



**REGIONAL TRANSPORTATION COMMISSION**

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

Metropolitan Planning Organization of Washoe County, Nevada

April 19, 2019

**AGENDA ITEM 6.7**

**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 011-183-13 and APN 011-183-15 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 two temporary construction easements located on APN 011-183-13 and a permanent easement and a temporary construction easement located on APN 011-183-15 from Redbird Reno Liberty DE LLC and 50 West Liberty DE LLC 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 proceeding 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 owners of APN 011-183-13 and APN 011-183-15. 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**

- |                    |   |
|--------------------|---|
| 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. The 100 percent design plans for the project are complete. The roadway reconstruction and BRT project work in the South Virginia-Midtown segment of the project is tentatively scheduled to begin in June 2019 pending receipt of a Letter of No Prejudice from the FTA and successful negotiation with the CMAR contractor. Work in the North Virginia-UNR segment of the project is anticipated to begin mid-2020. With these anticipated start dates, the roadway construction and BRT improvements are scheduled to be complete by the end of 2020.

### **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 Redbird Reno Liberty DE LLC and 50 West Liberty DE LLC.

**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 two temporary construction easements located on APN 011-183-13 and a permanent easement and a temporary construction easement located on APN 011-183-15 as described in Exhibit "A" and depicted on Exhibit "B," attached hereto and incorporated herein by reference, on or about January 18, 2019. 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 19th day of April, 2019, by the following vote of the Regional Transportation Commission:

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

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

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

Approved this 19th day of April, 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 19th day of April, 2019, by Bob Lucey,  
Chair of the Regional Transportation Commission.

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

## **EXHIBIT A**

### **EXHIBIT "A" LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENTS APN: 011-183-13**

All those temporary construction easements, situate within a portion of the South East 1/4 of Section 11, 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:

#### **TEMPORARY CONSTRUCTION EASEMENT 1**

**Beginning** at the south east corner of that certain parcel of land described in deed as Parcel 2, recorded in the official records of Washoe County Recorder's Office on March 31, 2017, as Document File # 4692227, said point also being a point on the westerly line of South Virginia Street, said point also being the south east corner of a revised parcel shown on Map of Dedication by Valley Plaza LTD., recorded on April 25, 1979, as Tract Map # 1838, Document File # 601633;

Thence South 70°25'14" West 12.17 feet along the south boundary line of said parcel;

Thence departing south boundary line of said parcel, North 16°58'40" West 16.56 feet;

Thence North 15°11'27" West 49.18 feet to a point on the east boundary line of said parcel, said point also being a point on the westerly line of South Virginia Street;

Thence South 26°14'28" East 66.02 feet along the east boundary line of said parcel to the point of beginning, containing 412 square feet, more or less.

#### **TEMPORARY CONSTRUCTION EASEMENT 2**

**Beginning** at the north east corner of that certain parcel of land described in deed as Parcel 2, recorded in the official records of Washoe County Recorder's Office on March 31, 2017, as Document File # 4692227, said point also being a point on the westerly line of South Virginia Street, said point also being a point on the east boundary line of a revised parcel shown on Map of Dedication by Valley Plaza LTD., recorded on April 25, 1979, as Tract Map # 1838, Document File # 601633;

Thence South 20°06'24" East 55.42 feet along the east boundary line of said parcel;

Thence South 26°14'28" East 4.46 feet along the east boundary line of said parcel;

Thence departing the east boundary line of said parcel, South 76°36'41" West 6.10 feet;

Thence North 14°42'14" West 9.31 feet;

Thence North 15°35'32" West 31.71 feet;

Thence North 14°35'35" West 15.78 feet;

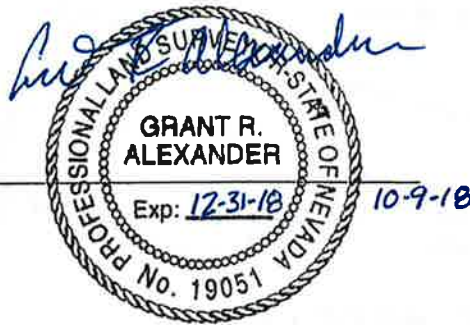
Thence North 09°44'10" West 2.73 feet to a point on the north boundary line of said parcel;

Thence North 74°39'13" East 0.19 feet along the north boundary line of said parcel to the point of beginning, containing 183 square feet, more or less.

The combined area of Temporary Construction Easements 1 through 2, containing a total area of 595 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"

50 WEST LIBERTY DE LLC. &  
REDBIRD RENO LIBERTY DE LLC.  
APN: 011-183-15

TEMPORARY CONSTRUCTION EASEMENT 2  
AREA = 183 SQ. FT. +/-

50 WEST LIBERTY DE LLC. &  
REDBIRD RENO LIBERTY DE LLC.  
APN: 011-183-13  
DEED DOC. NO. 4592227  
PARCEL 2

TEMPORARY CONSTRUCTION EASEMENT 1  
AREA = 412 SQ. FT. +/-

ESRNEV3 LLC.  
APN: 011-183-16

SOUTH VIRGINIA STREET



LINE TABLE		
LINE	LENGTH	BEARING
L1	12.17'	S70°25'14"W
L2	16.56'	N16°58'40"W
L3	49.18'	N15°11'27"W
L4	66.02'	S26°14'28"E
L5	55.42'	S20°06'24"E
L6	4.46'	S26°14'28"E
L7	6.10'	S76°36'41"W
L8	9.31'	N14°42'14"W
L9	31.71'	N15°35'32"W
L10	15.78'	N14°35'35"W
L11	2.73'	N09°44'10"W
L12	0.19'	N74°39'13"E



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

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

**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
BY: GRA  
DATE: 11/01/2017  
SCALE: 1" = 40'



**EXHIBIT A**

**EXHIBIT "A"  
LEGAL DESCRIPTION OF PERMANENT EASEMENT  
APN: 011-183-15**

A permanent easement, situate within a portion of the South East 1/4 of Section 11, 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 south east corner of that certain parcel of land described in deed as Parcel 1, recorded in the official records of Washoe County Recorder's Office on March 31, 2017, as Document File # 4692227, said point also being a point on the westerly line of South Virginia Street, said point also being a point on the east boundary line of a revised parcel shown on Map of Dedication by Valley Plaza LTD., recorded on April 25, 1979, as Tract Map # 1838, Document File # 601633;

Thence North 20°06'24" West 114.45 feet along the east boundary line of said parcel to a non tangent curve to the left;

Thence westerly 5.95 feet along the north boundary line of said parcel and said curve to which a radial line bears North 24°38'02" East, having a radius of 15.41 feet, through a delta angle of 22°07'08" to the **true point of beginning**;

Thence continuing along the north boundary line of said parcel westerly 4.79 feet and curve having a radius of 15.41 feet, through a delta angle of 17°49'01";

Thence South 74°41'53" West 28.79 feet along the north boundary line of said parcel;

Thence departing the north boundary line of said parcel, South 14°50'38" East 3.35 feet;

Thence North 74°38'42" East 19.00 feet;

Thence North 14°50'38" West 2.71 feet;

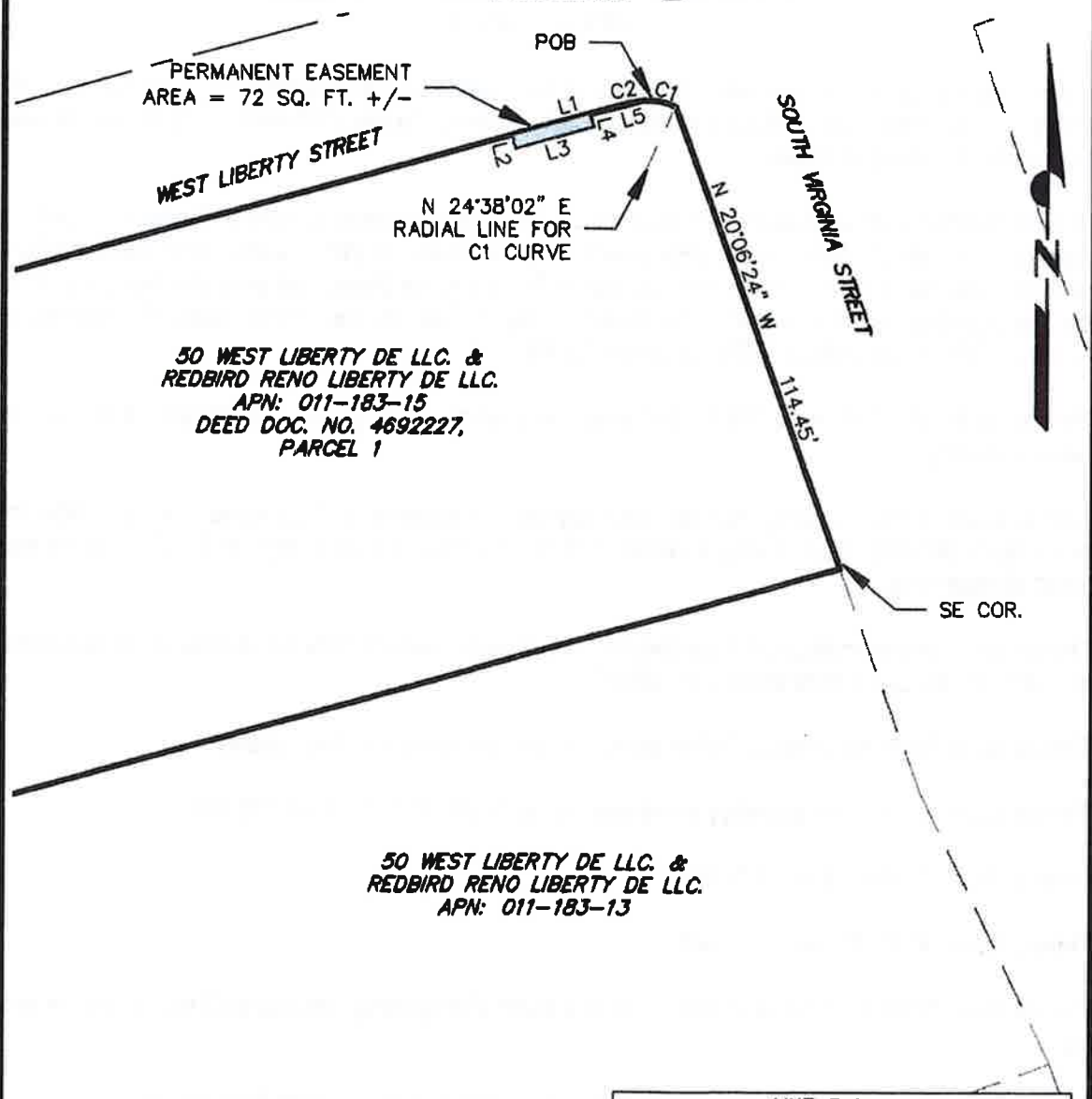
Thence North 75°09'22" East 14.51 feet to the **true point of beginning**, containing 72 square feet, more or less.

**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"



CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	22°07'08"	5.95'	15.41'
C2	17°49'01"	4.79'	15.41'

LINE TABLE		
LINE	LENGTH	BEARING
L1	28.79'	S74°41'53"W
L2	3.35'	S14°50'38"E
L3	19.00'	N74°38'42"E
L4	2.71'	N14°50'38"W
L5	14.51'	N75°09'22"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: 11/30/2017  
 SCALE: 1" = 40'

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF TEMPORARY CONSTRUCTION EASEMENT**  
**APN: 011-183-15**

A temporary construction easement, situate within a portion of the South East 1/4 of Section 11, 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 south east corner of that certain parcel of land described in deed as Parcel 1, recorded in the official records of Washoe County Recorder's Office on March 31, 2017, as Document File # 4692227, said point also being a point on the westerly line of South Virginia Street, said point also being a point on the east boundary line of a revised parcel shown on Map of Dedication by Valley Plaza LTD., recorded on April 25, 1979, as Tract Map # 1838, Document File # 601633;

Thence South 74°39'13" West 15.45 feet along the south boundary line of said parcel;

Thence departing south boundary line of said parcel, North 14°52'51" West 52.40 feet;

Thence North 29°51'17" East 7.10 feet;

Thence North 15°22'01" West 56.93 feet;

Thence South 74°37'42" West 19.20 feet;

Thence North 14°50'38" West 2.71 feet;

Thence North 75°09'22" East 14.51 feet to a point on the northerly line of said parcel and non tangent curve to the right;

Thence easterly 5.95 feet along the north boundary line of said parcel and said curve to which a radial line bears North 02°30'54" East, having a radius of 15.41 feet, through a delta angle of 22°07'08";

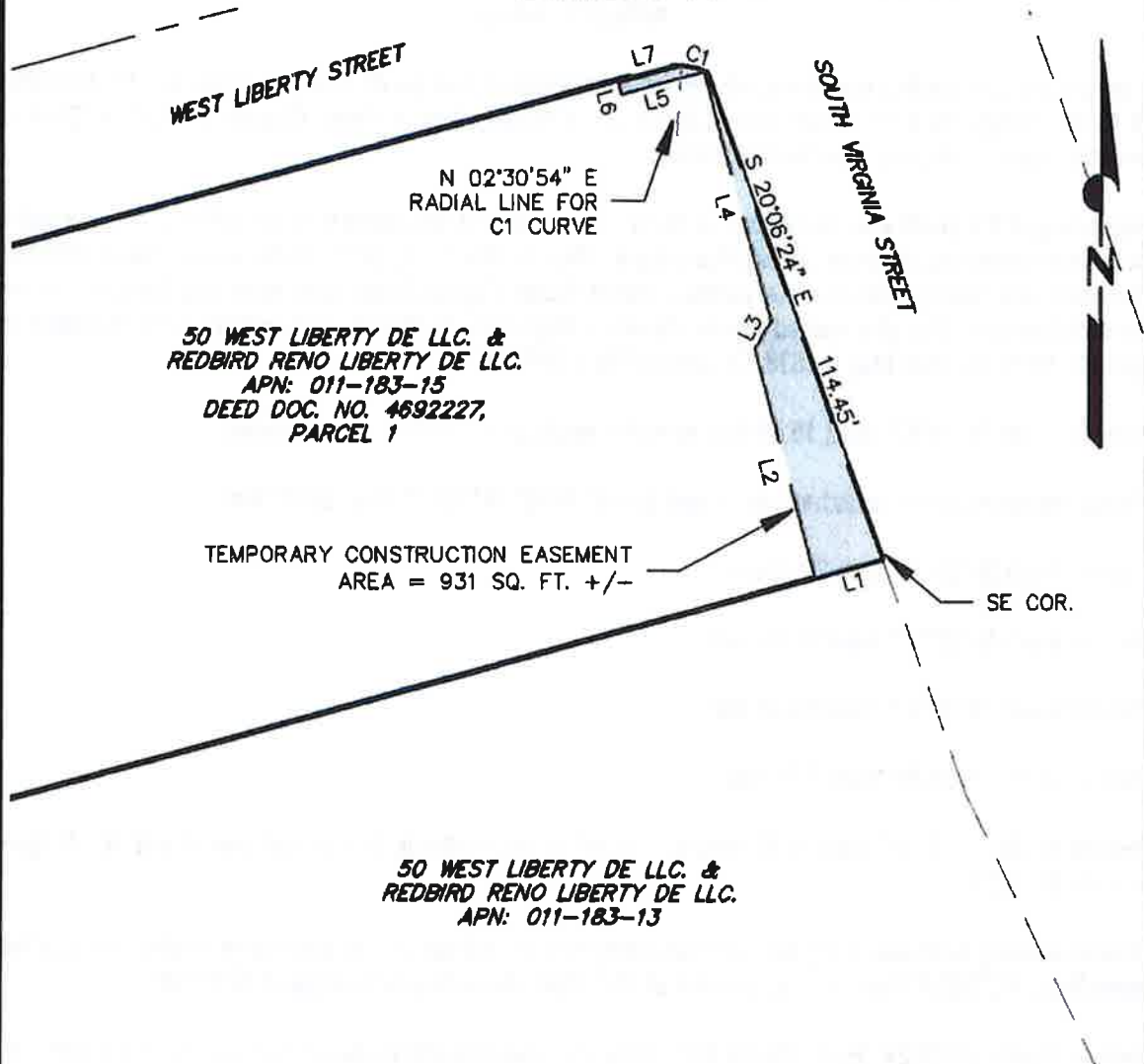
Thence South 20°06'24" East 114.45 feet along the east boundary line of said parcel to the point of beginning, containing 931 square feet, more or less.

**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 Gleason Way  
Sparks, NV 89431

# EXHIBIT "B"



CURVE TABLE			
CURVE	DELTA	LENGTH	RADIUS
C1	22°07'08"	5.95'	15.41'

LINE TABLE		
LINE	LENGTH	BEARING
L1	15.45'	S74°39'13"W
L2	52.40'	N14°52'51"W
L3	7.10'	N29°51'17"E
L4	56.93'	N15°22'01"W
L5	19.20'	S74°37'42"W
L6	2.71'	N14°50'38"W
L7	14.51'	N75°09'22"E



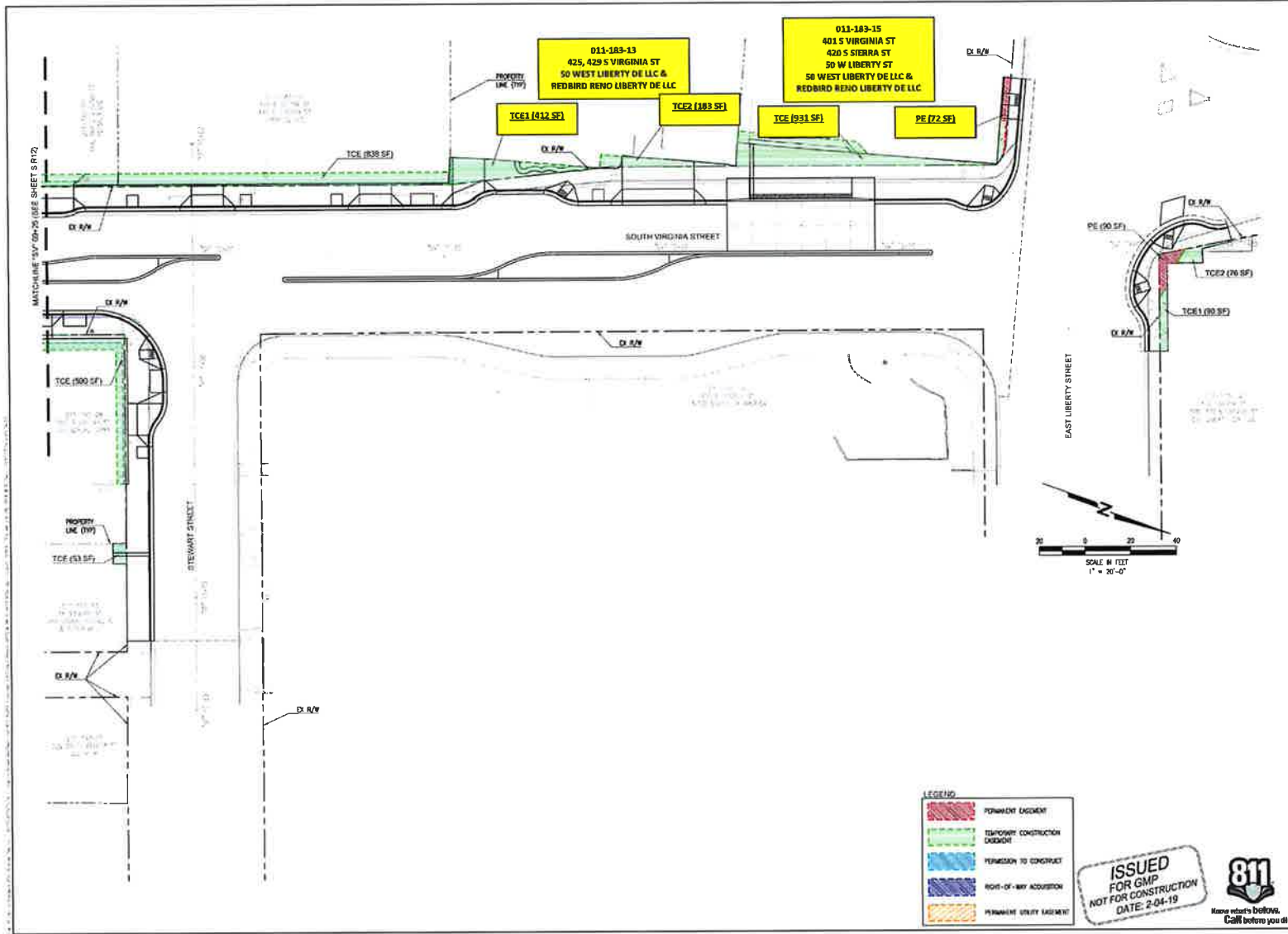
**BATTLE BORN VENTURES, LLC**  
 600 GLEESON WAY  
 SPARKS, NEVADA 89431  
 www.battlebornventures.com

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

**Land Surveyors - Civil Engineers**

W.O. #: 2016\_152  
 BY: GRA  
 DATE: 11/30/2017  
 SCALE: 1" = 40'

**EXHIBIT B**



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

**RTC** REGIONAL  
 TRANSPORTATION  
 COMMISSION  
 1105 TERMINAL WAY,  
 SUITE 108 RENO, NV 89502  
 PHONE (775) 348-0171

NO.	DATE	DESCRIPTION

PROJECT NO.	A173.25.14
DESIGNED BY	SPI
DRAWN BY	SPI
CHECKED BY	RDH
DATE	1-28-19
DATE	2-04-19

This drawing is the property of NCE, including all related and derivative features, and the user's agreement not to use, copy, reproduce, or disseminate this drawing for any purpose other than those specifically permitted in writing by NCE.

**RIGHT OF WAY**  
 "SV" 69+25 TO "SV" 74+50  
 "ST" 10+00 TO "ST" 12+50

DRW NO  
**S.R13**

SHEET 18 OF 332

**ISSUED  
 FOR GMP  
 NOT FOR CONSTRUCTION  
 DATE: 2-04-19**

