



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: February 11, 2025

**DATE:** January 3, 2025

**TO:** Board of County Commissioners

**FROM:** Dwayne Smith, P.E., Division Director, Engineering and Capital Projects, Community Services Department, 328-2043, [desmith@washoecounty.gov](mailto:desmith@washoecounty.gov)

**THROUGH:** Eric Crump, Director, Community Services Dept., 775-328-3625, [ecrump@washoecounty.gov](mailto:ecrump@washoecounty.gov)

**SUBJECT:** Discussion and possible direction to staff regarding the disposition of a deteriorating 6-foot tall, 1,151 foot long, precast concrete-panel wall (concrete panel wall), located along the interface of the Arrowcreek Parkway within Washoe County right-of-way and along the rear-property line of 14 residential lots, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane. The concrete-panel wall is located on Arrowcreek Parkway within Washoe County right-of-way and was constructed by Southwest Pointe Development in 1999 as part of the offsite improvements for the Arrowcreek residential development. Possible approaches include repair, replacement or removal with associated costs estimates ranging between \$75,000.00 and \$400,000.00 and considerations for the transfer of ownership from Washoe County to the abutting individual residential properties. Community Services. (Commission District 2.) FOR POSSIBLE ACTION

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### SUMMARY

On February 27, 2024, staff provided available information to the Board of County Commissioners (Board) regarding an existing pre-cast, concrete panel wall located within Washoe County (County) right-of-way and directly behind 14 residential parcels, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane, with the back of the properties abutting Arrowcreek Parkway. The wall was constructed in 1999, and recent site inspections and reviews show that approximately sixty (60) percent of the wall has experienced some degree of failure, including some panels that have completely failed, with the remaining approximately forty (40) percent of the concrete panel wall in good to very good condition. It is believed that manufacturing defects such as the lack of the required cementitious material in the concrete mixture, led to the premature failures of some of the concrete wall panels.

During the February 27<sup>th</sup> meeting, repair and ownership transfer options were presented to the Board for possible consideration. These options included the repair of the deteriorated concrete wall and panels as well as the removal of the wall along with associated discussions of cost share with the property owners and the need to convey ownership of the wall to those abutting property owners. This transfer of ownership recommendation recognized that the residents generally rely on the wall as their back fence and therefore receive the direct benefit

AGENDA ITEM # \_\_\_\_\_

from its existence and that the ownership and maintenance of fences/walls is not the standard practice for Washoe County.

After presentation of the item, the Board directed that the item be tabled pending additional legal clarification of the associated development agreement and Washoe County's responsibility for the maintenance of the concrete panel wall. Since that time there have been additional meetings with the residents and additional review of the original Southwest Point Final Development agreement adopted by the Board on July 23, 1996 (Development Agreement).

The Development Agreement identifies the conditions, rights, and responsibilities for the development of the Arrowcreek Residential Development, including the required improvement of Whites Creek Lane (known currently as Arrowcreek Parkway). The Development Agreement identifies the future dedication of the Arrowcreek Parkway right-of-way to Washoe County, the right of way, which includes the subject wall, along with sidewalks, curb, gutter and paved roadway elements. Further review confirmed that there is no language regarding the future maintenance, repair or replacement of the subject wall located within Washoe County right-of-way. Consequently, it is understood that the on-going maintenance of the concrete panel wall is the responsibility of Washoe County.

Additional meetings were held with residents and a representative of the Field Creek Homeowners Association. During these meetings the residents consistently expressed their opposition to any option involving a cost-sharing arrangement for wall repairs. They asserted their belief that that County is solely responsible for repairing the failing sections of the wall, as it is entirely located on Washoe County property.

With the clarification of the Development Agreement, it is acknowledged that the ownership and subsequent maintenance of the wall is the responsibility of Washoe County. Additionally, it is recognized that maintaining future obligations for the wall is not consistent with standard County practices for ownership and maintenance. Therefore, staff recommends the following.

- The County will repair the wall, including replacement of the failed and failing concrete panels, the entire top cap, and seal the entire wall on both sides, and
- The County will develop an agreement to effectively transfer ownership of the wall to the abutting individual residents which includes access for the residents to maintain their portions of the wall. All 14 abutting residents will be required to accept the transfer of ownership of the wall to their property.

This approach will require a competitively bid capital project for the repair of the wall and an approved funding source to pay for the repair of the wall. If directed, it is anticipated that staff will work with the office of the County Manager and Budget to identify the preferred source of funding which will be reported to the Board. The preparation of a property transfer agreement, including a boundary line adjustment map, will be managed internally, thereby avoiding additional third-party costs. This strategy will successfully transfer ownership of the repaired wall to the abutting property owners while ensuring they have access for future maintenance.

Following the repair of the wall, transferring ownership to the adjacent property owners will establish a consistent arrangement in which standard infrastructure within Washoe County rights-of-way is owned and maintained by the County, while infrastructure that serves individual or specific benefits becomes the responsibility of the adjoining property owners.

Staff received confirmation from the Washoe County Assessor's office that each property currently receives a 5% reduction to their land value because of the traffic from Arrowcreek Parkway and no reductions to the property values have been made because of the deteriorated wall condition. Further, the Washoe County Assessor's office indicated that if a repaired wall were to be transferred to the property owners, a minimal increase in their individual property value may occur. Property values are assessed July 1st of each year and any changes occurring after July 1st, 2025, would not be captured until July 1st of 2026.

Repair costs are currently estimated to be \$400,000.00 with the understanding that final repair costs are dependent upon competitive bidding and the actual condition of the existing wall once any field work is initiated, and final costs may be higher than estimated.

If the Board agrees with the recommendations identified, staff will return to the Board with specific recommendations for the source of funding to repair the wall, a schedule for the repair work, and an agreement with the 14 individual residents for the subsequent transfer of ownership of the wall to those property owners.

**Washoe County Strategic Objective supported by this item:** Fiscal Sustainability: Long-Term Sustainability

### **PREVIOUS ACTION**

On February 27, 2024, the Board heard the first presentation of this item and tabled the item and subsequently directed staff to return with additional information regarding the disposition of the concrete panel wall, additional understanding of the Southwest Pointe Development Agreement and the position of the subject residents, along with additional considerations.

On July 23, 1996, the Board adopted the Southwest Pointe Final Development Agreement (DA9-1-93), to allow for the development of the Arrowcreek residential development under the terms and obligations of the agreement.

On February 8, 1994, the Board approved the preliminary development agreement in Development Agreement Case No. DA9-1-93.

### **BACKGROUND**

In the late 1990s, as part of the Arrowcreek residential development (Southwest Pointe), a residential development located to the west of Thomas Creek Road, new offsite infrastructure was designed and constructed by the project developer. This included improvements to Whites Creek Lane, now known as Arrowcreek Parkway. Prior to 1999, Arrowcreek Parkway did not exist behind the subject properties although a 100-foot-wide strip of land had been offered for dedication to Washoe County in 1989 (Document 1305568).

While initially contemplated to be four lanes wide, the plan for the new sections of Arrowcreek Parkway was designed as a two-lane roadway as it exists today. In response to concerns by several of the property owners whose property backs to Arrowcreek Parkway, a discussion between the developers' representative and the Washoe County Commission resulted in a commitment by the developer to "work with those homeowners, even meeting with them individually, if necessary, to come up with acceptable solutions to minimize impacts on them." After this commitment, Condition 19.C was included in the approved Development Agreement that required "Whites Creek Lane (now known as Arrowcreek Parkway through this area) will be designed in a manner that minimizes any impacts on the adjacent homes to the north in Fieldcreek Ranch (eg., fencing, berms, lowering the travel

lanes).” It is understood that the Wall was included in the approved plans to assure compliance with Condition 19.C.

The concrete panel wall was constructed in 1999, through special assessment district funding, and is a 6-foot high, 1,511 foot long, precast concrete-panel wall was constructed directly behind the 14 subject residences. The concrete panel wall functions as the back fence for the majority of the 14 properties and is located on Washoe County accepted right-of-way, approximately 12 inches from the property line.

### **FISCAL IMPACT**

There is no fiscal impact until direction is given by the Board. A future staff report will include the fiscal impact of the Board direction, and if applicable, will contain the results of a competitive bid process with accounting information from the to-be-identified funding source.

### **RECOMMENDATION**

Staff recommends that the Board of County Commissioners direct staff to develop a program of repair for the failed sections of the precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane, including a recommended funding source for the work and an associated project schedule. As a condition of the repair program, staff shall develop an agreement for approval by each abutting property owner, to effectively transfer ownership and future maintenance responsibilities of the repaired wall to each individual property owner and providing for property owners access to the wall for future maintenance, with the direction resulting in a consistent approach for ownership, maintenance and repair of infrastructure located within Washoe County right-of-way.

### **POSSIBLE MOTION**

Should the Board agree with staff’s recommendation, a possible motion would be “Move to direct staff to develop a program of repair for the failed sections of the precast concrete-panel wall, located along the interface of the Arrowcreek Parkway right-of-way and the rear-property line of 14 residential lots, beginning at 13430 Fieldcreek Lane and ending at 13560 Fieldcreek Lane, including a recommended funding source for the work and an associated project schedule. As a condition of the repair program, staff shall develop an agreement for approval by each abutting property owner, to effectively transfer ownership and future maintenance responsibilities of the repaired wall to each individual property owner and providing for property owners access to the wall for future maintenance, with the direction resulting in a consistent approach for ownership, maintenance and repair of infrastructure located within Washoe County right-of-way.”