



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

PARK COMMISSION STAFF REPORT

MEETING DATE: SEPTEMBER 7, 2021

DATE: August 24, 2021

TO: Open Space and Regional Parks Commission

FROM: Sophia Kirschenman, Park Planner, Planning & Building Division, Community Services Department, 328-3623, skirschenman@washoecounty.us

THROUGH: Eric Crump, Operations Division Director, Community Services Department, 328-2182, ecrump@washoecounty.us

SUBJECT: Presentation, discussion and possible recommendation to the Board of County Commissioners to acknowledge and agree to the Abandonment and Termination of Right of Reverter by the Grantor, Ridges at Hunter Creek III, which would remove the right of reverter clause from the trailhead easement granted to Washoe County in 2005 and recorded in 2007 as Document #3592575 for the Michael D. Thompson Trailhead. (Commission District 1.) (For Possible Action.)

SUMMARY

Washoe County holds an easement on the parcel currently identified as Assessor's Parcel Number (APN) 041-650-08 for the Michael D. Thompson Trailhead. The easement document contains a right of reverter clause requiring that the name, Michael D. Thompson Trailhead and Trail, be designated as such in perpetuity. The right of reverter clause states that should the name be changed or the signs with this name destroyed and not replaced within a reasonable amount of time, the easement would terminate and revert to the grantors or their heirs, successors and/or assigns.

APN 041-650-08 is currently owned by Ridges at Hunter Creek III, LLC and they are the trailhead easement grantors' successor in interest. A transaction is currently underway to transfer this parcel from the Ridges at Hunter Creek III, LLC to the United States Forest Service. The Forest Service does not wish to accept this transfer unless and until the right of reverter clause is removed from the trailhead easement held by Washoe County. There is no intent to change the name of this trailhead and trail, but as agency partners, Washoe County staff is recommending approval of the abandonment of the right of reverter clause to support the Forest Service request.

County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

AGENDA ITEM # _____

PREVIOUS ACTION

May 28, 2013 – The Washoe County Board of County Commissioners (BCC) adopted and recorded a resolution accepting real property for use as a public trailhead and trail corridor within the Ridges at Hunter Creek Subdivision (currently identified as APN 041-661-13, totaling 0.57 acres) for use as a non-motorized public trailhead and trail corridor.

March 20, 2007 – The BCC approved a professional design services contract in the amount of \$48,450 awarded to Jeff Codega Planning and Design for the Michael D. Thompson Trailhead Facility.

July 26, 2005 – The BCC approved an agreement between Washoe County and David J. and Claudia Ann Thompson Family Trust and Ridges Investment, LLC, to grant an easement to Washoe County to develop the Michael D. Thompson Trailhead and Trail on a portion of the parcel currently identified as 041-650-08; and authorized the Chair to execute the associated documents.

BACKGROUND

The Michael D. Thompson Trailhead Easement (Exhibit 1) was granted to Washoe County by David J. and Claudia Ann Thompson, and Ridges Investment, LLC in 2005 and was recorded in 2007. To ensure that the trail and trailhead name would remain the same in perpetuity, a right of reverter clause was included in the easement document stating that should Washoe County change the name or fail to repair or replace the signage with this name dedication within a reasonable amount of time, the easement would terminate and revert to the grantors or their heirs, successors or assigns.

A professional design services contract was awarded in 2007 for the construction and design of the Michael D. Thompson Trailhead and the improvements, which include a parking area, informational kiosk, restrooms and a water fountain, were completed shortly thereafter. Washoe County has been managing and maintaining the trailhead since that time. The Michael D. Thompson Trail begins on the Washoe County easement and connects to lands administered by the United States Forest Service.

In 2019, the current owners of the parcel on which the Michael D. Thompson Trailhead is located, Ridges at Hunter Creek III, LLC, initiated discussions about the potential sale of this property to the Forest Service. Due to the ongoing pandemic, those discussions were stalled. However, at this point, the discussions are moving forward, and the Forest Service is completing an appraisal for the property. In order to protect the Forest Service's interest and eliminate any potential future risk related to the reversion of the property to the grantors, the Forest Service is requiring that the right of reverter clause in the easement document be abandoned before they acquire the property. Washoe County has no intention of changing the name of the trailhead or trail, but as agency partners, staff is recommending approval of the abandonment to support the property transfer. As the current owners of the property, Ridges at Hunter Creek III, LLC is also the easement grantors' successor in interest, and they have the legal authority to amend the easement.

Washoe County staff have also confirmed with the Forest Service that the County is willing to continue managing and maintaining the trailhead. Should the Forest Service acquire the property, Washoe County and the Forest Service would enter into a maintenance agreement detailing the

terms of the County's ongoing maintenance obligations. This maintenance agreement would come before the Park Commission and the Board of County Commissioners (BCC) for review. Washoe County staff have also suggested to the Forest Service that the two agencies enter into a memorandum of understanding (MOU) regarding the name of the Michael D. Thompson Trailhead and Trail. As previously mentioned, Washoe County has no intention of changing this name and would like to provide some assurance to the Thompson Family that the original intent behind the easement will be maintained. The Forest Service is considering this request, but as of the writing of this staff report, no final decision has been made about whether to draft and bring forward an MOU to the Park Commission and BCC for review.

FISCAL IMPACT

None.

RECOMMENDATION

It is recommended that the Open Space and Regional Parks Commission recommend that the Board of County Commissioners acknowledge and agree to the Abandonment and Termination of Right of Reverter by the Grantor, Ridges at Hunter Creek III, which would remove the right of reverter clause from the trailhead easement granted to Washoe County in 2005 and recorded in 2007 as Document #3592575 for the Michael D. Thompson Trailhead.

POSSIBLE MOTION

Should the Commission agree with staff's recommendation, a possible motion would be:

“Move to recommend that the Board of County Commissioners acknowledge and agree to the Abandonment and Termination of Right of Reverter by the Grantor, Ridges at Hunter Creek III, which would remove the right of reverter clause from the trailhead easement granted to Washoe County in 2005 and recorded in 2007 as Document #3592575 for the Michael D. Thompson Trailhead.”

APN: 041-650-08

When Recorded, Return to:
Ridges at Hunter Creek III LLC
c/o Ranson Webster

The undersigned hereby affirms that this document submitted for recording does not contain the personal information of any person or persons per N.R.S. 239B.030.

Signature of Declarant or Agent

**ABANDONMENT AND TERMINATION OF
RIGHT OF REVERTER**

THIS ABANDONMENT AND TERMINATION OF RIGHT OF REVERTER is made this ____ day of _____, 2021 ("Effective Date") by RIDGES AT HUNTER CREEK III, a Nevada limited liability company ("Grantor").

WITNESSETH:

WHEREAS, Grantor owns that certain real property located at 4705 Woodchuck Circle, Washoe County, described as APN 041-650-08 ("Ridges Property").

WHEREAS, the Ridges Property is encumbered by that certain Grant of Trail Head Easement recorded November 8, 2007 in the Official Records of Washoe County, State of Nevada, as Document No. 3592575 ("County Easement"), granted by the prior owners of the Ridges Property David J. and Claudia Ann Thompson as Trustees of the Thompson Family Trust and Ridges Investment, LLC ("Prior Owners") to Washoe County.

WHEREAS, the County Easement included a reservation "to Grantors or to Grantors heirs, successors and assigns" pursuant to which the County Easement granted thereunder will terminate and revert to the owner of the Ridges Property if the trail head is not perpetually designated as the "Michael D. Thompson Trail Head" or signs so designating the Michael D. Thompson Trail Head are removed, damaged, or destroyed and not repaired or replaced within a reasonable time (the "Right of Reverter"). The Right of Reverter states it inures to the benefit of the successors and assigns of the owner of the Ridges Property.

WHEREAS, Grantor is the successor in interest of the Prior Owners and owner of the Ridges Property and all appurtenances, tenements and hereditaments, including the Right of Reverter.

WHEREAS, Grantor desires to terminate and relinquish the Right of Reverter on the terms and conditions below.

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

Grantor does by these presents, abandon, quitclaim, release, and relinquish the Right of Reverter (and any other rights of reverter that Grantor may have) in and to the Easement to Washoe County and its successors and assigns, it being the express intention of Grantors hereunder to forever abandon, cancel, terminate and extinguish the Right of Reverter in its entirety, and to fully release the Easement from the obligations and burdens of the Right of Reverter and the determinable fee future interests created by the Right of Reverter. Nothing in the foregoing shall release or otherwise modify the stormwater and storm drainage facilities easement reserved by Grantors in the Easement.

IT BEING FURTHER AGREED THAT COUNTY and any successor or assign of County to the Easement shall perpetually designate the Trail Head Easement as the “Michael D. Thompson Trail Head” and shall repair or replace within a reasonable time any signs so designating the Michael D. Thompson Trailhead in the event they are removed, damaged or destroyed.

IT BEING FURTHER AGREED THAT GRANTOR and any successor or assign of Grantor agrees to indemnify and hold harmless County and its board members, agents and employees from and against any and all claims, damages, losses, liabilities, costs or expenses whatsoever which County may incur by reason of or in connection this Abandonment and Termination of Right of Reverter.

IN WITNESS WHEREOF, Grantors have caused these presents duly to be executed the day and year first above written.

RIDGES AT HUNTER CREEK III LLC

By: _____
Ranson Webster, Manager

Acknowledged and Agreed:

Washoe County

By: _____

Its: _____

[Notary Follows]

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

On the ____, day of _____, 2021, before me, a notary public in and for said State, personally appeared RANSON WEBSTER as Manager of Ridges at Hunter Creek III, LLC, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their capacity.

WITNESS my hand and official seal.

NOTARY PUBLIC

STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

On the ____, day of _____, 2021, before me, a notary public in and for said State, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as _____ of the above named entity.

WITNESS my hand and official seal.

NOTARY PUBLIC

portion of
APN: 041-021-54 & 55

Request by and
When Recorded Mail To:
Washoe County Department
of Regional Parks and Open Space
2601 Plumas Street
Reno, Nevada 89509

Grantee

Mail Any Tax Statements To:
Washoe County Department
of Regional Parks and Open Space
2601 Plumas Street
Reno, Nevada 89509

Phone 0700 4044-1111



I the undersigned hereby affirm that this document submitted for recording does not contain the social security number of any person or persons. (Per NRS 239b.030)

[Signature] *Robert L. EO.*
Signature Print Name Title

GRANT OF TRAIL HEAD EASEMENT

This easement is granted this 5th day of August, 2005 by David J. and Claudia Ann Thompson as Trustees of The Thompson Family Trust and Ridges Investment., LLC, a Nevada LLC ("Grantors") and Washoe County, a political subdivision of the State of Nevada ("Grantee").

WITNESSETH:

Pursuant to that certain agreement between Grantors and Grantee and in consideration of the sum of ten dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantors do hereby grant to Grantee an exclusive easement for the construction of a Trail Head consisting of vehicle parking spaces, restroom facilities, public utilities to such facilities and for vehicular and pedestrian ingress and egress to such parking and restroom facilities, on that certain property situated in the County of Washoe, State of Nevada more particularly described on Exhibit A.

The purpose of this easement is to allow the County to provide facilities for the public to gain access to land to the south and west of the easement by hiking on trails currently existing or hereafter installed by the County or by any other governmental agency. PROVIDED HOWEVER that no overnight camping or overnight occupancy of vehicles or trailers shall be allowed at the trail head site.

The Trail Head Facility and Easement and the ingress and egress roadway shall be named in perpetuity the "Michael D. Thompson Trail Head" and Michael D. Thompson Trail respectively with all signs or materials referring to the trail head shall bear that designation.

In the event that the Trail Head Easement is not perpetually designated the "Michael D. Thompson Trail Head," or the signs so designating the Michael D. Thompson Trail Head are removed, damaged, or destroyed and not repaired or replaced within a reasonable time, then the easement shall terminate and revert to Grantors or to Grantor's heirs, successors or assigns.

RESERVING to Grantors, their heirs, successors and assigns an easement for the natural flow of water runoff from storms, snow or other causes over and across the land which is subject to the easement granted herein; further reserving the right to construct and maintain storm drainage facilities as described on Exhibit B.

This grant shall be binding upon and inure to the benefit of the heirs, successors and assigns of the parties.

Executed this 3th day of August, 2005.

GRANTORS

RIDGES INVESTMENT, LLC

By: [Signature]
David J. Thompson, Trustee
David J. and Claudia Ann Thompson Family Trust

By: [Signature]
David J. Thompson

By: [Signature]
Claudia Ann Thompson, Trustee
David J. and Claudia Ann Thompson Family Trust

STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

On this 5TH day of August, 2005, DAVID J. THOMPSON and ~~CLAUDIA ANN THOMPSON~~ personally appeared before me, a Notary Public, known (or proved) to me to be the persons whose names are subscribed to the above instrument, who acknowledged that they executed the same as Trustees of the David J. and Claudia Ann Thompson Family Trust.

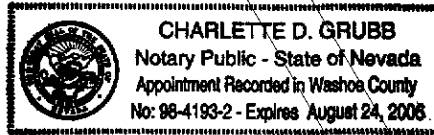
[Signature]
Notary Public



STATE OF NEVADA)
)ss.
COUNTY OF WASHOE)

On this 9th day of AUGUST, 2005, CLAUDIA ANN THOMPSON personally appeared before me, a Notary Public, known (or proved) to me to be the person whose name is subscribed to the above instrument, who acknowledged that she executed the same as Trustee of the David J. and Claudia Ann Thompson Family Trust.

Charlette D. Grubb
Notary Public



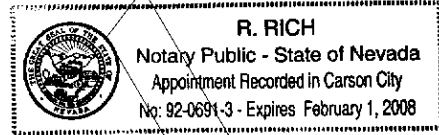
COPY

STATE OF NEVADA
COUNTY OF Washoe

} SS:

This instrument was acknowledged before me on November 7, 2007 by
David J. Thompson as Manager of Ridges Investment, LLC

By _____
Notary Public



COPY

APN: 041-021-55

LEGAL DESCRIPTION

Portion of Parcel B-1 as shown on Record of Survey Map #4965, filed as Document #3576232, Official Records of Washoe County, Nevada, lying within the South One-Half (S1/2) of Section 19, T 19 N, R 19 E, M.D.M.

A public easement for the construction, operation, and maintenance of trailhead facilities including but not limited to parking, landscaping, lighting, and pathways, being the portion of said Parcel B-1 lying Northerly of the following described line:

Commencing at the Northeast corner of said Parcel B-1;
Thence South $13^{\circ}56'22''$ East, a distance of 357.49 feet to a point on the Easterly line of said Parcel B-1, the point of beginning;
Thence South $48^{\circ}22'29''$ West, a distance of 459.52 feet;
Thence North $64^{\circ}18'54''$ West, a distance of 202.73 feet;
Thence South $62^{\circ}24'50''$ West, a distance of 110.41 feet;
Thence along a tangent curve to the right, having a radius of 170.00', a central angle of $42^{\circ}22'24''$, and a chord of 122.88 feet bearing South $83^{\circ}36'02''$ West;
Thence North $75^{\circ}12'46''$ West, a distance of 58.85 feet to a point on the Westerly line of said Parcel B-1, the point of ending.

Dan Asikainen, P.L.S. #3318
Jeff Codega Planning / Design
750 Sandhill Road
Reno, NV 89521
775-322-5100



EXHIBIT "A"



SCALE: 1"=200'

NE CORNER
PARCEL B-1

Trailhead

58.85' +
N75°12'46"W

110.41'
S62°24'50"W

202.73'
N64°18'54"W

R=170.00'
D=42°22'24"
C=S83°36'02"W, 122.88'

459.52'
N48°22'29"E

PARCEL B-1

S 4965

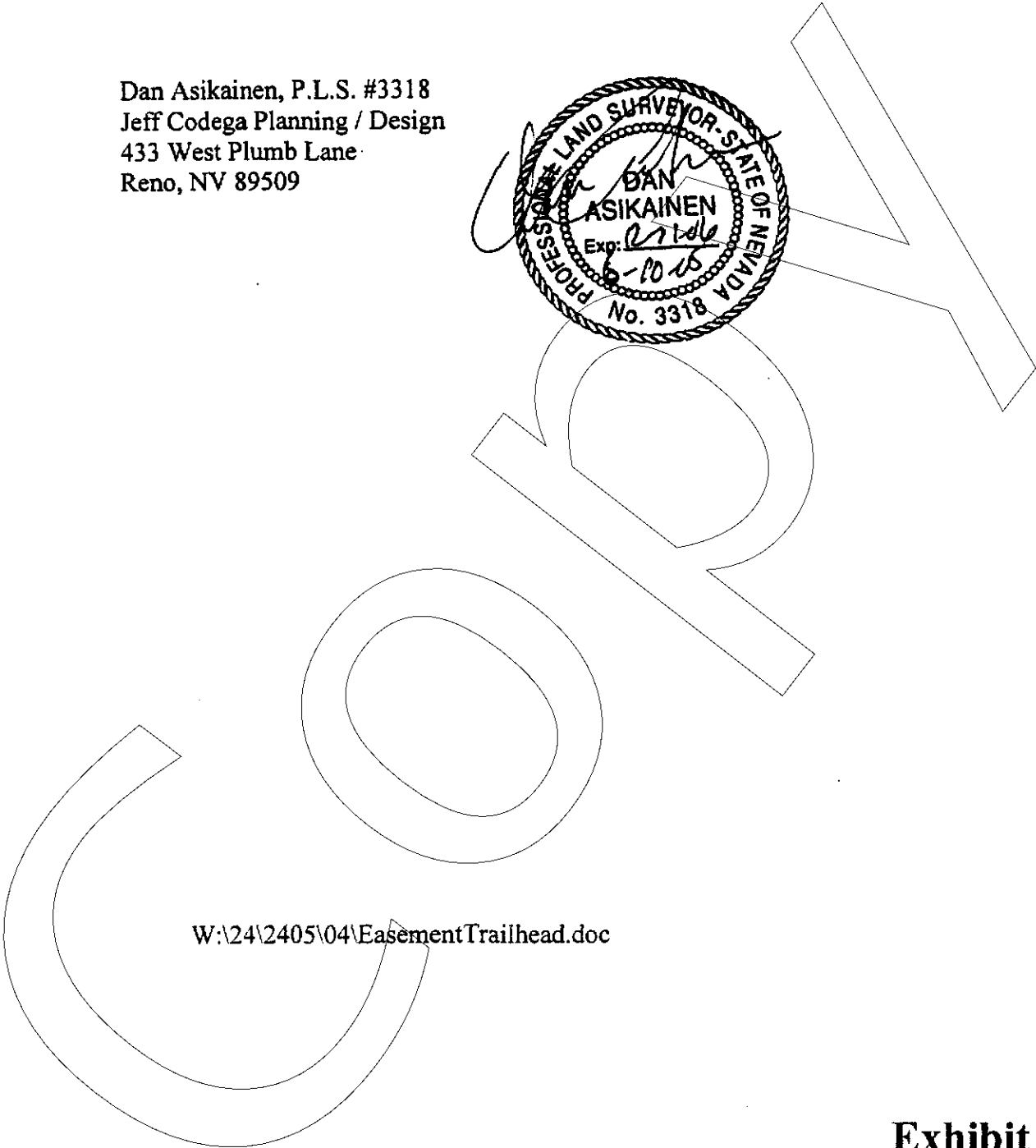
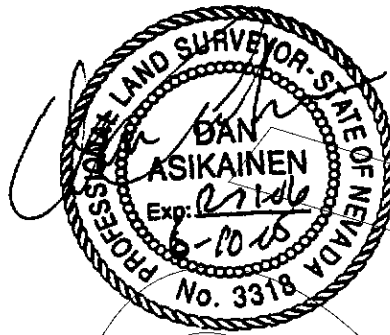


JEFF CODEGA
PLANNING/DESIGN, INC.
planners • landscape architects
engineers • surveyors
construction services

EXHIBIT "A-1"

ALSO, a private easement for construction, operation, and maintenance of storm drain facilities across the Northern 365.92 feet of the above described area of Parcel B to the benefit of Parcel A.

Dan Asikainen, P.L.S. #3318
Jeff Codega Planning / Design
433 West Plumb Lane
Reno, NV 89509



W:\24\2405\04\Easement Trailhead.doc

Exhibit B