

## STAFF REPORT

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**Date:** November 15, 2017

**To:** Mayor and City Council

**Thru:** Sabra Newby, City Manager

**Subject:** **F.2. Staff Report (For Possible Action): Case No. ABN17-00004 (Spokane/Morrill Alley Abandonment) Request for the abandonment of a ±20 foot wide by ±175 foot long (±3,493 square foot) section of an alleyway that is located between and parallel to Morrill Avenue and Spokane Street, ±160 feet south of East Fourth Street. The site is located within the Mixed Use/East Fourth Street Transit Corridor (MU/E4TC) zone and has a Master Plan Land Use designation of Special Planning Area/East Fourth Street Transit Corridor.**

**From:** Heather Manzo, Assistant Planner

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**Summary:** The applicant is requesting abandonment of a ±20 foot wide by ±175 foot long (±3,493 square foot) section of an alleyway that is located between and parallel to Morrill Avenue and Spokane Street, ±160 feet south of East Fourth Street. The site is located within the Mixed Use/East Fourth Street Transit Corridor (MU/E4TC) zone and has a Master Plan Land Use designation of Special Planning Area/East Fourth Street Transit Corridor.

This particular case has been processed in accordance with Section 18.06.603 of the revised Reno Municipal Code, which allows a proposed abandonment, other than such involving a sewer or storm drain easement, to be heard before City Council within 65 days from acceptance of the application.

### **Recommended Conditions of Approval:**

All conditions shall be met to the satisfaction of the Community Development Department staff, unless otherwise noted.

1. The order of abandonment shall reserve to the City all water rights, whether surface or groundwater, appurtenant to the area to be abandoned.
2. Prior to the recordation of the order of abandonment, the applicant shall deposit with the City a check made payable to the Washoe County Recorder for the recording fee.

3. The abandonment order shall be recorded with the Washoe County Recorder within 12 months of the date of Council approval, or said approval shall be null and void.
4. Prior to the issuance of the order of abandonment, the existing sanitary sewer main located within the abandonment area shall be analyzed via video inspection that determines the presence of existing sewer lateral connections and a report submitted to the City for review and approval. Any connections which are currently inactive shall be properly abandoned. If existing sanitary sewer lateral connections are found that are proposed to remain in service, the main shall be designated as private for future maintenance and operations by the parcel(s) served. All future sewer connections to serve properties adjacent to the area of abandonment shall be required to connect to public sewer facilities.
5. Prior to the issuance of the order of abandonment, the order shall provide for public utility easements for existing utilities, unless the utilities are relocated to the approval of the City Engineer and servicing utility company.

**Background:** The subject site is a terminal alley (dead end) that is oriented north/south and which is parallel with Morrill Avenue and Spokane Street. This abandonment request does not include the alley that runs west to east between Morrill Avenue and Spokane Street. The applicant has provided information that the area requested for abandonment was obtained by the City per Tract Map No. 68. Typically, streets and alleys obtained via tract map are dedicated to the City as an easement with no fee title. Information obtained from City of Reno Property Management confirms that the alley was obtained with no fee. Therefore, if the requested alley is abandoned, the property should revert back to adjacent property owners with no associated fee.

**Analysis:** The alley does not provide through access and serves to provide a secondary means of access to abutting parcels. The owners of the abutting parcels have determined that this alley right-of-way is not necessary and have requested abandonment of the alleyway. The alley has not been recently maintained by the City of Reno and is listed in the City pavement management system as failed. Abandonment of the alley does not impact the existing grid pattern of the City as the alley currently terminates to the south at the railroad tracks. If approved, the abandonment will allow the adjacent property owners to incorporate the abandoned alley into future development plans. Staff can support the abandonment request with the proposed conditions **(Abandonment finding 1)**.

**Utilities:** The City of Reno has a sanitary sewer main that is located within the area proposed for abandonment **(Exhibit A)**. It is unclear at this time if the sewer main within the area of abandonment provides lateral connections to any properties that abut the alley requested to be abandoned. Prior to the recordation of the Order of Abandonment, the applicant should be

required to perform video analysis of this main to determine the presence of existing sewer lateral connections and a report submitted to the City for review and approval. If no sanitary sewer lateral connections exist on this main, the applicant shall cap, slurry and abandon the main. If existing lateral connections are found that are proposed to remain in service, the main shall be designated as private for future maintenance and operations. All future connections in this area should be required to tie to public sewer facilities (**Condition No. 4**).

Comments were received from utility providers stating that easements should be reserved to allow continued access to existing utilities that are located within the requested area of abandonment. The order of abandonment should reserve public utility easements for all existing utilities, unless the utilities are relocated prior to the order of abandonment (**Condition No. 5**).

Master Plan: As proposed and with recommended conditions, the project appears to be consistent with the following applicable Master Plan policies and objectives: The existing grid pattern of streets should be preserved; public streets, alleys and ways located in the city center or traditional neighborhoods should not be abandoned (P-4).

#### Agency Comments:

NV Energy: In correspondence received from NV Energy on March 24, 2017, NV Energy serves Assessor Parcel Number (APN) 008-254-02, through the area requested to be abandoned. The referenced APN is a vacant parcel located on the west side of the alley to be abandoned and north of 300 Morrill Avenue. If abandoned, utility easements should be provided to allow continued access to existing utility services (**Condition No. 4**).

Neighborhood Advisory Board (NAB): This project was reviewed by the Ward 5 NAB on April 11, 2017. No comments were received regarding the abandonment request.

**Financial Implications:** Excluding current maintenance requirements for the public right-of-way by the Public Works Department, staff is not aware of any financial impact associated with this abandonment.

**Legal Implications:** NRS 278.480(5) states that: except as provided in Subsection 6 [dealing with continuation of a utility easement], if, upon public hearing, the governing body is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated.

NRS 278.480(7) provides that the order of abandonment must be filed in the office of the county recorder if all the conditions of the order have been fulfilled. Accordingly, the order of abandonment shall not be filed until the conditions have been satisfied.

**Findings:**

1. The public will not be materially injured by the proposed abandonment.

**Recommendation:** Staff recommends Council make a determination that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the staff report.

**Proposed Motion:** I move to approve the staff recommendation.

**Recommendation:** Staff recommends Council determination that the public will not be materially injured by the proposed vacation and approve the abandonment, subject to the conditions in the staff report.

**Proposed Motion:** I move to approve the staff recommendation.

**Attachments:**

- Display Maps (PDF)
- Order of Abandonment (PDF)
- Exhibit A - Sanitary Sewer (PDF)