



Planning Commission Staff Report

Meeting Date: January 7, 2025

Agenda Item: 8A

ABANDONMENT CASE NUMBER: WAB24-0002 (LC Highland II Slope Easement)

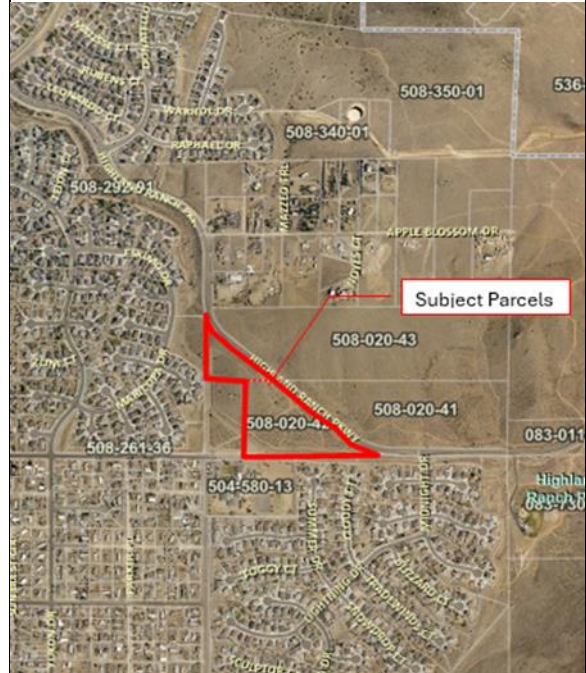
BRIEF SUMMARY OF REQUEST: An acknowledgement of re-recording of the Resolution and Order of Abandonment of a slope easement to correct document numbers and title of the easement.

STAFF PLANNER: Julee Olander, Planner
Phone Number: 775.328.3627
E-mail: jolander@washoecounty.gov

SUBJECT

For possible action to acknowledge the re-recording of the Resolution and Order of Abandonment with correct document numbers and to correct the title of the easement from a “construction” easement to a “slope” easement for WAB24-0002 (LC Highland II LLC). The former Resolution and Order of Abandonment was previously recorded on September 23, 2024, as Document No. 5486425 for ±2.57 acres of a slope easement located along the west side of Highland Ranch Parkway within a portion of two parcels (APN: 508-020-42 & 508-020-44). The Resolution and Order of Abandonment subject to this re-recording was recorded on November 18, 2024, as Document No. 5499038.

Applicant/Owner: LC Highland LLC
Location: Off Highland Ranch Pkwy. & north of Midnight Drive
APN: 508-020-42 & 44
Parcel Size: ±10 & ±3.3 acres
Master Plan: Rural (R) & Suburban Residential (SR)
Regulatory Zone: High Density Suburban (HDS) & General Rural (GR)
Area Plan: Sun Valley
Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
Commission District: 5 – Commissioner Herman



Vicinity Map

STAFF RECOMMENDATION

ACKNOWLEDGE

POSSIBLE MOTION

Should the Commission agree with staff’s recommendation, a possible motion would be: “Move to acknowledge the re-recording of the Resolution and Order of Abandonment with correct document numbers and to correct the title of the easement from a “construction” easement to a “slope” easement for WAB24-0002 (LC Highland II LLC). The former Resolution and Order of Abandonment was previously recorded on September 23, 2024, as Document No. 5486425 for ±2.57 acres of a slope easement located along the west side of Highland Ranch Parkway within a portion of two parcels (APN: 508-020-42 & 508-020-44). The Resolution and Order of Abandonment subject to re-recording was recorded on November 18, 2024, as Document No. 5499038.

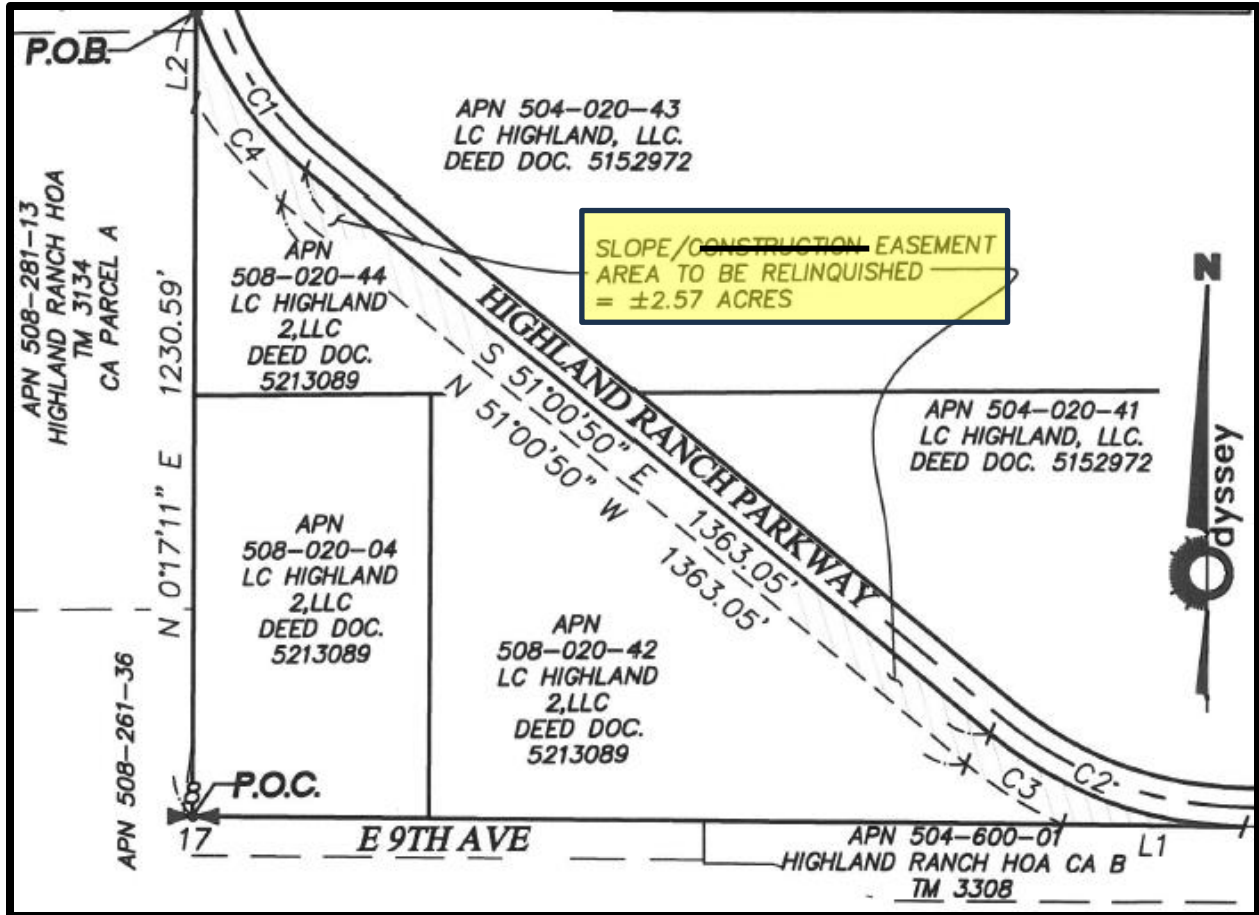
(Motion with Findings on Page 4)

Staff Report Contents

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Exhibits Contents

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| Re-Recorded Resolution and Order of Abandonment..... | Exhibit B |



Site Plan

Summary

Abandonment case number WAB24-0002 was approved by the Planning Commission on June 4, 2024. (See Exhibit C). However, when the original Resolution and Order of Abandonment was recorded, there were errors in the title of the easement as a “construction” easement rather than a “slope” easement on its legal description and incorrect document numbers cited. The following provides the timeline and details of the corrections made:

1. On September 23, 2024, a Resolution and Order of Abandonment was recorded in the Washoe County Recorder’s Office as Document No. 5486425.
2. Following recordation of the above referenced document, Washoe County was informed that some of the citations of document numbers and easement descriptions were inaccurately stated.
3. The inaccurate information in the document is listed as follows (See attached re-recorded Document No. 5499038):
 - a. Page 1, first WHEREAS paragraph:
 - i. “*construction*” easement is edited to “*slope*” easement
 - ii. “*August 9, 2021*” is replaced by “*12-11-1997*”
 - iii. Document number “*5213089*” is edited to “*2161273*”

- b. Page 1, See Attached Paragraph:
 - i. Exhibit A-1 reference to “*Construction*” Easement is edited to “**SLOPE**” Easement
 - c. Legal Description:
 - i. Title including “*CONSTRUCTION*” EASEMENT is edited to “**SLOPE**” EASEMENT
 - ii. First Paragraph – Document No. “*5213089*” is edited to “**2161273**”
 - iii. First Paragraph – “*August 9, 2021*” is replaced by “**12-11-1997**”
 - d. Exhibit “A-1”:
 - i. Title Block “*CONSTRUCTION*” EASEMENT is edited to “**SLOPE**” EASEMENT
 - ii. Callout on Exhibit “*CONSTRUCTION*” EASEMENT is edited to “**SLOPE**” EASEMENT
4. On November 18, 2024, County Surveyor, Wayne Handrock, re-recorded the corrected Resolution and Order of Abandonment in the Washoe County Recorder’s Office as Document No. 5499038.

Project Background

The original request and Planning Commission approval was to abandon a slope easement along the west side of Highland Ranch Parkway, totaling 2.57 acres, within a portion of two parcels (508-020-44 and 508-020-42). The easement ran parallel to the easterly portion of two parcels within the Highland Village Phase II subdivision. The easement was recorded for the construction of Highland Ranch Parkway, which was completed in the late 1990’s. The easement was no longer needed as construction is complete and all public improvements fall within the right of way. Both subject parcels are owned by the applicant, LC Highland 2, LLC. The abandonment did not affect any adjoining parcels.

Both parcels are currently undeveloped. The Highland Ranch Phase II subdivision (WTM22-004) was approved by the Planning Commission on December 6, 2022, as a single family, common open space subdivision, for a maximum of 73-lots. The abandonment enabled the development to be developed as approved.

Recommendation

It is recommended the Planning Commission acknowledge the re-recording of the Resolution and Order of Abandonment with correct document numbers and to correct the title of the easement from a “construction” easement to a “slope” easement for WAB24-0002 (LC Highland II LLC).

Motion

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the staff presentation, the Washoe County Planning Commission acknowledge the re-recording of the Resolution and Order of Abandonment with correct document numbers and to correct the title of the easement from a “construction” easement to a “slope” easement for WAB24-0002 (LC Highland II LLC). The former Resolution and Order of Abandonment was previously recorded on September 23, 2024, as Document No. 5486425 for ±2.57 acres of a slope easement located along the west side of Highland Ranch Parkway within a portion of two parcels (APN: 508-020-42 & 508-020-44). The Resolution and Order of

Abandonment subject to re-recording was recorded on November 18, 2024, as Document No. 5499038.



Planning Commission Action Order Abandonment Case Number WAB24-0002 (LC Highland 2 LLC)

Decision: **Approval with Conditions**
 Decision Date: June 4, 2024
 Mailing/Filing Date: June 7, 2024
 Property Owner: LC Highland 2 LLC
 Staff Planner: Courtney Weiche, Senior Planner
 Phone: 775.328.3508
 E-Mail: cweiche@washoecounty.gov

Abandonment Case Number WAB24-0002 (LC Highland 2 LLC) – For hearing, discussion, and possible action to approve an abandonment of Washoe County’s interest in a construction easement (approximately 2.57 acres of land) located along the west side of Highland Ranch Parkway to LC Highland 2 LLC. APNs 508-020-44 (3.33 acres) and 508-020-42 (10.14 acres).

- Applicant/Property Owner: LC Highland 2 LLC
- Location: 0 Highland Ranch Parkway
- APN: 508-020-44 (3.33 acres) and 508-020-42 (10.14 acres)
- Parcel Size: Rural and Suburban Residential
- Master Plan: 508-020-42: High Density Suburban (HDS) 96% and General Rural (GR) 4%
- Regulatory Zone: 508-020-44: High Density Suburban (HDS) 5% and General Rural (GR) 95%
- Area Plan: Sun Valley
- Development Code: Authorized in Article 806, Vacations and Abandonments of Easements or Streets
- Commission District: 5 – Commissioner Herman

Notice is hereby given that the Washoe County Planning Commission granted approval with conditions of the above referenced case number based on the findings in accordance with Washoe County Code Chapter 110 (Development Code) Article 806, *Vacations and Abandonments of Easements or Streets*. If no appeals have been filed within 10 calendar days after the Mailing/Filing date shown on this Action Order, the approval by the Washoe County Planning Commission is final. If filed, an appeal stays any further action on the permit until final resolution of the appeal. An appeal shall be filed in accordance with the provisions found in Article 912, *Establishment of Commissions, Boards and Hearing Examiners*, of the Development Code. This decision is based on having made all three findings in accordance with Washoe County Code Section 110.806.20:

1. Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Sun Valley Planning Area; and


**WAB24-0002
EXHIBIT A**

To: LC Highland 2 LLC
Subject: Abandonment Case Number WAB24-0002 (LC Highland 2 LLC)
Date: June 4, 2024
Page: Page 2 of 2

2. No Detriment. The abandonment or vacation does not result in a material injury to the public; and
3. Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be reasonably relocated to provide similar or enhanced service.

Anyone wishing to appeal this decision to the Washoe County Board of County Commissioners may do so within 10 calendar days after the Mailing/Filing Date shown on this Action Order. To be informed of the appeal procedure, contact Planning staff at Planning@washoecounty.gov or by phone at 775-328-6100. Appeals must be filed in accordance with Section 110.912.20 of the Washoe County Development Code.

Washoe County Community Services Department
Planning and Building Division



Trevor Lloyd
Secretary to the Planning Commission

TL/CW/BR

Enclosure: Conditions of Approval

Property Owner: LC Highland 2, LLC jholbrook@landcapip.com

Action Order xc: Jennifer Gustafson, District Attorney's Office; Keirsten Beck, Assessor's Office; Rigo Lopez, Assessor's Office; Rob Wimer, Engineering and Capital Projects.

WAB24-0002
EXHIBIT A



Conditions of Approval

Abandonment Case Number WAB24-0002

The project approved under Abandonment Case Number WAB24-0002 shall be carried out in accordance with the conditions of approval granted by the Planning Commission on June 4, 2024. Conditions of approval are requirements placed on a permit or development by each reviewing agency. These conditions of approval may require submittal of documents, applications, fees, inspections, amendments to plans, and more. These conditions do not relieve the applicant of the obligation to obtain any other approvals and licenses from relevant authorities required under any other act or to abide by all other generally applicable Codes, and neither these conditions nor the approval by the County of this project/use override or negate any other applicable restrictions on uses or development on the property. Furthermore, to the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, this request is in effect a “quitclaim” by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. Nothing in this abandonment should be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, this abandonment does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

Unless otherwise specified, all conditions related to the approval of this Abandonment shall be met prior to recordation of the Resolution and Order of Abandonment. Prior to recordation of the Resolution and Order of Abandonment, each agency shall determine when compliance of their specific conditions is met by the applicant as set forth in the Conditions of Approval. All agreements, easements, or other documentation required by these conditions shall have a copy filed with the County Engineer and the Community Services Department – Planning and Building Division.

Compliance with the conditions of approval related to this abandonment is the responsibility of the applicant, his/her successor in interest, and all owners, assignees, and occupants of the property and their successors in interest. All conditions of approval must be met prior to the Engineering and Capital Projects Division recording the required Resolution and Order of Abandonment.

For the purpose of conditions imposed by Washoe County, “may” is permissive and “shall” or “must” is mandatory.

- All conditions of approval are required to be completed before the Abandonment can be recorded and finalized.
- The abandonment will be effective after the approval of a Resolution and Order of Abandonment by the Engineering and Capital Projects and after the recordation of the Resolution and Order of Abandonment by the County Recorder.

The Washoe County Commission oversees many of the reviewing agencies/departments with the exception of the following agencies.

- **The DISTRICT BOARD OF HEALTH, through Northern Nevada Public Health (NNPH), has jurisdiction over public health matters. Any conditions set by NNPH must be appealed to the District Board of Health.**

THE FOLLOWING ARE CONDITIONS OF APPROVAL REQUIRED BY THE REVIEWING AGENCIES. EACH CONDITION MUST BE MET TO THE SATISFACTION OF THE ISSUING AGENCY.

Washoe County Planning and Building Division

1. The following conditions are requirements of CSD – Planning and Building Division, which shall be responsible for determining compliance with these conditions.

Contact Name – Courtney Weiche, Senior Planner, 775.328.3608, cweiche@washoecounty.gov

- a. **The applicant shall attach a copy of the action order approving this project to all permits and applications (including building permits) applied for as part of this abandonment.**
- b. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action. The County Engineer shall determine compliance with this condition.
- c. This Abandonment will be effective upon recordation of the Resolution and Order of Abandonment by the County Recorder.

Washoe County Engineering and Capital Projects

2. The following conditions are requirements of Engineering and Capital Projects, which shall be responsible for determining compliance with these conditions.

Contact Name – Robert Wimer, P.E. (775) 328-2059, rwimer@washoecounty.gov

- a. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions and exhibit maps for the areas of abandonment, any new easements and any easement reservations that are required, to the Engineering and Capital Projects Division for review and approval. Legal descriptions and exhibit maps shall be prepared by a Nevada professional land surveyor.
- b. Retention or relocation of all public utility easements is required to the satisfaction of and at no expense to Washoe County or the existing public utilities that originally accepted and approved said easements, as well as any other public utilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.
- c. The applicant shall comply with conditions necessary to affect the Resolution and Order of Abandonment within two (2) years from the date of the action by the Planning Commission or this conditional abandonment will be null and void.

*** End of Conditions ***

APN# 508-020-44, 508-020-42

Recording Requested by:

Name: Washoe County Engineering Division
Address: 1001 E. Ninth Street
City/State/Zip: Attn: Robert Wimer / WAB24/0002

When Recorded Mail to:

Name: Same
Address: _____
City/State/Zip: _____

Mail Tax Statement to:

Name: Same
Address: _____
City/State/Zip: _____

DOC # 5499038

11/18/2024 01:05:35 PM
Requested By
WASHOE COUNTY CSD
Washoe County Recorder
Kalie M. Work - Recorder
Fee: \$0.00 RPTT:
Page 1 of 6

(for Recorder's use only)

Resolution and Order of Abandonment
(Re-recording to correct easement information)

(Title of Document)

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law: _____
(State specific law)

Wayne Handrock
Signature

County Surveyor
Title

Wayne Handrock
Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

APN: 508-020-44, 508-020-42

When recorded return to:
Washoe County Engineering Division
1001 E. Ninth Street
Reno, NV 89512
Attn: Robert Wimer
WAB24-0002

RESOLUTION AND ORDER OF ABANDONMENT

*Slope
2161273*

WHEREAS, the Washoe county Planning Commission did receive a petition to abandon the ~~construction~~ easement in the deed document recorded ~~August 9, 2021~~, as document number ~~5213089~~ *12-11-1997*, in Washoe County Recorder's Office, said deed document being the basis of bearings of this description. The area is designated High Density Suburban in the Washoe County Planning Area, and is situated in the southeast ¼ of Section 8, Township 20 North, Range 20 East, of the Mount Diablo Meridian, and

WHEREAS, pursuant to NRS 244.276 and 278.480 the County of Washoe has the power to vacate the construction easement, and

WHEREAS, upon evidence presented by the County Engineer and other interested persons, the Washoe County Planning Commission finds 1) that the public will not be materially injured by the proposed abandonment; and 2) that the abandonment is in the best interests of the County; and 3) the Planning Commissioners gave reasoned consideration to information presented; and


WHEREAS, the Washoe County Planning Commission ordered on June 4, 2024, the abandonment of the above-mentioned roadway easement.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE WASHOE COUNTY PLANNING COMMISSION that the following described portion of public roadway easement be abandoned and that this Order of Abandonment be recorded in the Office of the Washoe County Recorder pursuant to NRS 278.480.

See attached: Exhibit Land Description for an Abandonment of a Construction Easement
Exhibit "A-1" Map to Accompany Legal Description For ~~Construction~~ Easement
Abandonment *Slope*

RESOLUTION AND ORDER OF ABANDONMENT 508-020-44 and 508-020-42, CONTINUED

WASHOE COUNTY PLANNING COMMISSION
WASHOE COUNTY, NEVADA

By: 
ROBERT PIERCE, Chair
9/21/2024
Date

ATTEST:


TREVOR LLOYD
Secretary to the Planning Commission

LAND DESCRIPTION FOR *SLOPE*
AN ABANDONMENT OF A ~~CONSTRUCTION~~ EASEMENT
SOUTH OF HIGHLAND RANCH PARKWAY

All that certain land situate within a portion of the Southeast One-Quarter (SE 1/4) of Section Eight (8), Township Twenty (20) North, Range Twenty (20) East, Mount Diablo Meridian (MDM), County of Washoe, State of Nevada, being those parcels of land described in Deed Document No. ~~5213089~~, recorded *2161273* August 09, 2024, Official Records of Washoe County, Nevada, and more particularly described as follows:

12-11-1997
COMMENCING at the South Quarter Corner of said Section 8;

THENCE North 00°17'11" East, 1,230.59 feet to the **POINT OF BEGINNING**;

THENCE southerly coincident with the westerly right of way of Highland Ranch Parkway as described in Offer of Dedication Document No. 2161272, recorded December 12, 1997, Official Records of Washoe County, Nevada, for the next three (3) courses:

- 1) from a tangent which bears South 18°31'32" West a distance of 300.52 feet along the arc of a 530.00 foot radius curve to the left, through a central angle of 32°29'18",
- 2) South 51°00'50" East a distance of 1363.05 feet,
- 3) a distance of 424.48 feet along the arc of a 630.00 foot radius curve to the left, through a central angle of 38°36'17",

THENCE westerly coincident with the South line of aforementioned Section 8, North 89°37'07" West a distance of 281.43 feet;

THENCE from a tangent which bears North 65°32'53" West a distance of 175.03 feet along the arc of a 690.00 foot radius curve to the right, through a central angle of 14°32'01";

THENCE North 51°00'50" West a distance of 1,365.05 feet;

THENCE a distance of 201.28 feet along the arc of a 590.00 foot radius curve to the right, through a central angle of 19°32'49";

THENCE North 00°17'11" East a distance of 139.59 feet to the **POINT OF BEGINNING**.

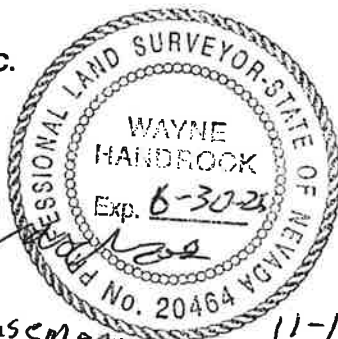
Refer to EXHIBIT "A-1", attached to and made a part hereof by reference herein.

Containing 2.57 acres of land, more or less.

BASIS OF BEARINGS for this description is identical to Subdivision Tract Map No. 2963, recorded August 25, 1993, as File No. 1705475, Official Records of Washoe County, Nevada.

Prepared By:

ODYSSEY ENGINEERING, INC.
 Kelly R. Combest, P.L.S.
 Nevada Certificate No. 16444
 895 Roberta Lane, Suite 104,
 Sparks, NV 89431



Wayne Handbrook
(CORRECTION TO
Date, Doc # & Easement TYPE 11-18-24

4/15/24

| PARCEL LINE TABLE | | |
|-------------------|---------------|---------|
| LINE # | DIRECTION | LENGTH |
| L1 | N 89°37'07" W | 281.43' |
| L2 | N 0°17'11" E | 139.59' |

| CURVE TABLE | | | |
|-------------|-----------|---------|---------|
| CURVE # | DELTA | RADIUS | LENGTH |
| C1 | 32°29'18" | 530.00' | 300.52' |
| C2 | 38°36'17" | 630.00' | 424.48' |
| C3 | 14°32'01" | 690.00' | 175.03' |
| C4 | 19°32'49" | 590.00' | 201.28' |

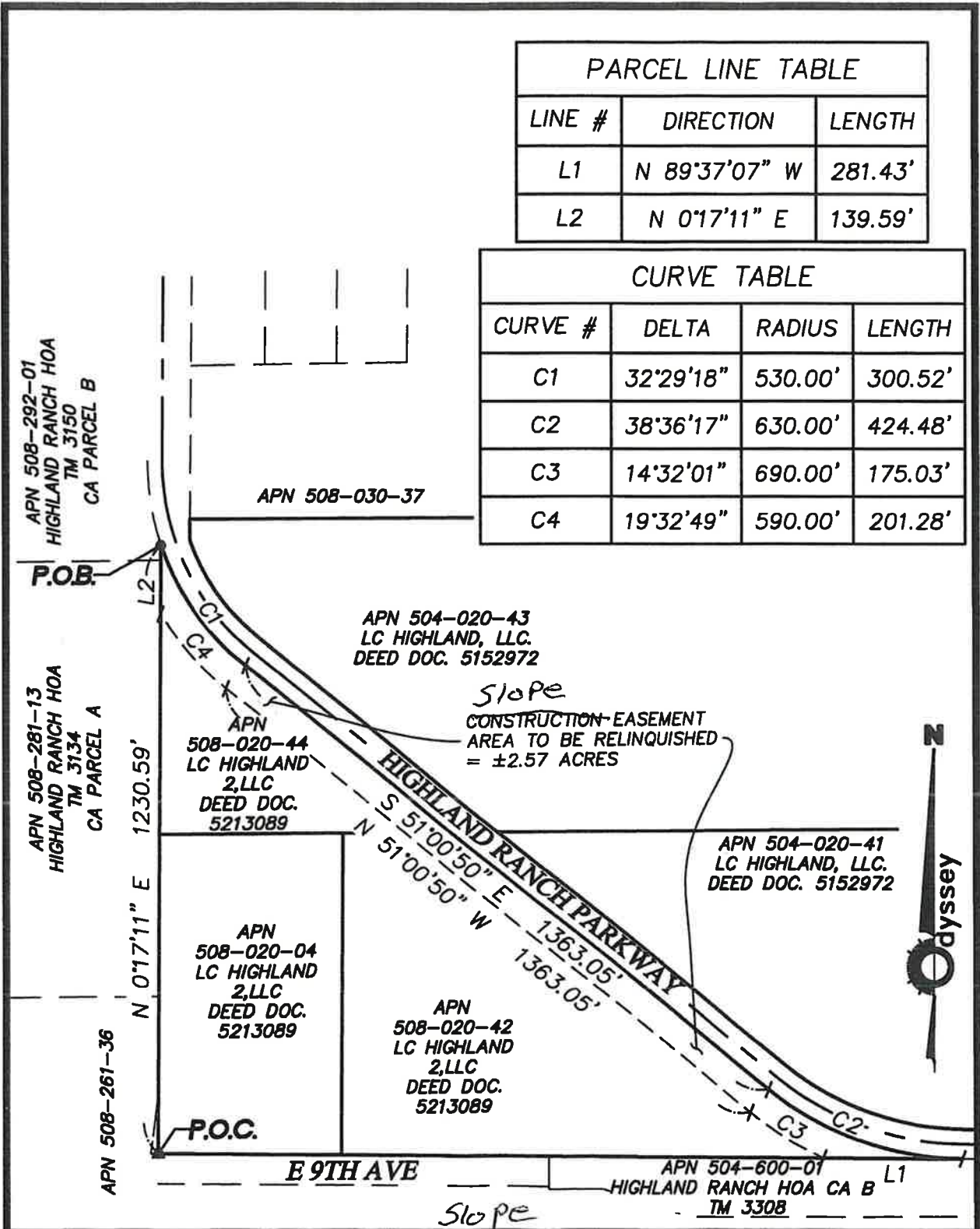


EXHIBIT "A-1"
 WWW.ODYSSEYRENO.COM
odyssey ENGINEERING INCORPORATED

CONSTRUCTION EASEMENT RELINQUISHMENT
 LOCATED WITHIN THE SOUTHEAST 1/4 OF SECTION 08, T.20N., R.20E., M.D.M.
 WASHOE COUNTY NEVADA

SCALE: 1"=300'
 DATE: 04/2024
 SHT. NO.: 1 of 1



WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER
KALIE M. WORK, RECORDER

1001 E. NINTH STREET
RENO, NV 89512
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally based on the undersigned's representation that: (1) a suitable copy will be submitted at a later date; or (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been recorded it may not reproduce a legible copy.

[Handwritten Signature]

Signature

9/23/24

Date

ROBERT WIMER

Printed Name