

Item # 4-3A

City of Carson City
Agenda Report

Date Submitted: 11/28/ 2006

Agenda Date Requested: 12/07/2006

Time Requested: Consent

To: Mayor and Supervisors
From: P.W. - Development Engineering

Subject Title: Action to approve and authorize the Mayor to sign the Release and Cancellation of an Ordinance No. 1987-22 and a Development Agreement between Carson City and Gary Borst, Carson City, Nevada; regarding formerly Assesor's Parcel Number 09-163-01 and now Assesor's Parcel Number 09-163-15 located at 4455 S. Carson Street, Carson City, Nevada.

Staff Summary: Staff is requesting that the Board of Supervisors rescind and cancel an Ordinance No. 1987-22 and associated Development Agreement between Gary Borst and Carson City.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve and authorize the Mayor to sign the Release and Cancellation of an Ordinance No. 1987-22 and a Development Agreement between Carson City and Gary Borst, Carson City, Nevada; regarding previously Assesor's Parcel Number 09-163-01 and now Assesor's Parcel Number 09-163-15 located at 4455 S. Carson Street, Carson City, Nevada.

Explanation for recommended Board Action: Since this document is 19 years old and has never been activated and there have been ownership changes, the requirements set forth in an Ordinance No. 1987-22 and a Development Agreement no longer apply and will not be pursued at this time; therefore, we will record the Development Agreement Release and Cancellation to void the original Development Agreement.

Applicable Status, Code, Policy, Rule or Regulation: The Carson City Municipal Code 17.08 and Nevada Revised Statutes 278.0205.

Fiscal Impact: None

Funding Source: N/A

Explanation of Impact: N/A

Alternatives: None

Supporting Materials: Recorded Ordinance No. 1987-22 and a Development Agreement and Development Agreement Release and Cancellation

Prepared By: Eva Chwalisz, Management Assistant

Reviewed By: [Signature]
(Deputy City Engineer)

Date: 11/20/06

Concurrences: [Signature]
(Department Head)

Date: 11/28/06

[Signature]
(City Manager)

Date: 11/28/06

[Signature]
(District Attorney)

Date: 11/28/06

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION

CARSON CITY, NEVADA

PROJECT: Development Agreement between Carson City and Gary Borst located at 4455 S. Carson Street (APN # 9-163-01 was and now APN #9-163-15)

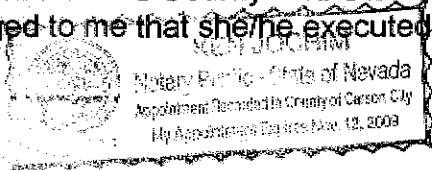
RECORDING INFORMATION: Document #59685 Recorded on June 22, 1987

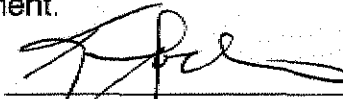
Since this document is 19 years old and has never been activated and there have been ownership changes, the requirements set forth in the Development Agreement will not be pursued at this time.

Accordingly, the CITY hereby approves the above-referenced Development Agreement for release. Both the CITY and the BUILDER or the heirs, executors, administrators, successors and assigns consent to the cancellation of the Development Agreement. In addition, the CITY and the BUILDER or the heirs, executors, administrators, successors and assigns agree that this release and cancellation shall be recorded in accordance with Section 17.08.020 of the Carson City Municipal Code and Nevada Revised Statutes 27B.0205.

BUILDER: 
Joda Limited Partnership

State of NV
County of CARSON
On this 2 Day of Nov, 2006, personally appeared before me, a Notary Public in and for said County and State, _____, who acknowledged to me that she/he executed the above instrument.





Notary Public

CITY:

Mary Teixeira, Mayor

APPROVED AS TO FORM:

District Attorney's Office

ATTEST:

Alan Glover, Clerk/Recorder

ORDINANCE NO. 1987-22

BILL NO. 119

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT
BETWEEN CARSON CITY AND GARY BORST LOCATED AT
4455 S. CARSON STREET.

Fiscal effect: None

THE CARSON CITY BOARD OF SUPERVISORS DOES HEREBY ORDAIN:

SECTION I:

WHEREAS, Carson City desires to enter into a development
agreement with GARY BORST concerning the development of land known as
APN 9-163-01 located at 4455 S. Carson Street; and

WHEREAS, the Carson city Board of Supervisors finds that the
contents of the development agreement conform with CCMC 17.21.020 and
NRS 278.0201; and

WHEREAS, the Board finds that the provisions of the
development agreement are consistent with Carson City's master plan.

NOW, THEREFORE, the Board hereby approves by ordinance a three
page development agreement between Carson City and GARY BORST for APN
9-163-01, said agreement being attached and incorporated herein as
Exhibit A.

The Board further directs that the City Clerk shall cause a
certified copy of this ordinance and the original development agreement
to be filed with the Carson City Recorder.

PROPOSED this 4th day of June, 1987.

PROPOSED by Supervisor Tom Feticc

PASSED on the 18th day of June, 1987.

VOTE: AYES: Ron Swirczek

Tom Feticc

Marilee Chirila

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

6. This Agreement shall bind the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CITY:

By:

E. M. "Doc" Scrivner
E. M. "Doc" Scrivner, Mayor

ATTEST:

Ted P. Thornton
TED P. THORNTON, Clerk

BUILDER:

Gary Borst
GARY BORST

FILED FOR RECORD

AT THE REQUEST OF

Ted Thornton

'87 JUN 22 P 11:14

FILE NO. 000 59685

CARROLL COUNTY RECORDER
BY *A. Pirondi* DEPUTY

N/C.

000 59685