Hem# 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.

T	ype of Actic	n Requested:	(ch	eck one)	
		Resolution) Ordinanc	e
• •	(_x_)	Formal Action	/Motion () Other (Sp	ecify)

Does This Action Require A Business Impact Statement:

(___) Yes (_x_) 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

Aiternatives:

None

Supporting Materials:

Recorded Ordinance No. 1987-22 and a Development

Agreement and Development Agreement Release and

Cancellation

Prepared By: Eva Chwalisz, Management Assistant

	11/ 10/10			
Reviewed By:	all USID	·	Date:///	20/06
	(Oeputy City Engineer)			
Concurrences:	Clock ful		Date:	28/06
	(Department Head)	1	Date:// /	28/06
	(City Mehager)		Date://_	7
	(District Attorney)		Date: 11/23	100
Board Action Take	en:			
Motion:		1)		Aye/Nay
		2)	<u> </u>	
(Vote Recorde	d 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 278.0205.

BUILDER:	
Joda Limited Partnership	
State of	
County of CARSON	
On this Day of	_, 200, personally appeared before me, a Notary
acknowledged to me that shelfle executed the	above instrument.
Notary Partic Project Nevada (The
Appointment Decorded in Creating of Carson City Hy Appointment Equipment Application 12, 2003	Notary Public
Section Assessment Conference of the Conference	
CITY:	APPROVED AS TO FORM:
Marv Teixeira, Mayor	District Attorney's Office
ATTEST:	
PRESENCE.	
	공기를 하고 있는 경험하고 않고 하고 함께 살아 있다.

Alan Giover, Cierk/Recorder

ORDINANCE NO. 1987-22 1 BILL NO. 119 2 AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT 3 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 9 APN 9-163-01 located at 4455 S. Carson Street; and 10 WHEREAS, the Carson city Board of Supervisors finds that the 11 contents of the development agreement conform with CCMC 17.21.020 and 12 NRS 278.0201; and 13 WHEREAS, the Board finds that the provisions of the 14 development agreement are consistent with Carson City's master plan. 15 NOW, THEREFORE, the Board hereby approves by ordinance a three 16 page development agreement between Carson City and GARY BORST for APN 17 9-163-01, said agreement being attached and incorporated herein as 18 Exhibit A. 19 The Board further directs that the City Clerk shall cause a 20 certified copy of this ordinance and the original development agreement 21 to be filed with the Carson City Recorder. 22 PROPOSED this 4th day of June , 1987. 23 PROPOSED by Supervisor Tom Fettic 24 PASSED on the 18th day of June 25 AYES: Ron Swirczek VOTE: 26 27 Tom Fettic

28

<u>Marilee Chirila</u>

DEVELOPMENT AGREEMENT

Assessor's Parcel No. 9-163-01 4455 S. Carson Street, Carson City, Nevada

THIS AGREEMENT, dated the 18th day of June , 1987, between GARY BORST, hereinafter referred to as "BUILDER", party of the first part, and CARSON CITY, NEVADA, a municipal corporation, hereinafter referred to as "CITY", party of the second part.

WITNESSETH:

WHEREAS, the BUILDER has an existing building on the subject parcel and desires to construct a second new commercial building upon the site; and

WHEREAS, there are not existing full street improvements (sidewalk, curb and gutter, and asphalt pavement) on Roventini Street.

WHEREAS, the subject property is zoned General Commercial; and WHEREAS, the Carson City Municipal Code, Section 11.12.081, places the following requirement upon builders;

construction required. 1. Any person who constructs or causes to be constructed any new building, or remodels any building within any commercial, industrial, multifamily residential, office building, or governmental zone as defined in Title 18 of the Carson City Municipal Code, fronting on any dedicated street or other publicly-owned street in the City, shall construct curbs, gutters, sidewalks, storm drainage, and one-half street paving in accordance with the City's specifications and standards along all street frontage adjoining the property upon which such building or structure exists; and

NOW, THEREFORE, the parties to this Agreement, in consideration of the provisions herein contained and other good and

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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.

	By
	E. M. "Doc" Scrivner, Mayor
ATTEST:	

CITY:

TED P. THORNTON, Clerk

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