

CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

NOTICE OF PUBLIC HEARINGS

The City Planning Commission will hold a Public Hearing at the next regular meeting scheduled to be held on September 26, 2019 at 2:00 p.m. The meeting will be held at the Ely Volunteer Fire Hall located at 499 Mill Street, Ely. The purpose of the Hearing is to consider a proposed Petition for a Vacation or Abandonment of Road or Easement. The proposed property abandonment is ½ of alley way to the west of 1083 Canyon Street, Ely, NV (APN 001-342-03) and 4th Avenue South of the property. The Petitioners are Daniel D Daugherty and Susan P Gray.

The City Council will hold a Public Hearing at the regularly scheduled meeting to be held on September 26, 2019 at 5:30 p.m. at the Ely Volunteer Fire Hall located at 499 Mill Street, Ely. The purpose of the Hearing is to consider the same.

You may voice your opinion concerning this action by appearing at the meetings or by sending written comments to the City of Ely no later than September 26, 2019. Any correspondence received after 1:00 p.m. on September 26, 2019 will not be considered.

Jennifer Drew
Administrative Assistant

Publish: Ely Times – September 6th

BUILDING AND PLANNING DEPARTMENT

FINDING OF FACTS SUMMARY

APPLICANT: Daniel D. Daugherty and Susan P. Gray

ACTION REQUESTED: Abandonment of Road or Easement

ASSESSOR'S PARCEL NUMBER(S) APN 001-342-03

STREET ADDRESS & GENERAL LOCATION OF PROPERTY: 1083 Canyon Street, Ely, Nevada

OWNER: Same as Applicant

MAILING ADDRESS: 1083 Canyon Street,
CITY, STATE: Ely, Nevada 89301

TELEPHONE #: 775-537-1343 Cell. 775-764-0637 **EMAIL:** None

FINDING OF FACT:

CONCLUSIONS:

1. Compliance with NRS and City Code:	NRS 278 and City Codes and Ord. 410 and Ord. 647 with approval.
2. Notice for Paper & Mailings:	Yes
3. Zoning: Current	R-2-50 (Residential Single or Two Family minimum 5000 sq. ft. lot size)
4. Proposed Activity	Abandonment of remaining portion of 4th Avenue abutting the Calvin Peck Abandonment. And the partial abandonment of the alleyway to the west of their property from the North to the South boundary line. Seeking ½ of alleyway.
5. Compatibility with Surrounding Use:	Yes
6. Access:	Emergency Access should be coordinated with WPCO-SO, City of Ely Fire Department.
7. Compliance with Regulations:	Yes
8. Potential Impact on Neighboring Property (including noise, odor, dangerous materials, et.)	No additional impact from current use
9. Access/Traffic:	Canyon Street
10. Emergency Services:	May affect emergency access. See Fire

	Department remarks.
11. City Attorney	No comment
12. Fire Department	Ability to access property frontage by closing public road access will be lost. Fire suppression could be compromised.
13. Building and Planning Department	No Comment
14. Sheriff's Department	Recommend Approval
15. Road Department	No Comment



CITY OF ELY

501 Mill Street Ely, Nevada 89301
City Hall (775) 289-2430 - Fax (775) 289-1463

PETITION FOR VACATION OR ABANDONMENT OF ROAD OR EASEMENT
(NRS.278.480)

TO: ELY PLANNING COMMISSION
City of Ely, State of Nevada

APPLICATION FEE \$300.00
PUBLICATION FEE \$100.00
CERTIFIED MAILING \$10.00/EA

DATE OF APPLICATION: August 21, 2019

The Petitioner presents this Petition and Requests the City Road/Easement described below be abandoned or vacated, to-wit:

PETITIONER: Daniel D Daugherty and Susan P Gray

ADDRESS: 1083 Canyon Street Ely NV 89301

TELEPHONE: 775-537-1343 Mobile 775-764-0657

AUTHORITY OF APPLICANT: Local Government _____
Abutting Owner X

Description of Road, Street, Alley or Easement to be abandoned:

1. 1/2 of alley way to west of APN 00134203

2. Road 4th Ave to South of APN 00134203

The distance of the right-of-way requested to be abandoned consists of:

(Feet/miles)

The reason for the proposed abandonment of vacation:
Establish safe ingress and egress to property due to partial abandonment (see attached
Regular Meeting of the Ely City Council minutes)

Name of Abutting Owner (s):

NAME: Calvin L and Hillary G Peck

ADDRESS: 125 4th Ave Ely, Nevada 89301

TELEPHONE: 775-289-6136

NAME: Not Applicable

ADDRESS: _____

TELEPHONE: _____

(If more than two, please attach a list.)

Legal description of property adjacent to right-of-way to be abandoned (lots, block, subdivision, etc.):
APN 00135201

Attach a map of plat showing the road, street, alley or easement to be abandoned or vacated and the adjacent property.


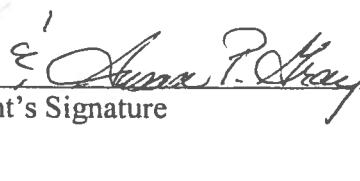
CITY OF ELY STREET & ALLEY
ABANDONMENT CRITERIA CHECKLIST

The following is a list of factors to be considered before any portion of a designated City street or alleyway (roadway) is fully abandoned. "Fully" abandoned means that the roadway is severed and no passage can occur. "Partially" abandoned means the roadway is reduced in width, but is still effective as a roadway or utility corridor:

1. Is the roadway currently used as access to any private or public property?
2. Is it presently used as a route for any utility?
3. Is it wide enough to be practically used as either a utility or roadway corridor?
4. Will the proposed abandonment isolate any property from public access?
5. Will the proposed abandonment diminish in any way the access of safety or utility services to any property?
6. Does the roadway proposed for abandonment have future potential as either a utility or roadway corridor?
7. Does the roadway proposed for abandonment have potential as a walking trail, linear park, buffer zone or any other public service?

If the answer to any of these questions is "yes", then the roadway should not be abandoned. A City roadway may only be abandoned with the approval of the City Fire Chief, City Engineer, City Planning Commission, City Council, and Mayor.

To the best of my knowledge, the above information is true and correct.

 &  8/21/19
Applicant's Signature Date

RECEIPT

DATE 8/27/19

No. 409321

RECEIVED FROM Daniel Daugherty

\$ 410⁰⁰

Four Hundred Ten and 00/100 DOLLARS

- FOR RENT
- FOR _____

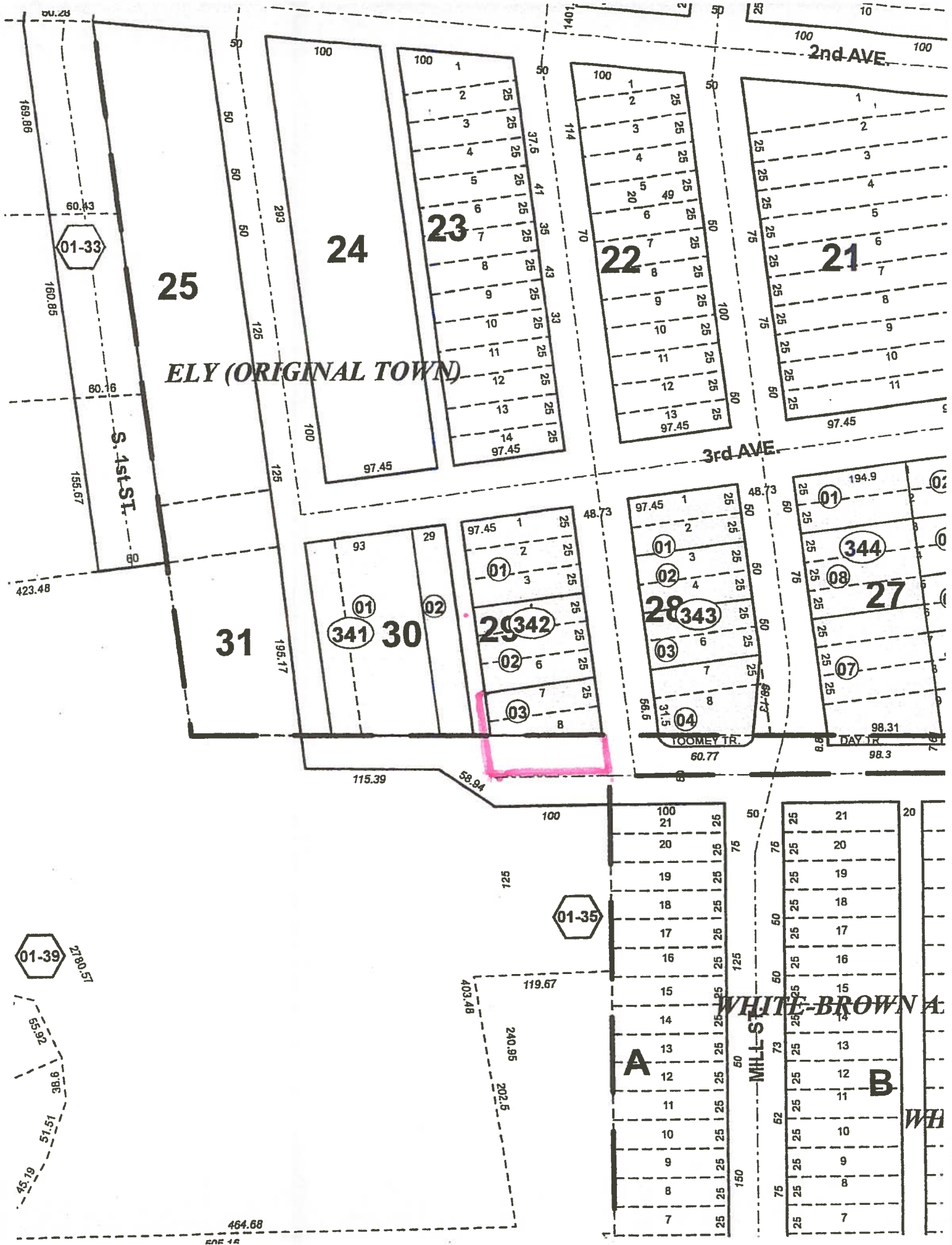
Abandonment App

ACCOUNT	
PAYMENT	<u>41000</u>
BAL. DUE	

- CASH 410
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY [Signature]



ELY (ORIGINAL TOWN)

2nd AVE

3rd AVE

S. 1st ST

TOOMEY TR.

DAY TR.

WHITE-BROWNA

S. 7TH

WH

01-39

01-35

01-33

01

02

01

02

07

01

02

01

03

08

01

02

01

04

09

31

341

30

29

342

28

343

27

24

23

22

21

A

B

464.68

ENE 14

169.86

60.43

160.85

155.67

423.48

2780.57

53.92

9.98

157.15

61.52

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

293

125

100

195.17

115.39

58.94

100

521

119.67

240.95

202.5

403.48

114

70

33

48.73

58.5

60.77

58.73

521

521

521

521

50

50

50

50

50

50

50

50

50

50

50

75

75

75

75

75

75

75

75

75

75

25

25

25

25

25

25

25

25

25

25

25

100 100

97.45

194.9

98.31

98.3

98.3

52

52

52

52

52

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

50

Chairman O'Flaherty moved to recommend Recycling Center Layout No. 2 with the relocation of the baler and modifications discussed which allow a storage bin on each side. Member Patras seconded the motion. The motion carried unanimously.

Councilman Setterstrom moved to select Layout No. 2 with the relocation of the baler and modifications discussed which allow a storage bin on each side. Councilwoman Gardner seconded the motion. The motion carried unanimously.

Chairman O'Flaherty adjourned the meeting of the Municipal Utility Board at 6:04 p.m.

6. THE CITY COUNCIL WILL RECESS THE REGULAR CITY COUNCIL MEETING FOR A PUBLIC HEARING AT 5:30 P.M. ON THE FOLLOWING TOPICS.

1. Chairman Flangas – Public Hearing – Discussion Only – Consideration of a Petition for a partial Vacation or Abandonment of Road or Easement. The proposed property abandonment is the Section of roadway abutting 125 4th Avenue, Ely, Nevada (APN No. 001-352-01). The Petitioner is Calvin Peck.

There was no public comment.

7. DISCUSSION/POSSIBLE ACTION ITEMS PERTAINING TO THE PUBLIC HEARING.

1. Chairman Flangas – Discussion/For Possible Action – Consideration of a Petition for a partial Vacation or Abandonment of Road or Easement. The proposed property abandonment is the Section of roadway abutting 125 4th Avenue, Ely, Nevada (APN No. 001-352-01). The Petitioner is Calvin Peck.

Calvin Peck stated my house got moldy when I bought it and I had a contractor build a new house. I need to build a stairway.

City Attorney Odgers reviewed the picture appearing below of the area surrounding 125 4th Avenue and stated I asked B.J. to print this *Google Earth* picture you have and the overlay. The boundary line to Mr. Peck's house is right on the boundary; there is a very steep stairway leading to it and he's proposing a run of stairs along that block wall in front of the house and then angle it up into the house. In reviewing the City of Ely Street & Alley Abandonment Criteria Checklist, the answer is no to all of the questions.



**CITY OF ELY STREET & ALLEY
ABANDONMENT CRITERIA CHECKLIST**

The following is a list of factors to be considered before any portion of a designated City street or alleyway (roadway) is fully abandoned. "Fully" abandoned means that the roadway is severed and no passage can occur. "Partially" abandoned means the roadway is reduced in width, but is still effective as a roadway or utility corridor.

1. Is the roadway currently used as access to any private or public property?
2. Is it presently used as a route for any utility?
3. Is it wide enough to be practically used as either a utility or roadway corridor?
4. Will the proposed abandonment isolate any property from public access?
5. Will the proposed abandonment diminish in any way the access of safety or utility services to any property?
6. Does the roadway proposed for abandonment have future potential as either a utility or roadway corridor?
7. Does the roadway proposed for abandonment have potential as a walking trail, linear park, buffer zone or any other public service?

If the answer to any of these questions is "yes", then the roadway should not be abandoned. A City roadway may only be abandoned with the approval of the City Fire Chief, City Engineer, City Planning Commission, City Council, and Mayor.

Councilwoman Robison stated I worked with Calvin on this last year. It is hard to get into his yard, it's all gravel there. I highly recommend that we approve this.

City Building Official Christiansen stated this is an application for a partial abandonment. The City Planning Commission's motion was to split 4th Avenue.

Councilman Setterstrom asked there's no water or sewer?

City Engineer Almberg stated not that I'm aware of.

City Attorney Odgers stated the City Water Department had no comment on the partial vacation.

Councilwoman Robison moved to approve the partial abandonment of a section of 4th Avenue abutting 125 4th Avenue and to direct *Basin Engineering* to create the abandonment documentation. Councilwoman Gardner seconded the motion.

Councilman Setterstrom stated B.J., the part of the water line or sewer line that is kitty corner on that property, will that become his lateral so if there's a break the City won't be responsible for it? If it breaks, we'd be going on private property to fix it.

City Engineer AlMBERG stated normally we draw a line where the shut off valve is, so in this circumstance I would recommend it would be his responsibility and then the City would move the meter box to the proper location.

Calvin Peck stated that on/off valve has always been on my property. In the past, there's been a water line that passed across where that boat is, I think I had that fixed and it always used to break in the wintertime; it didn't have anything to do with my property, but it would break, drain down the driveway and the City would come to patch it.

Councilwoman Robison's motion carried unanimously.

4. CITY DEPARTMENT REPORTS

- FIRE CHIEF

City Fire Chief Rivera's blotters are on file at City Hall.

- POLICE CHIEF

Police Chief Watt's blotters are on file at City Hall.

- CITY ADMINISTRATOR

City Administrator Switzer stated we are still waiting on the TAP funding grant and have made it through the initial review. *Love's Truck Stop* is proceeding. We received the new flag today and we'll be putting that up tomorrow. We received one financing quote for the ambulance and am waiting for one more. I'm working on the selection of the natural gas committee. *AT&T* is petitioning the PUC to be excluded as the Provider of Last Resort; I found out Tuesday they amended their petition to the PUC and are carving out the City of Ely, so the County will be included and the City of Ely will not. While their petition does not mean they're taking out their wired service, I have a feeling that request will be coming down the road. If they decide to take away that wired connection, then for voice communications all we would be left with are wireless providers. I've looked ahead at some of the court docket and what is troubling is the PUC staff is recommending reducing the number of required wireless providers from two to one.

City Attorney Odgers stated the problem with that is the statute requires two. The Nevada Administrative Code doesn't allow the PUC to circumvent the statute. When we look at the coverage requirement, you have to have two wireless providers to cover the entire area. If they're removed as the Provider of Last Resort, it appears *AT & T* would only cover part of the area and *Verizon* would cover the other area. The other fourteen providers' coverage is spotty, but the maps aren't down to the street level, which is also what the statute requires.

Councilwoman Gardner asked what about 911?

City Administrator Switzer stated that would be affected as well. There are elderly residents that don't have wireless service and rely on wired service. 911 operates currently off of a wired connection. I think there would have to be additional technologies introduced for 911 to be complete for wireless coverage.

Councilman Setterstrom stated I know of two medical patients that have to have wired service to have their computer check their vitals daily and send that information to the hospital.

- CITY ATTORNEY

City Attorney Odgers stated my daughter ended up 17th in the nation. Sadie Leyba ended up 2nd in the nation in barrel racing. Tyler Whipple ended up 3rd in the nation in trap shooting. The state of Nevada ended up with seven kids in the top twenty. I appreciate the Council allowing me to spend that time with my daughter. Since I've been back, I finished the medical marijuana RFP. I'm working on the medical marijuana ordinance. We're also working with JAVS to update our courtroom, so we don't have to use District Court for certain DUI trials.