

**Carson City Board of Supervisors
Agenda Report**

Date Submitted: September 29, 2010

Agenda Date Requested: October 21, 2010
Time Requested: Consent

To: Mayor and Supervisors

From: Public Works

Subject Title: Action to approve and authorize the Mayor to sign a Non-Exclusive Bridge Easement and Right-Of-Way between Nevada Division of State Lands and Carson City, whereby the Division of State Lands will grant the City an easement across the Carson River to facilitate access and maintenance of the Deer Run Road Bridge, formerly known as Brunswick Bridge. (Sharp)

Staff Summary: On December 27, 2007, the State of Nevada Department of Transportation (NDOT) relinquished ownership of the Deer Run Road Bridge, formerly Brunswick Bridge, to Carson City. Since the Division of State Lands hold title to the bed and banks of the Carson River, an easement from State Lands is required to allow the City to access and maintain the bridge.

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 approve and authorize the Mayor to sign a Non-Exclusive Bridge Easement and Right-Of-Way between Nevada Division of State Lands and Carson City, whereby the Division of State Lands will grant the City an easement across the Carson River to facilitate access and maintenance of the Deer Run Road Bridge, formerly known as Brunswick Bridge.

Explanation for Recommended Board Action: The Easement is necessary to allow Carson City to access and maintain the Deer Run Road Bridge.

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

Fiscal Impact: None

Explanation of Impact: N/A


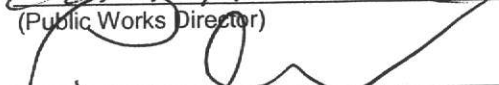
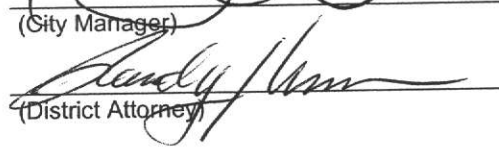
Funding Source: N/A

Alternatives: Do not approve the Agreement.

Supporting Material: Two copies of the Easement document including Exhibit A: Legal Description and Exhibit B: Location Map.

Prepared By: Jeff Sharp, City Engineer



Reviewed By: 
(Public Works Director)

(City Manager)

(District Attorney)

Date: 9/30/10

Date: 10/12/10

Date: 10/12/10

Board Action Taken:

Motion: _____

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

(Vote Recorded By)



DEER RUN ROAD BRIDGE/DMM/3483
CARSON CITY
CARSON RIVER

Recording Requested by and Return To:
DIVISION OF STATE LANDS
901 S. STEWART STREET, SUITE 5003
CARSON CITY, NV 89701-5246

NON-EXCLUSIVE BRIDGE EASEMENT AND RIGHT-OF-WAY

CARSON CITY DEER RUN ROAD BRIDGE EASEMENT

This Non-Exclusive Bridge Easement and Right-Of-Way is made and entered into this 3rd day of June 2010 by and between the STATE OF NEVADA, acting through the NEVADA DIVISION OF STATE LANDS, hereinafter referred to as GRANTOR, and CARSON CITY, a Consolidated Municipality of the State of Nevada, hereinafter referred to as GRANTEE.

WHEREAS, the GRANTOR entered into an Assignment of Permanent Easement dated the 12th of August 2004, with the State of Nevada, acting by and through its DEPARTMENT OF TRANSPORTATION as the ASSIGNEE, for the purpose of a permanent easement and right-of-way for the Deer Run Road Bridge, formerly known as Brunswick Bridge, lying upon, over and across portion of that certain property situated within the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 12, Township 15, Range 20 East, M.D.B.&M, Carson City, Nevada, as shown on Exhibit A, of recorded Document Number 324223, filed with the Carson City Recorder's Office on 8/27/2004; and

WHEREAS, on the 27th day of December 2007, the Department of Transportation and Carson City, a Consolidated Municipality of the State of Nevada, entered in Highway Agreement R386-04-002 in which Carson City agreed to accept certain portions of State Highways, including but not limited to the Deer Run Road Bridge to incorporate and maintain as a designated road of the Carson City roadway system; and

WHEREAS, the Assignment of Permanent Easement dated the 12th of August 2004 between the Nevada Division of State Lands and the Department of Transportation precludes the ASSIGNEE from transferring their interest in the permanent bridge easement and right-of-way to Carson City.

WHEREAS, on June 3, 2010, the Department of Transportation relinquished their interest in that certain permanent bridge easement and right-of-way known as Deer Run Road Bridge to the State of Nevada, Division of State Lands.

WHEREAS, on the 28th day of December 2009, GRANTEE made application to and wishes to obtain from the GRANTOR a Non-Exclusive Bridge Easement and Right-of-Way for Deer Run Road Bridge to access and maintain as a designated road of the Carson City roadway system; and

WHEREAS, Attorney General's Opinion #204 dated April 20, 1976, concluded that "The State of Nevada owns the bed and shores of Lake Tahoe and other navigable bodies of water within Nevada to the present ordinary and permanent high water mark." Through formal court proceedings the Carson River has been determined to be a navigable body of water within Nevada; and

DUPLICATE ORIGINAL

WHEREAS, NRS 322.050 and 322.060 gives the Administrator of the Division of State Lands the authority to grant easements over or upon any land owned by the State of Nevada;

NOW, THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration, GRANTOR does hereby grant to GRANTEE a Non-Exclusive Bridge Easement and Right-Of-Way for the purposes stated above, hereinafter referred to as "the Project," upon, over, across and/or through the following described property, together with the right to enter upon the bed and banks of said land to construct, reconstruct, inspect, maintain, and repair structures and to remove bushes, undergrowth or other obstructions interfering with the location, construction and maintenance, in whole or in part, at will upon, over, across and/or through a portion of the Carson River as situated in portion of the SW ¼ of the NW ¼ of Section 12, Township 15 North, Range 20 East, M.D.M. as shown and further described by metes and bounds on **EXHIBIT A** attached hereto and by reference made a part hereof. The location of the Project is described on the survey map attached hereto as **EXHIBIT B** and by reference made a part hereof.

IN FURTHER CONSIDERATION for the granting of this Non-Exclusive Bridge Easement and Right-Of-Way, GRANTEE, its successors and assigns and/or its agent(s) and contractor(s), understands and agrees to the following specific conditions:

1. **PURPOSE:** The property described herein may be used by GRANTEE solely for the Project. The Project shall be executed in accordance with the State of Nevada, Department of Transportation Survey Map dated March 25, 2004 incorporated herein and by reference made a part hereof and shall not interfere with the navigability of the Carson River.