



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

CM/ACM CH
Finance DN
DA ✓
Risk Mgt. DL
HR N/A
Comptroller CH

STAFF REPORT

BOARD MEETING DATE: February 9, 2016

DATE: January 13, 2016
TO: Board of County Commissioners
FROM: Vahid Behmaram, Water Management Planner Coordinator, Community Services Department, 954-4647, vbehmaram@washoecounty.us,
THROUGH: Dwayne Smith, P.E., Division Director, Engineering & Capital Projects, Community Services Department, 328-2043, desmith@washoecounty.us
SUBJECT: Approve a Water Rights Deed transferring 66.20 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company. (Commission District 2.)

SUMMARY

Washoe County is conveying portions of Orr Ditch Decree Claim #719, Application #84067 to South Reno Land Investors, LLC, A Nevada Limited Liability Company. These water rights were dedicated to Washoe County in support of future phases of Palisades, a residential subdivision. The original dedication of water rights to Washoe County was in accordance with Water Service Contribution Agreement between Washoe County and the original Developers which was approved by the Board of County Commissioners (Board) on March 27, 2007. The current re-conveyance before the Board represents water rights which were never committed to any approved phases of the Palisades as contemplated in the Water Service Contribution Agreement, and are held by Washoe County in trust for the Palisades or their successors in interest.

Washoe County Strategic Objective supported by this item: Proactive economic development and diversification.

PREVIOUS ACTION

On August 25, 2015, the Board approved a Water rights deed conveying 26.826 acre-feet of Orr Ditch Decree Claim #719, Application #84067 to South Reno Land Investors, LLC, A Nevada Limited Liability Company. These water rights were dedicated to Washoe County in support of Palisades Phase 1, a five lot residential subdivision recorded as Tract Map # 4796.

On March 27, 2007, the Board approved a Water Service Contribution Agreement. This agreement provided for the rights and obligations of the parties in finalizing the Palisades subdivision with 121 residential lots and common areas. The Parties to this agreement were, McCaffrey Fine Homes, Ltd., Palisades Land Investors, LLC, Palisades Land Investors Phase 1, LLC and Washoe County.

AGENDA ITEM # 5.C.2.

BACKGROUND

In March 2007, Washoe County entered into a Water Service Contribution Agreement with McCaffrey Fine Homes, Ltd., Palisades Land Investors, LLC, and Palisades Land Investors Phase 1, LLC, in support of residential development within the South Truckee Meadows. The agreement provided for developer dedication of tributary creek water rights from select creeks in furtherance of the South Truckee Meadows Facility Plan adopted in August 2002. However, due to the economic downturn in the housing market, this project was never completed and the only phase with a recorded Tract Map was eventually reverted back to acreage and its five lots were never built. The water rights associated with the Phase 1 and its five lots were the subject of Board action in August 25, 2015. Following foreclosure proceedings, and passage of time, the current owners, South Reno Land Investors, LLC, A Nevada Limited Liability obtained ownership interest in all assets including these uncommitted water rights. The water rights contained in the attached water rights deed are those water rights dedicated in accordance with the agreement in support of the eventual recordation of all the lots within this subdivision. Furthermore, with the merger of water utility functions of Washoe County and Truckee Meadows Water Authority, there is no need for Washoe County to retain these particular water rights, and the attached deed will re-convey the water rights to the rightful owners.

FISCAL IMPACT

There is no fiscal impact associated with execution of the Water Rights Deed.

RECOMMENDATION

It is recommended that the Board of County Commissioners approve the Water Rights Deed transferring 66.20 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to approve the Water Rights Deed transferring 66.20 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company."

Attachments: Water Rights Deed
January 4, 2016 request letter



SOUTH RENO LAND INVESTORS, LLC

340 Emmett Avenue Suite 200 Belmont, CA 94002

January 4, 2016

Vahid Behmaram
Water Management Planner Coordinator
Washoe County Community Services Department
P.O. Box 11130, Reno NV 89520-0027
1001 East Ninth Street, Reno NV 89512
Telephone (775)954-4647, Fax (775)328-6133

Dear Vahid,

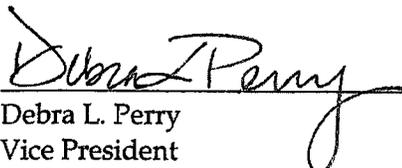
It is our understanding that Ed Davis provided you with the original Assignment of Beneficial Interest for the 1.61 acre feet of Thomas Creek Water and the original Assignment of Beneficial Interest for the 64.59 acre feet of Thomas Creek Water. These assignments are from HOF to South Reno Land Investors, LLC. It is also our understanding that HOF has provided the original assignments of these rights to HOF.

Please accept this letter as South Reno Land Investors, LLC's request to reconvey these water rights held on behalf of South Reno Land Investors, LLC to South Reno Investors, LLC at your earliest convenience.

Sincerely,

South Reno Land Investors, LLC,
a Nevada limited liability company

By: VPI 2004, Inc., a California corporation,
its manager

By: 
Debra L. Perry
Vice President

cc: Ed Davis

No APN
When recorded, return to:
South Reno Land Investors, LLC
940 Emmett Avenue, Suite 200
Belmont, CA 94002

WATER RIGHTS DEED

WASHOE COUNTY, a political subdivision of the State of Nevada, as GRANTOR, hereby conveys to **South Reno Land Investors, LLC, A Nevada Limited Liability Company** as GRANTEE, the real property consisting of water rights described as follows:

A portion of Orr Ditch Decree Claim # 719 as changed by Application 84067, consisting of 66.20 acre-feet per year along with a pro-rata share of the diversion rate.

GRANTOR:
WASHOE COUNTY
A political subdivision of the State of Nevada

By: _____
Kitty K. Jung, Chair
Washoe County Commission

Date: _____

Attest:

By: _____
Nancy Parent, County Clerk

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

On this . day of _____, 2016, before me, a Notary Public, personally appeared **Kitty K. Jung**, personally known to me to be the **Chair of the Washoe County Commission**, who acknowledged to me that she executed the foregoing document.

Notary Public
My Commission expires: _____



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AGENDA ITEM # _____



SOUTH RENO LAND INVESTORS, LLC

140 Emmett Avenue Suite 100 Belmont, CA 94002

January 4, 2016

Vahid Behmaram
Water Management Planner Coordinator
Washoe County Community Services Department
P.O. Box 11130, Reno NV 89520-0027
1001 East Ninth Street, Reno NV 89512
Telephone (775)954-4647, Fax (775)328-6133

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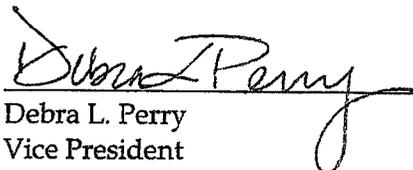
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