



City of Las Vegas

Agenda Item No.: 69.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 4, 2007**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
VACATION

VAC-19032 PUBLIC HEARING - OWNER/APPLICANT: PICERNE PROVIDENCE, LLC
- Petition to vacate a 40-foot wide Easement right-of-way grant along the north side of Deer Springs Way commencing approximately 340 feet from the northwest corner of Hualapai Way and Deer Springs Way and a 33-foot wide portion of an U.S. Government Patent Easement generally located west of Hualapai Way and north of Deer Springs Way, Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and Staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Submitted at Meeting Accessors Map and Site Plan submitted by Attorney Gronauer
6. Submitted after Final Minutes Verbatim Transcript
7. Backup referenced from the 03-08-07 Planning Commission Meeting Item 3

Motion made by STEVEN D. ROSS to Approve Subject to Conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BRENDA J. WILLIAMS, LARRY BROWN, LOIS TARKANIAN, STEVE WOLFSON, OSCAR B. GOODMAN, GARY REESE, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner Renshaw & Ferrario, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and stated that the vacation was approved by the City Council a couple of years ago with respect to the intent to vacate right-of-

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way grant by the Bureau of Land Management (BLM). Due to a technicality with the drafting of the language by the engineer, this item is being brought back so that they can record the previous vacation.

JOHN TERECLARK, Counsel for ALBERT and IRENE MASSI, explained that his client owns an adjacent parcel and are concerned that the vacation of this easement could potentially landlock their property, as they would not have direct access from their property onto Hualapai Way. They would have to travel along Hualapai Way, down to Deer Springs Way, then come backup up to the back entrance of the site. The concern is that there is no guarantee that the right-of-way being granted to the school district will be in existence.

BART ANDERSON, Public Works Department, stated that research conducted by the Right-of-Way Division found there is an existing BLM right-of-way grant to the City of Las Vegas, not to the school district, for a perpetual roadway easement that could only be eliminated through a formal vacation process. Therefore, landlocking the parcel is not an issue as the parcel has an alternate access. The vacation is consistent with the previously approved Providence Master Plan. ATTORNEY TERECLARK reiterated his concern. He believes the landlock concern has not been decided. A school building at this location could impact the property. MAYOR GOODMAN pointed out the easement belongs to the City and not the school district. ATTORNEY TERECLARK replied he had not seen the document. He has been provided a document from the school property for an easement from BLM.

ATTORNEY GRONAUER showed a map of the Master Plan Street and Highways. The plan was approved for the Providence area in 2001. Therefore Deer Springs Way has not been planned to the west of Hualapai Way. Subsequent to that change, another plan was approved several years ago and reflected the road going through. The bottom portion of the property was approved for a cul-de-sac during a Site Development Plan Review, and the Final Map has already been recorded with a cul-de-sac. The MASSIS have legal access to their property and should have been on notice for the past four years.

ATTORNEY TERECLARK rebutted this is the first opportunity where the MASSI'S property is being impacted. They are trying to negotiate to obtain a lot line adjustment so they would have access to Hualapai Way. He asked for a 60-day continuance to resolve this issue.

COUNCILMAN ROSS stated he reviewed this matter in detail with regard to the ingress and egress to the MASSI'S property and feels comfortable with approving the item.

COUNCILMAN ROSS suggested ATTORNEY TERECLARK work with ATTORNEY GRONAUER and wished he had met with him long before this meeting to resolve this issue. ATTORNEY TERECLARK replied that BRIAN CIPOLETTI has been meeting with staff regarding this matter for several years.

MAYOR GOODMAN declared the Public Hearing closed.

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