

NOTICE AND CALL OF SPECIAL MEETING

Board of Trustees

Larry Brown, Chair

Jim Gibson

Justin Jones

Marilyn Kirkpatrick

Tick Segerblom

Lawrence Weekly

KYLE CANYON WATER DISTRICT

BOARD OF TRUSTEES

9:00 A.M. – JANUARY 7, 2019

Commission Chambers

Clark County Government Center

500 South Grand Central Parkway, Las Vegas, Nevada

(702) 258-3100

Date Posted: December 27, 2018

The Clark County Commission Chambers are accessible to individuals with disabilities. With 24-hour advance request, a sign language interpreter may be made available; phone 870-2011, TDD 385-7486, or Relay Nevada toll-free (800) 326-6868 TT/TDD. Assistive listening devices are available upon request at the Clerk's table.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED IN THE FOLLOWING LOCATIONS:

Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

Las Vegas Valley Water District
1001 S. Valley View Boulevard
Las Vegas, Nevada

Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada

Grant Sawyer State Office Building
555 E. Washington Avenue
Las Vegas, Nevada

Mt. Charleston Library
75 Ski Chalet Place
Mt. Charleston, Nevada

Old Town Community Board
Mt. Charleston, Nevada

Mt. Charleston Lodge
5375 Kyle Canyon Road
Mt. Charleston, Nevada

All items listed on this agenda are for action by the Board of Trustees, unless otherwise indicated. Items may be taken out of order. The Board of Trustees may combine two or more agenda items for consideration, and/or may remove an item from the agenda or delay discussions relating to an item on the agenda at any time.

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Board of Trustees will hear general comments from the public on items listed on this agenda. If you wish to speak to the Board about items within its jurisdiction but not appearing on this agenda, you must wait until the "Comments by the General Public" period listed at the end of this agenda. Please limit your comments to three minutes or less.

ITEM NO.

1. *For Possible Action:* Approve agenda and the minutes of the special meeting of May 6, 2014.
2. *For Possible Action:* Approve and authorize the General Manager to purchase a permanent non-exclusive easement on private property necessary for the Kyle Canyon – Rainbow Well Discharge Pipeline Relocation Project for the appraised value of \$17,900.

COMMENTS BY THE GENERAL PUBLIC

NO ACTION MAY BE TAKEN: At this time, the Board of Trustees will hear general comments from the public on matters under the jurisdiction of the Kyle Canyon Water District. Please limit your comments to three minutes or less.

**KYLE CANYON WATER DISTRICT
BOARD OF TRUSTEES
SPECIAL MEETING
MAY 6, 2014
MINUTES**

CALL TO ORDER 9:35 a.m., Commission Chambers, Clark County Government Center
500 S. Grand Central Parkway, Las Vegas, Nevada

TRUSTEES PRESENT Larry Brown, Chair
Chris Giunchigliani, Vice Chair
Susan Brager
Tom Collins
Mary Beth Scow
Steve Sisolak
Lawrence Weekly

TRUSTEES ABSENT None

STAFF PRESENT John Entsminger, Phil Speight, Greg Walch, Julie Wilcox, Dave Johnson

OTHERS PRESENT None

Unless otherwise indicated, all members present voted in the affirmative.

COMMENTS BY THE GENERAL PUBLIC

For full public comment, visit www.lvwwd.com/apps/agenda/lvwwd/index.cfm

There were no persons wishing to speak.

1. Approve Agenda and Minutes

FINAL ACTION: A motion was made by Trustee Brager that the agenda for this meeting and the minutes of the special meeting of November 5, 2013, be approved. The motion was approved.

2. Adopt the Kyle Canyon Water District Water Conservation Plan.

Chairman Brown requested a summary of the meter installations within Kyle Canyon.

FINAL ACTION: A motion was made by Trustee Giunchigliani to follow staff's recommendation. The motion was approved.

COMMENTS BY THE GENERAL PUBLIC

For full public comment, visit www.lvwwd.com/apps/agenda/lvwwd/index.cfm

There were no persons wishing to speak.

Adjournment

There being no further business to come before the Board, the meeting adjourned at 9:37 a.m.

APPROVED:

Lawrence L. Brown III, Chairman

John J. Entsminger, Secretary

**Copies of all original agenda items and minutes, including all attachments, are on file in the
General Manager's office at the Las Vegas Valley Water District,
1001 S. Valley View Boulevard, Las Vegas, Nevada.**

**KYLE CANYON WATER DISTRICT
BOARD OF TRUSTEES
AGENDA ITEM**

January 7, 2019

Subject: Easement Purchase	Director's Backup
Petitioner: David L. Johnson, Deputy General Manager, Engineering/Operations	
Recommendations: That the Board of Trustees approve and authorize the General Manager to purchase a permanent non-exclusive easement on private property necessary for the Kyle Canyon – Rainbow Well Discharge Pipeline Relocation Project for the appraised value of \$17,900.	

Fiscal Impact:

The requested \$17,900 is available in the District’s Capital Budget.


Background:

The District has four wells that supply water in Kyle Canyon. The current Rainbow Well discharge pipeline runs above ground and through a steep canyon wash prone to avalanche and flood activity. This pipeline is over 40 years old and is reaching the end of its useful life. Project No. L0099, Kyle Canyon – Rainbow Well Discharge Pipeline Relocation (Project), was approved in the capital budget and is scheduled to begin this fiscal year.

The terrain of the wash and density of the surrounding forest does not provide access for the equipment required to repair or replace the Project in the current location. Staff recommends purchase of a 2,163 square foot permanent non-exclusive easement that would provide a more accessible, reliable and maintenance-friendly location. This easement, as generally shown on Attachment A and in substantially the same form as Attachment B, is on private property owned by the James F. Howard Revocable Living Trust (Trust) and was appraised on October 10, 2018, for \$17,900. On November 29, 2018, an offer to purchase the easement was accepted by the Trust contingent upon Board of Trustee approval. If approved, this action will authorize the District to pay the Trust \$17,900 in exchange for the easement.

This action is authorized pursuant to NRS Chapter 318 and Clark County Ordinance No. 419 (December 5, 1973). The office of the General Counsel has reviewed and approved this easement.

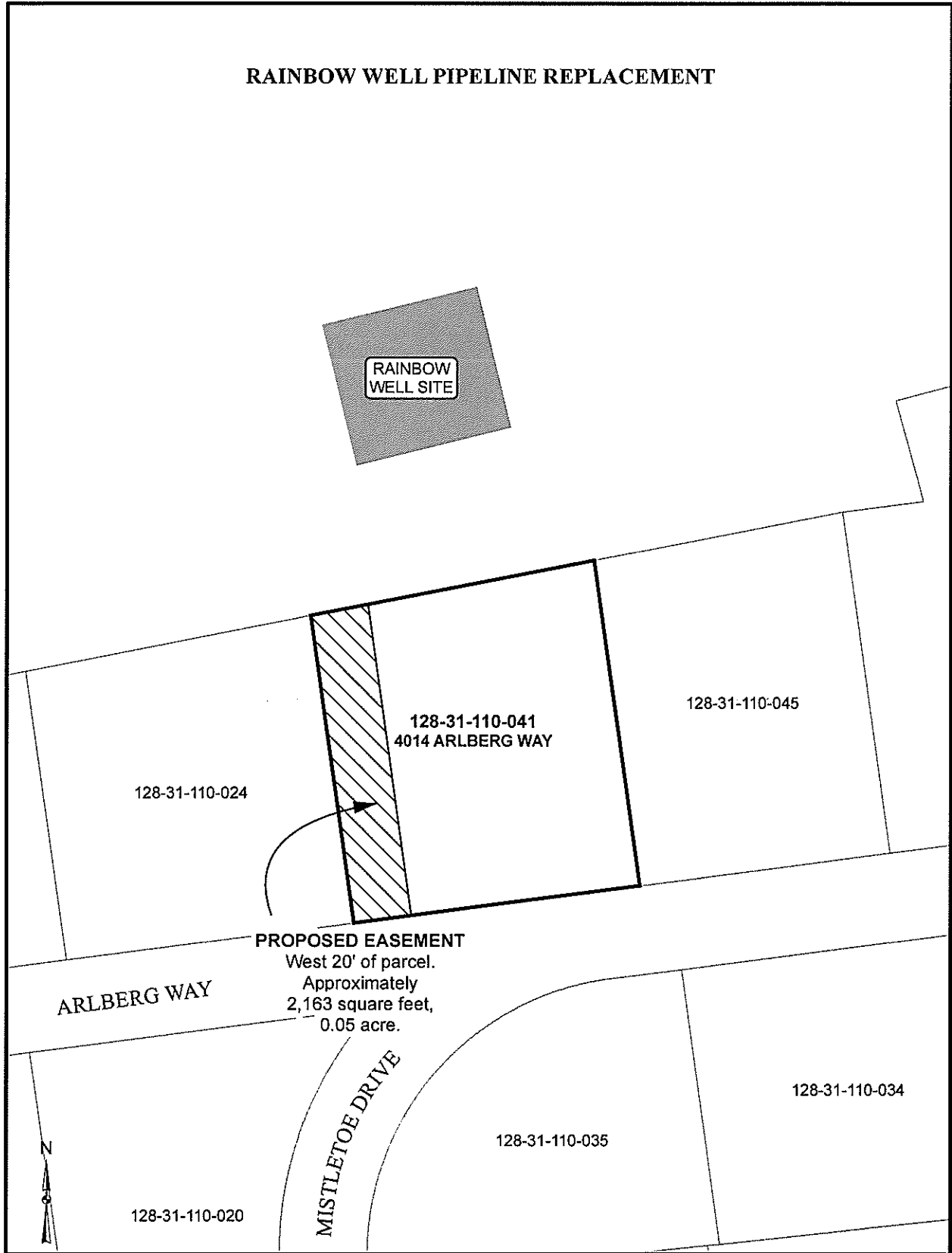
Respectfully submitted:


John J. Entsminger, General Manager
JJE:DLJ:PJJ:RCP:DCH:SLK:MR:amn
Attachments

AGENDA ITEM # 2

KYLE CANYON WATER DISTRICT
BOARD OF TRUSTEES
AGENDA ITEM
January 8, 2019

RAINBOW WELL PIPELINE REPLACEMENT



APN: 128-31-110-041

RETURN TO:

Kyle Canyon Water District
c/o Las Vegas Valley Water District
Land Acquisition and Management (M/S 95)
P O Box 99956
Las Vegas, Nevada 89193-9956

LVVWD Project/Contract No.: n/a
Right-of-Way Agent: MR

KYLE CANYON WATER DISTRICT

NON-EXCLUSIVE EASEMENT

THIS GRANT OF EASEMENT, made and entered into by and between **JAMES F. HOWARD REVOCABLE LIVING TRUST, JAMES F. HOWARD TRUSTEE**, hereinafter known as the GRANTOR(s) and the **KYLE CANYON WATER DISTRICT**, a political subdivision of the state of Nevada, hereinafter known as the DISTRICT.

WITNESSETH:

That the GRANTOR(s), for and in consideration of the sum of One Dollar (\$1.00) lawful money of the United States and other valuable consideration to it in hand paid by the DISTRICT, the receipt whereof is hereby acknowledged, does by these presents GRANT and CONVEY to the DISTRICT, its successors and assigns, a perpetual easement for the construction, operation, use, maintenance, repair, replacement, reconstruction and removal of pipelines and all underground and surface appurtenances for conducting water and any facilities ancillary thereto, such as electric power, fiber optic, and the rights of ingress and egress, over, on, above, across and under that certain parcel of land described as follows:

See Exhibit A and B, attached hereto and made a part hereof.

APN: 128-31-110-041

The GRANTOR(s), its successors and assigns agree that:

1. No buildings, structures, walls, fences, or trees shall be placed upon, over or under said parcel of land for the duration of this easement, except that said parcel may be improved and used for street, road or driveway purposes, trail, path or parking lot, non-vehicular public access, or shallow root landscaping purposes, and for other utilities, insofar as such use does not interfere with its use by the DISTRICT for the purposes for which it is granted.
2. The DISTRICT shall not be liable for any damage to any of the GRANTOR(s) improvements placed upon said parcel due to the DISTRICT's operations using reasonable care.
3. Should any of the DISTRICT facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the GRANTOR(s), or its successors and assigns, shall bear the full cost of such relocation or repair, unless changes in grade or other construction are done with the prior written consent of the DISTRICT.
4. The GRANTOR shall not allow any obstructions, which may impede or interfere with the DISTRICT's use of or access to said easement.
5. The DISTRICT shall have the right, but not the obligation to cut, trim, remove trees, brush, and/or remove other unauthorized obstructions, which may impede or interfere with the DISTRICT's use.
6. All provisions of this easement, including the benefits and burdens, run with the land and are binding upon and enure to the GRANTOR(s), the DISTRICT, and their heirs, assigns, successors, tenants, and personal representatives.
7. Signator for GRANTOR(s) warrant that it has the legal authority to bind the party hereto and GRANTOR(s) warrant that it may legally grant the rights described herein.

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DO NOT MARK OUTSIDE THIS BOX

IN WITNESS WHEREOF, the GRANTOR has hereunto set his/her hand this
_____ day of _____, 20____.

JAMES F. HOWARD REVOCABLE LIVING TRUST

(Signature)

BY: _____
(Print Name)

ITS: _____
(Capacity)

State of _____)
County of _____) ss

This instrument was acknowledged before me on _____, 20____
by James F. Howard, Jr. as Trustee of the James F. Howard Revocable Living Trust

WITNESS my hand and official seal.

Notary Public

Notary Seal/Stamp

Portion of A.P.N. 128-31-110-041

"EXHIBIT A"

A description of real property situate in the Northwest Quarter of Section 23, Township 19 South, Range 57 East M.D.B.&M., being a portion of land described in Quit Claim Deed Book 20140313, Instrument 03018 on file in the office of the Recorder, Clark County, Nevada, as Lot 76 in Block 7 of Rainbow Canyon unit No. 1 in Plat Book 5, Page 98 on file in the office of said Recorder more particularly described as follows:

The West 20.00 (Twenty) feet of said Lot 76.

The lands described herein contain 2163 square feet, more or less.

References:

- 1) "EXHIBIT B" 18L0099001 4014 ARLBERG WAY EASEMENT AREA DESCRIPTION DIAGRAM attached hereto and made a part hereof
- 2) Plat Book 5, Page 98
- 3) Quit Claim Deed Book 20140313, Instrument 03018

Darrell T. Harness P.L.S.
Professional Land Surveyor
Nevada License No. 3197
Principal Land Surveyor, LVVWD



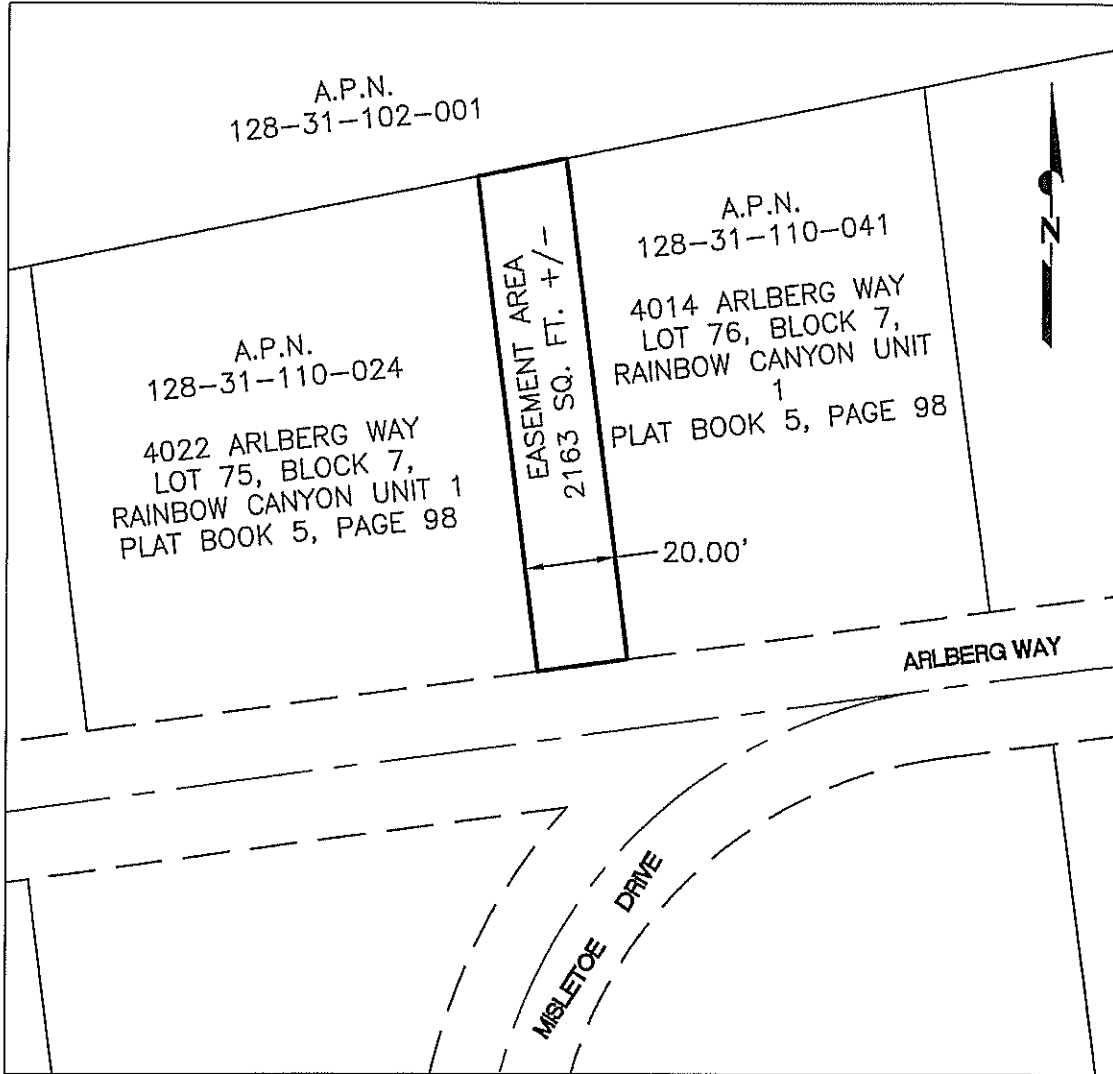
DTH/jlw

G:_PROJECTS_CONTRACT JOBS (DESIGN)\18L0099001\WORKING FILES\WORD\18L0099001 EASEMENT AREA DESCRIPTION LOT 76.doc

MS254

APN: 128-31-110-041

"EXHIBIT B"
PT., SECTION 31, T.19 S., R.57 E., M.D.M.



LEGEND

- PARCEL LINES
- CENTERLINE
- RIGHT OF WAY LINES
- EASEMENT AREA

LAS VEGAS VALLEY WATER DISTRICT SURVEY DRAWING

SCALE	DRAWN BY: JLW 10/11/18	18L0099001	LVVWD
	EDITED BY: JLW 10/11/18		
1" = 40'	PLS: DTH 10/11/18	4014 ARLBERG WAY	EX-B
EASEMENT AREA DESCRIPTION DIAGRAM			PAGE 2 OF 2

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Business Entity Type (Please select one)						
<input type="checkbox"/> Sole Proprietorship	<input type="checkbox"/> Partnership	<input type="checkbox"/> Limited Liability Company	<input type="checkbox"/> Privately Held Corporation	<input type="checkbox"/> Publicly Held Corporation	<input checked="" type="checkbox"/> Trust	<input type="checkbox"/> Non-Profit Organization
Business Designation Group (Please select all that apply)						
<input type="checkbox"/> MBE	<input type="checkbox"/> WBE	<input type="checkbox"/> SBE	<input type="checkbox"/> PBE	<input type="checkbox"/> VET	<input type="checkbox"/> DVET	<input type="checkbox"/> ESB
Minority Business Enterprise	Women-Owned Business Enterprise	Small Business Enterprise	Physically Challenged Business Enterprise	Veteran Owned Business	Disabled Veteran Owned Business	Emerging Small Business
Number of Clark County Nevada Residents Employed: 0						
Corporate/Business Entity Name: James F. Howard Revocable Living Trust						
(Include d.b.a., if applicable)						
Street Address:		3990 Arlberg Way		Website:		
City, State and Zip Code:		Mount Charleston, Nevada 89124		POC Name: James F. Howard, Jr., Trustee		
Telephone No:		702-872-5459		Email:		
Local Street Address:				Website:		
(If different from above)						
City, State and Zip Code:				Local Fax No:		
Local Telephone No:				Local POC Name:		
				Email:		

All entities, with the exception of publicly-traded corporations and non-profit organizations, must list the names of individuals, either directly or indirectly, holding more than five percent (5%) ownership or financial interest in the business entity appearing before the Board of Directors.

Publicly-traded corporations and non-profit organizations shall list all Corporate Officers and Directors in lieu of disclosing the names of individuals with ownership or financial interest.

Entities include all business associations organized under or governed by Title 7 of the Nevada Revised Statutes, including but not limited to private corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations.

Full Name	Title	% Owned (Not required for Publicly Traded Corporations/Non-profit organizations)
James F. Howard, Jr.	Trustee	100%

This section is not required for publicly-traded corporations.

1. Are any individual members, partners, owners or principals, involved in the business entity, an Entity full-time employee(s), or appointed/elected official(s)?

Yes No (If yes, please note that the employee(s), or appointed/elected official(s) may not perform any work on professional service contracts, or other contracts, which are not subject to competitive bid.)

2. Do any individual members, partners, owners or principals have a spouse, registered domestic partner, child, parent, in-law or brother/sister, half-brother/half-sister, grandchild, grandparent, related to an Entity full-time employee(s), or appointed/elected official(s)?

Yes No (If yes, please complete the Disclosure of Relationship form on Page 2. If no, please print N/A on Page 2.)

I certify under penalty of perjury, that all of the Information provided herein is current, complete, and accurate. I also understand that the Board will not take action on any item without the completed disclosure form.

James F. Howard Jr
Signature

James F. Howard, Jr. JAMES F. HOWARD JR
Print Name

Trustee
Title

Dec 11, 2018
Date

DISCLOSURE OF RELATIONSHIP

List any disclosures below:
(Mark N/A, if not applicable.)

NAME OF BUSINESS OWNER/PRINCIPAL	NAME OF ENTITY* EMPLOYEE/OFFICIAL AND JOB TITLE	RELATIONSHIP TO ENTITY* EMPLOYEE/ OFFICIAL	ENTITY* EMPLOYEE'S/ OFFICIAL'S DEPARTMENT
N/A	N/A	N/A	N/A

* Entity employee means an employee of Las Vegas Valley Water District, Southern Nevada Water Authority, or Silver State Energy Association .

"Consanguinity" is a relationship by blood. "Affinity" is a relationship by marriage.

"To the second degree of consanguinity" applies to the candidate's first and second degree of blood relatives as follows:

- Spouse – Registered Domestic Partners – Children – Parents – In-laws (first degree)
- Brothers/Sisters – Half-Brothers/Half-Sisters – Grandchildren – Grandparents – In-laws (second degree)

For Entity Use Only:

If no Disclosure or Relationship is noted above or the section is marked N/A, please check this box.

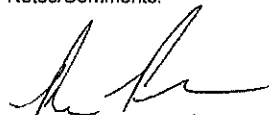
No Disclosure

If any Disclosure of Relationship is noted above, please complete the following:

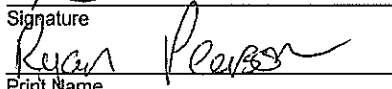
Yes No Is the Entity employee(s) noted above involved in the contracting/selection process for this particular agenda item?

Yes No Is the Entity employee(s) noted above involved in any way with the business in performance of the contract?

Notes/Comments:



Signature



Print Name

Authorized Department Representative