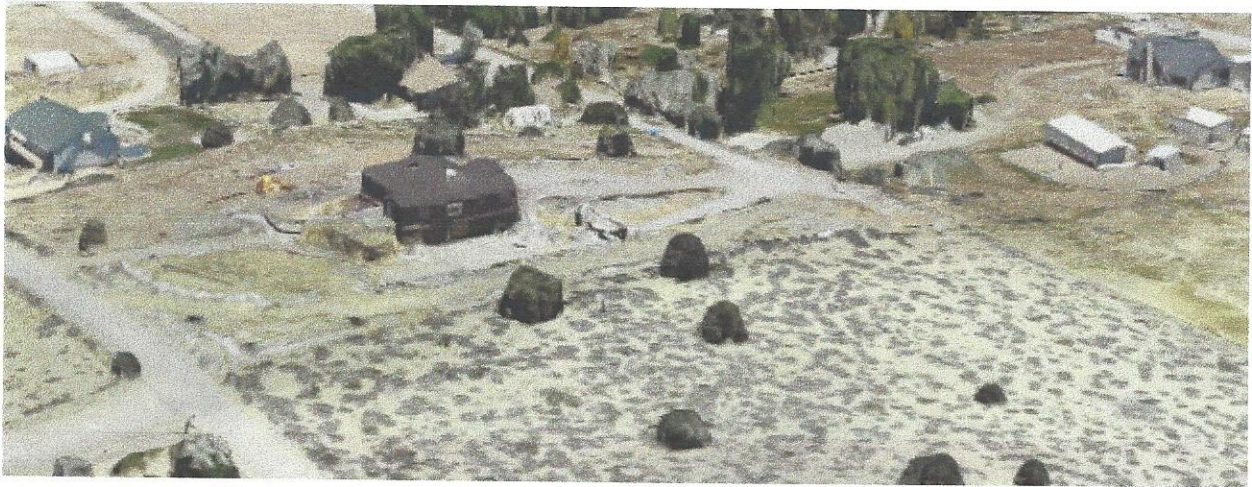


CORSTORPHINE ABANDONMENT APPLICATION



Prepared by:



January 8, 2021

CORSTORPHINE ABANDONMENT

Prepared for:

John and Carolyn Corstorphine
15850 Rocky Vista Road
Reno, NV 89521

Prepared by:

Rubicon Design Group, LLC
1985 Chimney Rock Trail
Reno, Nevada 89523
(775) 527-6710

January 8, 2021

CORSTORPHINE ABANDONMENT

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Owner/Applicant Affidavit
Property Tax proof of payment
Title Report
Legal Description
24x36 Site Plan

CORSTORPHINE ABANDONMENT

Introduction

This submittal includes the following request:

- An application to abandon a redundant access easement on a residential parcel.

Project Location

The subject property is located 15850 Rocky Vista Road, near the southern terminus of the road. The property is reached via Toll Road and Big Smokey Drive. The APN is 017-200-49 and the parcel is a standard residential site of 1.032 acres. The parcel and all surrounding parcels are zoned Medium Density Suburban (MDS).

Figure 1 (below) depicts the project location.



Figure 1 Vicinity Map

Project Summary

The goal of the project is to abandon an easement across the southern and eastern borders of the subject parcel. This easement is not needed for access to other parcels and serves no public purpose. According to the Washoe County Engineering Department, the easements appear to have been established as part of the Federal government patent system used to convey land from government ownership to private ownership. This system included many easements that were never constructed as roadways and are not now in use. Many of these patent easements did not respect natural topography or feasible access routes. They generally ran along all sides of rectangular parcels and did not account for grades, cliffs, streams, etc. While this system had a certain efficiency in transferring land to the public, it is not consistent with the current layout of the area or with current Washoe County practice for designing access routes. It also created a large number of easements that are not needed. It has been common for many of these easements to be abandoned over the years as more logical access to a neighborhood is established.

In the words of the County Engineering Department, the easement section requested for abandonment appears to be redundant and they did not identify any reasons to retain it.

There is a public benefit to abandoning these easements in some cases. Current Washoe County grading code strictly limits grading quantities and the disturbance of steep slopes. It's possible, with the existing easements, for someone to claim a right to grade and improve roads through these areas. There are many areas where this could create conflict with the grading code and lead to extended discussion about the development potential of an area. The subject parcel, for example, includes an easement that connects to the existing Rocky Vista Road. Where the easement connects to the road there is an elevation change of roughly 8'. To grade this into a usable roadway that meets county code would require extensive regrading of both the subject parcel and the adjoining parcel to the south. This would alter the topography of both parcels and likely require retaining walls and other stabilization techniques. Such alterations to a moderately sized residential parcel seem unrealistic, especially for a redundant easement.

The total proposed abandonment area is 12,758.46 +/- square feet. All of the abandonment area is within the single parcel owned by the applicant. Please see the attached legal description documents prepared by a licensed Nevada surveyor.

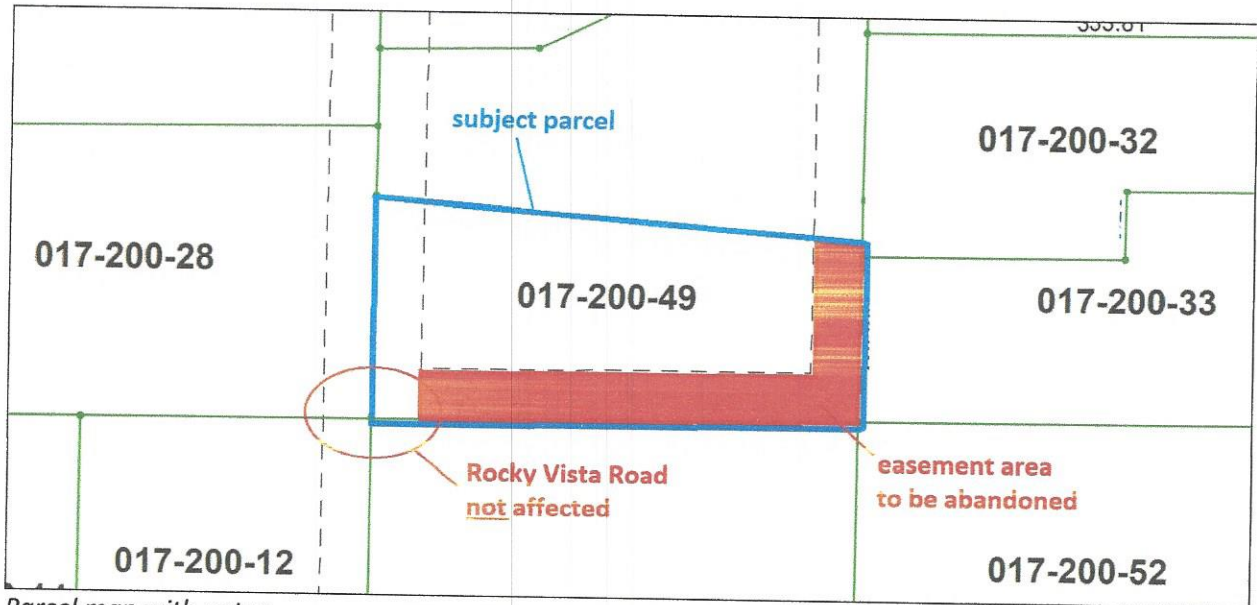
Rocky Vista Road will not be altered with this request. No County roadways will be affected with this request.

Figure 2 below shows the proposed abandonment area.

Figure 3 shows how existing access will be maintained with the approval of this request.

CORSTORPHINE ABANDONMENT

The exhibit below shows the proposed abandonment area.



Parcel map with notes



Aerial view of abandonment area

Figure 2 – Proposed Easement Abandonment

CORSTORPHINE ABANDONMENT

Impacts

There are effectively no impacts from the proposed change. No new traffic, noise, or other adverse changes will occur. The intensity of use of the area will not change and each parcel will continue to be zoned for a single-family house. No new uses will be introduced with this change.

Note that portions of this easement have been driven on in the past. These driveways are purely internal to the site and are not part of the public roadway system. Note also that the driveway on the east side of the subject parcel continues north onto the adjoining parcel. This is a remnant of a time when the two parcels were under common ownership. The parcels are no longer under common ownership and there is no need for continued access between the two parcels.

Note also that it is difficult, or perhaps impossible, for a vehicle to travel along this easement in a legal manner. This is because, while the easement connects to Rocky Vista Road, the actual driveway across the property is not located fully within the easement. To use this easement therefore, it is necessary to either use the driveway which is subject to the discretion of the owner or to attempt to drive up a small retaining wall and steep embankment at the edge of Rocky Vista Road. Given this, it seems obvious the easement is not functioning in a planned and useful manner. The photo below highlights this fact.

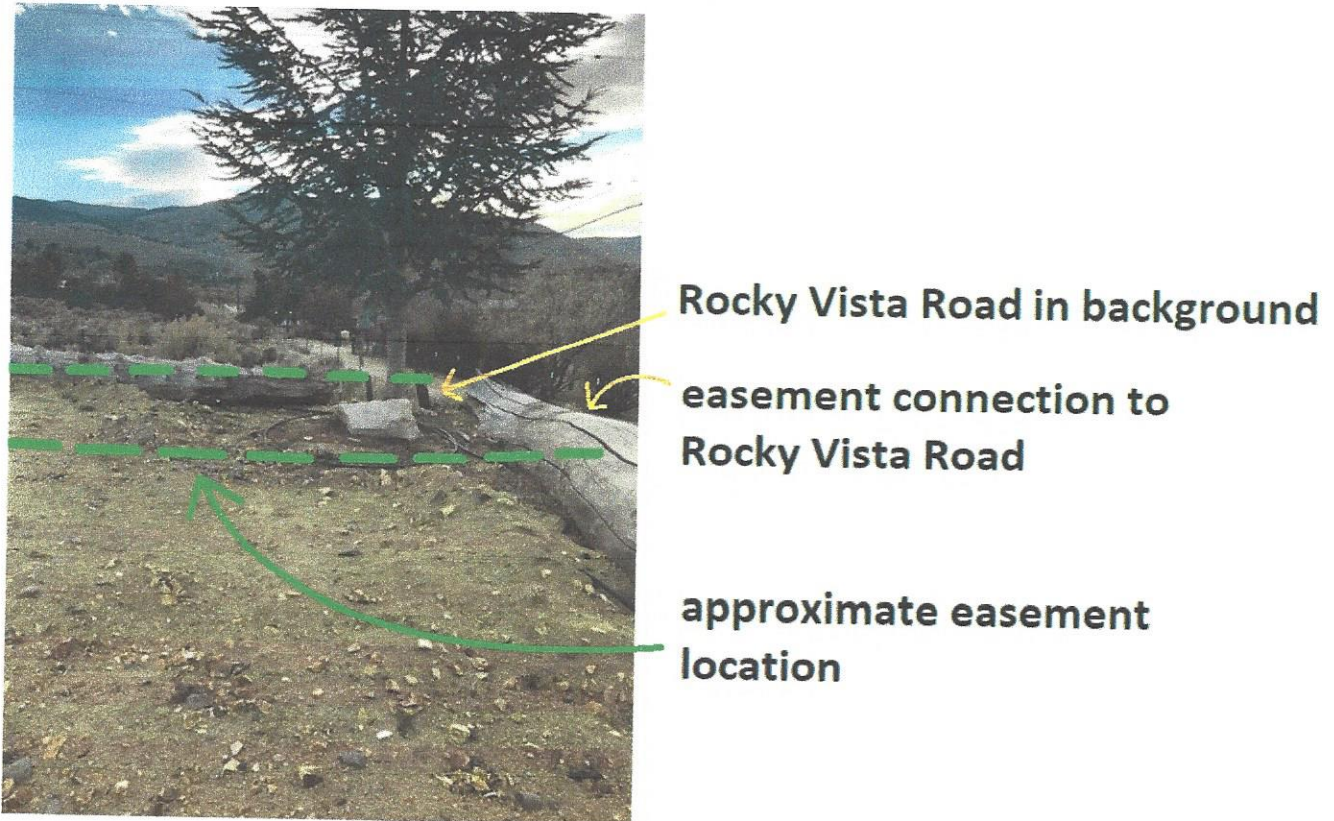


Photo of property showing easement connection to Rocky Vista Road

CORSTORPHINE ABANDONMENT

Removing this easement could therefore be considered a reduction to potential impacts to the area, by removing a travel route that is not logical and not practical.

Existing access patterns will remain functional for all parcels in the area. As demonstrated in Figure 3, no parcels rely on this easement for access. The parcel to the south is accessed directly from Rocky Vista Road. The parcels to the east are accessed from Sylvester Road and Secret Pass Road. The parcels to the north and west are accessed via Rocky Vista.

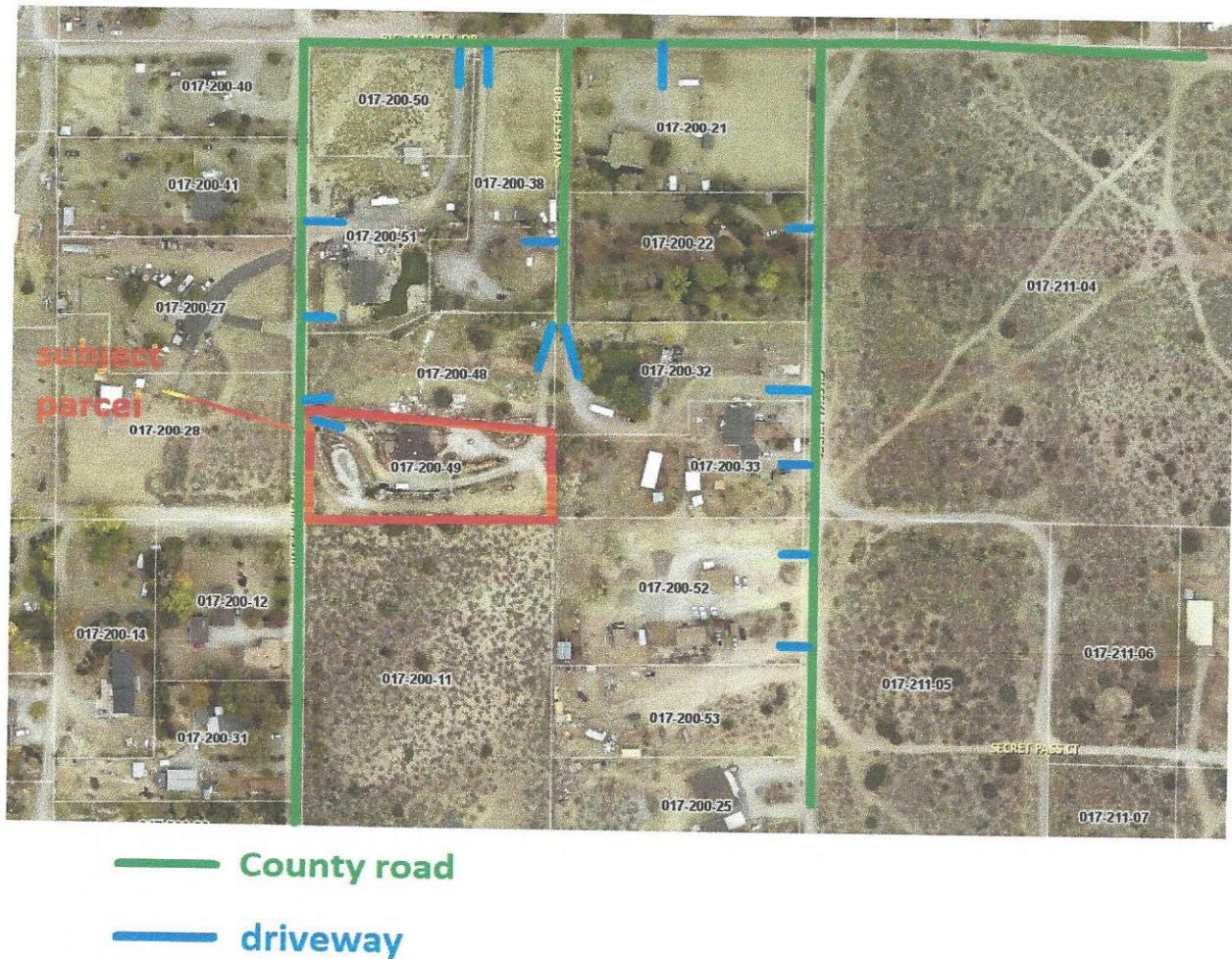


Figure 3 – Maintained Access Routes

Zoning Code

The parcel in question is zoned Medium Density Suburban (MDS). The lot exceeds the minimum lot size for this zone and is a legally established parcel.

Building Envelope

Granting this request will slightly enlarge the building envelope of this property. However, the site is already developed with a single-family house and the lot is considerably rocky and has topography changes. It is not likely this request will greatly influence the development intensity of the site.

The MDS zone standards include 20-foot front and rear yard setback requirements, along with an 8-foot side yard setback requirement (Washoe County Development Code, Section 110.406.05). These standards will remain in place, as will the County standards for accessory buildings and structures.

The current property owner purchased the site in the last year. In addition to general landscaping and cleanup of the property, he is considering the best location for a garage building. The likely location for this is near the southeast corner of the site on a spot that is already graded and primarily flat. By removing the easement from this area, a garage may be added with the minimum grading disturbance to the site. With the easement in place, any new construction would be pushed onto rocky, steep areas that will require grading and possible dynamiting of bedrock. Note that no plans have been finalized at this time and no building permits have been applied for.

Abandonment Findings

Section 110.806.20 of the Washoe County Development Code includes findings that must be made by the Planning Commission in order to approve an abandonment. These findings are listed below in *italics* and are addressed in **bold face** type.

(a) Master Plan. The abandonment or vacation is consistent with the policies, action programs, standards and maps of the Master Plan and the applicable area plans;

The proposed abandonment has no impact on the goals of the Master Plan. Access to all parcels is maintained, no new parcels are being created, and the subject property will remain in a use (single family housing) that is compatible with the area.

(b) No Detriment. The abandonment or vacation does not result in a material injury to the public; and

The abandonment will have no impact on the public. The easement is not in use by the public and serves no public benefit. The existing access pattern for all parcels in the area will remain intact.

(c) Existing Easements. Existing public utility easements in the area to be abandoned or vacated can be

CORSTORPHINE ABANDONMENT

reasonably relocated to provide similar or enhanced service.

No public utility easements are to be abandoned. The easements in question are access easements only.

Washoe County Development Code, Section 110.806.00

Washoe County Development Code, Section 110.806 defines the procedures for processing an abandonment. This code section, in its entirety, is *included below in italics*, with **explanations/responses in bold**.

Purpose. The purpose of this article, Article 806, Vacations and Abandonments of Easements or Streets, is to provide for the vacation or abandonment of easements or streets.

Section 110.806.05 Requirements for Application. Applications for the vacation or abandonment of a street or easement owned by the County, or a government patent easement, may be initiated by the Board of County Commissioners, Planning Commission, the Director of Community Development or an owner of real property abutting an easement or public street right-of-way through an application to the Department of Community Development or as part of a tentative subdivision map application if the abandonment or vacation application is related to the tentative map proposal. If the application for the vacation or abandonment of an easement or street is included as part of a tentative subdivision application, the noticing of the tentative subdivision map application shall include a description of the street or easement to be vacated or abandoned. No application shall be processed when the information necessary to review and decide upon it is deemed to be incomplete by the Director of Community Development.

Application materials are included. The proposed easement to be abandoned is not part of a tentative subdivision application.

Section 110.806.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Director of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

This application has addressed all applicable standards.

Section 110.806.15 Review Procedures of Planning Commission. The Planning Commission shall review applications for abandonments and vacations in accordance with the provisions of this section.

(a) General Provisions. The Planning Commission shall conduct a public hearing for the purpose of receiving evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.

The applicant will participate in the required hearing.

CORSTORPHINE ABANDONMENT

(b) Time Period for Hearing and Action. The Planning Commission shall hold a public hearing on the application for vacation or abandonment of an easement or street not less than 10 business days after the newspaper notice as required below is first published.

No action required by applicant.

(c) Notice of Planning Commission Hearing.

(1) Notice of Vacation or Abandonment, Only. Notice of a vacation or abandonment application to be heard by the Planning Commission shall be given by mailing to each owner of property abutting or connected to the proposed vacation or abandonment a notice of the proposed vacation or abandonment application through a delivery method that does not require signature of receipt of the notice by the abutting property owner, but does confirm delivery of the notice to the abutting property owner. Mailing of the notice shall occur at least 10 business days prior to the date of the Planning Commission's public hearing. Furthermore, a notice shall be published at least once in a newspaper of general circulation in the County not less than 10 business days prior to the date of the Planning Commission's public hearing.

No action required by applicant.

(2) Notice of Vacation or Abandonment Combined with Tentative Subdivision Map Application. If the vacation or abandonment application is part of a tentative subdivision map application, the notice of the proposed vacation or abandonment shall be contained in the notice for the tentative subdivision map, and each owner of property abutting or connected to the proposed vacation or abandonment shall be provided notice of the combined proposed vacation or abandonment and tentative subdivision notice pursuant to the requirements of subsection (1). Notice shall be published at least once in a newspaper of general circulation in the County pursuant to the requirements of subsection (1).

No action required by applicant.

(3) Notice of Public Utility and Community Antenna Television Company. Each public utility as defined in NRS 360.815 and each community antenna television company as defined in NRS 711.030 serving the area in which an easement or street is proposed to be abandoned shall receive a notice no later than 10 business days prior to the date of the Planning Commission's public hearing on the application. Accompanying the application shall be a request that the public utility and/or community antenna television company indicate in writing whether that entity wishes to have an easement for its purposes provided.

No action required by applicant.

(d) Action by the Planning Commission. Except as provided in Section 110.806.40, if, upon public hearing, the Planning Commission is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Planning Commission may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. Notwithstanding the final decision of the Planning Commission, if a public utility and/or community antenna television company

CORSTORPHINE ABANDONMENT

requests an easement for its purposes pursuant to the notice provided in subsection (c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.

The applicant will adhere to any conditions that may be applied and agreed to at a hearing.

Section 110.806.35 Appeals to Board of County Commissioners.

(a) An appeal of the Planning Commission's decision regarding a vacation or abandonment of an easement or street may be appealed to the Board of County Commissioners following the procedure set out in WCC 110.912.20 of the Development Code.

No action required by applicant.

(b) Except as provided in Section 110.806.40, if, upon public hearing on the appeal of the Planning Commission's final action on an abandonment or vacation of an easement or street, the Board is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. The action of the Board of County Commissioners shall be final for the purposes of judicial review. Notwithstanding the final decision of the Board of County Commissioners, if a public utility and/or community antenna television company requests an easement for its purposes pursuant to the notice provided in subsection 110.806.15(c)(3), an easement in favor of the public utility and/or community antenna television company shall be provided and the County shall ensure recordation of same.

The applicant will adhere to any conditions that may be applied and agreed to at a hearing.

Section 110.806.40 Utility or Community Antenna Television Company Easement. If a public utility or community antenna television company has an easement over the property, the Planning Commission or the Board, after a hearing on the appeal of the Planning Commission final action, shall provide in its order for the continuation of that easement.

Not applicable.

Section 110.806.45 Legal Description. The applicant shall submit to the Engineering Division, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to publication of the order of vacation or abandonment, to the satisfaction of the Engineering Division.

Legal descriptions are included with this application.

Section 110.806.50 Recordation. The order must be recorded in the Office of the County Recorder if all the conditions of the order have been fulfilled and, upon the recordation, title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest.

CORSTORPHINE ABANDONMENT

The applicant will act as required in order to record documents.

Section 110.806.55 Sale of Vacated Portion. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, the Board may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the County. If the Board sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action may be taken by the Board to force the owner to purchase the portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.

Not applicable.

Section 110.806.60 Payments. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines to be reasonable. If the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

Not applicable.

Section 110.806.65 Light and Air. Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

Not applicable.

Section 110.806.70 Reservations. In any vacation or abandonment of any street or portion of it, the Planning Commission or Board, after a hearing on an appeal of the Planning Commission's final action, may reserve and except therefrom any easements, rights, or interests therein which it deems desirable for the use of the County or any public utility. The abandonment or vacation of a government patent easement pursuant to this section addresses only the County's interest in the subject easement and cannot be relied upon for purposes of clearing title to the property.

It is unlikely that the easements present any value to the County as they serve privately-owned parcels.

Section 110.806.75 Consistency with Plan. No procedures or approvals that are provided for in this article may be in contravention to the Master Plan.

CORSTORPHINE ABANDONMENT

This request has no impact on Master Plan policies or implementation.

Section 110.806.80 Reapplication. When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six (6) consecutive months commencing from the date of the final action by the Planning Commission or Board of County Commissioners, whichever is later.

No action required by applicant.

Washoe County Development Application

Your entire application is a public record. If you have a concern about releasing personal information, please contact Planning and Building staff at 775.328.6100.

Project Information		Staff Assigned Case No.: _____	
Project Name: Corstorphine Abandonment			
Project Description: Abandonment of redundant access easement			
Project Address: 15850 Rocky Vista Road			
Project Area (acres or square feet): 12,758.46 +/- square feet			
Project Location (with point of reference to major cross streets AND area locator): Rocky Vista Road, south of Big Smokey Drive			
Assessor's Parcel No.(s):	Parcel Acreage:	Assessor's Parcel No.(s):	Parcel Acreage:
017-200-49	1.032		
Indicate any previous Washoe County approvals associated with this application: Case No.(s).			
Applicant Information (attach additional sheets if necessary)			
Property Owner:		Professional Consultant:	
Name: John and Carolyn Corstorphine		Name: Rubicon Design Group	
Address: 15850 Rocky Vista Road		Address: 1985 Chimney Rock Trail	
Reno, NV	Zip: 89521	Reno, NV	Zip: 89523
Phone: 408-482-0608	Fax:	Phone: 775-527-6710	Fax:
Email:		Email: dwilson@rubicondesigngroup.com	
Cell:	Other:	Cell:	Other:
Contact Person: John Corstorphine		Contact Person: Derek Wilson	
Applicant/Developer:		Other Persons to be Contacted:	
Name: same		Name:	
Address:		Address:	
	Zip:		Zip:
Phone:	Fax:	Phone:	Fax:
Email:		Email:	
Cell:	Other:	Cell:	Other:
Contact Person:		Contact Person:	
For Office Use Only			
Date Received:	Initial:	Planning Area:	
County Commission District:		Master Plan Designation(s):	
CAB(s):		Regulatory Zoning(s):	

Property Owner Affidavit

Applicant Name: JOHN L. CORSTORPHINE, JR.

The receipt of this application at the time of submittal does not guarantee the application complies with all requirements of the Washoe County Development Code, the Washoe County Master Plan or the applicable area plan, the applicable regulatory zoning, or that the application is deemed complete and will be processed.

STATE OF NEVADA)
)
COUNTY OF WASHOE)

I, JOHN L. CORSTORPHINE, JR.
(please print name)

being duly sworn, depose and say that I am the owner* of the property or properties involved in this application as listed below and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true, and correct to the best of my knowledge and belief. I understand that no assurance or guarantee can be given by members of Planning and Building.

(A separate Affidavit must be provided by each property owner named in the title report.)

Assessor Parcel Number(s): 017-200-49

Printed Name JOHN L. CORSTORPHINE, JR.

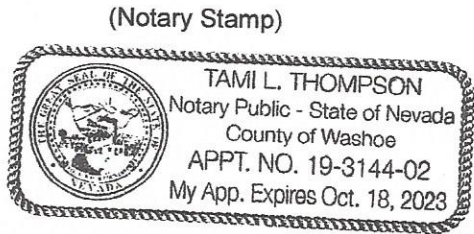
Signed [Signature]

Address 15850 ROCKY VISTA ROAD
RENO, NV 89521

State of Nevada
County of Washoe
Subscribed and sworn to before me this
7th day of January, 2021.

Tami Thompson
Notary Public in and for said county and state

My commission expires: 10/18/2023



*Owner refers to the following: (Please mark appropriate box.)

- Owner
- Corporate Officer/Partner (Provide copy of record document indicating authority to sign.)
- Power of Attorney (Provide copy of Power of Attorney.)
- Owner Agent (Provide notarized letter from property owner giving legal authority to agent.)
- Property Agent (Provide copy of record document indicating authority to sign.)
- Letter from Government Agency with Stewardship

**Abandonment Application
Supplemental Information**
(All required information may be separately attached)

1. What and where is the abandonment that is being requested?

Unused access easement located on the parcel at 15850 Rocky Vista Road

2. On which map or document (please include with application) is the easement or right-of-way first referenced?

Land patent No. 025624

3. What is the proposed use for the vacated area?

Private residential use.

4. What replacement easements are proposed for any to be abandoned?

None are needed. The easement is redundant.

5. What factors exist or will be employed to prevent the proposed abandonment from resulting in significant damage or discrimination to other property in the vicinity?

The abandonment will have no impact to other property. Please see attached documentation and description.

6. Are there any restrictive covenants, recorded conditions, or deed restrictions (CC&Rs) that apply to the area subject to the abandonment request? (If so, please attach a copy.)

* Yes	* No X
-------	--------

IMPORTANT

NOTICE REGARDING ABANDONMENTS:

To the extent that Washoe County does not own the easements in question, it cannot abandon them. Therefore, an abandonment request is in effect a "quitclaim" by the County of whatever interest it might have in the easements in favor of the owners who applied for the abandonment. For example, if the abandonment is approved by Washoe County and recorded, it will likely affect the allowable building envelope on the property, to the benefit of the applicant. However, even if the abandonment is approved, it should not be construed as an assertion by the County of ownership over the easements in question. To the extent other property owners nearby or other entities might have any ownership interests in these easements, an approved abandonment by the County does not affect those interests and the property owners associated with this abandonment are responsible for utilizing whatever legal mechanisms are necessary to address those interests on their own.

Washoe County Treasurer
Tammi Davis

Washoe County Treasurer
P.O. Box 30039 Reno, NV 89520-3039
ph: (775) 328-2510 fax: (775) 328-2590
Email: tax@washocounty.us

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[Change of Address](#)

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Washoe County Parcel Information		
Parcel ID	Status	Last Update
01720049	Active	1/8/2021 1:38:25 AM
Current Owner: CORSTORPHINE, JOHN & CAROLYN 15850 ROCKY VISTA RD RENO, NV 89521		SITUS: 15850 ROCKY VISTA RD
Taxing District 4000	Geo CD:	
Legal Description		
SubdivisionName _UNSPECIFIED Lot C Township 18 Range 20		

Installments						
Period	Due Date	Tax Year	Tax	Penalty/Fee	Interest	Total Due
INST 1	8/17/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 2	10/5/2020	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 3	1/4/2021	2020	\$0.00	\$0.00	\$0.00	\$0.00
INST 4	3/1/2021	2020	\$1,121.79	\$0.00	\$0.00	\$1,121.79
Total Due:			\$1,121.79	\$0.00	\$0.00	\$1,121.79

Tax Detail			
	Gross Tax	Credit	Net Tax
Remediation	\$2.83	\$0.00	\$2.83
State of Nevada	\$235.42	\$0.00	\$235.42
Truckee Meadows Fire Dist	\$747.82	\$0.00	\$747.82
Washoe County	\$1,927.30	\$0.00	\$1,927.30
Washoe County Sc	\$1,576.65	\$0.00	\$1,576.65
TRUCKEE MDWS/SUN VALLEY WATER BASIN	\$0.03	\$0.00	\$0.03
Total Tax	\$4,490.05	\$0.00	\$4,490.05

Payment History				
Tax Year	Bill Number	Receipt Number	Amount Paid	Last Paid
2020	2020485043	B20.179885	\$1,121.80	12/31/2020
2020	2020485043	B20.84988	\$1,121.80	8/27/2020
2020	2020485043	B20.53445	\$1,124.66	8/17/2020

Pay By Check

Please make checks payable to:
WASHOE COUNTY TREASURER

Mailing Address:
P.O. Box 30039
Reno, NV 89520-3039

Overnight Address:
1001 E. Ninth St., Ste D140
Reno, NV 89512-2845

Change of Address

All requests for a mailing address change must be submitted in writing, including a signature (unless using the online form).

To submit your address change online [click here](#)

Address change requests may also be faxed to: (775) 328-3642

Address change requests may also be mailed to:
Washoe County Assessor
1001 E 9th Street
Reno, NV 89512-2845

EXHIBIT A

LEGAL DESCRIPTION

ABANDONMENT OF A PORTION OF ACCESS EASEMENT

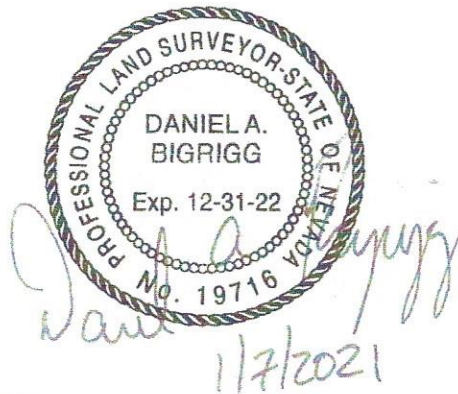
All that certain portion of the access easement situate within the Southwest One-Quarter (SW 1/4) of Section 34, Township Eighteen (18) North, Range Twenty (20) East, Mount Diablo Base and Meridian, Washoe County, Nevada, being more particularly described as follows:

All those portions of access easements reserved in U.S. Government Land Patent No. 025624 recorded March 24, 1960 in Book F, Page 442 of Patent Records of Washoe County, Nevada as Instrument No. 317234 along the South and East boundaries of Parcel C-1 as described in Document No. 2414582 and shown on Record of Survey No. 3714, File No. 2414584, both recorded January 14, 2000 in the Official Records of Washoe County, Nevada.

EXCEPTING THEREFROM those portions of said easement along the West boundary of said Parcel C-1.

See Exhibit A-1, attached hereto and made a part hereof.

Prepared by:
Christy Corporation
1000 Kiley Parkway
Sparks, Nevada 89436



Daniel A. Bigrigg P.L.S.
Nevada Certificate 19716

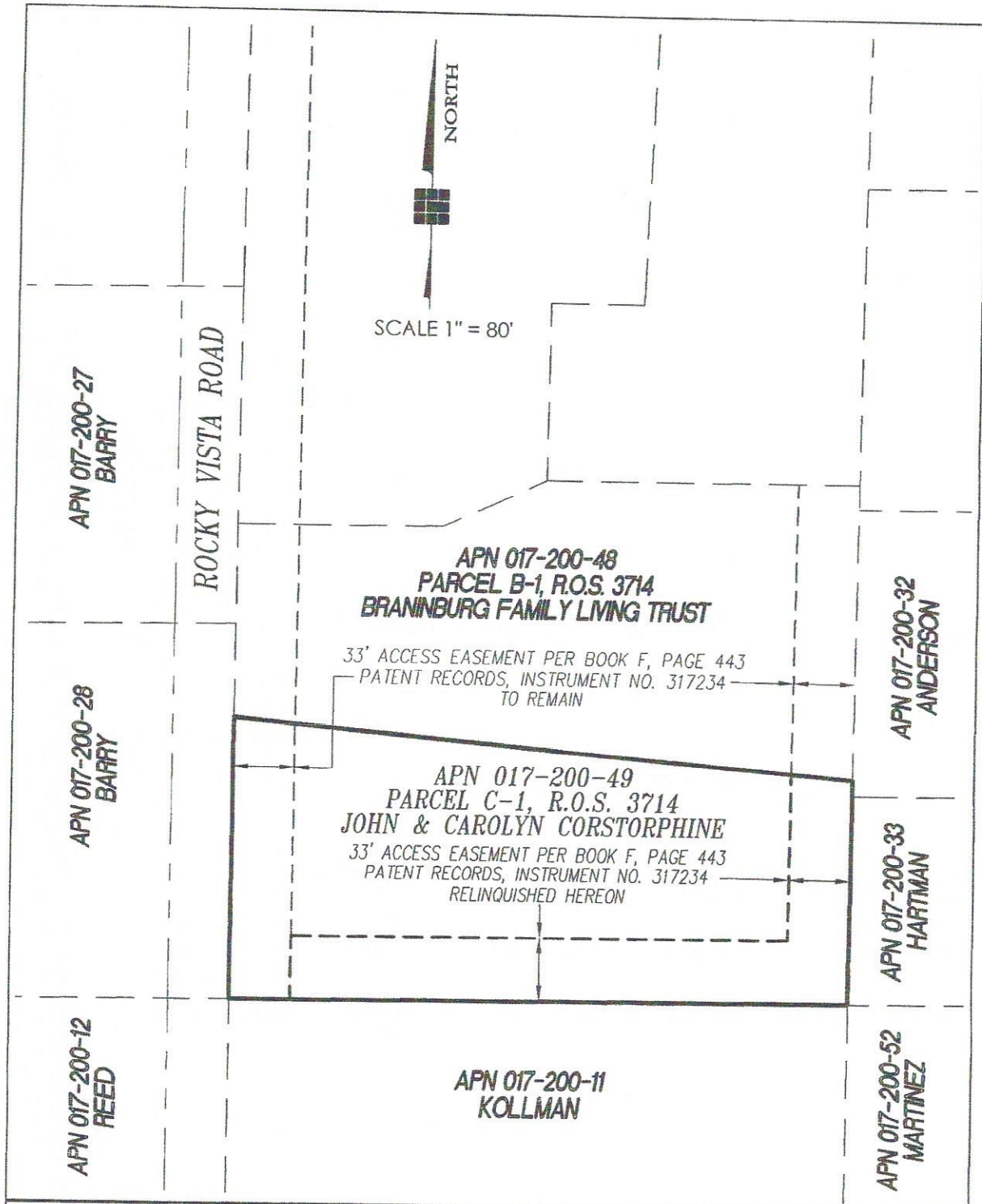


EXHIBIT A-1
ABANDONMENT OF ACCESS EASEMENT
 W 1/2, NE 1/4, SE 1/4, SW 1/4 OF SECTION 34,
 T. 18 N., R. 20 E., M.D.M.
 COUNTY OF WASHOE STATE OF NEVADA

 **CHRISTY**
CORPORATION

1000 Kiley Pkwy | Sparks Nevada 89436
 P 775.502.8552 | christynv.com