

1 **NYE COUNTY RESOLUTION NO. 2018-26**

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

3 WHEREAS, a Complaint of Nuisance and Request for Hearing was filed with the Nye County
4 Clerk, alleging certain public nuisances located at 4270 N. Majestic View, Pahrump, Nevada (APN 027-
5 733-05), such public nuisances alleged to result from:

6 1. The complaint, consisting of five pages of facts and three pictures, filed with the Nye
7 County Clerk on April 17, 2018, is attached hereto and incorporated herein as Exhibit "1".

8 WHEREAS, pursuant to NRS 244.360, a public hearing was held by the Board on June 5, 2018,
9 and notice of the hearing pursuant to NRS 244.360 being given to hear proof of the complaint of the
10 conditions alleged to constitute a public nuisance, and

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

13 NOW THEREFORE, it is hereby resolved as follows:

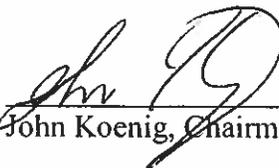
14 1. The Nye County Board of Commissioners, upon thorough consideration of the evidence,
15 did determine that the allegations in the complaint as it pertains to the property described above, were
16 not substantiated by the proofs offered at the hearing, and determined that a public nuisance does not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

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

20 APPROVED this 5th day of June, 2018.

21 NYE COUNTY
22 BOARD OF COUNTY COMMISSIONERS:

ATTEST:

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24 _____
25 John Koenig, Chairman

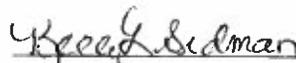

24 _____
25 Sandra A. Merlino, Nye County Clerk
and Ex-Officio Clerk of the Board

Exhibit "1"

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COMPLAINT FOR NUISANCE AND REQUEST FOR HEARING

ATTENTION "SAM" MERLINO
CLERK OF THE COURT

Ann and Charles Watkins,
Complainants,

vs.

Janie and Steven Paul,
Defendants



COMES NOW, ANN AND CHARLES WATKINS, (hereinafter, Ann and Charles) and pursuant to NRS 244.360, brings this Complaint For Nuisance against Defendants, Janie and Steven Paul (hereinafter Defendants) for interfering with the comfortable enjoyment of residential property.

I. PARTIES

1. Ann and Charles are Nevada residents residing in Pahrump, at 4240, Majestic View.
2. Defendants have acquired a Grant Bargain and Sale Deed to real property located in Nye County Nevada, at 4270 Majestic View.

II. FACTS

3. Defendants have recently acquired ownership of that certain parcel of property located at 4270 Majestic View, in Pahrump, Nevada. This parcel is approximately 1 ¼ acre and does not have a well, a septic system or an electrical pedestal.

4. The subject properties of this Complaint are zoned residential (RE-1) and are adjacent to each other sharing a northern property line.

5. On or about March, 10, 2018, the male Defendant spoke with Charles and advised him that he would be bringing his travel trailer onto the newly acquired property. He told Charles that he was going to pour a concrete pad near the center of the newly acquired property and park his trailer on it "so as not to disturb Ann and Charlie with the noise from his gas generator".

6. During a conversation on or about March 10, 2018 the Male Defendant asked Charles where his closest outside water faucet was located and said that he probably had enough hose to connect his trailer to Charles's water faucet. Charles replied that he would not be comfortable supplying water to a neighboring dry parcel. The Defendant appeared not to be happy with the denial.

7. In preparation for bringing his travel trailer onto the property the Defendant constructed a make shift "driveway", without proper permits from County Planning, locating it on the extreme south east side of their one-acre lot. The extreme south east location puts the "driveway" within 5 feet of Ann and Charles's property line. Where the "driveway" crosses the county easement no drainage pipe has been installed and the structure constitutes a dam in the easement. The area is within the declared flood zone and easements are constantly flooding during heavy rains. Ann and Charles fear the dammed area will divert planned water shedding and flood their lot as well as others in the vicinity.

8. On or about March 15, 2018, The Defendants moved their travel trailer onto their newly acquired property. Ann and Charlie were surprised when they parked it in the extreme south east side of the property within 5 feet of the common property line. The location put the travel trailer approximately 25 feet from the side entrance of Ann and Charles's home and about

the same distance from Ann and Charles' bedroom windows. Defendant began operating his gas generator from this location most of the day and well into the night. (he usually turned it off after 11:00 p.m.) The constant running of the generator keeps Ann and Charles awake well into the late evening hours. The lack of sleep is having negative consequences in their lives. Ann begins her work day early and struggles at work to maintain the necessary degree of alertness required for her job. Being employed as a registered pharmacist she is responsible for the health and safety of her customers. The lack of sleep and added stress caused by the Defendants' inconsiderate behavior cause Ann and Charles to be unusually irritable most every day leading to family squabbles that were non-existent before the problems began. The location of Defendant's travel trailer is situated in such a manner that the trailer windows look directly into Ann and Charles' front bedroom windows. Walking past the bedroom windows while inside the house, gives the creepy impression that someone is peering into the bedroom windows from the dark recesses of the travel trailer. Ann and Charles were forced to keep their blinds drawn at all times. External summer sun screens which are normally left off the windows during cold weather (in order to warm the bedrooms with the winter sun) were placed on the windows early this year in order to try and regain some protection from potentially prying eyes. (See Photo?? Attached as exhibit 2)

9. After a couple of weeks the Defendant moved his trailer westward along the fence line from where it was originally parked. With the travel trailer still within five feet from the shared property line and within 20 feet of Ann and Charles's front door. From this location most of the trailer was concealed behind Ann and Charles' motorhome. While spraying yard weeds on his property Charles noticed that the defendants had connected the blackwater discharge line to their trailer and were draining the contents directly onto the ground. They had also installed a plastic tank which was connected to their trailer sewage line. This location is within 30 feet of

Ann and Charles's water well. Charles complained to the Defendants that their generator was too loud and their waste dumping operations were too close to his water well and also illegal. Defendant said he would move his trailer further onto the property. The Defendant never moved his trailer.

10. A few days after talking to the Defendants about moving their trailer and stopping the waste dumping, the Defendants approached Charles and told him that if the generator was bothering him and Ann they could hook their trailer up to Ann and Charles' electricity and he would not run the generator. Charles declined to do so knowing the illegality of it and not wanting problems with Valley Electric nor the County.

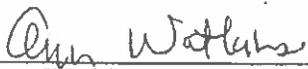
11. On Friday April,6, 2018, Nye County Code Compliance Officer Amanda Vanhouten paid the Defendants a visit and issued them cease and desist orders to stop the dumping. They were also told they were required to have a temporary use permit from planning in order to live on property in the trailer. Later in the afternoon, after the Code Compliance Officer had left, Charles was in his driveway when the male Defendant yelled over to him and gestured that he "was now going to park his trailer right here" indicating a spot on the ground where the trailer was originally parked. Defendant then moved his trailer to a spot even closer to Ann and Charles's side door. The next morning the male Defendant was pacing the property line next to Ann and Charles's open side door stating boisterously that "you should have left me alone". Living in our home is now like living in an unsupervised trailer park. The generator is running most of the afternoon and evening. The trailer with its darkened side and front windows is "in your face" every time you walk out the door. Washing cars is creepy not knowing who is staring out the window at you. We have completely given up "shooting some hoops" as we occasional do for exercise in our driveway. We have traditionally entertained friends with

dinners and lunches on the front or back patios. With the neighbor audience and generator noise entertainment is now mostly limited to the indoors. On several occasions after Ann and Charles have arrived home from running errands, the male Defendant has been seen running to the back of his truck (this is where the generator is kept) and starting the generator -- we assume an act of retaliation for the complaint to Code Enforcement.

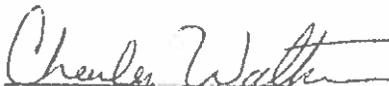
12. It's confusing to us why the Defendants, with over an acre of land, would feel the need to create a camp site so close our home. Defendant's disruptive and bullying behavior toward us is equally hard to comprehend. It raises concerns of what they are capable of and what they may resort to in the future. We felt it necessary to construct a block wall between our home and garage to prevent the Defendants from peering into our backyard where we usually "hang out" all summer. We have also felt the need to invest in security cameras to protect from any more retaliation.

13. All we want is to enjoy our residential property without the noise and the "in your face" trailer park environment.

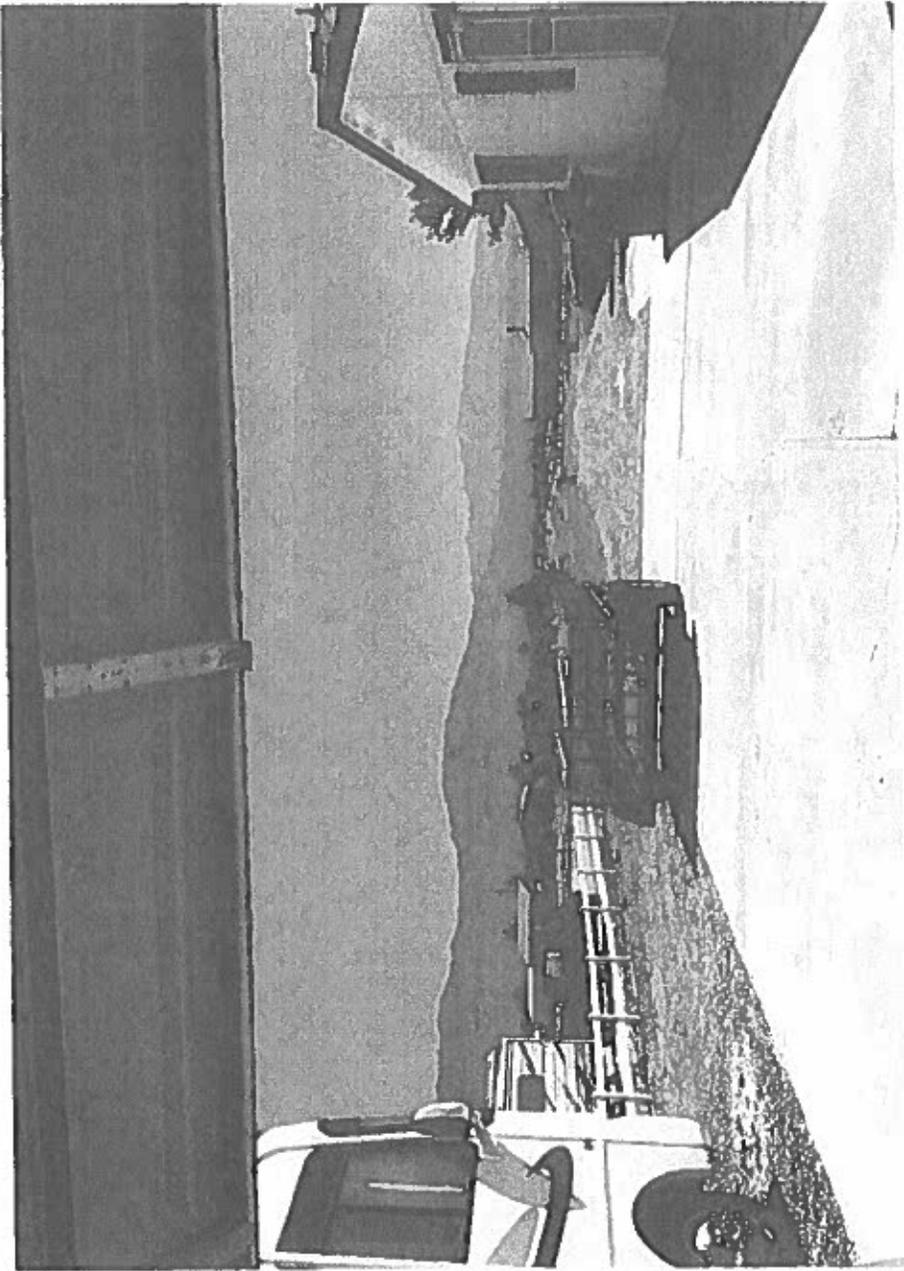
Dated this 17th day of April 2018.

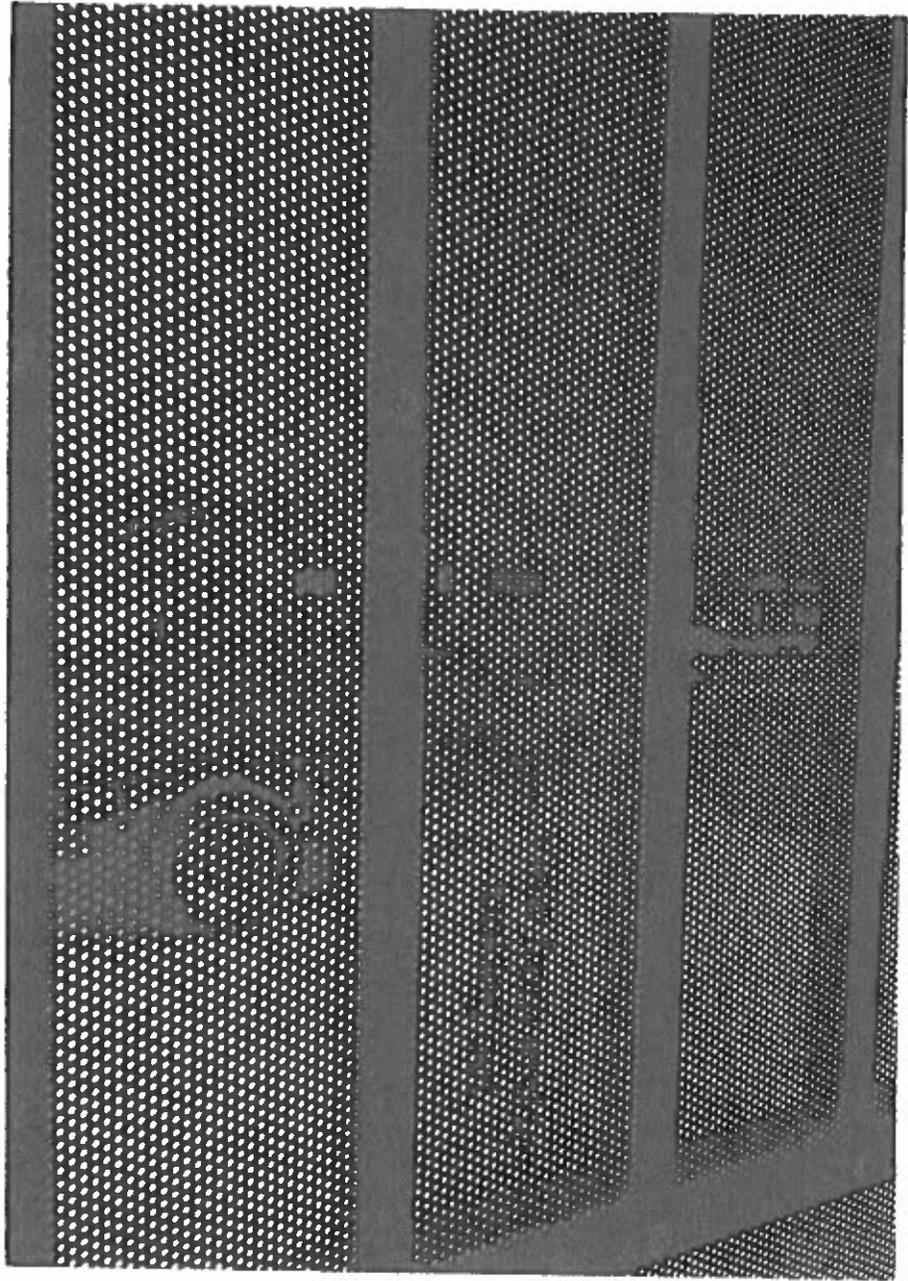


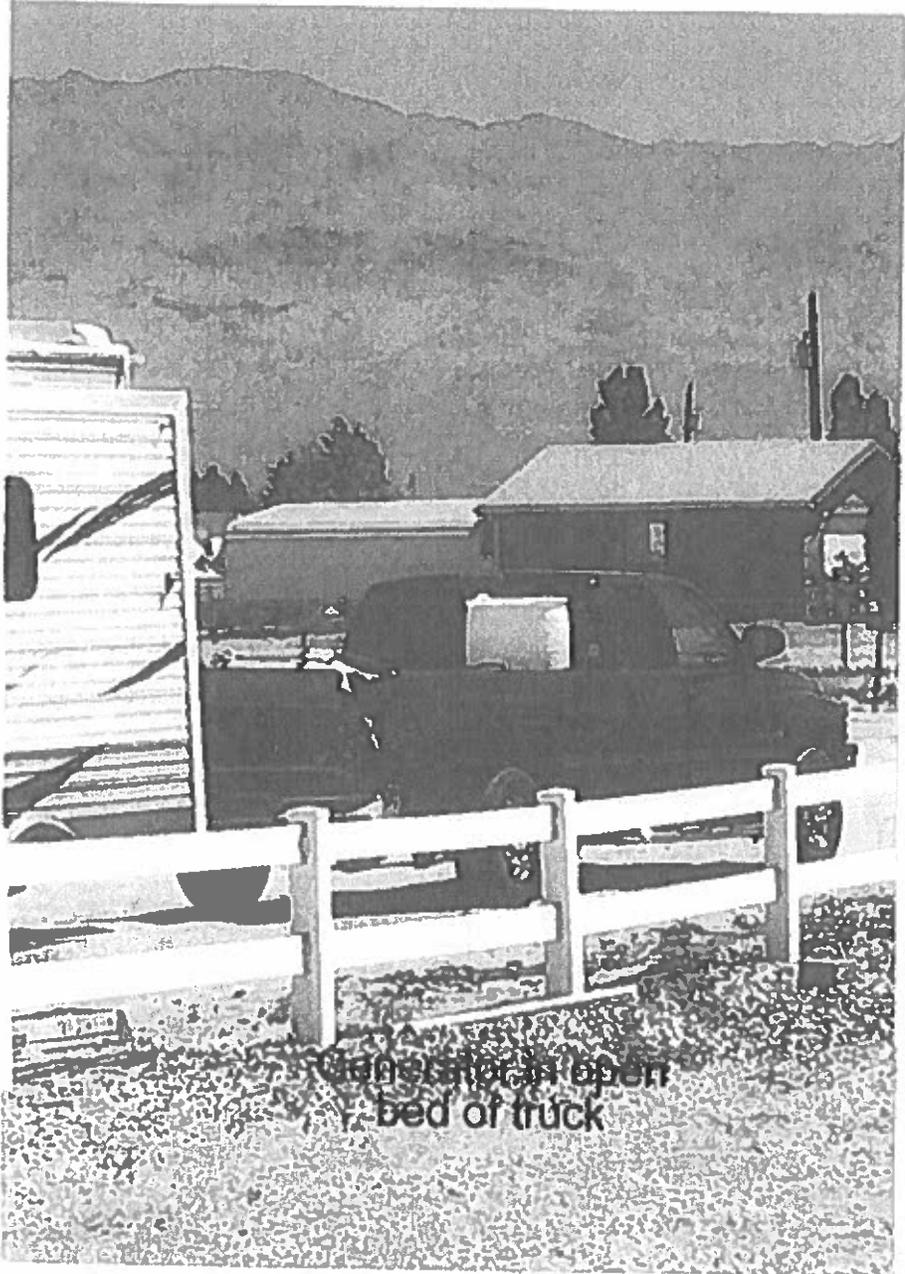
Ann Watkins



Charles Watkins







Generator in open
bed of truck