



Date: December 10, 2024

Honorable Mayor and Council Members:

Author and title: Chantal Birnberg, Associate Planner

Title: **Coldstream Commercial Drainage Easement Abandonment, 12848 and 12833 Deerfield Drive (APNs 018-850-018/19-000); Application 2024-00000028/ABN**

Jen Callaway, Town Manager

Recommended Action: (1) Adopt Resolution 2024-71 approving the abandonment of drainage easements as described on the Coldstream Phase 3 Final Map located on 12848 and 12833 Deerfield Drive (APNs 018-850-018/19-000); Lots 18 and 19 of Coldstream Phase 3 ;and (2) Authorize the Town Manager to sign the Indemnification Agreement between the Town of Truckee and PC-1 Investments regarding APNs 018-850-018/19-000.

Discussion: The subject properties are located on Deerfield Drive in the Coldstream Phase 3 subdivision, recorded in 2020 (Attachment #3). As part of the Coldstream Phase 3 Final Map, Lots 18 and 19 were recorded with drainage easements. Note 19 states that “Drainage Easement on Lots 18 and 19 may be reconfigured based upon final drainage and parking design and upon approval of the Town Engineer”.

The applicant, PC-1 Investments, has submitted an Easement Abandonment application to abandon the drainage easements as described on the Coldstream Phase 3 Final Map. The applicant is requesting the abandonment in order to construct two commercial shell buildings with 19,732 square feet of commercial space and 2,261 square feet of outdoor dining as approved by the Planning Commission on December 19, 2023 (Planning Commission Resolution 2023-19). In order to construct the approved buildings and related drainage improvements, the existing drainage easements must be abandoned, and new drainage easements dedicated to the Town. The new drainage easements have been offered and accepted by the Town Engineer and are awaiting recordation by the Nevada County Recorder (Attachment 4).

The indemnity and hold harmless agreement (Exhibit B) is required to ensure that the Town would not be held liable for any claims that result from the easement abandonment, including any claims or suits arising from any alleged ownership or other interests.

The Town Engineer recommends that the Town Council approve the abandonment of the original drainage easements as shown in Exhibit A.

Priority:

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

Fiscal Impact: No fiscal impacts will be borne by the Town for the approval of the indemnification agreement or easement abandonment. All staff review hours are covered by the application fees, which are paid by the applicant.

Public Communication: Notice of this abandonment was provided as part of the standard Council agenda noticing.

Attachments:

1. Draft Resolution 2024-71
 - Exhibit A: Easement Abandonment Plat Map and Legal Description
 - Exhibit B: Indemnity, Hold Harmless, and Defense Agreement
2. Vicinity Map
3. Coldstream Phase 3 Final Map
4. Irrevocable Offer of Dedication and Offer of Dedication for Drainage Easements for APNs 018-850-018/19-000