

1 **NYE COUNTY RESOLUTION NO. 2019-27**

2 **A RESOLUTION FINDING NUISANCE CONDITIONS DO NOT EXIST**

3 WHEREAS, a letter of complaint was filed with the Nye County Clerk, alleging certain public  
4 nuisances located at 5 Warrior Road, Tonopah, Nevada, APN 008-291-07, such nuisances alleged to  
5 result from:

6 1. Property having hoard of scrap wood, metal, gas cans, propane cylinders, tires, abandoned  
7 appliances, junk vehicles and salvage trailers continuing to grow and pose safety and bio-hazard risks to  
8 the occupants of the neighboring properties and the public.

9 2. During a windstorm pieces of scrap metal and plywood flew 30 feet into the air onto the  
10 complainants' property. There was debris scattered everywhere, including a large piece of plywood  
11 wedged in the complainant's tree and part of their fencing was broken by flying sheet metal.

12 3. The rodent population has also exploded and at certain times of the year, particularly in the  
13 summer when the wind blows (the complainants' property is upwind from the subject property) there is  
14 a foul odor coming from the property.

15 4. The complainants are also concerned that people have access to meet or conduct inappropriate  
16 activity at the location. The owner has allowed people to live in the salvage trailers with no proper  
17 utility hook-ups or waste disposal.

18 5. Additionally, McGowan Road is used by the public as a shortcut. Children walking or riding  
19 their off-road vehicles to the Tonopah High School via this road have to go past the salvaged trailers to  
20 get there.

21 6. Based on the type of people that have frequented the property, the complainants believe it  
22 poses a safety risk to the children and any other people using the thoroughfare.

23 WHEREAS, pursuant to NRS 244.360, a public hearing was held by the Board on August 28,  
24 2019, and notice of the hearing pursuant to NRS 244.360 being given to hear proof of the complaint of  
25 the conditions alleged to constitute a nuisance, and

1 WHEREAS, at the hearing, the Board received and carefully considered the proofs offered to  
2 establish or controvert the existence of nuisance conditions on the property, and

3 NOW THEREFORE, it is hereby resolved as follows:

4 1. The Nye County Board of Commissioners, upon thorough consideration of the evidence,  
5 did determine that the allegations in the complaint as it pertains to the property described above, were  
6 not substantiated by the proofs offered at the hearing, and determined that a nuisance does not exist on  
7 the property.

8 2. The Clerk of the Board shall cause a copy of this Resolution to be served upon the owner  
9 of the subject property and occupant of the real property.

10 APPROVED this 28<sup>th</sup> day of August, 2019.

11 NYE COUNTY

ATTEST:

12 BOARD OF COUNTY COMMISSIONERS:

13  
14 Loirinda A. Wishman 8-28-19  
John Koenig, Chairman

15 Sandra L. Merlino  
Sandra L. Merlino, Nye County Clerk  
and Ex-Officio Clerk of the Board

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