



**REGIONAL TRANSPORTATION COMMISSION**

*Metropolitan Planning • Public Transportation & Operations • Engineering & Construction*

Metropolitan Planning Organization of Washoe County, Nevada

February 15, 2019

**AGENDA ITEM 6.2**

**TO:** Regional Transportation Commission

**FROM:** Dale Ferguson  
RTC Chief Legal Counsel



Lee G. Gibson, AICP  
Executive Director

**SUBJECT: Resolution of Condemnation for property rights related to APN 014-063-07 and APN 014-063-11, necessary to construct the Virginia Street Bus Rapid Transit Extension Project**

**RECOMMENDATION**

Approve a Resolution of Condemnation authorizing RTC’s legal counsel to commence condemnation proceedings to acquire a temporary construction easement on APN 014-063-07, and a permanent easement and a temporary construction easement on APN 014-063-11 from John Iliescu, Jr. and Sonnia Iliescu, as Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement dated January 24, 1992, necessary to construct the Virginia Street Bus Rapid Transit Extension Project.

**SUMMARY**

At the March 18, 2016, RTC Board Meeting, the Commission approved Amendment No. 1 to the Professional Services Agreement with Nichols Consulting Engineers (“NCE”) for Final Design of the Virginia Street Bus RAPID Transit Extension Project (the “Project”). At the September 16, 2016, RTC Board Meeting, the Commission approved the Request for Proposals (RFP) for the selection of a firm to provide Right-of-Way Services for the project. Paragon Partners, LTD (“Paragon”) was selected as the firm to provide the right of way acquisition services at the November 18, 2016, RTC Board Meeting. Thereafter, Paragon initiated the process of acquiring the right-of-way for the Project.

Through an Interlocal Cooperative Agreement with the City of Reno dated May 24, 2016, the RTC has been authorized to negotiate and/or initiate eminent domain proceedings for right-of-way acquisition when necessary for the Project. Paragon has been attempting to negotiate the purchase of property rights needed to construct the Project from the owner of APN 014-063-07 and APN 014-063-11. Those efforts have been unsuccessful to date.

To ensure timely construction of the Project, the approval of this Resolution of Condemnation allows the RTC to initiate condemnation proceedings for these property rights. Proper notice of this agenda item has been provided to the property owner as required by the Nevada Revised Statutes. In order to minimize potential delays to the Project, the proposed resolution of

condemnation (see Attachment A) is requested now so that legal counsel can seek a court ordered right-of-entry and/or order for immediate occupancy should negotiations with the property owner not result in the acquisition of the property rights through purchase. Every effort to reach satisfactory purchase agreements will continue to be made until a complaint in eminent domain is filed with the court. Thereafter, the RTC will continue to attempt to negotiate a resolution that is fair and equitable.

### **FISCAL IMPACT**

The costs to acquire the subject property interests have been budgeted; however, the fiscal impact cannot be determined at this time. Aside from legal fees, there is the potential that the compensation to the property owner may increase as a result of legal settlement.

### **PREVIOUS ACTIONS BY BOARD**

November 18, 2016	Approved the staff recommendation of Paragon Partners LTD to provide the right of way acquisition services for the Project; authorize the Executive Director to negotiate and execute the final Professional Service Agreement (PSA).
September 16, 2016	Approved the Request for Proposals (RFP) for the selection of a firm to provide Right of Way Services for the Project.
March 18, 2016	Approved Amendment No. 1 to the Professional Services Agreement with NCE for Final Design for the Project.
October 16, 2015	Acknowledged receipt of an update on the Project and approve the local preferred alternative.
October 17, 2014	Approved Selection of Nichols Consulting Engineers (NCE) for Preliminary Design & NEPA; authorize the RTC Executive Director to negotiate and execute a professional services agreement with NCE.

### **ADDITIONAL BACKGROUND**

This project will complete the final design for multi-modal transportation improvements on the corridor from Plumb Lane to Liberty Street and Maple Street to 15<sup>th</sup> Street/North Virginia Street. The NEPA process is complete. Design team is working towards 100 percent reconstruction plans for the roadway and BRT elements of the project throughout both Midtown and UNR. It is anticipated that 100 percent design will be complete in early 2019.

### **ADVISORY COMMITTEE(S) RECOMMENDATION**

There are no advisory committee recommendations regarding this report.

Attachment

**RESOLUTION OF CONDEMNATION**

**WHEREAS**, it is necessary for the Regional Transportation Commission of Washoe County, hereinafter referred to as "RTC," to provide regional transportation facilities which are of a quality and standard necessary to satisfactorily meet the needs of the traveling public; and

**WHEREAS**, in recognition of such needs, the RTC approved the Virginia Street Bus Rapid Transit Extension Project, hereinafter referred to as "Project," as part of an Interlocal Cooperative Agreement ("ICA") dated May 24, 2016; and

**WHEREAS**, in the ICA dated May 24, 2016, the City of Reno authorized the RTC to initiate eminent domain proceedings on behalf of the City, if required, for the acquisition of right-of-way for the Project; and

**WHEREAS**, Chapter 277A of Nevada Revised Statutes provides that the RTC may exercise the power of eminent domain, if the city or county which has jurisdiction over the property approves; and

**WHEREAS**, the current owner of record of the property interests to be acquired, insofar as is known to the RTC, is John Iliescu, Jr. and Sonnia Iliescu, as Trustees of the John Iliescu, Jr. and Sonnia Iliescu 1992 Family Trust Agreement dated January 24, 1992.

**NOW, THEREFORE**, the members of the Regional Transportation Commission of Washoe County do hereby find:

1. That proper notice of the RTC's intent to consider eminent domain action to acquire the relevant property interests of the above referenced owner(s) has been given as required by NRS 241.034.
2. That RTC staff first contacted the landowner about the property interests of a temporary construction easement located on APN 014-063-07, and a permanent easement and a temporary construction easement located on APN 014-063-11 as described in Exhibit "A" and depicted on Exhibit "B," attached hereto and incorporated herein by reference, on or about December 4, 2018. While there have been discussions, proposals and offers made, all efforts to reach a mutually acceptable agreement for the acquisition of the property interests through purchase have been unsuccessful to date.
3. That the property interests to be acquired in conjunction with the above referenced Project are to be applied to a public use, to wit, the Virginia Street Bus Rapid Transit Extension Project.

4. That the property interests described herein are necessary to such public use.

Based on the aforementioned findings of fact, the RTC does hereby direct:

1. That RTC's legal counsel initiate, if needed, eminent domain proceedings on behalf of the RTC in accordance with provisions of Chapters 37 and 277A of Nevada Revised Statutes to acquire the property interests described in Exhibit "A" and depicted on Exhibit "B".

2. That said legal counsel shall commence and prosecute in the name of the RTC, eminent domain proceedings in the court having jurisdiction of the property interests described in Exhibit "A" and depicted on Exhibit "B."

3. That said legal counsel is authorized to pursue all actions deemed appropriate for the successful prosecution of this case, including but not limited to, an application to the court for an order permitting the RTC to take immediate possession of said property interests for the construction of the Project, upon complying with conditions imposed by law.

Upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing Resolution was passed and adopted this 15th day of February, 2019, by the following vote of the Regional Transportation Commission:

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

Approved this 15th day of February, 2019.

REGIONAL TRANSPORTATION COMMISSION  
OF WASHOE COUNTY, STATE OF NEVADA

BY \_\_\_\_\_  
BOB LUCEY, CHAIR

**STATE OF NEVADA**  
**COUNTY OF WASHOE**

The above-instrument was acknowledged before me this 15th day of February, 2019, by Bob Lucey,  
Chair of the Regional Transportation Commission.

\_\_\_\_\_  
Notary Public

## EXHIBIT A

### EXHIBIT "A" LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT APN: 014-063-07

A temporary construction easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

**Beginning** at the north east corner of that certain parcel of land described as Lot 3 in Block 4 of Amended Plat of Blocks 4, 5 and 9 of an Amended Plat of Martin Addition, Reno, Nevada, recorded in the official records of Washoe County Recorder's Office on May 28, 1907, as Tract Map # 73, said point being a point on the westerly line of South Virginia Street;

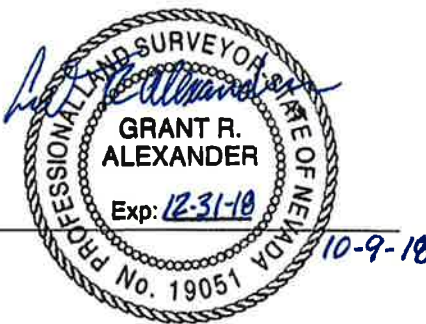
Thence South 20°04'24" East 50.00 feet along the east boundary line of said parcel to the south east corner of said parcel;

Thence South 70°07'54" West 6.17 feet along the south boundary line of said parcel;

Thence departing the south boundary line of said parcel, North 20°05'53" West 50.00 feet to a point on the north boundary line of said parcel;

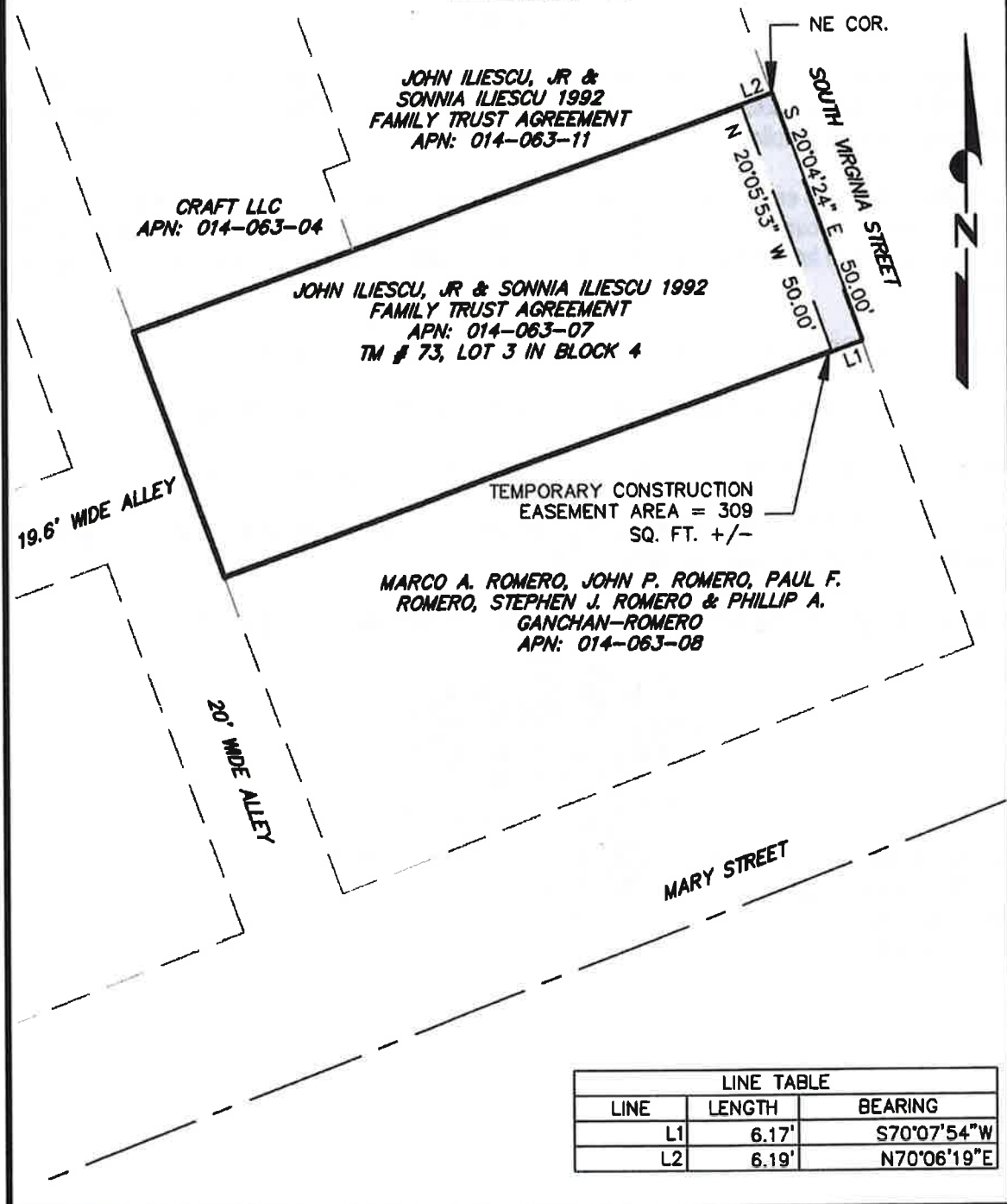
Thence North 70°06'19" East 6.19 feet along the north boundary line of said parcel to the point of beginning, containing 309 square feet, more or less.

**Basis of Bearings:** NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



Grant R. Alexander, P.L.S. 19051  
Battle Born Ventures, LLC  
600 Gleeson Way  
Sparks, NV 89431

**EXHIBIT "B"**



LINE TABLE		
LINE	LENGTH	BEARING
L1	6.17'	S70°07'54"W
L2	6.19'	N70°06'19"E



**BATTLE BORN VENTURES, LLC**  
 600 GLEESON WAY  
 SPARKS, NEVADA 89431  
 www.battlebornventures.com

**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
 BY: GRA  
 DATE: 01/09/2018  
 SCALE: 1" = 30'

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PERMANENT EASEMENT**  
**APN: 014-063-11**

A permanent easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

**Beginning** at the north east corner of that certain parcel of land described in deed, recorded in the official records of Washoe County Recorder's Office on December 20, 1994, as Document File # 1858459, said point being a point of intersection with the southerly line of Martin Street and westerly line of South Virginia Street;

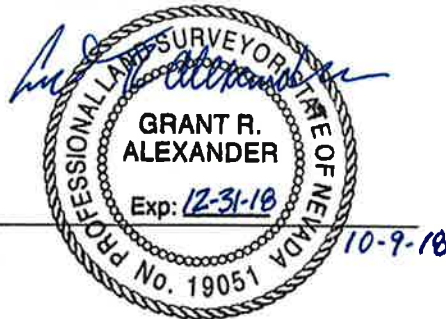
Thence South 20°04'24" East 0.29 feet along the east boundary line of said parcel;

Thence departing the east boundary line of said parcel, South 70°18'18" West 9.21 feet;

Thence North 46°39'20" West 0.28 feet to a point on the north boundary line of said parcel;

Thence North 70°03'09" East 9.33 feet along the north boundary line of said parcel to the point of beginning, containing 2 square feet, more or less.

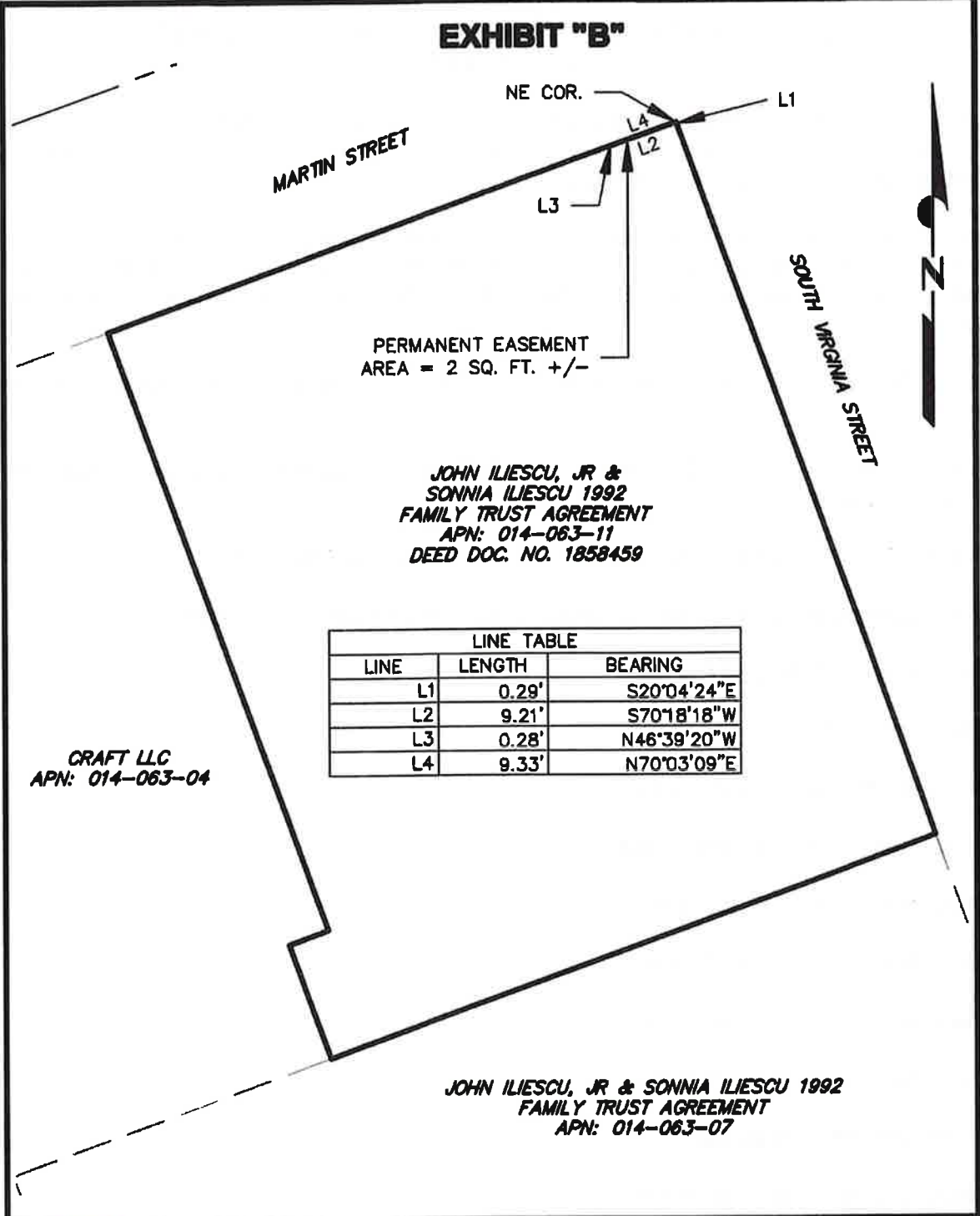
**Basis of Bearings:** NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



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Battle Born Ventures, LLC  
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Sparks, NV 89431



**EXHIBIT "B"**



LINE TABLE		
LINE	LENGTH	BEARING
L1	0.29'	S20°04'24"E
L2	9.21'	S70°18'18"W
L3	0.28'	N46°39'20"W
L4	9.33'	N70°03'09"E



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PHONE (775) 813-4934  
 FAX (775) 359-4476

**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
 BY: GRA  
 DATE: 08/09/2018  
 SCALE: 1" = 30'

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**  
**APN: 014-063-11**

A temporary construction easement, situate within a portion of the North East 1/4 of Section 14, Township 19 North, Range 19 East, Mount Diablo Base and Meridian, City of Reno, County of Washoe, State of Nevada, more particularly described as follows:

Beginning at the north east corner of that certain parcel of land described in deed, recorded in the official records of Washoe County Recorder's Office on December 20, 1994, as Document File # 1858459, said point being a point of intersection with the southerly line of Martin Street and westerly line of South Virginia Street;

Thence South 20°04'24" East 0.29 feet along the east boundary line of said parcel to the **true point of beginning**;

Thence South 20°04'24" East 99.71 feet along the east boundary line of said parcel to the south east corner of said parcel;

Thence South 70°06'19" West 6.19 feet along the south boundary line of said parcel;

Thence departing the south boundary line of said parcel, North 20°05'53" West 40.09 feet;

Thence North 70°11'00" East 4.92 feet;

Thence North 20°13'28" West 1.55 feet;

Thence South 69°46'27" West 0.25 feet;

Thence North 20°13'28" West 12.07 feet;

Thence North 69°46'27" East 0.33 feet;

Thence North 20°13'28" West 2.23 feet;

Thence South 69°46'27" West 0.24 feet;

Thence North 20°13'28" West 8.39 feet;

Thence North 20°02'05" West 3.50 feet;

Thence North 69°57'58" East 0.26 feet;

Thence North 20°02'05" West 2.25 feet;

Thence South 69°57'58" West 0.26 feet;

Thence North 20°02'05" West 1.44 feet;  
Thence North 76°37'39" West 3.34 feet;  
Thence North 20°45'47" West 5.13 feet;  
Thence North 35°29'29" East 3.46 feet;  
Thence North 20°02'05" West 1.26 feet;  
Thence North 69°57'58" East 0.27 feet;  
Thence North 20°02'05" West 2.27 feet;  
Thence South 69°57'58" West 0.27 feet;  
Thence North 20°10'03" West 11.89 feet;  
Thence North 69°43'51" East 0.32 feet;  
Thence North 20°16'34" West 2.23 feet;  
Thence South 68°39'31" West 2.16 feet;  
Thence South 21°20'29" East 0.22 feet;  
Thence South 70°11'08" West 12.10 feet;  
Thence North 20°17'59" West 0.29 feet;  
Thence South 69°42'12" West 2.18 feet;  
Thence South 20°17'59" East 0.29 feet;  
Thence South 69°42'12" West 4.31 feet;  
Thence South 19°01'46" East 3.44 feet;  
Thence South 70°34'44" West 9.85 feet;  
Thence North 20°39'44" West 0.18 feet;  
Thence South 70°18'44" West 47.07 feet;  
Thence North 19°58'15" West 5.00 feet;  
Thence South 70°18'44" West 0.96 feet to a point on the west boundary line of said parcel;

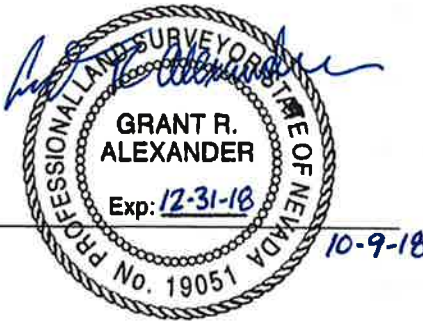
Thence North 20°01'37" West 0.14 feet along the west boundary line of said parcel to the north west corner of said parcel;

Thence North 70°03'09" East 70.53 feet along the north boundary line of said parcel;

Thence departing the north boundary line of said parcel, South 46°39'20" East 0.28 feet;

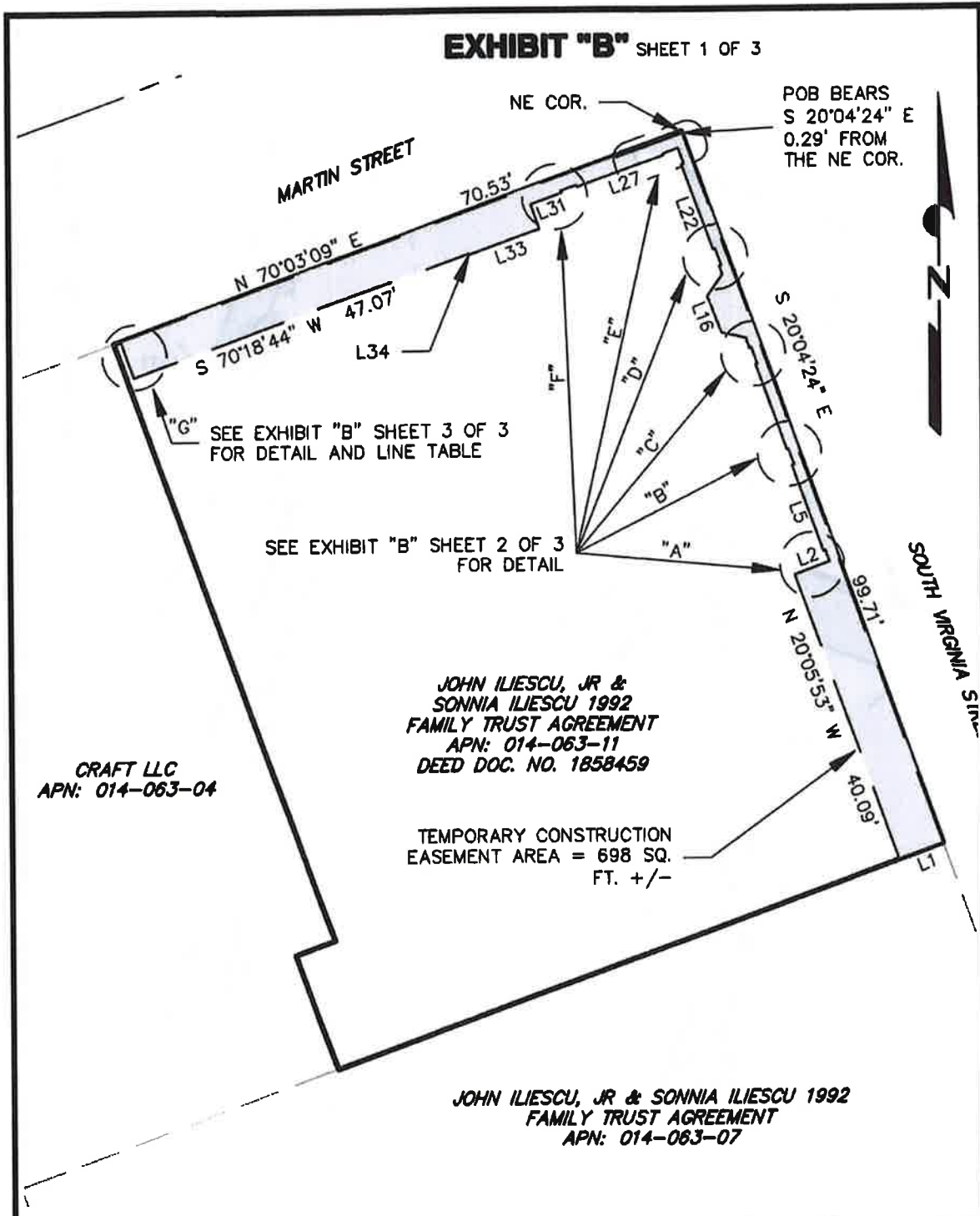
Thence North 70°18'18" East 9.21 feet to the **true point of beginning**, containing 698 square feet, more or less.

**Basis of Bearings:** NAD 83(94) Nevada State Plane Coordinate System, West Zone (2703).



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**EXHIBIT "B" SHEET 1 OF 3**



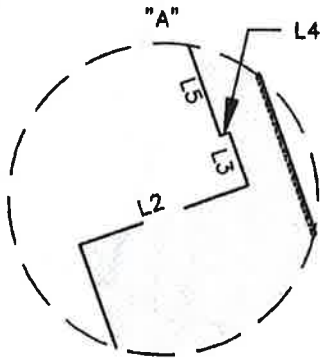
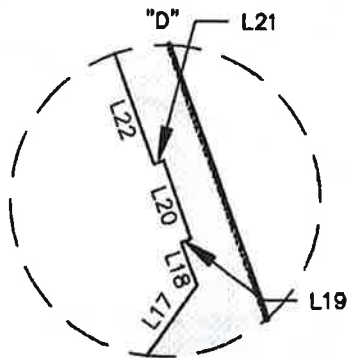
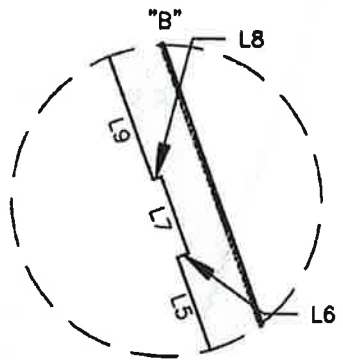
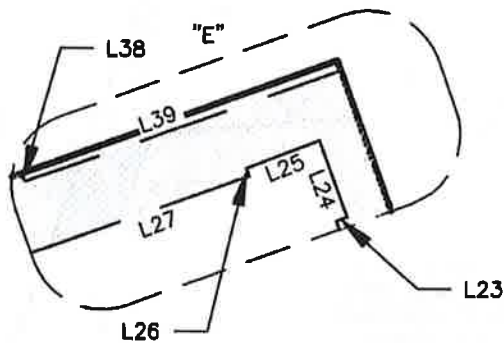
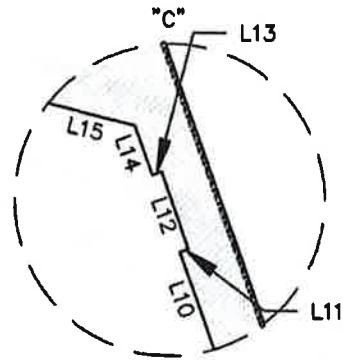
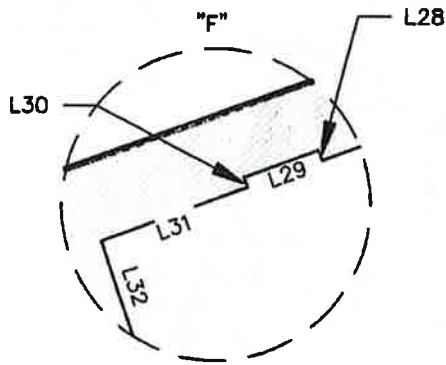
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**Land Surveyors - Civil Engineers**

W.O. #:	2016_152
BY:	GRA
DATE:	08/09/2018
SCALE:	1" = 30'

**EXHIBIT "B"** SHEET 2 OF 3



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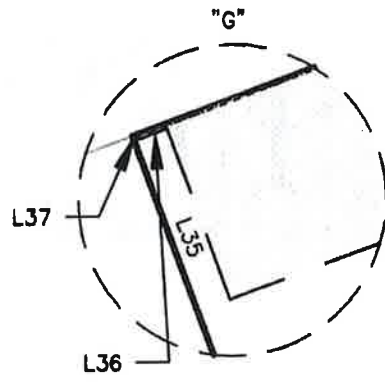
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**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
 BY: GRA  
 DATE: 08/09/2018  
 SCALE: 1" = 5'

**EXHIBIT "B"** SHEET 3 OF 3

LINE TABLE		
LINE	LENGTH	BEARING
L1	6.19'	S70°06'19"W
L2	4.92'	N70°11'00"E
L3	1.55'	N20°13'28"W
L4	0.25'	S69°46'27"W
L5	12.07'	N20°13'28"W
L6	0.33'	N69°46'27"E
L7	2.23'	N20°13'28"W
L8	0.24'	S69°46'27"W
L9	8.39'	N20°13'28"W
L10	3.50'	N20°02'05"W
L11	0.26'	N69°57'58"E
L12	2.25'	N20°02'05"W
L13	0.26'	S69°57'58"W
L14	1.44'	N20°02'05"W
L15	3.34'	N76°37'39"W
L16	5.13'	N20°45'47"W
L17	3.46'	N35°29'29"E
L18	1.26'	N20°02'05"W
L19	0.27'	N69°57'58"E
L20	2.27'	N20°02'05"W
L21	0.27'	S69°57'58"W
L22	11.89'	N20°10'03"W
L23	0.32'	N69°43'51"E
L24	2.23'	N20°16'34"W
L25	2.16'	S68°39'31"W
L26	0.22'	S21°20'29"E
L27	12.10'	S70°11'08"W
L28	0.29'	N20°17'59"W
L29	2.18'	S69°42'12"W
L30	0.29'	S20°17'59"E
L31	4.31'	S69°42'12"W
L32	3.44'	S19°01'46"E
L33	9.85'	S70°34'44"W
L34	0.18'	N20°39'44"W
L35	5.00'	N19°58'15"W
L36	0.96'	S70°18'44"W
L37	0.14'	N20°01'37"W
L38	0.28'	S46°39'20"E
L39	9.21'	N70°18'18"E

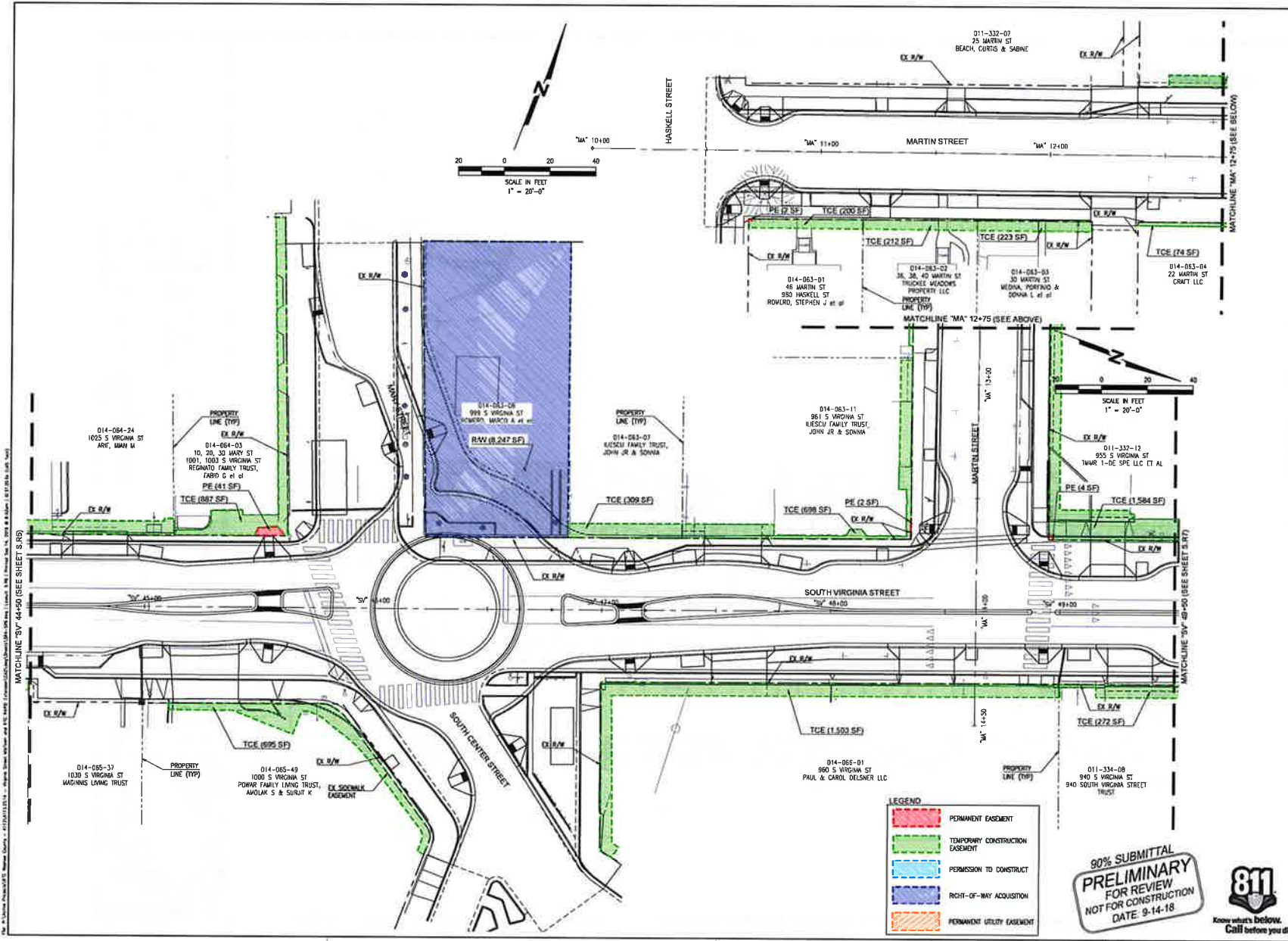


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**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
 BY: GRA  
 DATE: 08/09/2018  
 SCALE: 1" = 5'



**EXHIBIT B**



**NCE**  
 1885 S. Arlington Ave., Suite 111  
 Reno, Nevada 89509  
 (775) 328-4955 \* Fax (775) 328-5086



**VIRGINIA STREET BUS  
 RAPID TRANSIT  
 EXTENSION PROJECT  
 PHASE 2**

**CLIENT**  
**RTC** REGIONAL  
 TRANSPORTATION  
 COMMISSION  
 1105 TERMINAL WAY,  
 SUITE 106 RENO, NV 89502  
 PHONE (775) 348-0171

NO.	DATE	DESCRIPTION

PROJECT NO: A173.25.14  
 DESIGNED BY: SEH  
 DRAWN BY: SPT  
 CHECKED BY: SEH DATE: 09-05-18  
 DATE: 09-14-18

**SHEET TITLE**  
 RIGHT OF WAY  
 "SV" 44+50 TO "SV" 49+50  
 "MA" 10+00 TO "MA" 14+50  
**DRAWING**  
 S.R6  
 SHEET 11 OF 308

**LEGEND**

	PERMANENT EASEMENT
	TEMPORARY CONSTRUCTION EASEMENT
	PERMISSION TO CONSTRUCT
	RIGHT-OF-WAY ACQUISITION
	PERMANENT UTILITY EASEMENT

**90% SUBMITTAL  
 PRELIMINARY  
 FOR REVIEW  
 NOT FOR CONSTRUCTION  
 DATE: 9-14-18**

