

Item # 3-3A

**City of Carson City
Agenda Report**

Date Submitted: September 26, 06

Agenda Date Requested: October 5, 06

Time Requested: Consent

To: Mayor and Supervisors

From: P.W. Development Engineering

Subject Title: Action to approve and authorize the Mayor to sign Release and Cancellation of an Ordinance No. 1991-58 and a Development Agreement between Snap-on Tools and City of Carson City regarding Assesor's Parcel Number 10-051-37, previously APN 10-051-12 and 10-051-13, located at 1880 Fairview Drive, Carson City, Nevada.

Staff Summary: The applicant, Snap-on-Incorporated, and the City agree to rescind and cancel the Development Agreement (Ordinance No. 1991-58). Snap-on-Incorporated entered into new Agreement with Carson City for right-of-way, easements and permission to construct for the widening of Fairview Drive, as recommended by the Regional Transportation Commission which satisfies the requirements contained in the Development Agreement.

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 Release and Cancellation of an Ordinance No. 1991-58 and a Development Agreement between Snap-on Tools and City of Carson City regarding Assesor's Parcel Number 10-051-37, previously APN 10-051-12 and 10-051-13, located at 1880 Fairview Drive, Carson City, Nevada.

Explanation for Recommended Board Action: See staff summary.

Applicable Statue, Code, Policy, Rule or Regulation: The Carson City Municipal Code 17.08, Nevada Revised Statues 278.0205, authorizing public agencies to enter into agreements to perform a service.

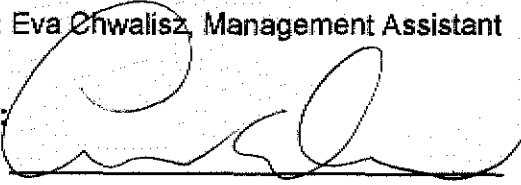
Fiscal Impact: N/A

Explanation of Impact: N/A

Supporting Material: Recorded Ordinance No. 1991-58 and Development Agreement

Prepared By: Eva Chwalisz, Management Assistant

Reviewed By:


(City Engineer)

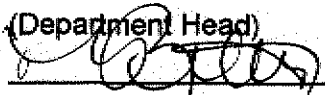
Date:

9/22/06


(Department Head)

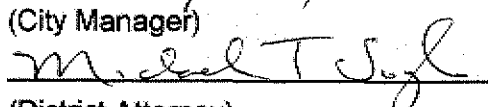
Date:

9/26/06


(City Manager)

Date:

9-26-06


(District Attorney)

Date:

9-26-06


(Finance Director)

Date:

9/26/06

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)

DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION

CARSON CITY, NEVADA

PROJECT: Development Agreement between Carson City and Snap-on-Tools regarding assessor's parcel number 10-051-37, previously APN 10-051-12 and 10-051-13, located at 1880 Fairview Drive, Carson City, Nevada.

RECORDING INFORMATION: Document #122457 Recorded on December 2, 1991

The requirements of the Development Agreement were satisfied with the approval of the Right-of-Way agreement between the City and Snap-On by the Board of Supervisors on August 17, 2006

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 Statute 278.0205.

CITY:

APPROVED AS TO FORM:

Marv Teixeira, Mayor

District Attorney's Office

ATTEST:

Alan Glover, Clerk/Recorder

ORDINANCE NO. 1991-58

BILL NO. 160

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT
BETWEEN CARSON CITY AND SNAP-ON-TOOLS REGARDING
ASSESSOR'S PARCEL NOS. 10-051-12 AND 10-051-13
LOCATED AT 1980 FAIRVIEW DRIVE, CARSON CITY,
NEVADA.

Fiscal effect: N/A

CARSON CITY BOARD OF SUPERVISORS DOES HEREBY ORDAIN:

SECTION I:

WHEREAS, Carson City desires to enter into a development agreement with SNAP-ON-TOOLS concerning the development of land known as Assessor's Parcel Nos. (APN) 10-051-12 and 10-051-13 located at 1880 Fairview Drive, Carson City, Nevada; 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 development agreement between Carson City and SNAP-ON-TOOLS for Assessor's Parcel Nos. 10-051-12 and 10-051-13 located at 1880 Fairview Drive, Carson City, Nevada, 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 Carson City Recorder.

1 PROPOSED this 7th day of November, 1991

2 PROPOSED by Supervisor Tom Tatro

3 PASSED on the 17th day of November, 1991

4 VOTE: AYES:

5 Greg Smith

6 Tom Fettic

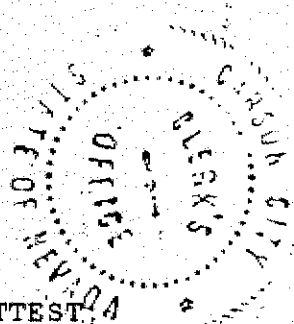
7 Tom Tatro

8 Kay Bennett

9 Marv Teixeira, Mayor

10 NAYES: None

11 ABSENT: None



18 Marv Teixeira
19 MARV TEIXEIRA, Mayor
20

21 ATTEST

22 Kiyoshi Nishikawa
23
24
25 KIYOSHI NISHIKAWA, Clerk-Recorder
26

27
28
29
30 This ordinance shall be in force and effect from and after the
31 2nd day of December, 1991.

1 EXHIBIT "A"
2 DEVELOPMENT AGREEMENT
3

4 Assessor's Parcel Nos. 10-051-12 and 10-051-13
5

6 1880 Fairview Drive
7 Carson City, Nevada
8

9 THIS AGREEMENT, dated this 21st day of November,
10 19 91, between SNAP-ON-TOOLS, hereinafter referred to as
11 "BUILDER", party of the first part, and CARSON CITY, NEVADA, a
12 municipal corporation, hereinafter referred to as "CITY", party of
13 the second part.

14 WITNESSETH:

15 WHEREAS, the BUILDER desires to construct an addition to the
16 building upon the above-referenced site; and

17 WHEREAS, the street improvements (sidewalks, curbs and gutters,
18 and full-width asphalt pavement) do not presently exist on the
19 street fronting the site along the south side of the parcels; and

20 WHEREAS, the Carson City Municipal Code, Section 11.12.081,
21 places the following requirement upon builders:

22 11.12.081 Street improvements, curbs, gutters and
23 sidewalks--Construction required.

24 1. Any person who constructs or causes to be constructed
25 any new building, or remodels any building within any commercial,
26 industrial, multi-family residential, office building or
27 governmental zone as defined in Title 18 of the Carson City
28 Municipal Code fronting on any dedicated street or other publicly-
29 owned street in the city, shall construct curbs, gutters, sidewalks,
30 storm drainage, and one-half street paving in accordance with the
31 city's specifications and standards along all street frontage

000122457

1 adjoining the property upon which such building or structure exists.

2 NOW, THEREFORE, the parties of this Agreement, in consideration
3 of the provisions herein contained and other good and valuable
4 consideration, do hereby agree as follows:

5 1. BUILDER is responsible for all required curb, gutter,
6 sidewalk and paving improvements along its full Fairview Drive
7 frontage as a condition of its present remodel project.

8 2. BUILDER and CITY wish to postpone the installation of
9 the required curb, gutter, sidewalk and paving improvements until
10 such time as their construction is more appropriate and necessary.

11 3. BUILDER shall install all required curb, gutter,
12 sidewalk and paving improvements along its full Fairview Drive
13 frontage at the time of issuance of a future Building Permit or
14 future expansion of its site; or, at such time that the property
15 owners adjacent to or across the street from the subject property
16 develop their street frontages; or, at such time as traffic and/or
17 development activity along Fairview Drive makes it necessary, in
18 the opinion of the Public Works Director, that the street frontage
19 must be improved.

20 4. BUILDER and CITY agree that improvements referenced
21 in Paragraphs 1, 2 and 3 above means the full improvements for a
22 typical eighty foot (80') right-of-way arterial street, but limited
23 to the north one-half (1/2) of the street along their whole frontage
24 of the two parcels.

25 5. If BUILDER fails, neglects, or refuses to do or
26 perform any act or thing herein covenanted and agreed to be done or
27 performed, such failure, neglect, or refusal shall constitute a
28 default breach of this Agreement. If BUILDER fails, neglects, or

1 refuses to cure the defaults upon the request of CITY, the CITY, at
2 its option, may correct such default and thereupon recover from
3 BUILDER the cost thereof or may require the specific performance by
4 BUILDER of all terms, conditions, and covenants of this Agreement.
5 The foregoing shall be in addition to, and exclusive of, any other
6 remedy now or hereafter provided by law and the pursuit of any right
7 or remedy shall not be construed as any election.

8 6. BUILDER agrees to install said improvements in strict
9 accordance with provisions of the Carson City Municipal Code and
10 any other applicable ordinances, laws, rules or regulations as are
11 in effect during the work referenced herein.

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

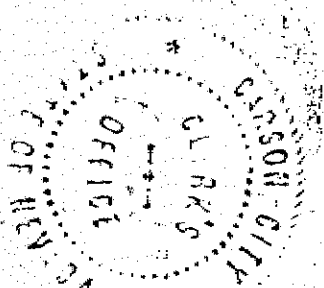
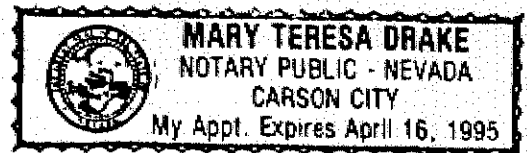
1 IN WITNESS WHEREOF, the parties hereto have caused this
2 Agreement to be executed as of the day and year first above written.

3
4 BUILDER: Dick Lawther
5 Dick Lawther

6
7 Dick Lawther, AGENT for
8 SNAP-ON-TOOLS

9
10 Subscribed and sworn to before me on this 28 day of
11 October, 1991.

12 Mary Teresa Drake
13 Notary Public



17
18 CITY:

19 Marv Teixeira
20 MARV TEIXEIRA, Mayor

21
22 ATTEST:
23 Kiyoshi Nishikawa
24 Kiyoshi NISHIKAWA, Clerk-Recorder

25
26
27 Approved at to Form:

28 [Signature]
29 Deputy District Attorney

30
31 APPROVED:

32 [Signature]
33 DANIEL K. O'BRIEN
34 Public Works Director

35
36
37 Approved as to Financial Impact:

38 Mary C Walker
39 MARY C. WALKER
40 Administrative Services Director

CARSON CITY PUBLIC WORKS DEPARTMENT

TITLE: DEVELOPMENT AGREEMENT

SNAP-ON-TOOLS 1880 FAIRVIEW

APN 10-051-12 & 10-051-13

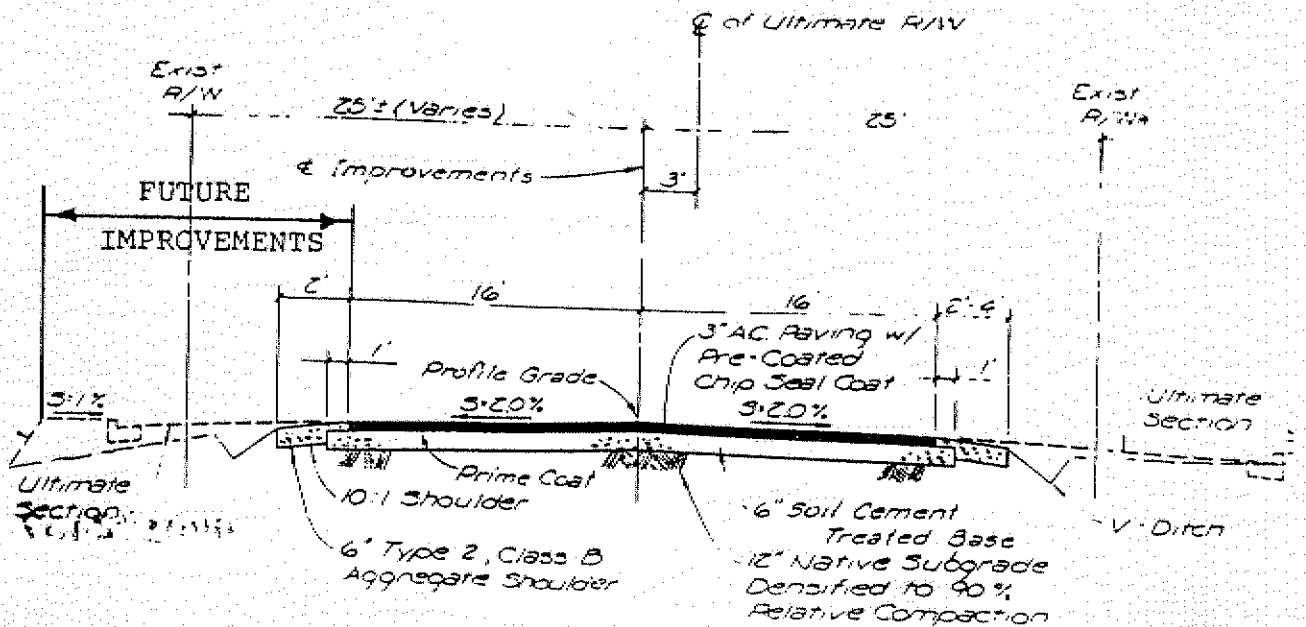
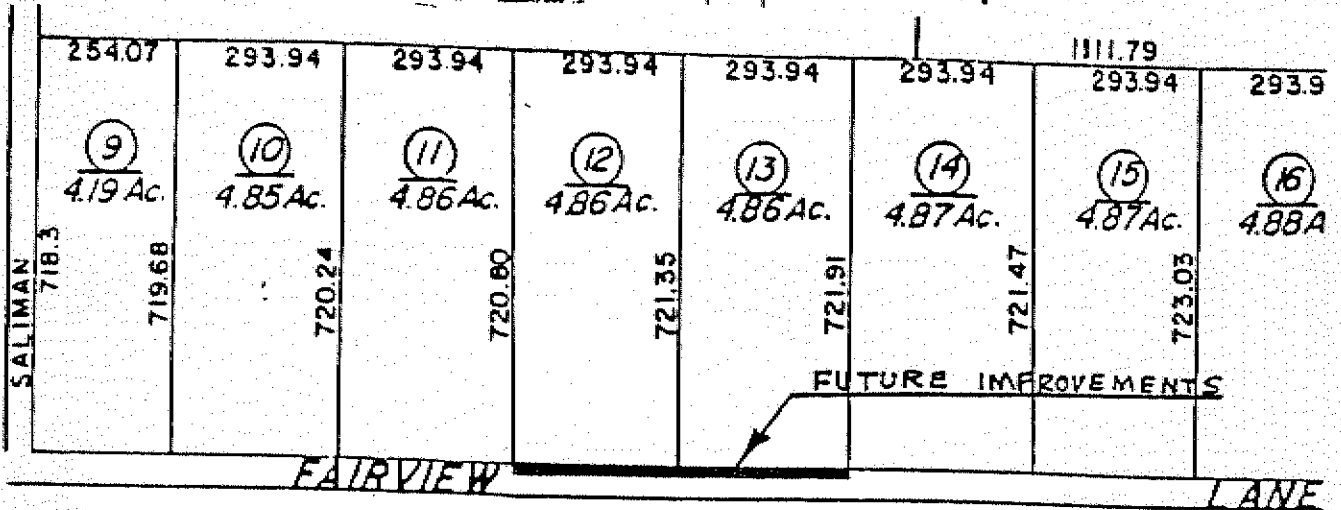
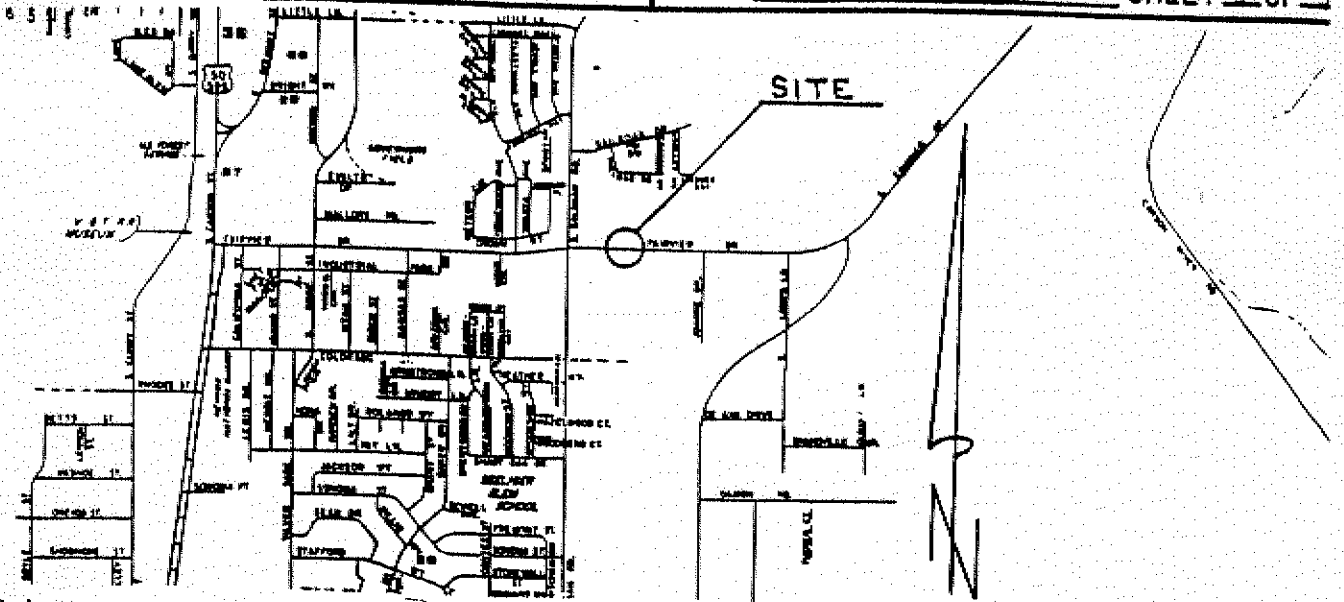
DIRECTOR: Daniel K. O'Brien

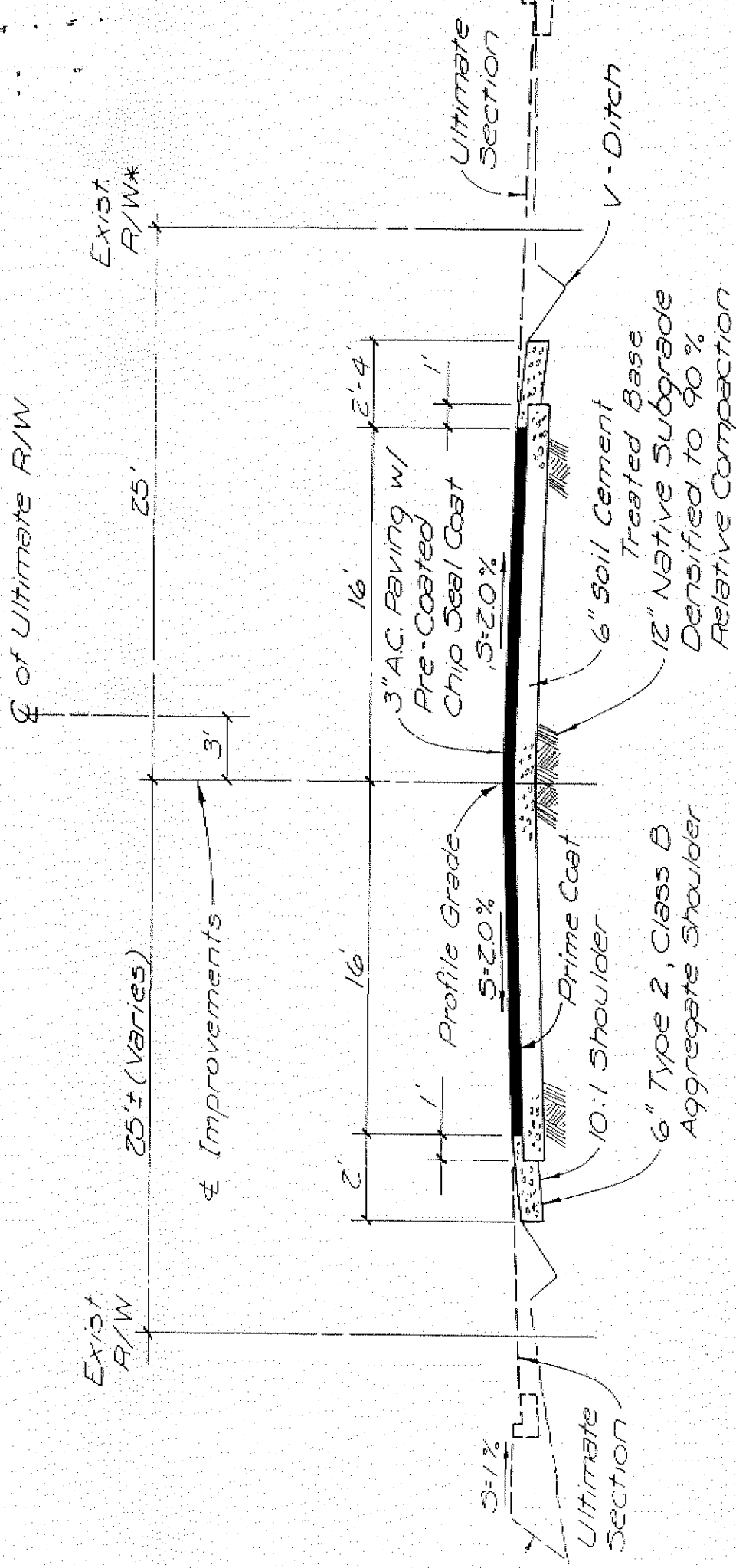
DRAWN BY: R. Kronenberg

DATE: October 14, 1991

SCALE N.T.S.

SHEET 5 OF 5





STA. 2+60 TO STA. 16+00

(STA. "F" 0+72 TO STA. "F 2+60)

(STA. "S" -0+48 TO "STA. "S" 0+20)

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Exist

Exist

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 7, 1991, Meeting
Page 14

Site + DK 1. ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT F
SNAP-ON-TOOLS, LOCATED AT 1880 FAIRVIEW DRIVE - Discussion ensued on t
requirements placed on the National Guard building, reasons for havi
development agreements, and future liability for the improvements shou
Snap-On-Tools be dissolved. Supervisor Tatro moved that the Board introdu
Bill No. 160 on first reading, AN ORDINANCE APPROVING A DEVELOPME
AGREEMENT BETWEEN CARSON CITY AND SNAP-ON-TOOLS REGARDING ASSESSOR'S PARC
NO.S 10-051-12 AND 10-051-13 LOCATED AT 1880 FAIRVIEW DRIVE, CARSON CIT
NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0.