Subject: Abandonment Case Number AB15-002
Applicant: Washoe County School District
Agenda Item Number: 9A
Summary: To abandon a public street, identified as Spelling Court, and its associated 50-foot wide right of way, and to replace it with a 50-foot wide public access and utility easement.
Recommendation: Approval with Conditions
Prepared by: Eva M. Krause – AICP, Planner
Washoe County Community Services Department
Planning and Development Division
Phone: 775.328.3796
E-Mail: ekrause@washoecounty.us

Description

Abandonment Case Number AB15-002 (Spelling Court) – Hearing, discussion, and possible action to approve a request to abandon a public street identified as Spelling Court, and its associated 50-foot wide right-of-way, and to replace it with a 50-foot wide public access and public utility easement. The street is adjacent to Brown Elementary School. The street begins at Reading Street on the north and ends at Virginia Foothills Park.

- Applicant/Property Owner: Washoe County School District
- Location: 13815 Spelling Court
- Assessor’s Parcel Number: Located between 140-030-10 and 140-030-08
- Parcel Size: 25,182 square feet
- Area Plan: Southeast Truckee Meadows
- Citizen Advisory Board: South Truckee Meadows/Washoe Valley
- Development Code: Authorized in Article 806, Vacations and Abandonments of Streets or Easements
- Commission District: 2 – Commissioner Lucey
- Section/Township/Range: Section 27, T18N, R20E, MDM, Washoe County, NV
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### Exhibits Contents

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Abandonment Definition

The purpose of abandonment is to allow for the vacation or abandonment of easements or streets. If the Planning Commission grants an approval of the abandonment, that approval is subject to Conditions of Approval. Conditions of Approval are requirements that need to be completed prior to the recordation of the Resolution and Order of Abandonment.

The Resolution and Order of Abandonment is the legal record, prepared by the Washoe County Engineering and Capital Projects Division, which is recorded to complete the abandonment process. The Division completes a technical review of the legal description, exhibit maps and any new easements, submitted by the applicant’s surveyor, that are required by the Conditions of Approval. When the Division is satisfied that all conditions of approval have been met, they then record the Resolution and Order of Abandonment with the County Recorder. The abandonment is complete upon the recordation of the Resolution and Order of Abandonment with the County Recorder.

The Conditions of Approval for Abandonment Case Number AB15-002 is attached to this staff report and will be included with the Action Order.

- All conditions of approval are required to be completed before the abandonment can be recorded and finalized.
- The abandonment will be effective after Washoe County Engineering and Capital Projects Division approves the Resolution and Order of Abandonment and after it is recorded in the County Recorder’s office.
Project Evaluation

Spelling Court is a one block long street ending in a cul-de-sac on Virginia Foothills Park property. The street provides access to Brown Elementary School and Virginia Foothills Park. The Washoe County School District owns the land on both the east and west side of the right-of-way. The School District has prepared a new traffic circulation plan that increases parking and drop-off lanes on both sides of the street. The abandonment of the street and right-of-way would allow the School District to implement their traffic plan by making Spelling Court a one-way access road, and route out-going traffic through their property to the east.

The School District has worked with Washoe County Regional Parks and Open Space (Parks) to share parking facilities. Virginia Foothills Park is used for both soccer and softball events which draw large crowds. The School District allows participants to use school parking lots during events; in return the school can use the park’s parking lot during the school day and for school events. A public easement will be recorded as part of the abandonment to assure the public's ability to use school property for parking and access to Virginia Foothills Park is retained.
There are existing public domestic water and sanitary sewer facilities in the right-of-way. The School District is required to grant an easement to the utility providers for these facilities.

Based on Director’s Interpretation 13-1, the regularity zone and the master plan designations of the adjoining properties will be extended to the center line of the street. Since both properties abutting the abandon area are zone Public and Semi Public (PSP) and their master plan designation is Suburban Residential (SR), once the street has been abandoned the property will become PSP and the master plan designation will be SR.

**South Truckee Meadows/Washoe Valley Citizen Advisory Board (STM/WV CAB)**

Abandonments are not reviewed by the Citizen Advisory Board, unless there is a compelling public interest. Staff determined there was no compelling public interest to the requested abandonment. Therefore, this abandonment was not reviewed by the CAB.

**Public Notice**

Abandonments require that the affected property owner be notified by certified mail. There is no minimum number of property owners that need to be notified. Washoe County and Washoe County School District are the only affected property owners, so a notice was sent to each agency.

A legal notice is also required to be posted in a local newspaper. A legal notice was published in the RGJ on Friday, July 24, 2015.

**Reviewing Agencies**

The following agencies received a copy of the project application for review and evaluation.

- Community Services Department
  - Planning and Development Division
  - GIS
  - Building and Safety
  - Engineering and Capital Projects
  - Roads Division
  - Utility Services
  - Regional Parks and Open Space
- Washoe County Health District
  - Vector-Borne Diseases Division
  - Environmental Health Division
  - Air Quality
- Regional Transportation Commission
- Truckee Meadow Fire Protection District

Five out of the twelve above listed agencies/departments provided comments or recommended conditions of approval in response to their evaluation of the project application. A **summary** of each agency’s comments or recommended conditions and their contact information is provided. The Conditions of Approval document is attached to this staff report and will be included with the Action Order.

- Planning and Development Division addressed the need to maintain public access from Reading Avenue to the County Park and its parking area, and that the WCSD
acknowledges that school district will be responsible for the condition and maintenance of the public access.

Contact: Eva Krause, 328-3796, EKrause@washoecounty.us

- **Engineering and Capital Projects** addressed the need to maintain public access, drainage and utility easements, and engineering requirements to record the abandonment.

  Contact: Leo Vesely, 325-8032, LVesley@washoecounty.us

- **Engineering and Capital Projects** stated that there are sewer and water utilities in place and that the existing utility easement location needs to be maintained.

  Contact: Tim Simpson, 954-4648, tsimpson@washoecounty.us

- **Truckee Meadows Fire Protection District** requires that the recorded map show the access to the school.

  Contact Amy Ray, 775.326.6005, aray@tmfpd.us

- **Regional Parks and Open Space** staff stated that they are working with the School District and support this abandonment.

  Contact: Dennis Troy, 823-6513, DTroy@washoecounty.us

### Staff Comment on Required Findings

Section 110.806.30 of Article 806, *Vacations and Abandonments of Easements and Streets*, within the Washoe County Development Code, requires that all of the following findings be made to the satisfaction of the Washoe County Planning Commission before granting approval of the abandonment request. Staff has completed an analysis of the application and has determined that the proposal is in compliance with the required findings as follows.

1. **Master Plan.** The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the Southeast Truckee Meadows Area Plan.

   **Staff Comments:** Spelling Court serves as access to the County Park and Brown Elementary School. The access will be retained through a public access easement. There are no private properties that have access from Spelling Court. The abandonment of the street does not affect any standards of either the Master Plan or the Southeast Truckee Meadows Area Plan.

2. **No Detriment.** The abandonment or vacation does not result in a material injury to the public.

   **Staff Comments:** The road and right-of-way will be turned over to the School District to maintain. As a condition of approval public access, drainage and a utility easement must be granted. With the granting of these easements, the resulting abandonment does not result in a material injury to the public.
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.

   **Staff Comments:** As a condition of approval utility easements are required to be created. The applicant is proposing to locate the utility easement in the abandoned right-of-way, thereby giving utility providers the same right of use that existed prior to the abandonment.

**Recommendation**

Those agencies which reviewed the application recommended conditions in support of approval of the project. Therefore, after a thorough analysis and review, Abandonment Case Number AB15-002 is being recommended for approval with conditions. Staff offers the following motion for the Commission’s consideration.

**Motion**

I move that, after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission approve with conditions Abandonment Case Number AB15-002 for Washoe County School District, 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 Southeast Truckee Meadows Area Plan; and
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.

**Appeal Process**

Most decisions rendered by the Planning Commission are appealable to the Board of County Commissioners. If you disagree with the decision of the Planning Commission and you want to appeal its action, call the Planning staff immediately at 775.328.6100. You will be informed of the appeal procedure and application fee. Appeals must be in writing and must be delivered to the Planning and Development Division within 10 calendar days from the date that the decision being appealed is reduced to writing, filed with the Secretary to the Planning Commission, and mailed to the original applicant in the proceeding being appealed.

cc: Applicant/Owner: Washoe County School District

Staff Report xc: Dennis Troy, Regional Parks and Open Space; Leo Vesely, P.E., Engineering
Conditions of Approval
Abandonment Case Number: AB15-002

The project approved under Abandonment Case Number AB15-002 shall be carried out in accordance with the Conditions of Approval granted by the Planning Commission on August 4, 2015. 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.

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 Department of Community Services.

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 Washoe County Engineering and Capital Project 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 Washoe County Engineering and Capitol Projects Division and after the recordation of the Resolution and Order of Abandonment by the County Recorder.
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 Development**

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

   Contact: Eva M. Krause, AICP Planner, 775.328.3796, ekrause@washoecounty.us

   a. The Washoe County School District shall acknowledge that the road over the access easement shall belong to the School District and they shall be responsible for maintaining said road in accordance with Washoe County Street Design Standards.

   b. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action.

   c. This Abandonment will be effective upon recordation of the Resolution and Order of Abandonment by the County Recorder.

**Washoe County Engineering and Capitol Projects**

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

   Contact: Leo Vesely, P.E., 775.235.8032, lvesely@washoecounty.us

   a. The applicant shall demonstrate substantial conformance to the plans approved as part of this abandonment action.

   b. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any easements that may be required. The County Surveyor shall determine compliance with this condition.

   c. The applicant shall grant a public access easement for access to Virginia Foothills Park.

   d. Retention of all public utility easements or relocation of all public utility easements 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 the new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.

   e. Retention of all drainage easements or relocation of all drainage easements to the satisfaction of and at no expense to Washoe County as well as any drainage facilities now in existence that currently utilize said easements. Said relocations...
shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements (if required).

f. A sign shall be placed on Reading Street indicating access to Virginia Foothills Park. Washoe County Parks shall determine compliance with this condition.

g. 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.

Washoe County Engineering and Capitol Projects, Utilities

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

Contact: Tim Simpson, P.E., 775.954.4684, tsimpson@washoecounty.us

a. There are existing public domestic water and sanitary sewer facilities within the street right-of-way. The applicant shall grant to CSD, a 30-foot wide sanitary sewer access, construction, and maintenance easement over the existing sanitary sewer line.

b. No permanent structures (including rockery or retaining walls, buildings, etc.) shall be allowed within or upon any utility easement maintained by the CSD.

Truckee Meadows Fire Protection District

4. The following condition is the requirement of Truckee Meadows Fire Protection District, which shall be responsible for determining compliance with these conditions.

Contact: Amy Ray, Fire Marshall, 775.326.6005, aray@tmfpd.us

a. The Truckee Meadows Fire Protection District (TMFPD) will approve the above Abandonment with the following condition: A map showing access to the school with the abandonment shall be provided. Access shall be provided to the school.

Regional Parks and Open Space

5. The following condition is the requirements of Regional Parks and Open Space, which shall be responsible for determining compliance with this condition.

Contact: Dennis Troy, Park Planner, 775.325.8094, Dtroy@washoecounty.us

a. The proposed abandonment lies due north of the Virginia Foothill’s Park within Park District 3B. The existing street right of way provides a secondary access point to the park. The street right of way abandonment shall replace street with a 50-foot wide public access and public utility easement. This future public access easement shall not limit the accessibility to the park.

*** End of Conditions ***
DATE: May 8, 2013

TO: Eva M. Krause, Planning and Development Division

FROM: Leo R. Vesely, P.E., Engineering and Capital Projects Division

SUBJECT: AB15-002
APN 140-030-08 & 11
BROWN ELEMENTARY SCHOOL

I have reviewed the referenced abandonment and recommend the following conditions:

1. 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.

2. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for area of abandonment, and any easements that may be required. The County Surveyor shall determine compliance with this condition.

3. The applicant shall grant a public access easement for access to Virginia Foothills Park. The County Engineer shall determine compliance with this condition.

4. Retention of all public utility easements or relocation of all public utility easements 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 the new easements (if required) to said public utilities and the relinquishment by said public utilities of their former easements.

5. Retention of all drainage easements or relocation of all drainage easements to the satisfaction of and at no expense to Washoe County as well as any drainage facilities now in existence that currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements (if required).

6. A sign shall be placed on Reading Street indicating access to Virginia Foothills Park. Washoe County Parks shall determine compliance with this condition.
7. The applicant shall comply with conditions necessary to effect 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.

LRV/Irv
July 9, 2015

To:         Eva M. Krause, AICP, Planner
From:    Timothy Simpson, P.E., Environmental Engineer II
Subject: AB15-002 (Brown Elementary School, Spelling Court)

The Community Services Department (CSD) has reviewed the subject application and has the following comments:

Applicants wish to abandon a public street identified as Spelling Court, and its associated 50-foot wide street right of way and replacing it with a 50-foot wide public access and public utility easement as authorized in Article 806 of the Washoe County Development Code. Washoe County School District owns the adjacent parcels on both sides of the street proposed to be abandoned. The parcels and street are located north of State Route 341 and east of Western Skies Drive within the Southeast Truckee Meadows Area Plan.

There are existing public domestic water and sanitary sewer facilities within the street right-of-way.

The Community Services Department (CSD) recommends approval provided the following conditions are met:

1. The applicant shall grant to CSD, a 30-foot wide sanitary sewer access, construction, and maintenance easement over the existing sanitary sewer line.

2. No permanent structures (including rockery or retaining walls, buildings, etc.) shall be allowed within or upon any utility easement maintained by the CSD.
Abandonment Case No. AB15-002 - Spelling Court

The proposed abandonment lies due north of the Virginia Foothill's Park within Park District 3B. The existing street right of way provides a secondary access point to the park. The street right of way abandonment proposes to replace it with a 50-foot wide public access and public utility easement. This future public access easement will not limit the accessibility to the park, therefore, the Department of Regional Parks and Open Space has no further comments related to this application.
July 7, 2015

Washoe County Community Services Department
1001 East Ninth Street
Reno, NV 89512

Re: Abandonment Case Number AB15-002 (Spelling Court)

The Truckee Meadows Fire Protection District (TMFPD) will approve the above Abandonment with the following conditions:

- A map showing access to the school with the abandonment shall be provided. Access shall be provided to the school. Access to the school with the abandonment is not shown.

Please contact me with any questions at (775) 326-6005.

Thank you,

Amy Ray
Fire Marsha
Community Services Department
Planning and Development
ABANDONMENT APPLICATION

Community Services Department
Planning and Development
1001 E. Ninth St., Bldg A
Reno, NV 89520

Telephone: 775.328.3600
Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Development staff at 775.328.3600.

<table>
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<tr>
<th>Project Information</th>
<th>Staff Assigned Case No.: AB15-002</th>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Spelling Court Abandonment</td>
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<tr>
<td>Description:</td>
<td>Abandonment of Spelling Court to accommodate a new parking configuration for Brown Elementary School. Area of abandonment is approximately 25,182 square feet.</td>
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<tr>
<td>Project Address:</td>
<td>13815 Spelling Court</td>
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<tr>
<td>Project Area (acres or square feet):</td>
<td>25,182 +/-</td>
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<tr>
<td>Project Location (with point of reference to major cross streets AND area locator):</td>
<td>Adjacent to Brown Elementary School - Intersection of Reading Street and Spelling Court</td>
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<td>140-030-08</td>
<td>1.723</td>
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| Section(s)/Township/Range: |

Indicate any previous Washoe County approvals associated with this application:
Case No.(s). AB13-002 (Approved with conditions)

<table>
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<tr>
<th>Applicant Information (attach additional sheets if necessary)</th>
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<tr>
<td>Property Owner: Washoe County School District</td>
</tr>
<tr>
<td>Address: 425 E. Ninth Street</td>
</tr>
<tr>
<td>Reno NV Zip: 89512</td>
</tr>
<tr>
<td>Phone: 775.348.0200 Fax:</td>
</tr>
<tr>
<td>Email:</td>
</tr>
<tr>
<td>Cell:</td>
</tr>
<tr>
<td>Contact Person:</td>
</tr>
</tbody>
</table>

| Professional Consultant: Odyssey Engineering                  |
| Address: 895 Roberta Lane, Suite 104                          |
| Sparks NV Zip: 89431                                          |
| Phone: 775.359.3303 Fax: 775.359.3329                         |
| Email: frank@odysseyreno.com                                   |
| Cell:                                                         |
| Contact Person: Frank Bidart                                   |

| Applicant/Developer: Washoe County School District             |
| Address: 14101 Old Virginia Road                              |
| Reno NV Zip: 89521                                            |
| Phone: 775-789-3810 Fax: 775-851-5658                         |
| Email: mboster@washoeschools.net                              |
| Cell:                                                         |
| Contact Person: Mike Boster-School Planner                    |

| Other Persons to be Contacted:                                |
| Name: Joe Gabica - WCSD                                       |
| Address: 14101 Old Virginia Road                              |
| Reno NV Zip: 89521                                            |
| Phone: 775.789.3817 Fax: 775.851.5658                         |
| Email: jgabica@washoeschools.net                              |
| Cell:                                                         |
| Contact Person: Joe Gabica-WCSD                               |

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<tr>
<td>Date Received: Initial: Planning Area:</td>
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<tr>
<td>County Commission District: Master Plan Designation(s):</td>
</tr>
<tr>
<td>CAB(s): Regulatory Zoning(s):</td>
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February 2014
Abandonment Application
Supplemental Information

(All required information may be separately attached)

Chapter 110 of the Washoe County Code is commonly known as the Development Code. Specific references to vacations and abandonments may be found in Article 806, Vacations and Abandonments of Easements or Streets.

1. What is the abandonment being requested?

A 50-foot wide right-of-way, which encompasses Spelling Court from its intersection with Reading Road to its southern terminus. Approximate area of abandonment is 25,182 square feet.

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

PM 2313
RS 5590

3. What is the proposed use for the vacated area?

Reconfigured entry and exit ways as well as additional parking areas for Brown Elementary School.
4. What replacement easements are proposed for any to be abandoned?

A new 50-foot wide public access and public utility easement is proposed to accommodated access to Virginia Foothills Park and existing utility infrastructure.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

The Washoe County School District owns the properties on either side of Spelling Court. No damage will result from the abandonment of the roadway. Existing access to Virginia Foothills Park will not be impeded by this abandonment and will be accommodated via a new public access easement.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

☐ Yes ☐ No
EXHIBIT “A”

WASHOE COUNTY SCHOOL DISTRICT
ABANDONMENT LEGAL DESCRIPTION

All that certain real property situate in the Northwest 1/4 of Section 27 and the Southwest 1/4 of Section 22, Township 18 North, Range 20 East, MDM, Washoe County, State of Nevada and being Spelling Court as shown on Parcel Map No. 2313 for WASHOE COUNTY SCHOOL DISTRICT as recorded in Washoe County Official Records on September 27, 1988 under filing No. 1276405 and being more particularly described as follows:

BEGINNING at the Southwest corner of Parcel 1 of said Parcel Map; THENCE, along the southerly line of said Spelling Court, N89°49’08”W, 50.00 feet to the Southeast corner of Parcel 2 of said Parcel Map;

THENCE, N00°54’52”E, 478.57 feet along the westerly line of said Spelling Court;

THENCE, along a tangent curve to the left having a radius of 20.00 feet, a central angle of 90°28’48” and an arc length of 31.58 feet to the southerly line of Reading Street as shown on said Parcel Map;

THENCE, S89°33’56”E, 84.96 feet;

THENCE, S44°33’56”E, 7.07 feet to the north line of said Parcel 1;

THENCE, along the westerly boundary of said Parcel 1, through a non-tangent curve to the left having a tangent bearing of N89°33’56”W, a radius of 20.00 feet, a central angle of 89°31’12” and an arc length of 31.25 feet;

THENCE, S00°54’52”W, 473.69 feet to the Point of Beginning.

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

Containing: 25,190 Square Feet of land, more or less

Basis of Bearings: Nevada State Plane Coordinate system, West zone, NAD 83/94.

Prepared by:

Odyssey Engineering, Inc.

Kelly R. Combest, P.L.S. 16444
895 Roberta Lane, Suite 104
Sparks, NV 89431

[Signature]

Exp. 12-31-16

[Stamp]