

APN: 538-171-08

Mail Tax Statements To:
Spanish Springs Associates Limited Partnership
c/o Robert M. Sader, Esq.
8600 Technology Way
Reno, Nevada 89521

Recording Requested By County Clerk.
When recorded, copy to Community Services Department.
Attention: Planning and Building Division

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

ORDINANCE APPROVING CANCELLATION OF A SERIES OF DEVELOPMENT AGREEMENTS ASSOCIATED WITH VARIOUS ORDINANCES THAT EXTENDED THE DEADLINES FOR FILING FINAL MAPS IN CONNECTION WITH TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-016 (HARRIS RANCH SUBDIVISION).

SUMMARY: Approves the cancellation of a series of development agreements associated with various ordinances that extended the deadlines for filing final maps in connection with tentative subdivision map case number TM05-016 (Harris Ranch Subdivision). The agreements are no longer needed and are proposed for cancellation by the developers of the applicable property because the tentative map or maps to which they correspond have since been superseded by a new tentative map or maps.

BILL NO. _____

ORDINANCE NO. _____

TITLE:

AN ORDINANCE, PURSUANT TO NRS 278.0205 AND WCC 110.814.40, TO APPROVE THE CANCELLATION OF A SERIES OF DEVELOPMENT AGREEMENTS ASSOCIATED WITH VARIOUS ORDINANCES THAT EXTENDED THE DEADLINES FOR FILING FINAL MAPS IN CONNECTION WITH

**Cancellation of Development Agreements regarding Tentative Subdivision Case Number
TM05-016 (Harris Ranch Subdivision)**

TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-016 (HARRIS RANCH SUBDIVISION). THE AGREEMENTS ARE NO LONGER NEEDED AND ARE PROPOSED FOR CANCELLATION BY THE DEVELOPERS OF THE APPLICABLE PROPERTY BECAUSE THE TENTATIVE MAP OR MAPS TO WHICH THEY CORRESPOND HAVE SINCE BEEN SUPERSEDED BY A NEW TENTATIVE MAP OR MAPS. THOSE AGREEMENTS AND ASSOCIATED ORDINANCES INCLUDE:

- 1) THAT CERTAIN AGREEMENT RECORDED ON AUGUST 16, 2007 AS DOCUMENT NO. 3566290;
- 2) THAT CERTAIN AMENDED AND RESTATED AGREEMENT RECORDED ON SEPTEMBER 28, 2010 AS DOCUMENT NO. 3926841;
- 3) THAT CERTAIN ORDINANCE APPROVING SECOND AMENDED AND RESTATED AGREEMENT (HARRIS RANCH) RECORDED ON NOVEMBER 14, 2013 AS DOCUMENT NO. 4298929;
- 4) THAT CERTAIN ORDINANCE NO. 1424 RECORDED ON SEPTEMBER 15, 2010 AS DOCUMENT NO. 3922552; AND
- 5) THAT CERTAIN ORDINANCE NO. 1335 RECORDED ON SEPTEMBER 22, 2010 AS DOCUMENT NO. 3924761.

THE APPLICANT IS SPANISH SPRINGS ASSOCIATES. THE SUBJECT SITE IS LOCATED EAST OF PYRAMID HIGHWAY (SR445), APPROXIMATELY 1200 FEET SOUTHEAST OF THE INTERSECTION OF ALAMOSA DRIVE AND PYRAMID HIGHWAY (SR445). THE PROJECT AREA IS ±554.83 ACRES IN SIZE, AND HAS A REGULATORY ZONE OF LOW DENSITY SUBURBAN (LDS). THE SITE IS LOCATED WITHIN THE SPANISH SPRINGS AREA PLAN AND IS SITUATED IN PORTIONS OF SECTIONS 22, 23, 26 & 27, T 21N, R 20E, MDM, WASHOE COUNTY, NV. (APNS: 534-600-01, 534-600-02 AND 076-290-44).

WHEREAS:

- A. A tentative subdivision map for the proposed Harris Ranch Subdivision was approved by the Washoe County Planning Commission on December 7, 2005 as TM05-016; and
- B. A Development Agreement was approved by the Board of County Commissioners in 2007 as DA07-002 extended the date for filing a final map under NRS 278.360 until December 7, 2009; and
- C. An "Amended and Restated" agreement was approved by the Board of County Commissioners in 2010 and the required date for filing the first final map was extended until December 7, 2011, with the ability to be further extended to December 7, 2013 at the

Cancellation of Development Agreements regarding Tentative Subdivision Case Number
TM05-016 (Harris Ranch Subdivision)

discretion of the Director of Community Development;
and

- D. The Director of Community Development exercised that discretion; and
- E. A "Second Amended and Restated" agreement was approved by the Board of County Commissioners in 2013 and the required date for filing the first final map was extended until December 7, 2017, with the ability to be further extended to December 7, 2019 at the discretion of the Director of Community Development; and
- C. The applicant now requests that the Board of County Commissioners (Board) consent to cancel Development Agreements and Ordinances approved and recorded as documents numbers: 3566290, 3926841, 4298929, 3922552 and 2924761, each of which extended the deadlines for filing a final map in connection with the Harris Ranch Subdivision map. The agreements are no longer needed; and
- E. The Board determines that this action is being taken under NRS 278.0205, and therefore is not a rule within the meaning of NRS 237.060;

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES HEREBY ORDAIN:

SECTION 1.

The "TERMINATION AND RELEASE" attached hereto as Exhibit A is hereby APPROVED by this ordinance. The Chairman is authorized to execute and deliver it for recording in the official records of Washoe County.

SECTION 2. General Terms.

- 1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

Cancellation of Development Agreements regarding Tentative Subdivision Case Number
TM05-016 (Harris Ranch Subdivision)

2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance and the attached agreement.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date: Termination and Release of Development Agreement regarding Tentative Subdivision Case Number TM05-016 (Harris Ranch Subdivision)

Proposed on _____ (month) _____ (day),
2018.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day),
2018.

Vote:

Ayes:

Cancellation of Development Agreements regarding Tentative Subdivision Case Number
TM05-016 (Harris Ranch Subdivision)

Nays :

Absent :

Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk

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