

# Staff Report

for the Board of Directors' Meeting of May 24, 2017

**TO:** Board of Directors  
**FROM:** Gary D. King, P.E., PhD. Engineering Manager  
Adrian Schneider, P.E. Senior Engineer  
**DATE:** May 17, 2017

**SUBJECT: Newtown Canal Realignment Project – Canal Abandonment  
Resolution (WO# 8371)**

**ENGINEERING**

---

---

**RECOMMENDATION:**

Approve Resolution No. 2017-12 for the Intention to Abandon a Portion of Newtown Canal as reviewed in the Engineering Committee meeting on May 16, 2017.

**BACKGROUND:**

The Newtown Canal Realignment Project has been completed with the installation of approximately 1,570 feet of 36-inch diameter pipe within Newtown Road. The portion of the canal that the pipe has replaced is no longer in use and is approximately 1,900 feet long. The District at this time is proceeding with the abandonment of the canal.

The unused canal exists on the following seven properties (APN and Owner):

- 04-131-42 Dunne
- 04-131-32 Russo
- 04-131-31 DeMattos
- 04-131-19 Paulos
- 04-131-75 Vitavec
- 04-490-09 Berry
- 04-490-08 Lime

The Resolution states that property owners have 60 days in which to respond in writing on how they want the canal abandoned; by either filling in or leaving in an as-is condition. The District will notify the landowners in writing of this 60-day time frame. Currently, two of the landowners have indicated their intents with the existing canal; one has indicated to let the canal remain as is and the other has requested to fill the canal.

**BUDGET IMPACTS:**

None.

*Attachment: Resolution No. 2017-12*

# **RESOLUTION No. 2017-12**

## **OF THE BOARD OF DIRECTORS OF THE NEVADA IRRIGATION DISTRICT**

### **INTENTION TO ABANDON PORTION OF NEWTOWN CANAL**

WHEREAS, the Nevada Irrigation District owns and operates a raw water facility, the Newtown Canal, a portion as shown on the exhibit herein; and

WHEREAS, the portion of this facility is at capacity, does not have adequate access for maintenance, and has the potential of receiving water with quality impacts due to contamination sources; and

WHEREAS, the District has been working to resolve these issues since 2005, and

WHEREAS, the District has engaged and negotiated with the local property owners in good faith since 2005 and has spent considerable time and effort to accommodate stakeholder concerns, and

WHEREAS, on October 18, 2009 the District and local stakeholders reached an agreement to rehab the existing canal as opposed to relocating the facility in the road and that the parties along the canal would negotiate with the District to transfer the necessary land rights for the project; and

WHEREAS, on October 10, 2014 the District abandoned the second attempt to move the project forward because it was unable to acquire all the land rights needed for the project to move forward and directed staff to proceed with the relocation project; and

WHEREAS, a hearing was held on November 18, 2015, to consider all evidence presented, along with any necessary environmental documentation relating to the proposed construction and abandonment; and

WHEREAS, the Board of Directors has certified the environmental document (Environmental Impact Report), adopted the Newtown Canal Encasement Project; and

WHEREAS, all seven property owners fronting the portion of the canal have been notified of a hearing to consider abandonment of the portion of this facility (04-490-08, 04-490-09, 04-131-75, 04-131-19, 04-131-31, 04-131-32, 04-131-42); and

NOW, THEREFORE, BE IT RESOLVED, the District, in abandoning the canal will follow the mitigations, outlines and standards listed in the environmental document; and

BE IT FUTHER RESOLVED, that the District staff will take all steps necessary to abandoned this facility in accordance with Section 13.10 of the District's Regulations relating to water service.

BE IT FUTHER RESOLVED, the District has connected the existing collective service for three customers (former Service Box 5263) with a three-inch diameter service line from the new pipeline to the customer's private cistern at the expense of the District and a standard of care for District service to be maintained; and

BE IT FUTHER RESOLVED, the property owners fronting the abandoned canal have the option to leave the canal open, or have it filled in by the District (04-490-08, 04-490-09, 04-131-75, 04-131-19, 04-131-31, 04-131-32, 04-131-42); and

BE IT FUTHER RESOLVED, these seven property owners have 60 calendar days after the approval of this Resolution of Abandonment to notify the District in writing on how they want the canal abandoned (04-490-08, 04-490-09, 04-131-75, 04-131-19, 04-131-31, 04-131-32, 04-131-42); and

BE IT FUTHER RESOLVED, after approval of this Resolution of Abandonment, the District will leave the canal unfilled and in as-is condition if the property owner(s) does/do not provide written notification within the 60 calendar days; and

BE IT FUTHER RESOLVED, the District, should it fill in the canal, will include design and construct surface grading related to the abandonment of the canal; and

BE IT FUTHER RESOLVED, the District will pay a maximum \$4,000 for storm grading design and \$10,000 for surface grading construction for each property and will hire an independent licensed consultant and contractor for the design and construction, respectively; the grading design will follow current County standards and permits; and

BE IT FUTHER RESOLVED, the District will warranty the function of the improvements (design & construction) for a one year general construction warranty and will support individual construction claims regarding proven damages related to the design and construction of those improvements; and

BE IT FUTHER RESOLVED, the District will create and provide a written procedure using a licensed arborist to address and minimize any tree impacts that might occur during backfilling of the canal that will be used by the contractor hired for the backfilling of the canal; and

BE IT FUTHER RESOLVED, the two property owners (not current customers) fronting the abandoned canal are allowed to connect to the new pipeline for up to one miners inch within three years of abandonment (04-131-75, 04-131-31) at their costs for connection; and

BE IT FUTHER RESOLVED, the property owners (04-131-32) fronting the abandoned canal, are to connect two services to the new pipeline for up to one miners inch (each service) within three years of abandonment at no cost for connection as established in the Easement agreement; and

BE IT FUTHER RESOLVED, the one property owner fronting the abandoned canal has requested in keeping the canal "as-is" and leave unfilled (04-131-31); and

BE IT FUTHER RESOLVED, the property owners fronting the abandoned canal have requested in backfilling the canal (04-131-32); and

ADOPTED by the Board of Directors of the Nevada Irrigation District at a regular meeting held on the 24<sup>th</sup> day of May, 2017, by the following roll call vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

---

President of the Board of Directors

**Attest:**

---

Secretary to the Board of Directors