

BOARD OF REGENTS
BRIEFING PAPER

1. Agenda Item Title: Naples Street - Acceptance of Land from Clark County and Granting an Easement for Public Access and Maintenance

Meeting Date: March 6-7, 2014

2. BACKGROUND & POLICY CONTEXT OF ISSUE:

UNLV purchased, with Board of Regents approval, four (4) acres of property in 2004 adjacent to the main campus near Swenson and Naples (see attachment 1) and redeveloped this property as parking. With the redevelopment of this site for parking, Clark County required UNLV to construct a cul-de-sac according to Clark County construction and fire standards. As a part of this construction, UNLV was required to post a \$33,000 off-site improvement bond (the County waived the requirement to pay this bond up-front, but the bond still remains an obligation to UNLV and UNLV continues to seek extensions to this bond until this matter is finally resolved). UNLV constructed the cul-de-sac to Clark County standards and approved plans; however, Clark County building inspectors would not sign-off on the improvements and have indicated that UNLV needs to make changes to the improvements that were approved by Clark County Public Works prior to construction. UNLV has continued to work with the County to resolve these issues. Clark County has suggested resolving this issue by vacating this property to UNLV with the requirement that a right-of-way easement be provided to the County for continued public access for emergency services. In addition, Clark County has agreed to accept responsibility for continued maintenance of the sidewalks and emergency service infrastructure at their expense. UNLV recommends that this matter be resolved based on the County's recommendation which would settle this issue and allow the off-site improvement bond to be retired.

Therefore, UNLV requests the Board of Regents approve acceptance of the 7,567 square foot cul-de-sac referred to above transfer of property through a vacation application with Clark County. Further, UNLV requests that the Board of Regents approve the right-of-way easement to the County for public access for emergency services (see attachment 2). This request is consistent with the goals and objectives outlined in the 2012 UNLV Maryland Campus Master Plan Update. In addition, UNLV requests that the Chancellor be granted authority to execute any ancillary documents, included but not limited to, all required agreements, conveyances, easements, and rights-of-way deemed necessary and appropriate to implement this project with the review and concurrence of the Vice Chancellor for Legal Affairs.

Acquiring the additional 7,567 square feet of land and granting this easement are consistent with the goals and objectives outlined in the 2012 UNLV Maryland Campus Master Plan Update. Attaining the land offers future opportunities for improvements to take place along the western perimeter of the campus within the area UNLV will receive from Clark County.

3. SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

UNLV President Don Snyder presents for approval acceptance of 7,567 square feet of land that will be vacated by Clark County and transferred to Board of Regent ownership. UNLV also requests approval of an easement of this property to Clark County that will allow continued pedestrian access to the 7,567 square foot vacation area and grants Clark County the ability to enter the property for the purpose of maintaining existing sidewalks and emergency service infrastructure at their expense. In addition, UNLV requests that the Chancellor be granted authority to execute any ancillary documents, including but not limited to, all required agreements, conveyances, easements and rights-of-way, deemed necessary and appropriate to implement the project with approval from the Vice Chancellor for Legal Affairs.

4. IMPETUS (WHY NOW?):

- UNLV has negotiated with Clark County to acquire the 7,567 gross square feet of right-of-way.
- Prior to vacating the 7,567 gross square foot cul-de-sac right-of-way to UNLV, Clark County is requiring that UNLV grant an easement allowing access to entire right-of-way area for public access and maintenance of existing sidewalks and emergency services infrastructure at Clark County's expense.

5. BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- There will be no change in the use of the 7,567 gross square foot right-of-way as part of this request, and the net result is that UNLV gains 7,567 gross square feet of land from Clark County at no cost.
- In order to acquire this 7,567 gross square feet of land from Clark County, the county is requiring UNLV grant an easement allowing continued public access to the right-of-way area and the ability to maintain existing sidewalks and emergency services infrastructure improvements within the 7,567 gross square foot area at Clark County's expense.
- Acquisition of the land is consistent with the goals and objectives outlined in the 2012 UNLV Maryland Campus Master Plan Update.

6. POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

- UNLV does not need to acquire the additional 7,567 square feet of land; therefore, granting the easement would be unnecessary.

7. ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

- Decline to grant the easement and abandon the request to attain ownership of land.

8. COMPLIANCE WITH BOARD POLICY:

Consistent With Current Board Policy: Title # 4 Chapter # 10 Section # 1.9(a)

Amends Current Board Policy: Title # _____ Chapter # _____ Section # _____

Amends Current Procedures & Guidelines Manual: Chapter # _____ Section # _____

Other: _____

Fiscal Impact: Yes _____ No

Explain: UNLV will not incur any costs relating to maintenance of existing sidewalk and emergency service infrastructure as Clark County will continue to maintain these improvements at their expense.

APN: 162-22-701-003
162-22-308-010
When recorded, return to:
Mail Tax Statements to:
CCPW-Survey Division
PO Box 554000
Las Vegas, NV 89155-4000

**DEDICATION OF RIGHT-OF-WAY EASEMENT FOR
PUBLIC ACCESS**

KNOW ALL MEN BY THESE PRESENTS: That **BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, ON BEHALF OF THE UNIVERSITY OF NEVADA, LAS VEGAS, GRANTOR(S)**, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, do(es) hereby Dedicate and convey to the **COUNTY OF CLARK**, a political subdivision of the State of Nevada, its successors and assigns, **GRANTEE**, a Right-of-Way **Easement** for pedestrian access purposes, including but not limited to the right to construct, reconstruct, repair, operate and maintain, sidewalk, and appurtenances thereto, upon, over, under and through that certain real property described in Exhibit "A" attached hereto and made a part hereof:

GRANTOR retains all other rights and uses in said real property so long as such right and uses do not in any way interfere, impede, invade and/or conflict with the easement granted herein.

NAPLES DRIVE EAST OF SWENSON STREET

More fully described in Exhibit "A" attached hereto and made a part hereof by reference.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging and in any way appertaining.

Sep. Doc No: 0060-12
HTE No: VS-133-12

Reviewed/Approved date
BY _____

Steven Williams, CCPW-Survey Division

APN# 162-22-399-019, 020, 034, 036 AND 037
OWNER: CLARK COUNTY

EXHIBIT "A"

EXPLANATION: THIS LEGAL DESCRIBES A PUBLIC ACCESS EASEMENT OVER A PORTION OF NAPLES DRIVE.

THAT PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY "GRANT DEED" RECORDED NOVEMBER 23, 1959 IN BOOK 227 OF OFFICIAL RECORDS AS INSTRUMENT NO. 184085 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, TOGETHER WITH THAT PORTION OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY "GRANT DEED" RECORDED MARCH 16, 1961 IN BOOK 295 OF OFFICIAL RECORDS AS INSTRUMENT NO. 238689 IN SAID CLARK COUNTY RECORDER'S OFFICE, AND ALL OF THAT CERTAIN PARCEL OF LAND DESCRIBED BY "GRANT, BARGAIN, SALE DEED" RECORDED APRIL 7, 2005 IN BOOK 20050407 OF OFFICIAL RECORDS AS INSTRUMENT NO. 02808 IN SAID CLARK COUNTY RECORDER'S OFFICE, LYING WITHIN THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 61 EAST, M.D.M., CLARK COUNTY, NEVADA AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF SWENSON STREET AND NAPLES DRIVE; THENCE ALONG THE CENTERLINE OF NAPLES DRIVE, SOUTH 88°52'02" EAST, 495.38 FEET TO THE **POINT OF BEGINNING**; THENCE DEPARTING SAID CENTERLINE, NORTH 01°07'58" EAST, 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID NAPLES DRIVE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES: SOUTH 88°52'02" EAST, 20.71 FEET; THENCE CURVING TO THE LEFT ALONG THE ARC OF A 5.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 46°39'51", AN ARC LENGTH OF 4.07 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS, SOUTH 45°31'53" EAST; THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 46.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 273°19'42", AN ARC LENGTH OF 219.44 FEET TO A POINT OF REVERSE CURVATURE ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID NAPLES DRIVE THROUGH WHICH A RADIAL LINE BEARS SOUTH 47°47'49" WEST; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: CURVING TO THE LEFT ALONG THE ARC OF A 5.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 46°39'51", AN ARC LENGTH OF 4.07 FEET; THENCE NORTH 88°52'02" WEST, 20.71 FEET; THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, NORTH 01°07'58" EAST, 30.00 FEET TO THE **POINT OF BEGINNING**.

RESERVING THEREFROM AN EASEMENT IN FAVOR OF SOUTHWEST GAS CORPORATION WITHIN THE ABOVE DESCRIBED AREA TO BE VACATED.

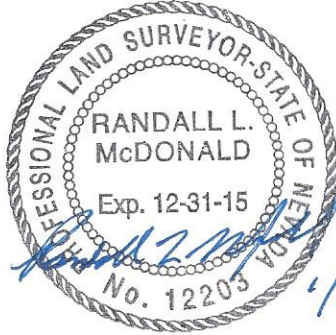
CONTAINING 7,567 SQUARE FEET ±.

BASIS OF BEARINGS

SOUTH 88°52'02" EAST, BEING THE BEARING OF THE CENTERLINE OF NAPLES DRIVE AS SHOWN BY MAP THEREOF IN FILE 43, PAGE 60 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.



RANDALL L. MCDONALD, PLS
NEVADA LICENSE NO. 12203



January 13, 2014 / 4550 w. Oakey Blvd., Suite 102 Las Vegas, NV 89107
Tel 702.877.3005 / Fax 702.877.3007 / www.zoneengineering.com / Page 2 of 2

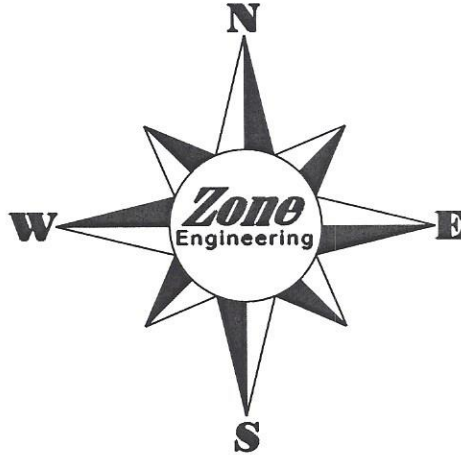
APN 162-22-399-019, 020, 034, 036 AND 037
CLARK COUNTY

EXHIBIT "B"

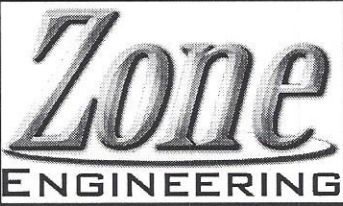
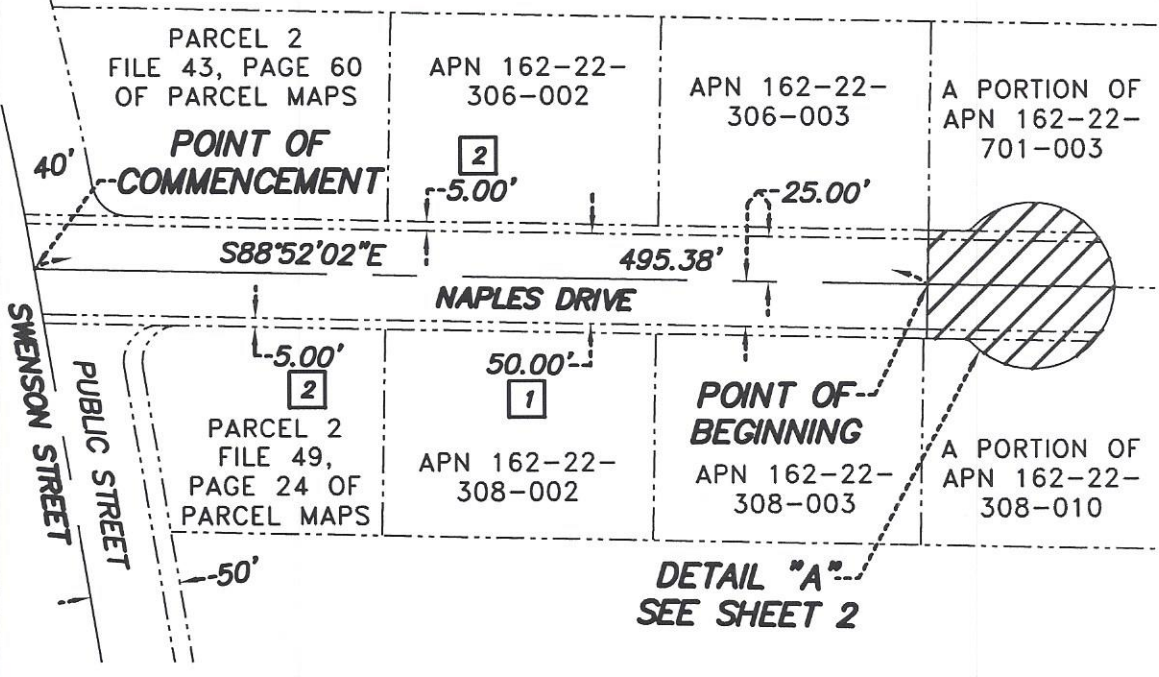
**PUBLIC ACCESS EASEMENT OVER A PORTION OF NAPLES DRIVE
LYING WITHIN SECTION 22, T. 21 S., R. 61 E., M.D.M., CLARK COUNTY, NEVADA**

LEGEND FOR ALL SHEETS

- 1 PUBLIC STREET DEDICATED
PER OR: 227:184085
- 2 PUBLIC STREET DEDICATED
PER OR: 295:238689
- 3 PUBLIC STREET DEDICATED
PER OR: 20050407:02808
- VACATION AND ABANDONMENT
CONTAINS 7,567 SQUARE FEET



SCALE: 1" = 100'



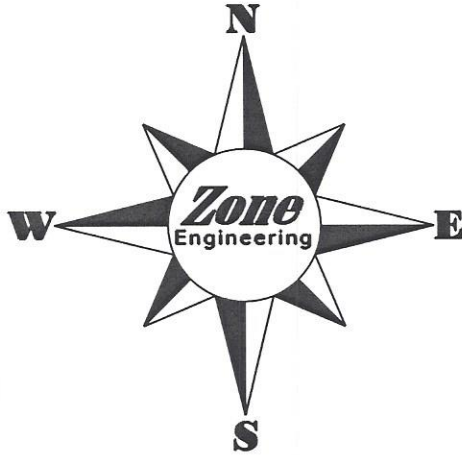
4550 W. Oakey Blvd., Suite 102
LAS VEGAS, NEVADA 89107
PHONE: 702.877.3005
FAX: 702.877.3007
www.zoneengineering.com

SHEET
1 OF 2

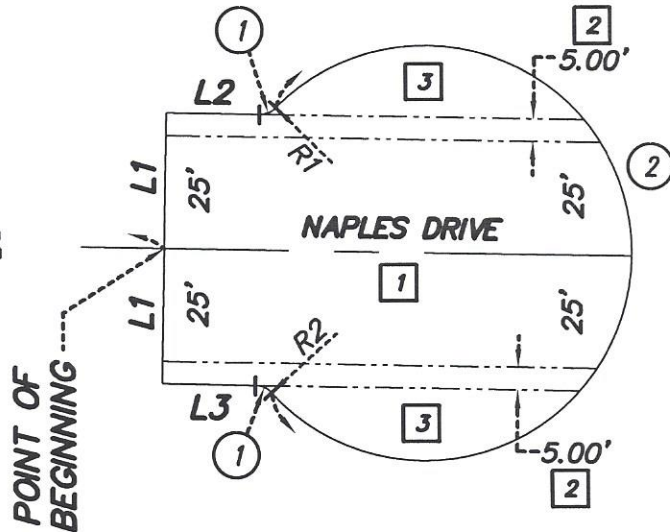
APN 162-22-399-019, 020, 034, 036 AND 037
CLARK COUNTY

EXHIBIT "B"

**PUBLIC ACCESS EASEMENT OVER A PORTION OF NAPLES DRIVE
LYING WITHIN SECTION 22, T. 21 S., R. 61 E., M.D.M., CLARK COUNTY, NEVADA**



SCALE: 1" = 40'

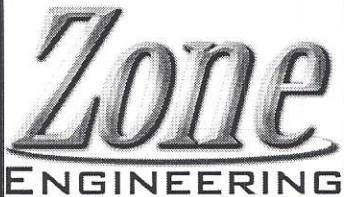


DETAIL "A"
FROM SHEET 1
SCALE: 1" = 40'

RADIAL	BEARING
1	S45°31'53"E
2	S47°47'49"W

LINE	BEARING	DISTANCE
1	N01°07'58"E	30.00'
2	S88°52'02"E	20.71'
3	N88°52'02"W	20.71'

CURVE	DELTA	RADIUS	LENGTH	TANGENT
1	46°39'51"	5.00'	4.07'	2.16'
2	273°19'42"	46.00'	219.44'	43.40'

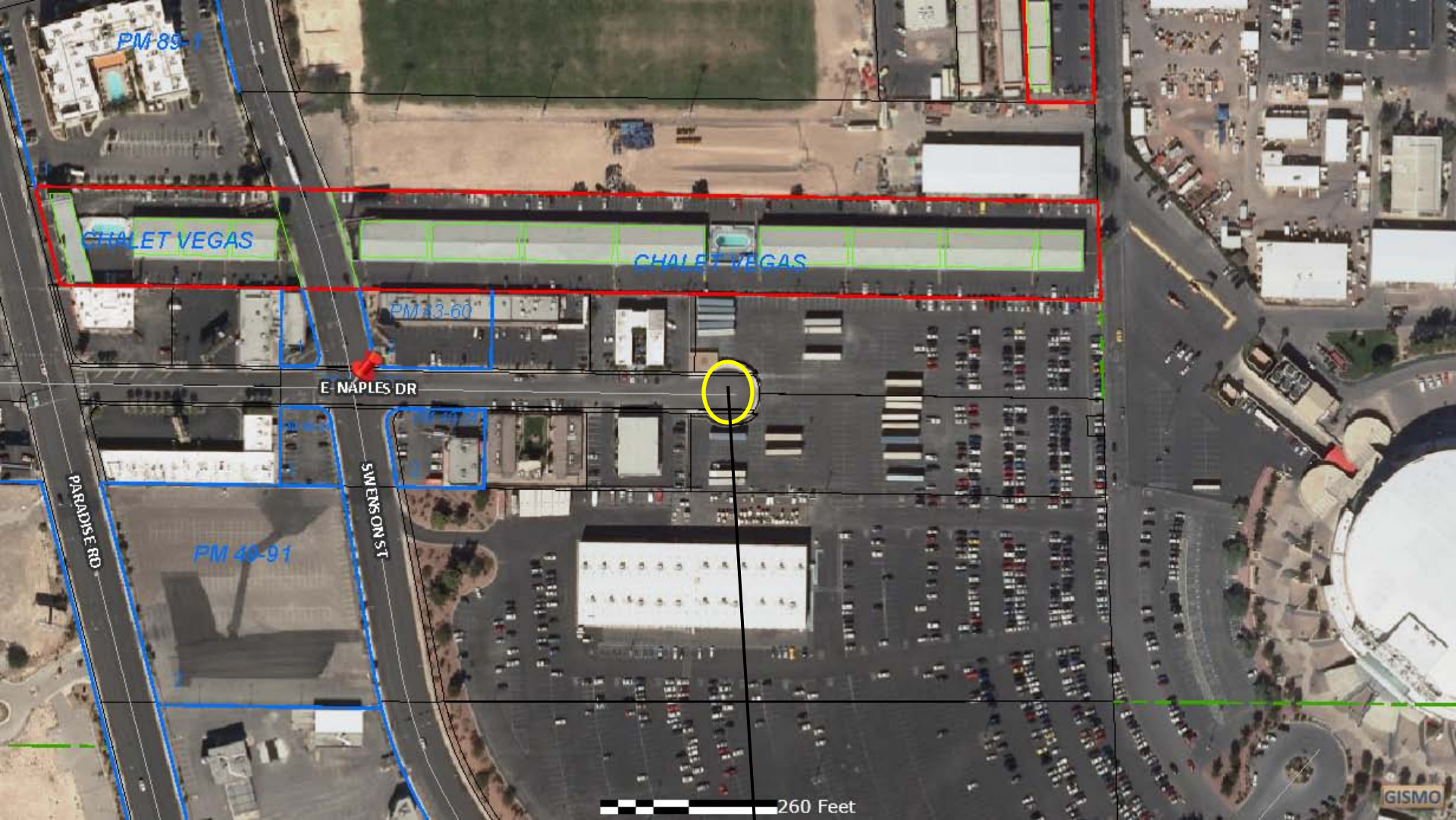


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SHEET
2 OF 2

Attachment 2

Naples Street Vacation Property Location



7,567 Square Feet to be vacated
(INVESTMENT AND FACILITIES COMMITTEE 03/06/14) Ref. IF-2h, Page 9 of 10
by Clark County

