

Summary - An ordinance creating Washoe County, Nevada, Special Assessment District No. 7 (Mesa Park), ratifying action taken by County officers toward the creation of such District and providing other matters related thereto.

BILL NO. 858
 ORDINANCE NO. 684
 (of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK); ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK); AND PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State", respectively), deems it necessary to create Washoe County, Nevada, Special Assessment District No. 7 (Mesa Park) (the "District"), for the purpose of acquiring and constructing a Water Project (the "Project"), and to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots and premises in said District; and

WHEREAS, by a resolution passed and approved May 14, 1985 (the "provisional order resolution"), the Board declared

its determination to create the District for the purpose of acquiring and constructing the Project, stating therein the improvements, what portion of the entire expense thereof shall be paid by special assessment, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, pursuant to the provisional order resolution, the Board gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, and of the time and place of hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before said Board on Tuesday, June 11, 1985, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof, and manner of payment therefor, and as to the amount thereof to be assessed against said property; and

WHEREAS, no written or oral objections and protests were received, and the Board has determined that it is in the best interests of said District, the County, and the inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the owners of lots, tracts or parcels of land in said District representing less than half of the unit lots to be assessed of all lots, tracts or parcels of land in said District filed written or oral objections thereto; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by said Board by a resolution passed and approved on March 18, 1986; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the Board has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the Board has determined and hereby determines to delete Parcel No. 039-131-19 from the District; and

WHEREAS, the revised final estimate of cost indicates that the Preliminary Assessment Roll stated preliminary assessments and estimated maximum benefits that were lower than is necessary to proceed with the Project; and

WHEREAS, each and every property owner in the District has filed a written consent to an increase in the preliminary assessment and estimated maximum benefit from the figures listed in the preliminary assessment roll filed on May 14, 1985 to the figures listed in the revised Preliminary Assessment Roll filed on March 18, 1986;

WHEREAS, the Board and officers of said County have done all things necessary and preliminary to the creation of the District, including but not necessarily limited to the filing with the County Clerk on March 18, 1986 of an accurate estimate of cost, full and detailed and revised and final plans and specifications, revised assessment plat, and revised and final map by the Chief Sanitary Engineer (herein "Engineer"), and the said Board desires now to authorize such Project by this ordinance.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, DO ORDAIN:

Section 1. This ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 7 (Mesa Park) Creation Ordinance" (herein the "ordinance").

Section 2. The Board has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore has been by a resolution adopted and approved on March 18, 1986, overruled, and finally passed on by said Board.

Section 3. There shall be, and hereby is, created in the County an improvement district designated the "Washoe County, Nevada, Special Assessment District No. 7 (Mesa Park)" (the "District") for the purpose of acquiring the Project as more particularly described below.

Section 4. The project, which is hereby ordered to be constructed and acquired, shall be as shown on the final plans and specifications for the District filed with the County Clerk on March 18, 1986. The kind and location of the Project (without mentioning minor details) is as follows:

The Water System Construction Project is for the acquisition, construction and improvement of a potable water distribution system in a portion of the Mesa Park Subdivision recorded on April 19, 1929 in the Recorder's Office of Washoe County, Nevada and all appurtenances and incidentals necessary, useful or desirable for the distribution of potable water, including real and other property therefore; to wit:

1. Installation of an 8-inch diameter water distribution line, and attendant valving, in the LaSalle Heights right-of-way from the intersection with Mae Anne Drive westerly 1000 feet.

2. Installation of an 8-inch diameter water distribution line, and attendant valving, in the Courtney Lane right-of-way, from the intersection of Mae Anne Drive westerly 980 feet to the intersection with Eleanor Avenue.

3. Installation of an 8-inch diameter water distribution line, and attendant valving, in the Eleanor Avenue right-of-way, from the intersection with Doretta Avenue northerly 655 feet.

4. Acquisition of 23.76 acre feet of Truckee River water rights which are appurtenant to lands which lie outside of the existing Sierra Pacific Power Company service area in order to provide water for the residents of the District.

5. Installation of 1-inch service laterals from the water mains to the lot lines of each parcel in the District.

Except as shown on said preliminary plans for the District the character of such water improvements shall be described more particularly as follows:

(A) The acquisition and installation of water mains in the locations specified above, such lines to be 8-inch transite pipe, and all necessary excavations, filling, grading, and appurtenances incidental to the water main improvements.

(B) The installation of 1-inch service laterals from the water mains to the lot line of each parcel in the District, such service lines to be of polyethylene pipe.

(C) Water rights and all necessary incidentals, including valves, three fire hydrants and appurtenances thereto.

Section 5. The total cost of the Project is estimated to be \$120,000. All of such costs will be paid by the

levy of special assessments against property in the District as further described below.

Section 6. The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived and on a unit lot (i.e., a per lot) basis; provided that in the case of wedge or V or any other irregularity shaped lots, if any, the amount of the assessment levied thereagainst shall be in proportion to the benefits thereby derived, and an equitable adjustment will be made for assessments levied against any tract or parcel of land not specially benefitted so that the assessments according to the benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the Revised Preliminary Assessment Roll.

Section 7. The extent of the District, i.e., a description of the land comprising the District including the parcels to be assessed is as follows:

All that land which the improvements listed in Section 4 hereof are located and the following properties (identified by the County Assessors Parcel Numbers):

039-131-03
 039-131-29
 039-133-21
 039-133-24
 039-133-25
 039-133-26
 039-136-03
 039-136-04
 039-136-05
 039-136-06

(Deeds showing a legal description of the above parcels are on file and of record in the office of the County Clerk).

Section 8. The District shall constitute one construction unit with one construction contract.

Section 9. The Engineer is hereby authorized on behalf of the County to advertise for the doing of the work and making the improvements on behalf of the County once a week for three consecutive weeks by three weekly insertions in the Reno Gazette-Journal a daily newspaper published in the City of Reno, in the County, and of general circulation in the County. The first insertion in such newspaper shall be at least 15 days prior to the time set for acceptance of bids, and at least 14 days shall intervene between the time of the first and last publications, in such newspaper. The notice shall be in substantially the form provided by the plans and specifications. The Board will authorize the construction contract for the District by resolution.

Section 10. After the award of the contract to the lowest bidder, the Board shall determine the total cost of such work, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the Board shall provide that the assessments may be payable without interest or demand during a specific cash payment period, or at the election of the owner, or in ten substantially equal annual installments of principal. The Board shall provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The Board shall also provide the rate of interest on unpaid installments of assessments which will not exceed the lessor maximum rate of interest prescribed by statute; and if assessment bonds are issued, such rate will not exceed by more than 1% the rate of interest on the assessment bonds for the District. If bonds are not issued for the District, the Board shall by resolution

establish the rate of interest on unpaid and deferred installments of assessments.

Section 11. All action, proceedings, matters and things heretofore taken, had and done by the County, and the officers thereof (not inconsistent with the provisions of this ordinance), concerning the District, including, but not limited to, the performing of all prerequisites to the creation of said District, the acquisition of the water improvements, the advertising and award of a construction contract therefor, and the levy of assessments against the specific benefited property therein for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 12. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, 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 or resolution, or part thereof, heretofore repealed.

Section 14. In accordance with NRS 244.100, this ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the ordinance and an adequate summary of the ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general

circulation in the County, at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before the 8th day of April, 1986, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Bill for an
Ordinance)

Bill No. _____
Ordinance No. _____

Notice of Public Hearing Before
The Washoe County Board of County Commissioners

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a public hearing at the Auditorium, Washoe County Administration Building, 1205 Mill Street, Reno, Nevada, at 10:00 a.m., on Tuesday, the 8th day of April, 1986, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled:

BILL NO. _____
ORDINANCE NO. _____
(of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK); ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK), AND PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

An adequate summary of the ordinance is as follows:

The preambles of the Ordinance recite that the Board of County Commissioners deems it necessary to create Washoe County, Nevada, Special Assessment District No. 7 (Mesa Park) for the purpose of acquiring water improvements; recite that the Board declared its determination to create the District by a resolution, adopted on May 14, 1985; recite that the Board fixed a time and place, i.e., Tuesday, June 11, 1985, for a hearing on the creation of the District and provided for the giving of mailed, posted and published notice of such hearing; recite that the requisite Notice was given and that such Notice was reasonably calculated to inform the parties of the proceedings concerning the District; recite that the hearing was held, that all written and oral objections were duly considered and were found without sufficient merit and were overruled by resolution adopted on March 18, 1986; recite that the owners of tracts representing less than one-half of the area to be assessed filed such written or oral objections; recite that any person filing a written protest has the right within thirty (30) days to commence an action in any Court of competent jurisdiction to set aside the Board's determination; recite the deletion of one parcel from the District, the fact the costs for the District have increase and that each property owner in the District has consented to increases in the preliminary assessment and estimated maximum benefit; and recite that the Board and the Officers of the County have done all things necessary and preliminary to the creation of the District.

The ordaining clause is then set forth.

Sections 1 and 2 provide that the ordinance shall be designated "Special Assessment District No. 7 (Mesa Park) Creation Ordinance," and recite that the complaints, protests and objections made at the June 11, 1985 hearing have been overruled.

Sections 3 and 4 create Washoe County, Nevada, Special Assessment District No. 7 (Mesa Park), and describe the kind and location of the Water Improvements.

Sections 5, 6, and 7 provide that an estimate of the total cost to be assessed is \$120,000; provide that all of such total cost shall be paid for by the levy of special assessments; provide that the assessments will be levied on a per lot basis; and describe the extent of the District, including the area to be assessed.

Section 8 provides that the District shall constitute one construction unit, with one construction contract.

Sections 9 and 10 provide that the Chief Sanitary Engineer is authorized to advertise for the construction contract; that upon the receipt of an acceptable bid, the Board will authorize the construction contract by Resolution; that after the award of the construction contract, the Board shall levy the assessments, which may be payable without interest or demand during a cash payment period to then be specified, or in ten (10) substantially equal annual installments of principal with interest at a rate which will not exceed the maximum rate of interest prescribed by statute and if special assessment bonds are issued, will not exceed by more than one percent (1%) the rate or rates of interest on the special assessment bonds.

Sections 11, 12 and 13 ratify, approve and confirm all consistent prior action taken in connection with Special Assessment District No. 7 (Mesa Park) and the levying of special assessments against the property in the District; authorize the County officials to take any action necessary to effectuate the ordinance; and provide a repealer clause for conflicting provisions.

Section 14, 15 and 16 provide for notice by publication of the April 8, 1986 hearing on the ordinance, and for this summary of the provisions of the ordinance; provide that the ordinance shall be in effect from and after its publication for two weeks following its final adoption on

April 8, 1986; provide the form for such publication which includes the names of the Commissioners voting for and against the adoption of the ordinance; and provide a severability clause.

Copies of Bill No. _____ are on file in the office of the Washoe County Clerk at the Washoe County Courthouse, Virginia and Court Streets, Reno, Nevada, for public examination. The Board shall adopt or reject the ordinance (or the ordinance as amended) within 35 days after the date of the final public hearing.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has ordered this notice to be published.

DATED: March 18, 1986

/s/ Judi Bailey

County Clerk

(SEAL)

(End of Form for Publication)

Section 15. This ordinance shall be in effect from and after its publication as hereinafter provided, and after this ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication after final adoption of Ordinance)

BILL NO. _____
 ORDINANCE NO. _____
 (of Washoe County, Nevada)

AN ORDINANCE CREATING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK); ORDERING A WATER PROJECT WITHIN WASHOE COUNTY, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND CONSTRUCTION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 7 (MESA PARK), AND PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, Virginia and Court Streets, Reno, Nevada; and that said ordinance was proposed by Commissioner _____ on March 18, 1986, and following a public hearing passed and adopted without amendment at a regular meeting held not more than 35 days after the close of the hearing, i.e., at the regular meeting on April 8, 1986, by the following vote of the Board of County Commissioners:

Those Voting Aye:	Jim King
	James Lillard
	Gene McDowell
	Dick Ritter

Belie Williams

Those Voting Nay: _____

Those Absent: _____

This ordinance shall be in full force and effect from and after April ____, 1986, i.e., the date of the second publication of such ordinance by its title only.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only.

DATED: April 8, 1986.

/s/ Jim King
Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Judi Bailey
County Clerk

Section 16. If any section, paragraph, clause or other provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this ordinance.

Proposed on the 18th day of March, 1986.

Proposed by Commissioner McDowell.

Passed the 8th day of April, 1986.

Those Voting Aye:

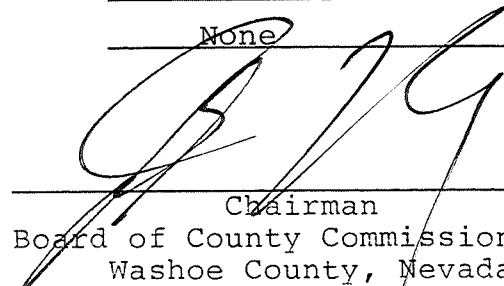
- Jim King
- James Lillard
- Gene McDowell
- Dick Ritter
- Belie Williams

Those Voting Nay:

None

Those Absent:

None



 Chairman
 Board of County Commissioners
 Washoe County, Nevada

(SEAL)

Attest:



 County Clerk

This ordinance shall be in force and effect from and after the 21st day of April, 1986, i.e., the date of the second publication of such ordinance by its title only.