE ARE IDENTIFIED AND MARKED AS REQUIRED BY NRS 625.340.
 5. THIS MAP IS NOT IN CONFLICT WITH THE PROVISIONS OF NRS 278.010 TO 278.030, INCLUSIVE, OR WITH PROVISIONS OF NRS 625 AND ALL LOCAL ORDINANCES.



Michael E. Bailey
 MICHAEL E. BAILEY
 PLS 113284

OWNER'S CERTIFICATE
 I, THE UNDERSIGNED, OWNERS OF THE AFFECTED PARCELS AS SHOWN ON THIS MAP DO HEREBY STATE:
 1. WE HAVE EXAMINED THIS PLAN AND APPROVE AND AUTHORIZE ITS RECORDING.
 2. WE AGREE TO EXECUTE THE REQUIRED DOCUMENTS CREATING ANY EASEMENT WHICH IS SHOWN HEREON.
 3. WE AGREE TO EXECUTE THE REQUIRED DOCUMENTS ABANDONING ANY EXISTING EASEMENT PURSUANT TO THE PROVISIONS OF NRS 278.010 TO 278.030, INCLUSIVE.
 4. ALL PROPERTY TAXES ON THE LAND FOR THE FISCAL YEAR HAVE BEEN PAID.
 5. ANY LENDER WITH AN IMPOUND ACCOUNT FOR PAYMENT OF TAXES HAS BEEN NOTICED OF THE ADJUSTMENT OF THE BOUNDARY LINE OF THE TRANSFER OF THE LAND.

THOMAS A. ROWE
 CARSON CITY AIRPORT AUTHORITY MANAGER

**STATE OF NEVADA } S.S.
 CARSON CITY**
 ON 10/27/2012, THOMAS A. ROWE, CARSON CITY AIRPORT AUTHORITY MANAGER PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC WHOSE NAME IS SUBSCRIBED TO THE FOREGOING DOCUMENT AND WHO ACKNOWLEDGED TO ME THAT HE EXECUTED THE FOREGOING DOCUMENT.



Thomas A. Rowe
 NOTARY PUBLIC

SURVEYOR'S NOTE
 ALL INTERNAL DIMENSIONS SHOWN ARE PER RECORDS OF SURVEY ROS 2425, 2576, 2677, 291992, AND PER RECORD OF SURVEY NO. 2425 FILED AT THE CARSON CITY RECORDER'S OFFICE AS DOC # 207197.
 RECORDS OF SURVEY IS NOT IN CONFLICT WITH EXISTING ZONING REQUIREMENTS.
 3. THERE WILL BE A 5' PUBLIC UTILITY EASEMENT ALONG THE SOUTH SIDE OF THE PROPOSED LEASE LINE AS SHOWN ON THIS MAP.
 4. NO WELLS OR SEPTIC TANKS ON THIS SITE.

PLANNING DIVISION CERTIFICATE
 THIS LOT LINE ADJUSTMENT HAS BEEN REVIEWED AND APPROVED BY THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

LEE FLEMEL, DIRECTOR
 PLANNING & COMMUNITY DEVELOPMENT
 DATE: 1/18/12

TREASURER CERTIFICATE
 THE UNDERSIGNED HEREBY CERTIFIES THAT THE TAXES ON THE LANDS PORPORTED BY THIS LOT LINE ADJUSTMENT HAVE BEEN PAID IN FULL FOR THE PRECEDING FISCAL YEAR, APR 005-021-08, APR 005-041-27 AND APR 005-041-28.

Richard K. Kanner
 TREASURER
 DATE: 1-18-12

CLERK RECORDER'S CERTIFICATE
 FILED FOR RECORD AT THE REQUEST OF ARJINS ON THIS 19th DAY OF NOVEMBER 2012, AT 10:42 AM, I HEREBY RECORDED THIS INSTRUMENT IN THE OFFICIAL RECORDS OF CARSON CITY, NEVADA.

RECORDING FEE: \$620.00
 FILE NO.: 418794

Clara H. Hester
 CLERK RECORDER BY: Clara H. Hester

FOR CORRESPONDING WRITTEN DESCRIPTIONS DEPICTING THE LOT LINE ADJUSTMENT, SEE RECORDER'S DOCUMENT NO. 418793

TO SUPPORT A LOT LINE ADJUSTMENT
 CARSON CITY AIRPORT AUTHORITY
 CARSON CITY, NEVADA

ATKINS
 555 DOUBLE PEARL COURT, SUITE 2000
 RENO, NEVADA 89521-8991
 (775) 858-1025

JAN. 2012

October 27, 2011
JC

EXHIBIT D
NEW LEASE HANGAR PARCEL H 38
CARSON CITY AIRPORT AUTHORITY
LOT LINE ADJUSTMENT
LEGAL DESCRIPTION

That portion of Lease Hangar Parcel H 38 as shown on the Second Record of Survey for W. T. Investments L.L.C., Document Number 267197 on file at the Carson City Recorder's Office and located within a portion of the East one-half of Section 4, Township 15 North, Range 20 East, M.D.M., in Carson City, Nevada, described as follows:

Beginning at the Southeast corner of said Lease Hangar Parcel H 38; thence North $88^{\circ}56'58''$ West, along the South line of said Lease Hangar Parcel H 38, 21.00 feet; thence leaving said South line, North $01^{\circ}03'02''$ East, 4.07 feet; thence North $88^{\circ}56'58''$ West, 17.00 feet, to a point on the West line of said Lease Hangar Parcel H 38; thence North $01^{\circ}03'02''$ East, along the West line of said Lease Hangar Parcel H 38, 29.18 feet; thence South $88^{\circ}56'58''$ East, continuing along said West line, 19.00 feet; thence North $01^{\circ}03'02''$ West, continuing along said West line 11.00 feet to the Northwesterly corner of said Lease Hangar Parcel H 38; thence South $88^{\circ}56'58''$ East, along the North line of said Lease Hangar Parcel H 38, 19.00 feet to the Northeast corner of Lease Hangar Parcel H 38; thence South $01^{\circ}03'02''$ East, along the East line of said Lease Hangar Parcel H 38, 44.25 feet, to the point of beginning.

Containing 1,403 square feet more or less or 0.03 acres, more or less.

The basis of bearings for this description is Nevada State Plane Coordinate System, West Zone as shown on the Record of Survey for Carson City Airport Authority and Mountain West, Document Number 384493 on file at the Carson City Recorder's Office.

Note:

The above described Legal Description does not create any new parcels. Refer this Legal Description to your title company before incorporating into any legal document.

October 27, 2011
JC

EXHIBIT E
NEW LEASE HANGAR PARCEL H 39
CARSON CITY AIRPORT AUTHORITY
LOT LINE ADJUSTMENT
LEGAL DESCRIPTION

That portion of Lease Hangar Parcel H 39 as shown on the Second Record of Survey for W. T. Investments L.L.C., Document Number 267197 on file at the Carson City Recorder's Office and located within a portion of the East one-half of Section 4, Township 15 North, Range 20 East, M.D.M., in Carson City, Nevada, described as follows:

Commencing at the Southwest corner of said Lease Hangar Parcel H 39, thence along the West line of said Lease Hangar Parcel H 39 North $01^{\circ}03'02''$ West, 4.07 feet to the True Point of Beginning;
thence North $01^{\circ}03'02''$ East, continuing along said West line 62.18 feet to the Northwest corner of said Lease Hangar Parcel H 39; thence South $88^{\circ}56'58''$ East, along the North line of said Lease Hangar Parcel H 39, 19.00 feet; thence South $01^{\circ}03'02''$ West, continuing along said North line, 11.00 feet; thence South $88^{\circ}56'58''$ East, continuing along said North line, 19.00 feet to the Northeast corner of said Lease Hangar Parcel H 39; thence South $01^{\circ}03'02''$ West, along the East line of said Lease Hangar Parcel H 39, 22.00 feet; thence North $88^{\circ}56'58''$ West, continuing along said East line, 19.00 feet, thence South $01^{\circ}03'02''$ West, continuing along said East line, 29.18 feet; thence leaving said East line, North $88^{\circ}56'25''$ West, 19.00 feet to the point of beginning.

Containing 1,599 square feet more or less or 0.04 acres, more or less.

The basis of bearings for this description is Nevada State Plane Coordinate System, West Zone as shown on Record of Survey for Carson City Airport Authority and Mountain West Document Number 384493 on file at the Carson City Recorder's Office.

Note:

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