



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction

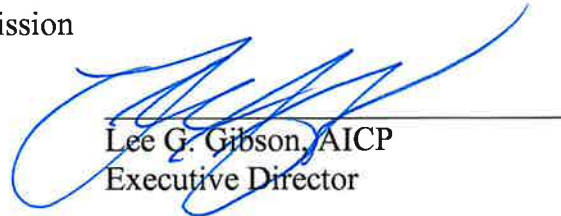
Metropolitan Planning Organization of Washoe County, Nevada

March 15, 2019

AGENDA ITEM 6.3

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 011-133-04, necessary to construct the California & Keystone Interchange Enhancements Project

RECOMMENDATION

Approve a Resolution of Condemnation authorizing RTC's legal counsel to commence condemnation proceedings to acquire a permanent easement and a temporary construction easement on APN 011-133-04 from 7-Eleven, Inc. (formerly the Southland Corporation), necessary to construct the California & Keystone Interchange Enhancements Project.

SUMMARY

At the January 18, 2019, RTC Board Meeting, the Commission approved an Amendment to the Professional Services Agreement with Wood Rodgers, Inc. for Engineering during Construction (EDC) of the California & Keystone Interchange Enhancements Project (the "Project").

Through an Interlocal Cooperative Agreement with the City of Reno dated August 14, 2017, the RTC has been authorized to negotiate and/or initiate eminent domain proceeding for right-of-way acquisition when necessary for the Project. RTC has been attempting to negotiate the purchase of property rights needed to construct the Project from the owner of APN 011-133-04. 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 property owners 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

- | | |
|-------------------|---|
| January 18, 2019 | Approved Amendment No. 2 to the Professional Services Agreement with Wood Rodgers, Inc. for Engineering during Construction (EDC) of the California & Keystone Interchange Enhancements Project |
| December 15, 2017 | Approved a Professional Services Agreement (PSA) with Wood Rodgers, Inc. for the California Avenue and Keystone Avenue Interchange Enhancements project for design services in the amount of \$123,445. |
| October 17, 2014 | Approved the Keystone Corridor Study, which included concepts for California Intersection Safety & Multimodal Improvements. An early action alternative to reconfigure the intersection primarily within existing right-of-way to accommodate sidewalks and bike lanes on the eastbound side of California Avenue was envisioned. The existing eastbound free flow auto travel lane would be changed to a standard signalized intersection. An ADA compliant ramp would be constructed to replace the existing stairs on the north side of California Avenue. |

ADDITIONAL BACKGROUND

The final design builds upon Alternative F as identified in the Keystone Avenue Corridor Study. Anticipated improvements include the re-alignment of the Keystone and California intersection, lane reconfigurations, pavement section reconstruction, sidewalk, curb and gutter, new PROWAG compliant pedestrian sidewalks and ramps and other incidentals necessary for the final design of this facility. Wood Rogers has developed 100% design plans, which are under review by City of Reno staff. The project is scheduled to bid in summer 2019 and Wood Rodgers has been retained for Engineering during Construction (EDC) services

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 California & Keystone Interchange Enhancements Project, hereinafter referred to as "Project," as part of an Interlocal Cooperative Agreement ("ICA") dated August 14, 2017; and

WHEREAS, in the ICA dated August 14, 2017, 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 7-Eleven, Inc. (formerly the Southland Corporation).

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 permanent easement and a temporary construction easement located on APN 011-133-04 as described in Exhibit "A" and depicted on Exhibit "B," attached hereto and incorporated herein by reference, on or about November 21, 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 California & Keystone Interchange Enhancements 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 March, 2019, by the following vote of the Regional Transportation Commission:

AYES: _____

NAYS: _____

ABSTAIN: _____

Approved this 15th day of March, 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 March, 2019, by Bob Lucey,
Chair of the Regional Transportation Commission.

Notary Public

EXHIBIT A

EXHIBIT A LEGAL DESCRIPTION FOR PUBLIC USE EASEMENT

All that certain real property situate within a portion of the Northwest One-Quarter (NW 1/4) of Section Fourteen (14), Township Nineteen (19) North, Range Nineteen (19) East, Mount Diablo Meridian, City of Reno, County of Washoe, State of Nevada, being a portion of the Parcel described in that certain Grant Deed, recorded on March 1, 1985, as Document No. 982099, filed in the Official Records of Washoe County, Nevada, being more particularly described as follows:

BEGINNING at northeasterly corner of said Parcel, also being on the northwesterly right-of-way of California Avenue;

THENCE departing said corner and along a portion of said northwesterly right-of-way granted to the City of Reno per Deed of Dedication, recorded on April 24, 1973, as Document No. 283740, filed in said Official Records, from a radial line which bears North 60°02'32" West, 8.69 feet along the arc of a 49.50 foot radius curve to the right through a central angle of 10°03'32";

THENCE continuing along said northwesterly right-of-way of California Avenue, South 40°01'00" West a distance of 194.22 feet to the beginning of a tangent curve to the right;

THENCE departing said northwesterly right-of-way and along the easterly right-of-way of Booth Street, 39.46 feet along the arc of a 22.00 foot radius curve through a central angle of 102°45'45";

THENCE departing said right-of-way, North 42°59'23" East a distance of 0.86 feet to the beginning of a tangent curve to the left;

THENCE from a radial line which bears North 42°59'23" East, 34.14 feet along the arc of a 21.00 foot radius curve through a central angle of 93°07'59";

THENCE North 39°51'24" East a distance of 58.38 feet;

THENCE North 50°08'36" West a distance of 2.00 feet;

THENCE North 39°51'24" East a distance of 141.87 feet to the northerly line of said Parcel;

THENCE along said northerly line, South 68°29'56" East a distance of 6.88 feet to the POINT OF BEGINNING;

Containing 1,419 square feet of land, more or less.

See Exhibit A-1, plat to accompany description, attached hereto and made a part hereof.

The basis of bearings for this description is Nevada State Plane Coordinate System, West Zone, North American Datum of 1983/1994, High Accuracy Reference Network (NAD 83/94-HARN), as determined by the Northern Nevada Cooperative Real Time Network GPS (NNCRN GPS).

**EXHIBIT A
LEGAL DESCRIPTION FOR
PUBLIC USE EASEMENT**

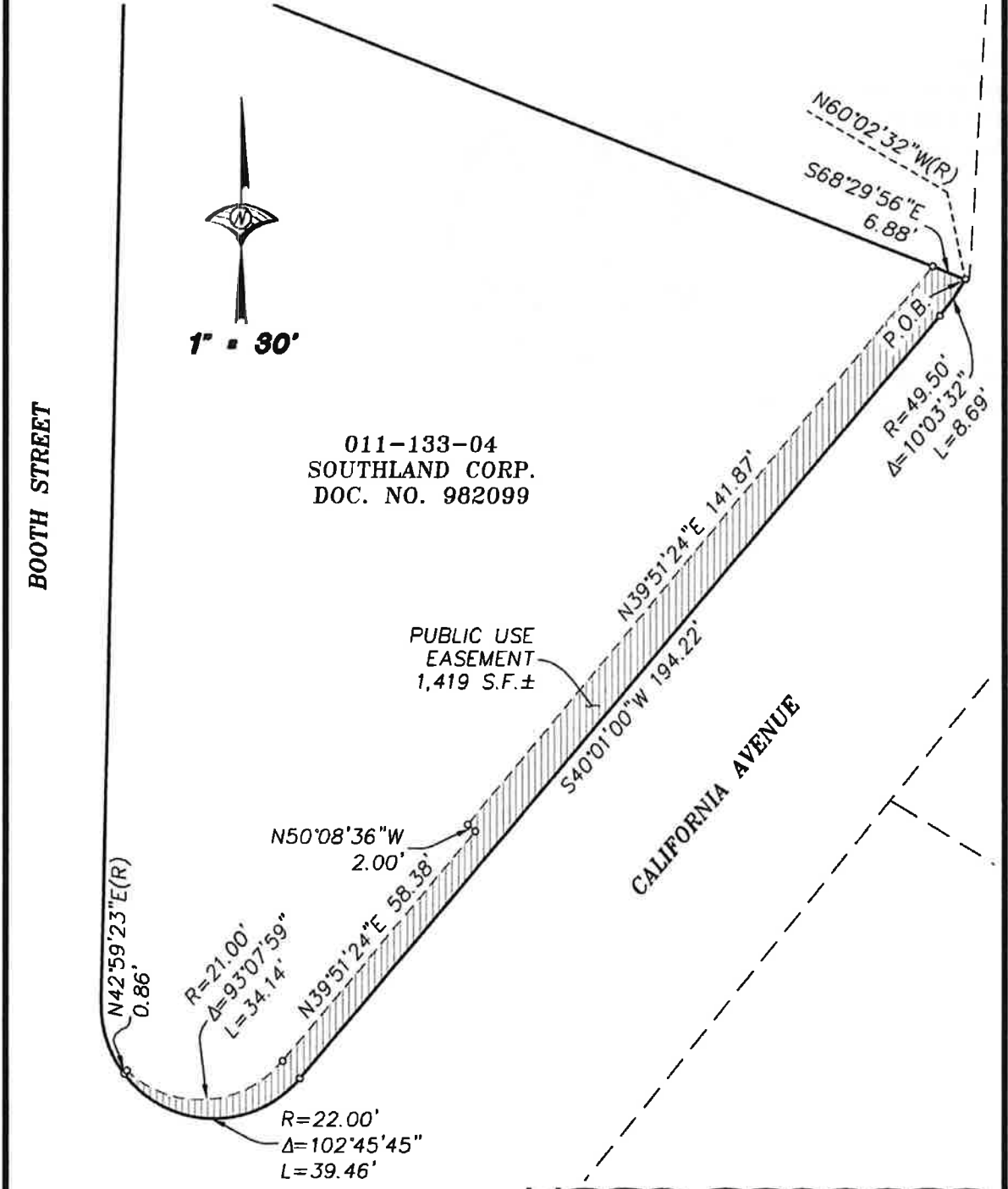
Prepared by:
Wood Rodgers, Inc.
1361 Corporate Blvd.
Reno, NV 89502



Kevin M. Almeter, P.L.S.
Nevada Certificate No. 19052

EXHIBIT A-1
 PLAT TO ACCOMPANY

PUBLIC USE EASEMENT
 BEING A PORTION OF THE NW 1/4 OF SECTION 14
 TOWNSHIP 19 NORTH, RANGE 19 EAST, M.D.M
 RENO WASHOE COUNTY NEVADA



JOB NO. 8312022
 SHEET 1 OF 1



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 1361 Corporate Blvd Reno, NV 89502
 Tel 775.823.4068 Fax 775.823.4066

**EXHIBIT A
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION EASEMENT**

All that certain real property situate within a portion of the Northwest One-Quarter (NW 1/4) of Section Fourteen (14), Township Nineteen (19) North, Range Nineteen (19) East, Mount Diablo Meridian, City of Reno, County of Washoe, State of Nevada, being a portion of the Parcel described in that certain Grant Deed, recorded on March 1, 1985, as Document No. 982099, filed in the Official Records of Washoe County, Nevada, being more particularly described as follows:

COMMENCING at northeasterly corner of said Parcel, also being on the northwesterly right-of-way of California Avenue;

THENCE departing said corner and along the northerly line of said Parcel, North 68°29'56" West a distance of 6.88 feet to the POINT OF BEGINNING;

THENCE departing said northerly line, South 39°51'24" West a distance of 141.87 feet;

THENCE South 50°08'36" East a distance of 2.00 feet;

THENCE South 39°51'24" West a distance of 58.38 feet to the beginning of a tangent curve to the right;

THENCE 34.14 feet along the arc of a 21.00 foot radius curve through a central angle of 93°07'59";

THENCE South 42°59'23" West a distance of 0.86 feet to the easterly right-of-way of Booth Street, also being the beginning of a non-tangent curve to the right;

THENCE from a radial line which bears North 52°46'45" East, 14.77 feet along the arc of a 22.00 foot radius curve through a central angle of 38°28'19";

THENCE continuing along said easterly right-of-way, North 01°15'04" East a distance of 30.58 feet;

THENCE departing said easterly right-of-way, South 88°55'34" East a distance of 2.24 feet;

THENCE South 01°04'26" West a distance of 27.48 feet to the beginning of a tangent curve to the left;

THENCE 17.71 feet along the arc of a 17.00 foot radius curve through a central angle of 59°40'25";

THENCE North 39°51'24" East a distance of 70.78 feet;

THENCE North 50°08'36" West a distance of 12.31 feet;

THENCE North 40°18'57" East a distance of 69.50 feet;

THENCE South 50°08'36" East a distance of 24.25 feet;

THENCE North 39°51'24" East a distance of 74.94 feet to the northerly line of said Parcel;

THENCE along said northerly line, South 68°29'56" East a distance of 4.57 feet to the POINT OF BEGINNING;

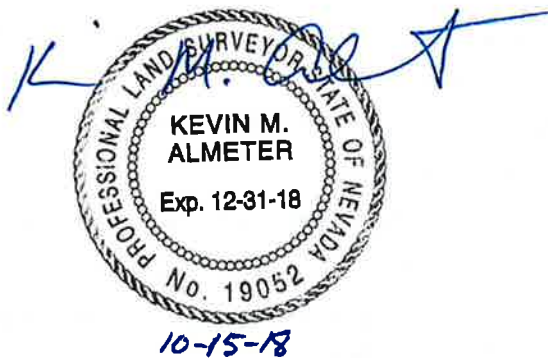
Containing 3,802 square feet of land, more or less.

See Exhibit A-1, plat to accompany description, attached hereto and made a part hereof.

**EXHIBIT A
LEGAL DESCRIPTION FOR
TEMPORARY CONSTRUCTION EASEMENT**

The basis of bearings for this description is Nevada State Plane Coordinate System, West Zone, North American Datum of 1983/1994, High Accuracy Reference Network (NAD 83/94-HARN), as determined by the Northern Nevada Cooperative Real Time Network GPS (NNCRN GPS).

Prepared by:
Wood Rodgers, Inc.
1361 Corporate Blvd.
Reno, NV 89502



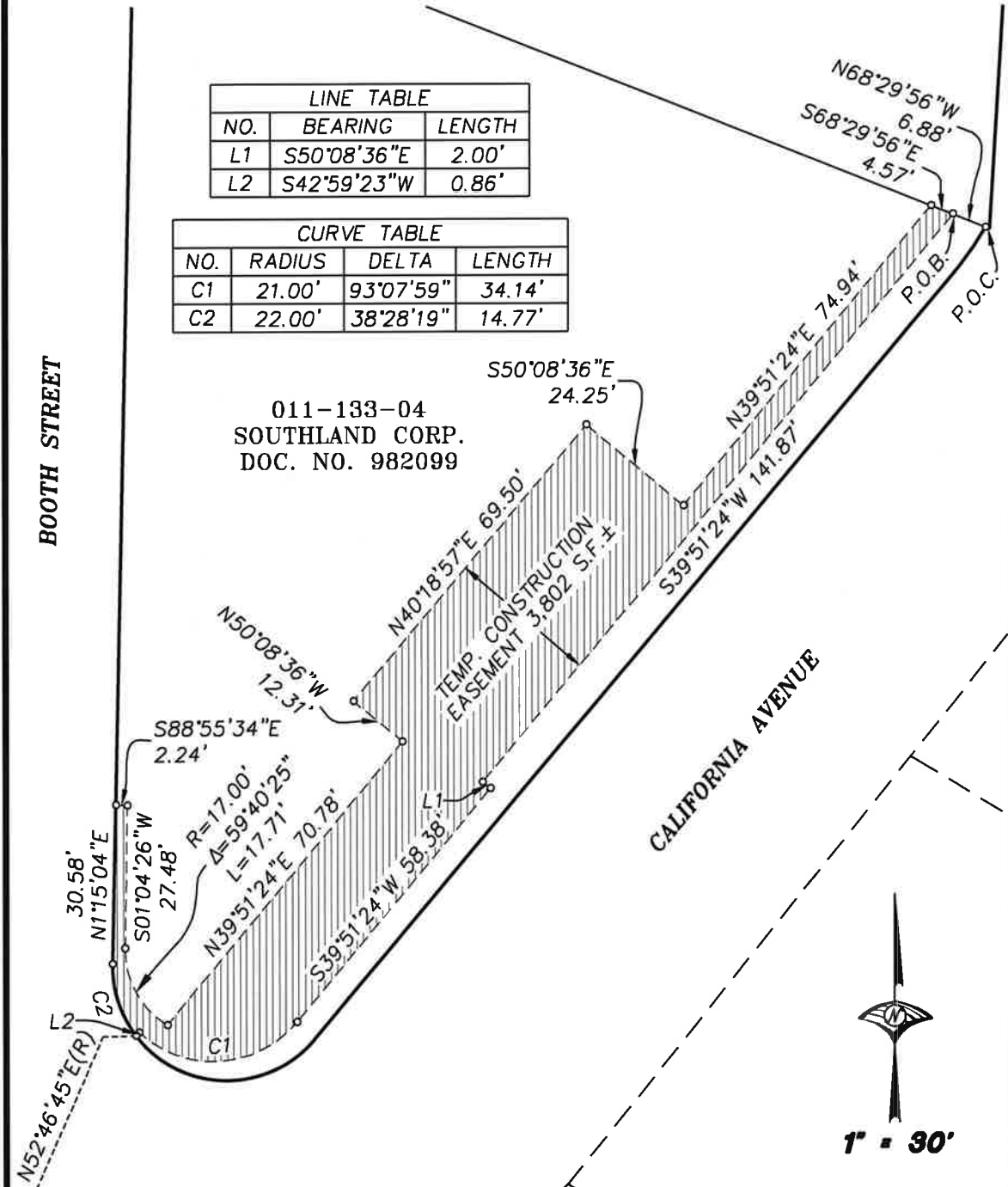
Kevin M. Almeter, P.L.S.
Nevada Certificate No. 19052

EXHIBIT A-1
 PLAT TO ACCOMPANY

TEMPORARY CONSTRUCTION EASEMENT
 BEING A PORTION OF THE NW 1/4 OF SECTION 14
 TOWNSHIP 19 NORTH, RANGE 19 EAST, M.D.M
 RENO WASHOE COUNTY NEVADA

LINE TABLE		
NO.	BEARING	LENGTH
L1	S50°08'36"E	2.00'
L2	S42°59'23"W	0.86'

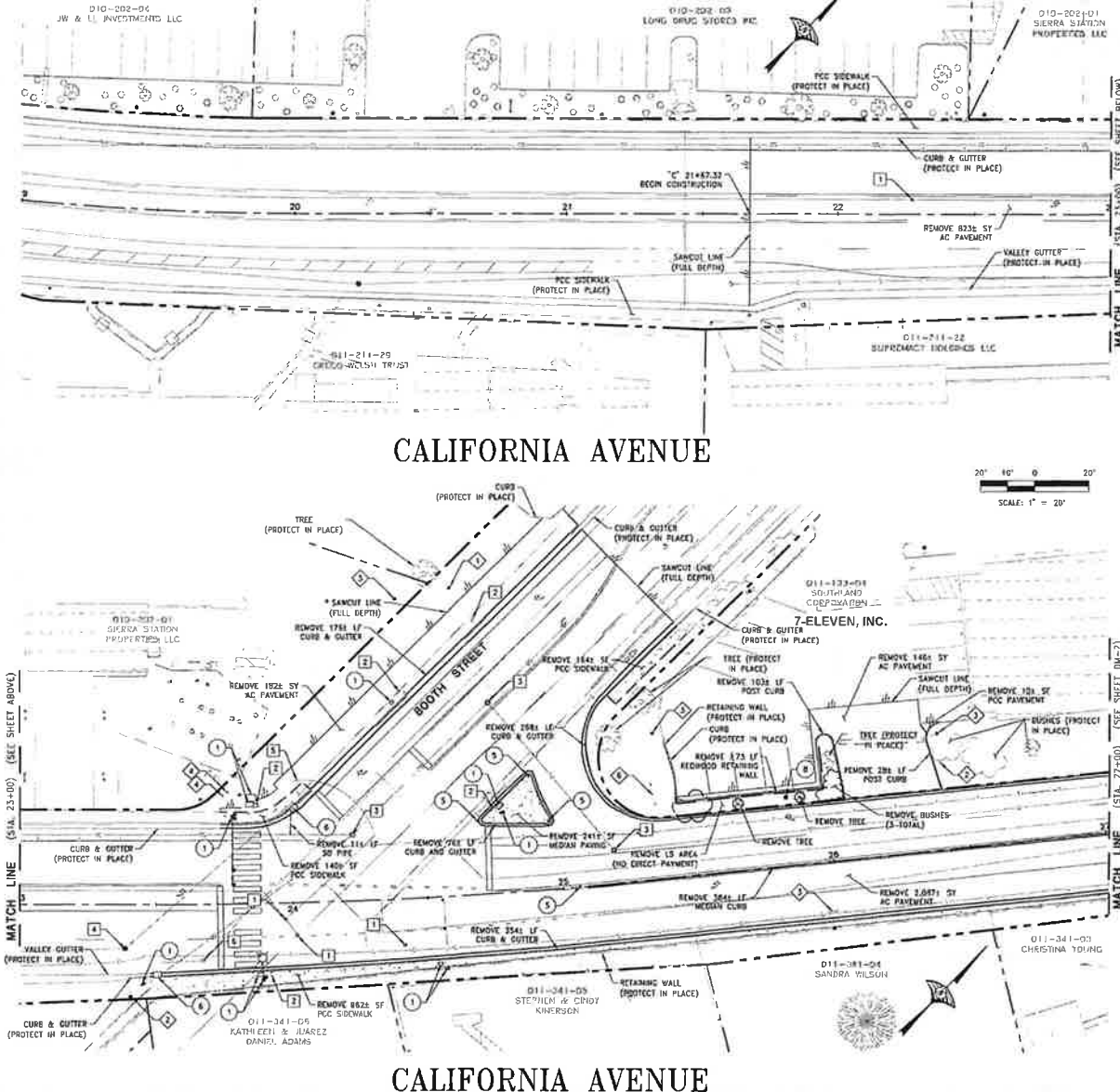
CURVE TABLE			
NO.	RADIUS	DELTA	LENGTH
C1	21.00'	93°07'59"	34.14'
C2	22.00'	38°28'19"	14.77'



JOB NO. 8312022
 SHEET 1 OF 1



WOOD RODGERS
 BUILDING RELATIONSHIPS ONE PROJECT AT A TIME
 1381 Corporate Blvd Reno, NV 89502
 Tel 775.823.4068 Fax 775.823.4066



- DEMOLITION KEY NOTES**
- 1 TRAFFIC SIGNAL DEMOLITION (REF TRAFFIC PLANS)
 - 2 REMOVE AND SALVAGE STREET LIGHT
 - 3 REMOVE STORM DRAIN MANHOLE
 - 4 REMOVE AND SALVAGE SIGN & POST
 - 5 REMOVE EDGE DELINEATORS (NO DIRECT PAYMENT)
 - 6 REMOVE CATCH BASIN
 - 7 REMOVE SIGN AND POST
 - 8 REMOVE AND SALVAGE SITE LIGHT

- LEGEND**
- [Symbol] REMOVE AC PAVEMENT
 - [Symbol] REMOVE PCC PAVEMENT
 - [Symbol] REMOVE PCC SIDEWALK
 - [Symbol] SAWCUT FULL DEPTH (NO DIRECT PAYMENT)

- ADJUST TO GRADE KEY NOTES**
- 1 WATER OR GAS VALVES (1-10 TO BE ADJUSTED)
 - 2 UTILITY VAULT OR POUL BOX (10-15 TO BE ADJUSTED)
 - 3 STORM DRAIN MANHOLE (15-18 TO BE ADJUSTED)
 - 4 SANITARY DRAIN MANHOLE (18-24 TO BE ADJUSTED)
 - 5 WATER METER (BOX TO BE ADJUSTED)
 - 6 UTILITY MANHOLE (24-30 TO BE ADJUSTED)

- PROJECT IN PLACE KEY NOTES**
- ◇ UTILITY POLE
 - ◇ SIGN
 - ◇ STREET LIGHT
 - ◇ BOLLARD
 - ◇ CATCH BASIN
 - ◇ BUSINESS SIGN

- NOTES**
- CURB & GUTTER, SIDEWALK, AND DRIVEWAY REMOVAL LIMITS ARE APPROXIMATE. LIMITS SHALL BE TO EXISTING JOINTS UNLESS OTHERWISE APPROVED.
 - CONCRETE SPALL REPAIR MAY BE REQUIRED ON EXISTING CONCRETE AREAS AND SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.
 - EXISTING LANDSCAPING LOCATED OUTSIDE OF THE PROJECT LIMITS SHALL BE PROTECT IN PLACE UNLESS NOTED OTHERWISE. EXISTING BUSHES AND TREES REQUIRING TRIMMING SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.
 - EXISTING LANDSCAPING REMOVALS WITHIN THE PROJECT LIMITS SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED. THESE LANDSCAPE REMOVALS MAY INCLUDE, BUT ARE NOT LIMITED TO, EXISTING TREES, BUSHES, STUMPS, GROUND COVER, ROCKS, BOLLARDS AND IRRIGATION APPOINTANCES.
 - VARYING SUBSURFACE CONDITIONS MAY BE ENCOUNTERED DURING SIDEWALK, CURB & GUTTER, CONCRETE AND AC REMOVALS AND SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.

FOR REVIEW ONLY - 100% SUBMITTAL

JUNE 2018
 DATE: 6/20/18
 SCALE: 1"=20'
 DRAWN BY: JAL
 CHECKED BY: JAL
 PROJECT NO: 0312.022
 DRAWING: DM-1

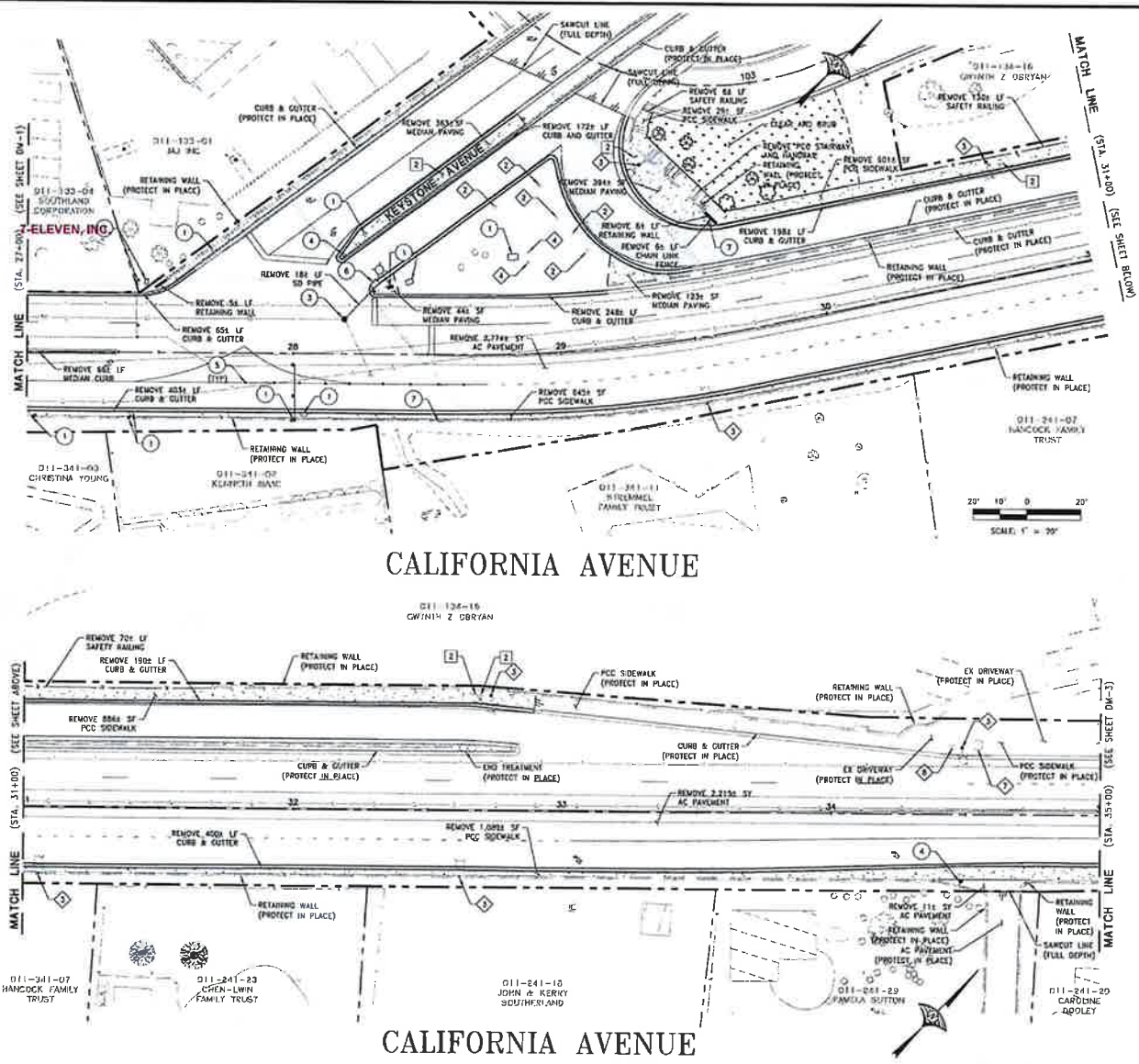
STEPHEN HENLEY
 CIVIL ENGINEER
 No. 635078
 CIVIL

WOOD ROBERTS
 174 W. 27th Street
 P.O. Box 4090
 Farmingdale, NY 11735

RIC STREETS & HIGHWAYS

KEYSTONE & CALIFORNIA INTERSECTION PROJECT CALIFORNIA AVENUE DEMOLITION PLAN

PROJECT NO: 0312.022
 DRAWING: DM-1



DEMOLITION KEY NOTES

- 1 TRAFFIC SIGNAL DEMOLITION (REF TRAFFIC PLANS)
- 2 REMOVE AND SALVAGE STREET LIGHT
- 3 REMOVE STORM DRAIN MANHOLE
- 4 REMOVE AND SALVAGE SIGN & POST
- 5 REMOVE EDGE DELICATOR (NO DIRECT PAYMENT)
- 6 REMOVE CATCH BASIN
- 7 REMOVE SIGN AND POST
- 8 REMOVE AND SALVAGE SITE LIGHT

LEGEND

- REMOVE AC PAVEMENT
- REMOVE PCC PAVEMENT
- REMOVE PCC SIDEWALK
- SAWCUT FULL DEPTH (NO DIRECT PAYMENT)
- CLEAR AND GRUB

ADJUST TO GRADE KEY NOTES

- 1 WATER OR GAS VALVES (LID TO BE ADJUSTED) 3 (D-10) 4 (D-10)
- 2 UTILITY VAULT OR PULL BOX (LID TO BE ADJUSTED) 5 (D-10)
- 3 STORM DRAIN MANHOLE (RM TO BE ADJUSTED) 2 (D-4)
- 4 SANITARY SEWER MANHOLE (RM TO BE ADJUSTED) 2 (D-5)
- 5 WATER METER (SOCK TO BE ADJUSTED)

PROTECT IN PLACE KEY NOTES

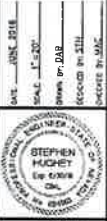
- ◇ UTILITY POLE
- ◇ SIGN
- ◇ STREET LIGHT
- ◇ BOLLARD
- ◇ CATCH BASIN
- ◇ BUSINESS SIGN
- ◇ TELEPHONE MANHOLE, VAULT OR PULL BOX

NOTES

1. CURB & GUTTER, SIDEWALK, AND DRIVEWAY REMOVAL LIMITS ARE APPROXIMATE. LIMITS SHALL BE TO EXISTING JOINTS UNLESS OTHERWISE APPROVED.
2. CONCRETE SPALL REPAIR MAY BE REQUIRED ON EXISTING CONCRETE AREAS AND SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.
3. EXISTING LANDSCAPING LOCATED OUTSIDE OF THE PROJECT LIMITS SHALL BE PROTECT IN PLACE UNLESS NOTED OTHERWISE. EXISTING BUSHES AND TREES REQUIRING TRIMMING SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.
4. EXISTING LANDSCAPING REMOVALS WITHIN THE PROJECT LIMITS SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED. THESE LANDSCAPE REMOVALS MAY INCLUDE, BUT ARE NOT LIMITED TO, EXISTING TREES, BUSHES, STUMPS, GROUND COVER, ROCKS, BOLLARDERS AND IRRIGATION APPLIANCE/S.
5. VARIING SUBSURFACE CONDITIONS MAY BE ENCOUNTERED DURING FORMWORK, CURB & GUTTER, CONCRETE AND AC REMOVALS AND SHALL BE CONSIDERED INCIDENTAL TO THE PROJECT WITH NO DIRECT PAYMENT UNLESS OTHERWISE APPROVED.

FOR REVIEW ONLY - 100% SUBMITTAL

DATE: _____	SCALE: 1"=20'	DRAWN BY: DAB	REVISION: 3-11	NO.	DATE
PROJECT NO. 8317.002					



**KEYSTONE & CALIFORNIA INTERSECTION PROJECT
CALIFORNIA AVENUE
DEMOLITION PLAN**

PROJECT NO. 8317.002
DRAWING
DM-2



CALIFORNIA & KEYSTONE INTERSECTION
 PROPOSED & TEMPORARY EASEMENTS
 MAY 2018

WOOD ROGERS
 CONSULTING ENGINEERS AND ARCHITECTS
 1361 Corporate Boulevard
 Reno, NV 89502
 Tel: 775.823.4068
 Fax: 775.823.4068