

Churchill County
Agenda Report

Date Submitted: January 24, 2008

Agenda Date Requested: February 7, 2008

Time Requested: 10 min.

To: Board of Churchill County Commissioners
From: Rusty Jardine, Civil Deputy District Attorney
Subject Title: Consideration of Approval of an Action at Law or Equity to Remove Vending Machine from Public Property.

Type of Action Requested: (check one)

Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does this action require a Business Impact Statement? NO

Recommended Board Action:

I move to approve/disapprove of the commencement of a suit in equity or at law to remove the ice machine located on real property, owned by Churchill County, Nevada, Parcel Number 001-111-11 by the Churchill County District Attorney's Office.

Discussion: Jerry and Mary Moretto acquired certain properties within the City of Fallon - including that property now known as Millennium Park and the former Bob's Liquor Store. Such property acquisition was made in the name of Bootlegger's, Inc.. Among other things, ice was sold from the location of Bob's Liquor Store for a long period of time.

Pursuant to a division of property made by the Morettos, Churchill County became an owner of certain real property, located within the City of Fallon, known as the Millennium Park. The property was initially sold to Millennium Park, Inc. -for the purpose of establishing the park. Mary retained the property associated with Bob's Liquor Store. Jerry continued to sell ice, until Spring 2007, from an ice vending machine at the north end of Bob's Liquor Store. The ice vending machine is no longer operating and is located upon County property.

Mr. Moretto believes that an easement exists allowing the ice vending machine to be on the site, encroaching on the Millennium Park. Staff believes that no such easement exists, that the business with which any original agreements made with the City of Fallon were meant to enable no longer exists and that the machine should be removed from the property.

In the absence of any agreement had with Mr. Moretto, for the removal of the ice machine, which has been pursued for several months, but has not been granted, an action at law or in equity must be undertaken to remove the machine.

Andy and Debbie Nelson are now the owners of the former Bob's Liquor Store building. They seek to create a commercial venture in the building; and, as an incident to such a venture, they seek to ensure that their property have proper legal and physical access by contractors engaged to remodel/up-date the building and by the public. Accordingly, we recommend removal of the ice machine from county property.

Fiscal Impact: Undetermined

Explanation of Impact:

Funding Source:

Alternatives: 1) No Action 2) Take independent County action

Prepared

By: Rusty Jardine

Date

1/24/2008

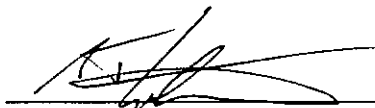
:

(775) 428-0346, rjardine@churchillda.org

(Phone #, email address, etc.)

Reviewed

By:

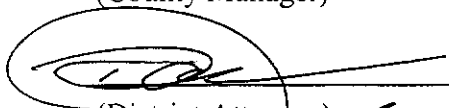


Date

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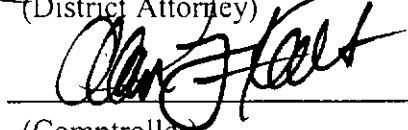
(County Manager)



Date:

1/24/2008

(District Attorney)



Date

1/25/08

:

(Comptroller)

(Other)

Date

:

Board Action Taken:

Motion: _____
Aye/Nay

1) _____

2) _____

(Vote Recorded By)