

City of Carson City Agenda Report

Date Submitted: January 29, 2013

Agenda Date Requested: February 7, 2013

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works – Planning Division

Subject Title: For Possible Action: To approve a Quit Claim Deed between Carson City and the Sierra Nevada Community Land Trust for the conveyance of a property at 1104 Palo Verde Drive, APN 004-141-05, to Carson City. (Lee Plemel)

Summary: On May 5, 2011, the Board of Supervisors approved the Sierra Nevada Community Land Trust (SNCLT) to construct, sell, and monitor an affordable single-family residence for a family whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families in Carson City, on City-owned property located at 1104 Palo Verde Drive, and directed staff to prepare an agreement for approval by the Board of Supervisors between the City and the SNCLT. On October 20, 2011 the Board of Supervisors approved a Quit Claim Deed and Reversionary Interest Agreement and transferred the property at 1104 Palo Verde Drive to the SNCLT to construct a single family affordable home pursuant to the provisions of NRS 244.287. The SNCLT has decided to close down their land trust and would like to transfer the property back to Carson City.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance

Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Prior Board Action: Approved the Quit Claim Deed and Reversionary Interest Agreement on October 20, 2011 by a vote of 5 ayes and 0 nays.

Recommended Board Action: I move to approve a Quit Claim Deed between Carson City and the Sierra Nevada Community Land Trust for the conveyance of a property at 1104 Palo Verde Drive, APN 004-141-05, to Carson City.

Explanation for Recommended Board Action: The SNCLT will not be able to construct, sell, and monitor an affordable single family residence due to the dramatic downturn in the real estate market, the difficulty in finding qualified buyers, and the competing low interest loans and zero/low down payment programs for buying traditional housing. Carson City will transfer the property at 1104 Palo Verde Drive to another housing organization.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 244.287

revenue to the City.

Explanation of Impact: Upon transfer, the property would be tax-exempt (under public or non-profit ownership) and property taxes would not be collected by the City.

Funding Source: N/A

Alternatives: Do not authorize the transfer of the property.

Supporting Material:

- 1) Letter from the SNCLT
- 2) Quit Claim Deed
- 3) NRS 244.287
- 4) Property locator map

Prepared By: Janice Brod, Grants Program Coordinator

Reviewed By: Date: 1-29-13
(Planning Division Director)
 Date: 1-29-13
(Public Works Director)
 Date: 1-29-13
(Parks & Recreation Director)
 Date: 1/29/13
(City Manager)
 Date: 1/29/13
(District Attorney's Office)

Board Action Taken:

Motion:		Aye/Nay
_____	1) _____	_____
	2) _____	_____

(Vote Recorded By)

Sierra Nevada Community Land Trust

P.O. Box 277, Minden, NV 89423

info@snclt.org ~ www.snclt.org

Board of Directors

Gary Williams
President

Tom Mcphail
Secretary/Treasurer

John Hamer

Ted Nagel

Reen Tisinger

Executive Director

Anje de Knijf
775-721-5229

General Counsel

J.D. Sullivan

Community Advisory Board

Pete Beekhof
Gerald Bing
Mark Chase
Roger Falcke
Bob Hadfield
Lloyd Higuera
Brent Holderman
Leo Kruger
Renea Louie
Larry Martin
Bill Merrill
Greg Painter
Tom Perkins
Ron Pierini
Pam Pugliese
Doug Sonnemann
Bobby Wartgow
Darcy Worms

January 15, 2013

Dear Board of Supervisors:

With sadness, the SNCLT Board of Directors has voted to close down our land trust organization. Thank you so much for your support in donating the parcel on Palo Verde Drive to the Land Trust – it meant a lot to us.

We have tried for many years to facilitate purchases of local homes under the land trust model. However, those efforts have proved unfruitful, due mainly to, 1) the dramatic downturn in the real estate market, 2) difficulty in finding qualified buyers, and 3) competing low interest loan and zero/low down payment programs for buying traditional housing. In other words, the primary purpose of the organization, i.e., providing affordable workforce housing, has been met by current market conditions.

Therefore, we would like deed the Palo Verde property back to Carson City. That will remove this asset from the Land Trust and allow the city to find a similar or better use.

Again, thank you so much for your support of the SNCLT.

Sincerely,



Gary Williams, President

A.P.N. 004-141-05
R.P.T.T. #2

MAIL TAX STATEMENTS AND WHEN
RECORDED, MAIL TO:

Carson City
201 N. Carson Street, Suite 2
Carson City, Nevada 89701

THIS SPACE FOR RECORDER'S USE ONLY

QUITCLAIM DEED

THIS INDENTURE WITNESSETH: That **Sierra Nevada Community Land Trust, a nonprofit organization** in consideration of \$10.00 Dollars, the receipt of which is hereby acknowledged, do(es) by these presents hereby release, remise and quitclaim to **Carson City, Nevada, a Consolidated Municipality**, all that real property situate in Carson City State of Nevada, bounded and described as follows:

A certain parcel situate in the SW 1/4 NE 1/4, Section 17, Township 15 North, Range 20 East, M.D.B. & M., Carson City (formerly Ormsby County), Nevada, being more particularly described as follows:

COMMENCING at the section corner common to Sections 8, 9, 16 and 17; thence S. 42°46'31" W. 1938.87 feet; to a point on the Northerly right-of-way line of Palo Verde Drive as shown on the plat of the Purple Sage Subdivision Unit No. 1; thence N. 89°45'28" W. 339.05 feet along said Northerly right-of-way line of Palo Verde Drive to the True Point of Beginning; thence N. 0°50'02" E. 110.01 feet to a point; thence S. 89°55'32" E. 71.00 feet to a point; thence S. 0°50'02" W. 110.22 feet to a point on the Northerly right-of-way line of Palo Verde Drive; thence N. 89°45'28" W. along the said Northerly right-of-way line of Palo Verde Drive 71.00 feet to the True Point of Beginning.

Note: Legal description previously contained in Document No. 416842, recorded November 3, 2011, Official Records of Carson City, State of Nevada.

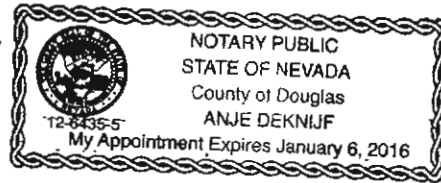
Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, rents, issues or profits thereof.

Dated: 1/15/2013

GRANTOR:

Sierra Nevada Community Land Trust

Gary Williams 1/15/2013
BY: Gary Williams, President Date



STATE OF NEVADA)

COUNTY OF ~~CARSON CITY~~) DOUGLAS

This instrument was acknowledged before me on Jan 15, 2013, by Gary Williams.

Signature _____
(Notary Public)

GRANTEE:

Carson City

ATTEST

By: Robert L. Crowell, Mayor Date

By: Alan Glover, Clerk Recorder Date

STATE OF NEVADA)

COUNTY OF CARSON CITY)

This instrument was acknowledged before me on _____, by Robert L. Crowell.

Signature _____
(Notary Public)

APPROVED FOR LEGALITY AND FORM:

Carson City District Attorney Date

State of Nevada Declaration of Value

1. **Assessor Parcel Number(s)**

- a) 004-141-05
- b)
- c)

2. **Type of Property:**

- a) Vacant Land
- b) Single Fam. Res.
- c) Condo / Twnhse
- d) 2-4 Plex
- e) Apt. Bldg.
- f) Comm'/Ind'l
- g) Agricultural
- h) Mobile Home
- i) Other :

3. **Total Value/Sale Price of Property:**

\$ _____
 Deed in Lieu of Foreclosure Only (value of property) \$ _____
 Transfer Tax Value \$ _____
Real Property Transfer Tax Due: \$ _____

4. **If Exemption Claimed:**

- a. Transfer Tax Exemption, per NRS 375.090, Section: #2
- b. Explain Reason for Exemption: Deeding to a government agency

5. Partial Interest: Percentage Being Transferred: _____%

The undersigned, declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature *Dary Williams*
 Signature

Capacity: Grantor
 Capacity: Grantee

SELLER (GRANTOR) INFORMATION

Print Name: Sierra Nevada Community Land Trust
 Address: P.O. Box 2109
 City: Minden
 State: NV Zip: 89423

BUYER (GRANTEE) INFORMATION

Print Name: Carson City
 Address: 201 N. Carson Street, Suite 2
 City: Carson City
 State: NV Zip: 89423

COMPANY/PERSON REQUESTING RECORDING

Print Name: Northern Nevada Title Company Escrow No.
 Address: 307 W. Winnie Lane
 City: Carson City State: Nevada Zip: 89703

FOR RECORDERS OPTIONAL USE ONLY	
Document/Instrument #:	_____
Book: _____	Page: _____
Date of Recording:	_____
Notes:	_____

NRS 244.287 Conveyance of property to nonprofit organization for development of affordable housing: Application; public hearing; conditions; annual list of property conveyed; subordination of interest in property conveyed.

1. A nonprofit organization may submit to a board of county commissioners an application for conveyance of property that is owned by the county if the property was:

- (a) Received by donation for the use and benefit of the county pursuant to NRS 244.270.
- (b) Purchased by the county pursuant to NRS 244.275.

2. Before the board of county commissioners makes a determination on such an application for conveyance, it shall hold at least one public hearing on the application. Notice of the time, place and specific purpose of the hearing must be:

- (a) Published at least once in a newspaper of general circulation in the county.
- (b) Mailed to all owners of record of real property which is located not more than 300 feet from the property that is proposed for conveyance.
- (c) Posted in a conspicuous place on the property that is proposed for conveyance.

➔ The hearing must be held not fewer than 10 days but not more than 40 days after the notice is published, mailed and posted in accordance with this subsection.

3. The board of county commissioners may approve such an application for conveyance if the nonprofit organization demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing for families whose income at the time of application for such housing does not exceed 80 percent of the median gross income for families residing in the same county, as that percentage is defined by the United States Department of Housing and Urban Development. If the board of county commissioners receives more than one application for conveyance of the property, the board must give priority to an application of a nonprofit organization that demonstrates to the satisfaction of the board that the organization or its assignee will use the property to develop affordable housing for persons who are disabled or elderly.

4. If the board of county commissioners approves an application for conveyance, it may convey the property to the nonprofit organization without consideration. Such a conveyance must not be in contravention of any condition in a gift or devise of the property to the county.

5. As a condition to the conveyance of the property pursuant to subsection 4, the board of county commissioners shall enter into an agreement with the nonprofit organization that requires the nonprofit organization or its assignee to use the property to provide affordable housing for at least 50 years. If the nonprofit organization or its assignee fails to use the property to provide affordable housing pursuant to the agreement, the board of county commissioners may take reasonable action to return the property to use as affordable housing, including, without limitation:

- (a) Repossessing the property from the nonprofit organization or its assignee.
- (b) Transferring ownership of the property from the nonprofit organization or its assignee to another person or governmental entity that will use the property to provide affordable housing.

6. The agreement required by subsection 5 must be recorded in the office of the county recorder of the county in which the property is located and must specify:

- (a) The number of years for which the nonprofit organization or its assignee must use the property to provide affordable housing; and
- (b) The action that the board of county commissioners will take if the nonprofit organization or its assignee fails to use the property to provide affordable housing pursuant to the agreement.

7. A board of county commissioners that has conveyed property pursuant to subsection 4 shall:

- (a) Prepare annually a list which includes a description of all property that was conveyed to a nonprofit organization pursuant to this section; and
- (b) Include the list in the annual audit of the county which is conducted pursuant to NRS 354.624.

8. If, 5 years after the date of a conveyance pursuant to subsection 4, a nonprofit organization or its assignee has not commenced construction of affordable housing, or entered into such contracts as are necessary to commence the construction of affordable housing, the property that was conveyed automatically reverts to the county.

9. A board of county commissioners may subordinate the interest of the county in property conveyed pursuant to subsection 4 to a first or subsequent holder of a mortgage on that property to the extent the board deems necessary to promote investment in the construction of affordable housing.

10. As used in this section, unless the context otherwise requires, "nonprofit organization" means an organization that is recognized as exempt pursuant to 26 U.S.C. § 501(c)(3).

(Added to NRS by 1997, 1735; A 1999, 3535)



City Property for Potential Disposal
1104 Palo Verde Drive

