



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: January 7, 2016

Staff Contact: Lee Plemel (lplemel@carson.org)

Agenda Title: For Possible Action: To adopt, on second reading, Ordinance No. 2016-___, an ordinance creating the Downtown Neighborhood Improvement District pursuant to Chapter 271 of Nevada Revised Statutes for the purpose of paying for maintenance of the Downtown Streetscape Enhancement Project, which includes improvements to Carson Street between Fifth Street and William Street, improvements to Third Street between Carson Street and Curry Street, and improvements to Curry Street between Musser Street and Robinson Street.

Staff Summary: The purpose of establishing the NID is to assess the private property owners within the area for the cost of ongoing maintenance of the Downtown Streetscape Enhancement Project improvements to provide for consistent maintenance of the improvements. The proposed NID includes private properties generally located along Carson Street and Curry Street between Fifth Street and William Street, and on Plaza Street between Proctor Street and William Street.

Agenda Action: Ordinance - Second Reading

Time Requested: 10 minutes

Proposed Motion

I move to adopt, on second reading, Ordinance No. 2016-___, an ordinance creating the Downtown Neighborhood Improvement District pursuant to Chapter 271 of Nevada Revised Statutes for the purpose of paying for maintenance of the Downtown Streetscape Enhancement Project.

Board's Strategic Goal

Economic Development

Previous Action

The Board of Supervisors introduced the ordinance on December 17, 2015, by a vote of 4 ayes and 1 nay, with recommended modifications.

Background/Issues & Analysis

Adoption of an ordinance is required to establish a Neighborhood Improvement District per NRS 271. The purpose of the NID is to help cover the cost of maintenance of the Downtown Streetscape Enhancement Project improvements. In adopting the ordinance, the Board of Supervisors must determine that public convenience and necessity require the NID's creation, and that its creation is economically sound and feasible. This is identified within the ordinance in compliance with NRS 271.

Attached is the ordinance establishing the NID. The ordinance includes exhibits showing the area proposed to be included within the NID, a list of specific properties within the NID with the proposed assessment for each property in the first year of its implementation, a cost estimate for project maintenance, and other provisions and conditions related to the NID. Following is a summary of the general provisions of the NID:

- The property owners within the NID are assessed for maintenance of the improvements along the property frontages of the private properties only. The City and State will continue to pay the full cost of maintenance for the improvements fronting their respective properties.
- The assessment may not be used by the City for any other purpose than Downtown Streetscape Enhancement Project maintenance.
- The NID pays for maintenance of sidewalk improvements and amenities within the sidewalk areas only. The City will continue to maintain the street improvements from curb to curb.
- The assessment to property owners in the first year ("Year One") will be a total of \$49,736, based upon the maintenance cost estimate and split detailed within the Petition and the proposed ordinance. That assessment will be split up among property owners based on the size of each property owner's building relative to the total square footage of buildings within the NID. The Year One assessment for each individual property is identified within the ordinance exhibits.
- If the actual cost of maintenance is less than the assessed amount in any given year, once a 20% reserve balance is accrued, the assessment for that year will be reduced to the actual estimated cost of maintenance. Until a 20% reserve balance is accrued, the maintenance cost will be increased annual by the Consumer Price Index (CPI) but in no case shall that increase be more than 5%.
- The maintenance of the sidewalk and amenities will include snow removal, which is currently the responsibility of each property owner, in addition to sidewalk power washing, trash removal, landscape maintenance, and general cleaning. This is a higher level of maintenance than currently occurs in order to protect property values within the NID as well as protecting the City investment in the infrastructure.
- The base assessment cannot be increased unless requested by property owners within the NID representing at least 50% of the basis of assessment and approved by the Board of Supervisors.

After adoption of the ordinance, remaining actions to implement the NID include:

- Establishment of a non-profit organization by the property owners within the NID.
- Approval by the Board of Supervisors of an agreement between the City and the NID regarding the operational details and roles of the City and NID in ongoing project maintenance.
- Confirmation of the annual assessment at the first Board of Supervisors meeting in June each year.

Contact Lee Plemel, Community Development Director, at lplemel@carson.org if you have any questions regarding this item.

Attachments:

- 1) Ordinance with exhibits.
- 2) Ordinance with revisions since first reading shown

Applicable Statute, Code, Policy, Rule or Regulation

NRS 271 (Local Improvements).

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number: Property tax assessment.

Is it currently budgeted? Yes No

Explanation of Fiscal Impact: The NID is intended to assess the property owners to cover the additional cost of downtown improvement maintenance to the City, alleviating the City of additional maintenance costs that would otherwise be incurred.

Alternatives

- 1) Adopt the ordinance to implement the NID.
- 2) Do not adopt the ordinance and determine other funding for downtown maintenance.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

BILL NO. 115

ORDINANCE No. 2016-__

AN ORDINANCE CREATING THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 271 OF THE NEVADA REVISED STATUTES FOR THE PURPOSE OF PAYING FOR A PORTION OF THE COSTS REQUIRED TO MAINTAIN THE DOWNTOWN STREETScape ENHANCEMENT PROJECT, WHICH INCLUDES IMPROVEMENTS TO CARSON STREET BETWEEN FIFTH STREET AND WILLIAM STREET, IMPROVEMENTS TO THIRD STREET BETWEEN CARSON STREET AND CURRY STREET, AND IMPROVEMENTS TO CURRY STREET BETWEEN MUSSER STREET AND ROBINSON STREET.

The Board of Supervisors of Carson City do hereby ordain:

SECTION I:

1. This ordinance creates the Downtown Neighborhood Improvement District (hereinafter "NID") pursuant to Chapter 271 of the Nevada Revised Statutes (hereinafter "NRS") based upon a petition submitted by property owners representing at least fifty percent of the assessed valuation of the properties within the NID. The NID's sole purpose is to cover that portion of the cost of ongoing maintenance for those off-street improvements first constructed along the frontages of private properties within the NID as part of the Downtown Streetscape Enhancement Project (e.g. sidewalks, landscaping, benches, etc.) that exceeds the maintenance costs already borne by Carson City for the frontages of those private properties.

2. Pursuant to NRS 271.325, the Board of Supervisors has determined that public convenience and necessity require the NID's creation, and that its creation is economically sound and feasible.

SECTION II:

The NID comprises only the area depicted on EXHIBIT A, including only the Assessor Parcel Numbers set forth on EXHIBIT C.

SECTION III:

The Downtown Streetscape Enhancement Project improvements that are to be maintained, in part, through NID-derived funds are graphically shown on Exhibit B, all of which front private properties within the NID's geographical boundaries. Maintenance of improvements fronting the public properties identified on Exhibit A are hereby expressly excluded from the NID and any NID-funded maintenance obligation.

SECTION IV:

1. The property owners within the NID shall respectively be assessed for fiscal tax year 2016-2017 ("Year One") the amounts shown on Exhibit C for each such property.

2. The City currently spends approximately \$37,284 per year on maintenance of the areas where Downtown Streetscape Enhancement Project's improvements will be constructed. The City will hereafter continue to contribute at least that amount toward the maintenance of those improvements.

3. The present annual maintenance cost estimate for the Downtown Streetscape Enhancement Project's improvements, including those on Carson Street, Curry Street, and the Third Street Plaza, is \$107,335. That estimate includes improvements that front properties owned by the State of Nevada ("State") and Carson City ("City"), respectively. The State and City will continue to maintain all improvements along their building frontages (as they do currently). The State and City properties occupy 29% (2,600 feet of a total of 8,950 feet) of the property frontage where Downtown Streetscape Enhancement Project improvements will be constructed. The difference between the current maintenance expenditure by the City (\$37,284) and the Year One estimated maintenance cost (\$107,335) is \$70,051. The private property owners' annual maintenance cost share (71% of \$70,051) is therefore estimated to be \$49,736. This is the amount that will be assessed to property owners in Year One, as further detailed below in Section V of this Ordinance.

4. The Curry Street improvements under the Downtown Streetscape Enhancement Project are scheduled for construction two years after the Carson Street and Third Street improvements. It is the intent of this Ordinance to hereby establish a maintenance assessment for all of those improvements under the Downtown Streetscape Enhancement Project, including those made to Curry Street.

5. The NID Maintenance Plan, attached to this ordinance as Exhibit D, details the improvements to be maintained, the anticipated schedule and levels of maintenance of those improvements, and the estimated time and expense of that maintenance. The NID Maintenance Plan further provides for the power washing of sidewalks, garbage removal, general cleanup, landscape maintenance, and sidewalk snow removal.

SECTION V:

1. The NID's purpose is to have the City assess its members in an amount equal to Carson City's increased maintenance costs for the portions of the Downtown Streetscape Enhancement Project that are constructed within the NID's geographic boundaries. No portion of any funds received from the NID, through assessment or otherwise, shall be used to pay all or any portion of an expense previously obligated for, or which has traditionally been borne by, the City.

2. This NID's geographic boundaries will include all non-excluded real property depicted on Exhibit A, with those included properties being assessed based upon the commercial building square footage of a property relative to the total commercial building square footage of all properties included within the NID. Generally,

properties that directly front on the Downtown Streetscape Enhancement Project improvements are assessed at a 100% assessment rate, and properties that are elsewhere within the NID (i.e., are located on a side or adjacent street), are assessed at a 75% rate. All properties within the NID that are zoned exclusively residential (e.g., private homes and all private residences included within a mixed-use property) will be excluded from the NID and the resulting NID assessments. Where a change in use occurs for a property within the NID from commercial to residential or residential to commercial and that change becomes effective in the Assessor's records, the assessment will be adjusted with the next full assessment year as established at the time the Board of Supervisors confirms the assessment. No pro-ration by Carson City will be required for assessed NID properties sold during a tax year; rather, all such pro-rations will be privately addressed, if at all, by the buyer and seller to each such respective transaction. A Notice of NID Annual Assessment will be recorded against title to each and every assessed NID property.

3. The NID assessment shall be paid by each property owner in conjunction with such owner's property taxes for the year. Penalties and interest for delinquent amounts will be calculated in the same manner as for real property taxes. The assessment amount shall constitute a lien upon an assessed property and have the same priority as a lien for property taxes.

4. The total Year One assessment to all non-excluded property owners within the NID shall be \$49,736, collectively. The assessment shall be pro-rated each year among the NID's property owners based on the distribution method described in detail below.

5. The assessment shall increase each year by the Consumer Price Index for *All Urban Consumers* ("CPI") – All Items (1982-1984=100), as published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve month period ending December 31 next preceding the year for which the increase is being calculated, but in no event more than 5% on a year-over-year basis. An assessment shall not decrease from the prior year if the CPI goes negative for an evaluated period; provided, however, that once a credit balance of twenty percent (20%) above the projected cost of maintenance is established in the maintenance account for unexpected expenses (e.g. unanticipated heavy snow removal), the City shall reduce the assessment amount to the actual projected maintenance cost (if that cost is less than the base assessment amount plus CPI increases). If the credit balance decreases below 20% of the projected cost of maintenance, the assessment shall be increased that year to cover the projected cost of maintenance plus the additional cost to reestablish the 20% credit balance, but in no case shall the assessment be more than the base assessment plus CPI increases described above. If the cost of maintenance in any given year exceeds the assessed amount plus any available credit balance and the City incurs the cost to meet contractual maintenance obligations, the assessment shall be increased the following year to reimburse the City for those additional maintenance expenditures and replenish the credit balance but in no case shall the assessment be more than the base assessment plus CPI increases described above.

6. The City shall prepare the annual assessment estimate to be considered by the Board of Supervisors at or prior to its first meeting in June each year, at which time the Board of Supervisors may confirm the assessment by resolution and levy the assessment for the following tax year. In confirming the assessment, the Board of

Supervisors shall direct the Clerk to submit the list of parcel numbers and the assessed amount for each property to the Carson City Treasurer. The Board of Supervisors authorizes the Treasurer to reduce or waive for good cause pursuant to NRS 361.483 and NRS 361.4835.

7. In Year One and all subsequent years, Carson City must itemize and document the alleged increased maintenance costs by spreadsheet and corroborating documentation, which may include actual costs of maintenance or the cost of contracting the maintenance to a private company, as applicable.

8. All NID assessments shall be allocated, and all NID member voting shall be weighted, in the proportion to the square footage of each Member's NID building(s) bear(s) to the total square footage of all buildings within the NID, as reduced by 25% for each 75%-assessed NID Member, as detailed above and on Exhibit C. Square footage will be determined based upon the Carson City Assessor's Records.

9. Carson City and the State are not a part of the NID, and will be solely responsible for the maintenance of all improvements fronting their respective properties.

10. Upon request from the NID's board of directors, the Board of Supervisors may decrease the base assessment based upon an actual reduction in maintenance costs or other special considerations. The Board of Supervisors may further consider a request from the NID's board of directors for an increase in the base assessment to pay for other improvements or activities, such as marketing and advertising, or requests to increase the levels of maintenance or modify the assessment percentages, as permitted by law, so long as such a request is approved in writing by no less than those property owners within the NID that collectively represent at least 66-2/3% of the basis for assessment.

11. The City shall establish a procedure for obtaining a hardship determination on the basis of a property owner's ability to pay the assessment pursuant to NRS 271.357.

SECTION VI:

1. Pursuant to NRS 271.325(6), upon adoption of this Ordinance, the Board of Supervisors shall cause to be recorded in the office of the Carson City Recorder a certified copy of a list of the tracts to be assessed and the amount of maximum benefits estimated to be assessed against each tract in the assessment area, as shown on the assessment plat, as revised and approved by the governing body pursuant to NRS 271.320 (the area and the list of assessed properties). Neither the failure to record that list nor any defect or omission in that list shall affect the validity of any assessment, the lien for the payment thereof, or the priority of that lien.

2. In addition to the specific provisions of this ordinance, the NID shall be subject to all applicable requirements of NRS Chapter 271, Local Improvements.

SECTION VII:

EXHIBIT LIST. This ordinance contains the following exhibits:

- A. NID Map.
- B. Downtown Improvements Plan.
- C. NID Property List and Year-One Assessment
- D. NID Maintenance Plan and Cost Estimate

PROPOSED on December 17, 2015.

PROPOSED by _____.

PASSED _____, 2016.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

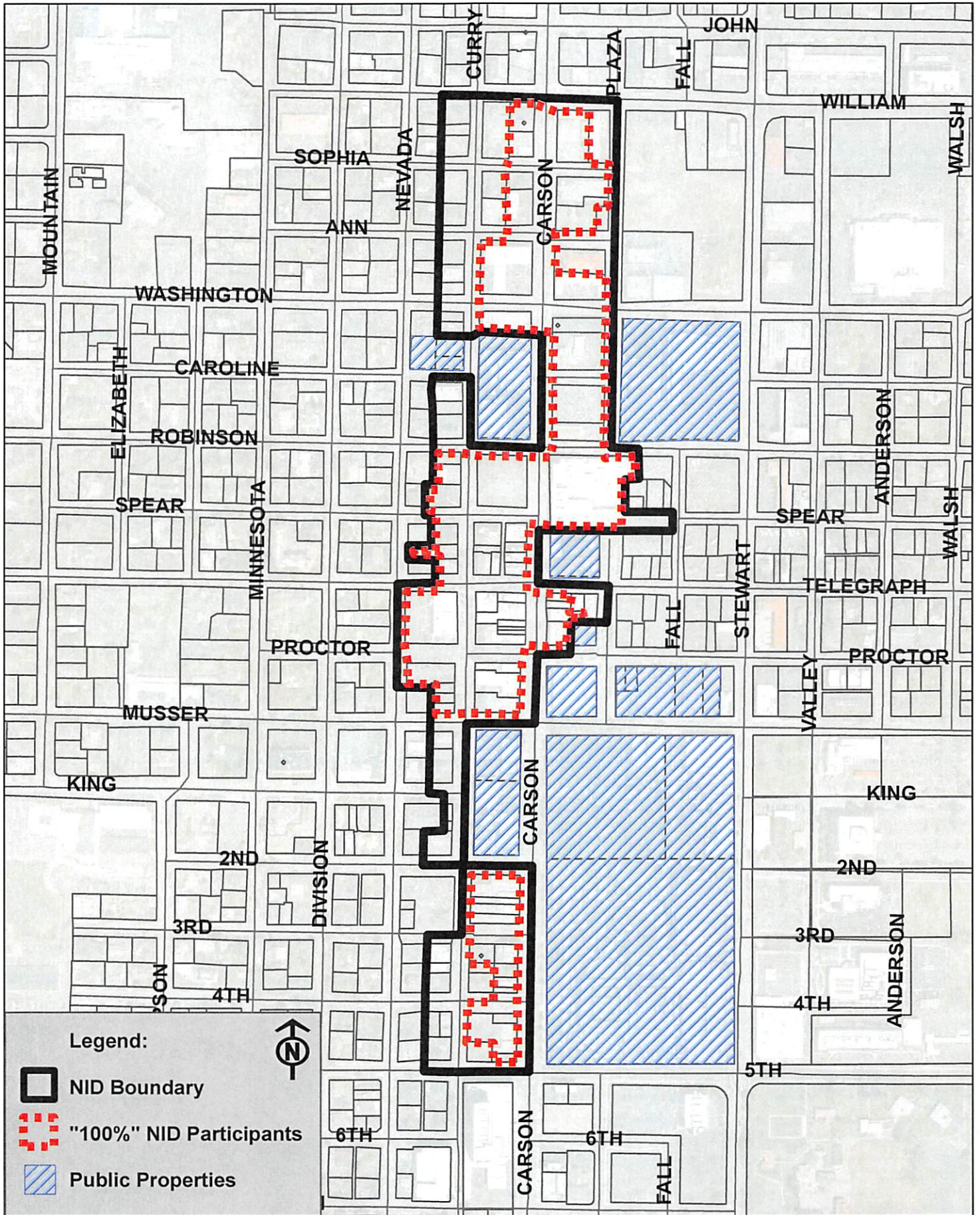
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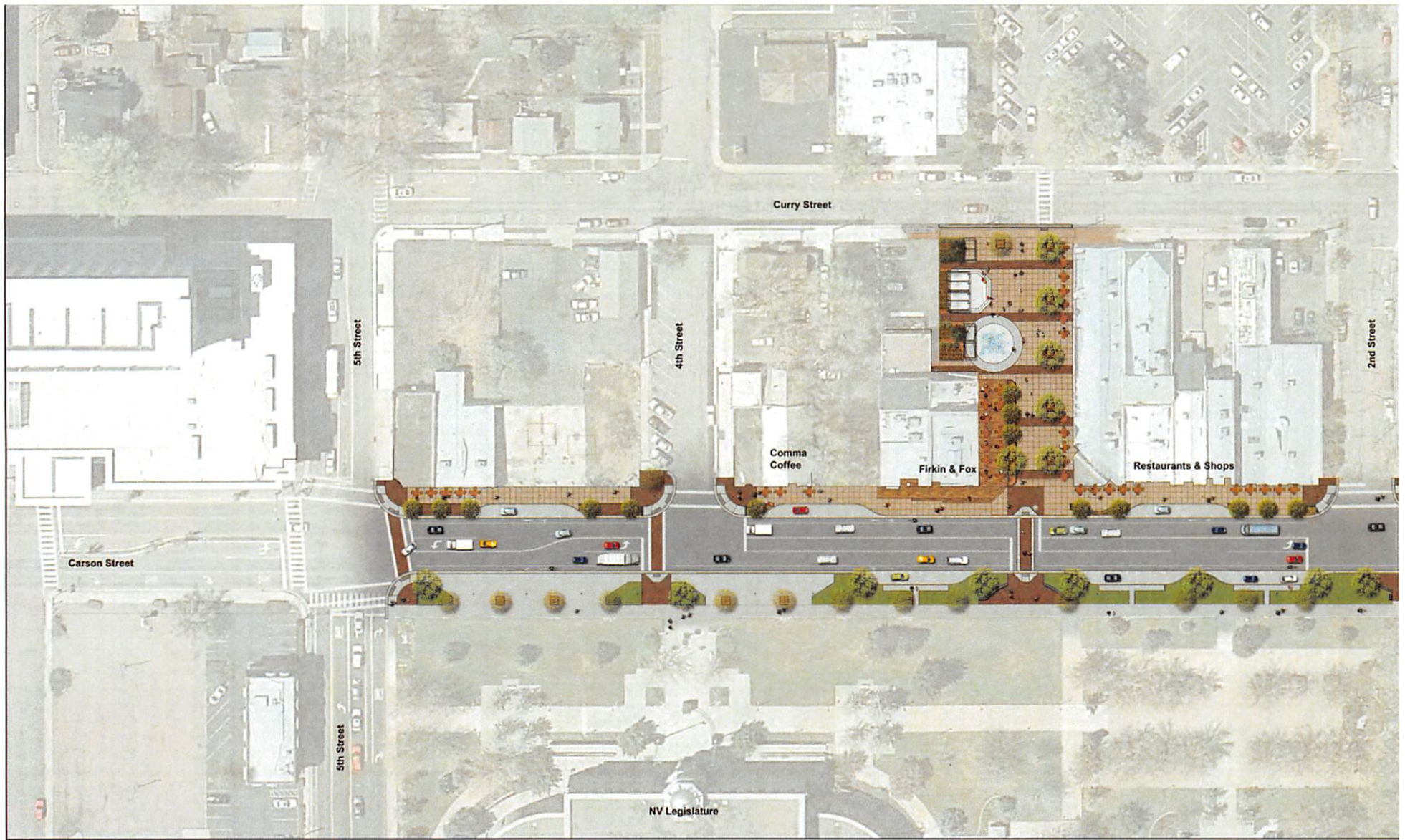
SUE MERRIWETHER
CLERK/RECORDER

This ordinance shall be in force and effect from and after the ____ day of _____, 2016.

PROPOSED DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT

Exhibit A











Downtown Carson Street, Curry Street Third Street Plaza
Year-One Neighborhood Improvement District Maintenance Assessment

EXHIBIT C

	Parcel No	Property Location	Owner Name	AV 15/16	Land size	Bldg size	Specia Benefit Factor	% total bldg size	Assessment \$	49,736
<u>WEST SIDE OF CARSON ST</u>										
<u>W WILLIAMS AND N CARSON</u>	00118407	1020 N CARSON ST	ROSENTHAL, DONALD M ET AL	34,581	7,480	2,259	100%	2,259	0.49%	\$ 242
	00118408	1000 N CARSON ST	THAYER, DONALD AND CATHERINE	42,956	7,480	1,500	100%	1,500	0.32%	\$ 160
<u>SOPHIA AND N CARSON</u>	00118802	922 N CARSON STREET	BROGISH LLC	37,876	4,828	2,625	100%	2,625	0.56%	\$ 281
	00118804	900 N CARSON STREET	BROOKS, BENTLEY Y & MONICA	76,087	10,132	2,100	100%	2,100	0.45%	\$ 225
<u>ANN AND N CARSON</u>	00119401	800 N CARSON STREET	MAFFI, JOE ROBERT	405,240	29,711	37,838	100%	37,838	8.14%	\$ 4,047
<u>W WASHINGTON AND N CARSON</u>	00328304	716 N CARSON ST	FIRST FINANCIAL COLLATERAL INC	327,282	11,080	19,927	100%	19,927	4.29%	\$ 2,132
<u>W ROBINSON AND N CARSON</u>	00322301	500 N CARSON ST	ADAMS CARSON LLC	143,750	28,900	0	100%	-	0.00%	\$ -
<u>W SPEAR AND N CARSON</u>	00322402	420 N CARSON ST	NORTHERN NV COMSTOCK INV LLC	83,418	5,409	5,439	100%	5,439	1.17%	\$ 582
	00322403	410 N CARSON ST	CHANEY, EUGENE FAM LIMITED PART	61,064	2,898	4,403	100%	4,403	0.95%	\$ 471
	00322404	408 N CARSON ST	CHANEY, EUGENE FAM LIMITED PART	62,820	2,890	4,945	100%	4,945	1.06%	\$ 529
	00322409	402 N CARSON ST	CHANEY, EUGENE FAM LIMITED PART	133,200	2,788	5,951	100%	5,951	1.28%	\$ 637
<u>W TELEGRAPH AND N CARSON</u>	00322902	320 N CARSON ST	320 NORTH CARSON STREET LLC	38,960	2,890	2,690	100%	2,690	0.58%	\$ 288
	00322903	318 N CARSON ST	DOUBLE EAGLE CUBED LLC	165,337	7,990	13,441	100%	13,441	2.89%	\$ 1,438
	00322904	310 N CARSON ST	SCHMIDT, MARK & KIMBERLY TRUST	29,298	1,020	1,020	100%	1,020	0.22%	\$ 109
	00322905	308 N CARSON ST	SCHMIDT, MARK & KIMBERLY TRUST	24,104	1,275	1,275	100%	1,275	0.27%	\$ 136
	00322906	306 N CARSON ST	ADAMS 302 CARSON LLC	29,194	1,275	2,053	100%	2,053	0.44%	\$ 220
	00322907	302 N CARSON ST	ADAMS CARSON LLC	123,904	8,670	8,748	100%	8,748	1.88%	\$ 936
<u>W PROCTOR AND N CARSON</u>	00321301	111 W PROCTOR ST	CARSON INCUBATOR I LLC	181,623	5,178	8,390	100%	8,390	1.80%	\$ 897
	00321302	206 N CARSON ST	FIRST NATIONAL BANK OF NEV TRUST	133,538	13,522	11,519	100%	11,519	2.48%	\$ 1,232
	00321303	202 N CARSON ST	KNASIAK, JAMES W & BETTY TRUST	128,098	10,200	9,426	100%	9,426	2.03%	\$ 1,008
<u>SECOND AND S CARSON</u>	00311206	123 W SECOND ST	LOPICCOLO FAMILY TRUST 5/26/98	159,117	13,423	10,251	100%	10,251	2.20%	\$ 1,097
	00311203	210 S CARSON ST	BODIE NEVADA TRUST 12/27/11	32,171	3,910	1,924	100%	1,924	0.41%	\$ 206
	00311204	217 S CURRY ST	MERCURY CLEANERS INC	55,595	5,780	5,746	100%	5,746	1.24%	\$ 615
	00311205	224 S CARSON ST	LOPICCOLO FAMILY TRUST 5/26/98	63,097	5,780	5,685	100%	5,685	1.22%	\$ 608
<u>THIRD AND S CARSON</u>	00311309	310 S CARSON ST	LOPICCOLO INVESTMENTS LLC	108,071	5,440	12,906	100%	12,906	2.78%	\$ 1,381
	00311310	S CARSON ST	BERNARD BORTOLIN, LLC	19,104	3,995	0	100%	-	0.00%	\$ -
	00311311	312 S CARSON ST	BERNARD BORTOLIN, LLC	30,013	2,975	2,890	100%	2,890	0.62%	\$ 309
	00311312	314 S CARSON ST	BERNARD BORTOLIN, LLC	22,526	1,700	1,920	100%	1,920	0.41%	\$ 205
<u>FOURTH AND S CARSON</u>	00311602	400 S CARSON ST	BERNARD BORTOLIN, LLC	14,241	2,890	0	100%	-	0.00%	\$ -
	00311601	408 S CARSON ST	BERNARD BORTOLIN, LLC	107,902	17,772	4,208	100%	4,208	0.91%	\$ 450
	00311604	418 S CARSON ST	CUBIX ORMSBY LLC	12,354	2,507	2,079	100%	2,079	0.45%	\$ 222
<u>EAST SIDE OF CARSON ST</u>										
<u>E WILLIAMS AND N CARSON</u>	00216201	1017 N CARSON ST	MAPP ENTERPRISES, INC	174,848	19,278	1,653	100%	1,653	0.36%	\$ 177
<u>SOPHIA AND N CARSON</u>	00216304	917 N CARSON ST	B P HOTEL, LLC	430,653	12,070	31,890	100%	31,890	6.86%	\$ 3,411
	00216305	901 N CARSON STREET	B P HOTEL, LLC	45,378	14,365	0	100%	-	0.00%	\$ -
<u>ANN AND N CARSON</u>	00216402	801 N CARSON ST	BRINSON, BETTY	112,262	14,450	10,531	100%	10,531	2.26%	\$ 1,126
<u>E WASHINGTON AND N CARSON</u>	00426101	113 E WASHINGTON ST	CARSON LODGE #1 - MASONIC LODGE	70,351	8,500	4,929	100%	4,929	1.06%	\$ 527
	00426102	705 N CARSON ST	LAMKIN, ROBERT L AND ROBERTA A	129,733	20,400	1,731	100%	1,731	0.37%	\$ 185
<u>EAST CAROLINE AND N CARSON</u>	00426301	617 N CARSON ST	ADAMS CARSON LLC	118,981	22,100	0	100%	-	0.00%	\$ -
	00426302	601 N CARSON ST	PARDINI FAMILY PROPERTIES LLC	63,164	6,800	3,920	100%	3,920	0.84%	\$ 419
<u>E ROBINSON AND N CARSON</u>	00421111	507 N CARSON ST	ADAMS CARSON LLC	2,488,159	68,389	79,378	100%	79,378	17.07%	\$ 8,491
	00421402	E SPEAR ST	ADAMS CARSON LLC	10,192	2,040	0	100%	-	0.00%	\$ -
<u>E TELEGRAPH AND N CARSON</u>	00421503	319 N CARSON ST	DAVIS / BENTHAM LLC	48,992	2,278	4,320	100%	4,320	0.93%	\$ 462
	00421504	315 N CARSON ST	YAPLE, JON M AND JEANNE	23,540	2,125	1,958	100%	1,958	0.42%	\$ 209
	00421508	311 N CARSON ST	JOHNSON, THOMAS Y AND LINDA E	92,756	2,860	7,644	100%	7,644	1.64%	\$ 818
	00421506	301 N CARSON ST	JOHNSON FAMILY REVOCABLETRUST	114,901	6,995	9,282	100%	9,282	2.00%	\$ 993

Downtown Carson Street, Curry Street Third Street Plaza
Year-One Neighborhood Improvement District Maintenance Assessment

EXHIBIT C

CURRY STREET FRONTAGE - EAST

										0.00%	\$	-
<u>W WILLIAM AND N CURRY</u>	00118409	1007 N CURRY STREET	HAUTEKEET FAMILY TRUST	180,105	16,767	4,506	75%	3,380	0.73%	\$	361	
<u>SOPHIA AND N CURRY</u>	00118801	115 W SOPHIA	BROGISH LLC	27,728	7,225	936	75%	702	0.15%	\$	75	
	00118803	110 W ANN	CARSON CITY	37,240	7,735	0	75%	-	0.00%	\$	-	
<u>SPEAR AND N CURRY</u>	00322401	411 N CURRY ST	NORTHERN NV COMSTOCK INV LLC	336,468	6,119	9,467	100%	9,467	2.04%	\$	1,013	
	00322407	407 N CURRY ST	OLD GLOBE SALOON INC	33,182	2,006	1,641	100%	1,641	0.35%	\$	176	
	00322406	110 W TELEGRAPH ST	JONES, K & M TRUST	57,610	4,056	6,160	100%	6,160	1.32%	\$	659	
<u>W TELEGRAPH AND N CURRY</u>	00322408	108 W TELEGRAPH ST	CROWELL ENTERPRISES INC	28,249	1,774	2,311	100%	2,311	0.50%	\$	247	
	00322901	111 W TELEGRAPH ST	BRUUN-ANDERSEN FAMILY EST TRUST	130,763	5,780	11,019	100%	11,019	2.37%	\$	1,179	
<u>THIRD AND N CURRY</u>	00311315	S CURRY / THIRD	LOPICCOLO INVESTMENTS LLC	34,228	5,780	0	100%	-	0.00%	\$	-	
	00311313	110 W FOURTH ST	BERNARD BORTOLIN, LLC	30,324	5,780	1,456	75%	1,092	0.23%	\$	117	
	00311314	309 S CURRY ST	BERNARD BORTOLIN, LLC	12,242	2,890	0	75%	-	0.00%	\$	-	
<u>W FOURTH AND N CURRY</u>	00311603	114 W FIFTH ST	CUBIX ORMSBY LLC	25,983	5,780	0	75%	-	0.00%	\$	-	
<u>WILLIAM AND N CURRY</u>	00118302	1012 N CURRY ST	LEPIRE, GARRETT	38,575	5,780	1,952	75%	1,464	0.31%	\$	157	
	00118304	1008 N CURRY ST	FOUR WINDS, LLC	20,066	2,890	924	75%	693	0.15%	\$	74	
	00118306	1002 N CURRY ST	BRITTON, C M & SALKIN, H Q TR	36,842	5,780	2,053	75%	1,540	0.33%	\$	165	
<u>SOPHIA AND N CURRY</u>	00118707	910 N CURRY ST	C & A INVESTMENTS LLC	12,348	8,269	0	75%	-	0.00%	\$	-	
	00118705	904 N CURRY ST	T C J ENTERPRISES LLC	25,725	5,780	936	75%	702	0.15%	\$	75	
<u>ANN AND N CURRY</u>	00119302	812 N CURRY ST	ADAMS CARSON LLC	25,270	6,240	0	75%	-	0.00%	\$	-	
	00119305	808 N CURRY ST	ADAMS CARSON LLC	34,625	4,800	2,368	75%	1,776	0.38%	\$	190	
	00119306	802 N CURRY ST	ADAMS CARSON LLC	11,626	2,560	0	75%	-	0.00%	\$	-	
<u>W WASHINGTON AND N CURRY</u>	00328202	714 N CURRY ST	MKR VENTURES LLC	23,168	2,975	1,433	75%	1,075	0.23%	\$	115	
	00328203	710 N CURRY ST	HAND FAMILY TRUST	37,143	4,250	1,250	75%	938	0.20%	\$	100	
<u>W CAROLINE AND N CURRY</u>	00328502	201 W CAROLINE ST	1464 RAND AVENUE LLC	136,357	4,954	11,684	75%	8,763	1.88%	\$	937	
	00328503	N CURRY ST	1464 RAND AVENUE LLC	22,104	4,954	0	75%	-	0.00%	\$	-	
	00328504	602 N CURRY ST	SWAFFORD, DOYLE E & LORIE ET AL	45,724	6,241	2,446	75%	1,835	0.39%	\$	196	
<u>W ROBINSON AND N CURRY</u>	00322202	512 N CURRY ST	KLETTE S & M E FAMILY TRUST	21,188	2,890	713	100%	713	0.15%	\$	76	
	00322203	508 N CURRY ST	RPJ NV LLC	88,759	5,780	2,448	100%	2,448	0.53%	\$	262	
	00322204	204 W SPEAR ST	BENGOCHEA LLC	57,519	8,228	3,307	100%	3,307	0.71%	\$	354	
<u>W SPEAR AND N CURRY</u>	00322510	412 N CURRY ST	VERIVE, JENNIFER AND CAIN, GARY	50,630	6,808	3,331	100%	3,331	0.72%	\$	356	
	00322503	402 N CURRY ST	PRUETT FAMILY TRUST	27,946	4,419	2,297	100%	2,297	0.49%	\$	246	
	00322506	405 N NEVADA ST	PRUETT FAMILY TRUST	38,440	8,752	1,309	100%	1,309	0.28%	\$	140	
<u>W TELEGRAPH AND N CURRY</u>	00322801	308 N CURRY ST	ADAMS CARSON LLC	183,947	29,843	18,352	100%	18,352	3.95%	\$	1,963	
<u>W PROCTOR AND N CURRY</u>	00321201	234 N CURRY ST	ADAMS CARSON LLC	86,850	13,005	0	100%	-	0.00%	\$	-	
	00321203	208 N CURRY ST	SHONNARD, KEITH W & MUSCARI, C	59,429	2,890	2,118	100%	2,118	0.46%	\$	227	
	00321204	206 N CURRY ST	FLIEGLER, ROBERT MD LTD	27,236	2,890	1,333	100%	1,333	0.29%	\$	143	
	00321205	202 N CURRY ST	WARREN, RICHARD AND WARREN DC TR	26,372	2,890	1,242	100%	1,242	0.27%	\$	133	
<u>W MUSSER AND N CURRY</u>	00321502	112 N CURRY ST	CURRY MUSSER PROCTOR & GREEN LLC	34,932	4,675	1,303	75%	977	0.21%	\$	105	
	00321504	102 N CURRY ST	NEVADA PRESS FOUNDATION	88,085	9,775	3,541	75%	2,656	0.57%	\$	284	
<u>W KING AND N CURRY</u>	00321710	201 W KING ST	201 W KING STREET LLC	33,229	1,980	2,788	75%	2,091	0.45%	\$	224	
	00321711	106 S CURRY ST	JOOST, KAREN	11,606	1,079	954	75%	716	0.15%	\$	77	
	00321713	110 S CURRY ST	SUMMO, DONALD W & EILENE H TR	47,033	9,075	1,123	75%	842	0.18%	\$	90	
<u>W SECOND AND S CURRY</u>	00311401	300 S CURRY ST	SIERRA NV ASSOC OF REALTORS INC	82,097	5,780	5,528	75%	4,146	0.89%	\$	443	
	00311403	314 S CURRY ST	SIERRA NV ASSOC OF REALTORS INC	11,193	2,890	0	75%	-	0.00%	\$	-	
	00311404	310 S CURRY ST	BROWN FAMILY LTD PARTNERSHIP & ET AL	39,449	5,780	1,419	75%	1,064	0.23%	\$	114	
<u>W FOURTH AND S CURRY</u>	00311503	201 W FOURTH ST	BROWN FAMILY LTD PARTNERSHIP & ET AL	18,741	3,560	783	75%	587	0.13%	\$	63	
	00311505	202 W FIFTH ST	PROCKISH, TONI R	21,900	6,480	1,184	75%	888	0.19%	\$	95	

Downtown Carson Street, Curry Street Third Street Plaza
 Year-One Neighborhood Improvement District Maintenance Assessment

EXHIBIT C

PLAZA STREET FRONTAGE

									-	0.00%	\$	-
<u>WILLIAMS AND PLAZA</u>	00216202	1000 N PLAZA STREET	M & M BIGUE INVESTMENTS LLC	59,371	9,622	5,239	75%	3,929	0.85%	\$	420	
<u>SOPHIA AND PLAZA</u>	00216303	110 E ANN STREET	SALAS, ANGELICA & GONZALEZ	23,033	2,465	2,465	75%	1,849	0.40%	\$	198	
<u>E TELEGRAPH AND PLAZA</u>	00421502	107 E TELEGRAPH	T.L.A.C.P., LLC	35,756	2,636	2,150	75%	1,613	0.35%	\$	172	
	00421501	111 E TELEGRAPH	PH PROPERTIES LTE PARTNERSHIP	56,083	3,612	2,948	75%	2,211	0.48%	\$	237	
Total				9,444,950	729,407	480,811		464,969	100%	\$	49,736	

Exhibit D

Neighborhood Improvement District Maintenance Costs 6/22/15

Scope Item	Existing Cost	Future		Difference to be funded by NID	Notes
		Quantity (SF or EA)	Future Cost		
Sidewalk Maintenance - Carson		73,600	\$ 38,272		Daily litter removal, leaf/debris removal, occasional power washing, snow removal within 24 hours of snow event
Street Trees - Carson		153	\$ 26,010		General tree care, pruning etc. \$42.50 * 2 hours * 2 times per year
Planters - Carson		6,000	\$ 3,900		Medians existing, assumed 5'x5' each new planter
Hanging Baskets - Carson		40	\$ 8,500		Maintenance only, 1-2 waterings per day, 7 days a week 5/1-9/30
			\$ 76,682		Subtotal Carson
Sidewalk Maintenance - Curry		23,604	\$ 12,274		Daily litter removal, leaf/debris removal, occasional power washing, snow removal within 24 hours of snow event
Street Trees - Curry		32	\$ 5,440		General tree care, pruning etc. \$42.50 * 2 hours * 2 times per year
Planters - Curry		1,800	\$ 1,170		Assumed 5'x5' size each planter
Hanging Baskets - Curry		15	\$ 2,125		Maintenance only, 1-2 waterings per day, 7 days a week 5/1-9/31
			\$ 21,009		Subtotal Curry
Sidewalk Maintenance - Third		10,890	\$ 5,663		Daily litter removal, leaf/debris removal, occasional power washing, snow removal within 24 hours of snow event
Street Trees - Third		16	\$ 2,720		General tree care, pruning etc. \$42.50 * 2 hours * 2 times per year
Planters - Third		850	\$ 553		Assumed 5'x5' size each planter
Hanging Baskets - Third		5	\$ 708		Maintenance only, 1-2 waterings per day, 7 days a week 5/1-9/32
			\$ 9,644		Subtotal Plaza
Total	\$ 37,284		\$ 107,335	\$ 70,051	

Assumptions:

Based on outsourcing to private contractors all maintenance and snow removal
 No depreciation or capital replacement costs
 Major Repairs would be additional costs

*Existing cost based on 0.40 FTE of Park Operations Coordinator @ \$60,708 S&B equals \$24,282, plus 0.5 seasonal groundskeeper Apr-Oct @ \$7,000, plus contribution to the City to maintain the hanging flower baskets @\$6,000.

Sidewalk existing \$0.20 / sf litter/debris pick up. Future \$0.52 / sf as shown in notes.

BILL NO. 115

ORDINANCE No. 2016-__

AN ORDINANCE CREATING THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT PURSUANT TO CHAPTER 271 OF THE NEVADA REVISED STATUTES FOR THE PURPOSE OF PAYING FOR A PORTION OF THE COSTS REQUIRED TO MAINTAIN THE DOWNTOWN STREETScape ENHANCEMENT PROJECT, WHICH INCLUDES IMPROVEMENTS TO CARSON STREET BETWEEN FIFTH STREET AND WILLIAM STREET, IMPROVEMENTS TO THIRD STREET BETWEEN CARSON STREET AND CURRY STREET, AND IMPROVEMENTS TO CURRY STREET BETWEEN MUSSER STREET AND ROBINSON STREET.

The Board of Supervisors of Carson City do hereby ordain:

SECTION I:

1. This ordinance creates the Downtown Neighborhood Improvement District (hereinafter "NID") pursuant to Chapter 271 of the Nevada Revised Statutes (hereinafter "NRS") based upon a petition submitted by property owners representing at least fifty percent of the assessed valuation of the properties within the NID. The NID's sole purpose is to cover that portion of the cost of ongoing maintenance for those off-street improvements first constructed along the frontages of private properties within the NID as part of the Downtown Streetscape Enhancement Project (e.g. sidewalks, landscaping, benches, etc.) that exceeds the maintenance costs already borne by Carson City for the frontages of those private properties.

2. Pursuant to NRS 271.325, the Board of Supervisors has determined that public convenience and necessity require the NID's creation, and that its creation is economically sound and feasible.

SECTION II:

The NID comprises only the area depicted on EXHIBIT A, including only the Assessor Parcel Numbers set forth on EXHIBIT C.

SECTION III:

The Downtown Streetscape Enhancement Project improvements that are to be maintained, in part, through NID-derived funds are graphically shown on Exhibit B, all of which front private properties within the NID's geographical boundaries. Maintenance of improvements fronting the public properties identified on Exhibit A are hereby expressly excluded from the NID and any NID-funded maintenance obligation.

SECTION IV:

1. The property owners within the NID shall respectively be assessed for fiscal tax year 2016-2017 ("Year One") the amounts shown on Exhibit C for each such property.

2. The City currently spends approximately \$37,284 per year on maintenance of the areas where Downtown Streetscape Enhancement Project's improvements will be constructed. The City will hereafter continue to contribute at least that amount toward the maintenance of those improvements.

3. The present annual maintenance cost estimate for the Downtown Streetscape Enhancement Project's improvements, including those on Carson Street, Curry Street, and the Third Street Plaza, is \$107,335. That estimate includes improvements that front properties owned by the State of Nevada ("State") and Carson City ("City"), respectively. The State and City will continue to maintain all improvements along their building frontages (as they do currently). The State and City properties occupy 29% (2,600 feet of a total of 8,950 feet) of the property frontage where Downtown Streetscape Enhancement Project improvements will be constructed. The difference between the current maintenance expenditure by the City (\$37,284) and the Year One estimated maintenance cost (\$107,335) is \$70,051. The private property owners' annual maintenance cost share (71% of \$70,051) is therefore estimated to be \$49,736. This is the amount that will be assessed to property owners in Year One, as further detailed below in Section V of this Ordinance.

4. The Curry Street improvements under the Downtown Streetscape Enhancement Project are scheduled for construction two years after the Carson Street and Third Street improvements. It is the intent of this Ordinance to hereby establish a maintenance assessment for all of those improvements under the Downtown Streetscape Enhancement Project, including those made to Curry Street.

5. The NID Maintenance Plan, attached to this ordinance as Exhibit D, details the improvements to be maintained, the anticipated schedule and levels of maintenance of those improvements, and the estimated time and expense of that maintenance. The NID Maintenance Plan further provides for the power washing of sidewalks, garbage removal, general cleanup, landscape maintenance, and sidewalk snow removal.

SECTION V:

1. The NID's ~~sole~~ purpose is to **have the City self-** assess its members in an amount equal to Carson City's increased maintenance costs for the portions of the Downtown Streetscape Enhancement Project that are constructed within the NID's geographic boundaries. No portion of any funds received from the NID, through assessment or otherwise, shall be used to pay all or any portion of an expense previously obligated for, or which has traditionally been borne by, the City.

2. This NID's geographic boundaries will include all non-excluded real property depicted on Exhibit A, with those included properties being assessed based upon the commercial building square footage of a property relative to the total commercial building square footage of all properties included within the NID. Generally,

properties that directly front on the Downtown Streetscape Enhancement Project improvements are assessed at a 100% assessment rate, and properties that are elsewhere within the NID (i.e., are located on a side or adjacent street), are assessed at a 75% rate. All properties within the NID that are zoned exclusively residential (e.g., private homes and all private residences included within a mixed-use property) will be excluded from the NID and the resulting NID assessments. Where a change in use occurs for a property within the NID from commercial to residential or residential to commercial and that change becomes effective in the Assessor's records, the assessment will be adjusted with the next full assessment year as established at the time the Board of Supervisors confirms the assessment. No pro-ration by Carson City will be required for assessed NID properties sold during a tax year; rather, all such pro-rations will be privately addressed, if at all, by the buyer and seller to each such respective transaction. A Notice of NID Annual Assessment will be recorded against title to each and every assessed NID property.

3. The NID assessment ***shall be paid by each property owner in conjunction with such owner's property taxes for the year. Penalties and interest for delinquent amounts will be calculated in the same manner as for real property taxes. The assessment amount shall constitute a lien upon an assessed property and have the same priority as a lien for property taxes.*** ~~will be annually due from all owners of property within the NID, as part of their respective ad valorem tax. The assessment may be paid in quarterly installments as determined by the Carson City Treasurer with each owner's respective ad valorem tax. This ordinance hereby directs the Carson City Treasurer to collect the assessment along with any NID-approved operating and administrative costs.~~

4. The total Year One assessment to all non-excluded property owners within the NID shall be \$49,736, collectively. The assessment shall be pro-rated each year among the NID's property owners based on the distribution method described in detail below.

5. The assessment shall increase each year by the Consumer Price Index for All Urban Consumers ("CPI") – All Items (1982-1984=100), as published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve month period ending December 31 next preceding the year for which the increase is being calculated, but in no event more than 5% on a year-over-year basis. An assessment shall not decrease from the prior year if the CPI goes negative for an evaluated period; provided, however, that once a credit balance of twenty percent (20%) above the projected cost of maintenance is established in the maintenance account for unexpected expenses (e.g. unanticipated heavy snow removal), the City shall reduce the assessment amount to the actual projected maintenance cost (if that cost is less than the base assessment amount plus CPI increases). If the credit balance decreases below 20% of the projected cost of maintenance, the assessment shall be increased that year to cover the projected cost of maintenance plus the additional cost to reestablish the 20% credit balance, but in no case shall the assessment be more than the base assessment plus CPI increases described above. If the cost of maintenance in any given year exceeds the assessed amount plus any available credit balance and the City incurs the cost to meet contractual maintenance obligations, the assessment shall be increased the following year to reimburse the City for those additional maintenance expenditures and replenish the credit balance but in no case shall the assessment be more than the base assessment plus CPI increases described above.

6. The City shall prepare the annual assessment estimate to be considered by the Board of Supervisors at or prior to its first meeting in June each year, at which time the Board of Supervisors may confirm the assessment by resolution and levy the assessment for the following tax year. In confirming the assessment, the Board of Supervisors shall direct the Clerk to **submit the list of parcel numbers and the assessed amount for each property to the Carson City Treasurer. The Board of Supervisors authorizes the Treasurer to reduce or waive for good cause pursuant to NRS 361.483 and NRS 361.4835.** ~~report to the City Assessor the a description of the properties contained in the assessment roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment is made. The Board of Supervisors authorizes the Treasurer to reduce or waive for good cause the collection of any penalties assessed pursuant to subsection 4 of NRS 271.415 and any interest incurred pursuant to NRS 271.585.~~

7. In Year One and all subsequent years, Carson City must itemize and document the alleged increased maintenance costs by spreadsheet and corroborating documentation, which may include actual costs of maintenance or the cost of contracting the maintenance to a private company, as applicable.

8. All NID assessments shall be allocated, and all NID member voting shall be weighted, in the proportion to the square footage of each Member's NID building(s) bear(s) to the total square footage of all buildings within the NID, as reduced by 25% for each 75%-assessed NID Member, as detailed above and on Exhibit C. Square footage will be determined based upon the Carson City Assessor's Records.

9. Carson City and the State are not a part of the NID, and will be solely responsible for the maintenance of all improvements fronting their respective properties.

10. Upon request from the NID's board of directors, the Board of Supervisors may decrease the base assessment based upon an actual reduction in maintenance costs or other special considerations. The Board of Supervisors may further consider a request from the NID's board of directors for an increase in the base assessment to pay for other improvements or activities, such as marketing and advertising, **or requests to increase the levels of maintenance or modify the assessment percentages, as permitted by law**, so long as such a request is approved in writing by no less than those property owners within the NID that collectively represent at least ~~75%~~ **66-2/3%** of the basis for assessment.

11. The City shall establish a procedure for obtaining a hardship determination on the basis of a property owner's ability to pay the assessment pursuant to NRS 271.357.

SECTION VI:

1. Pursuant to NRS 271.325(6), upon adoption of this Ordinance, the Board of Supervisors shall cause to be recorded in the office of the Carson City Recorder a certified copy of a list of the tracts to be assessed and the amount of maximum benefits estimated to be assessed against each tract in the assessment area, as shown on the assessment plat, as revised and approved by the governing body pursuant to NRS

271.320 (the area and the list of assessed properties). Neither the failure to record that list nor any defect or omission in that list shall affect the validity of any assessment, the lien for the payment thereof, or the priority of that lien.

2. In addition to the specific provisions of this ordinance, the NID shall be subject to all applicable requirements of NRS Chapter 271, Local Improvements.

SECTION VII:

EXHIBIT LIST. This ordinance contains the following exhibits:

- A. NID Map.
- B. Downtown Improvements Plan.
- C. NID Property List and Year-One Assessment
- D. NID Maintenance Plan and Cost Estimate

PROPOSED on _____, 2015.

PROPOSED by _____.

PASSED _____, 2016.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

SUE MERRIWETHER
CLERK/RECORDER

This ordinance shall be in force and effect from and after the ____ day of _____, 2016.