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DESCRIPTION OF LEGAL ADVERTISING

Bill 960 Ord 785

349008

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● Washoe County Clerk

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MONTH

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31

January

x

x

PROOF OF PUBLICATION

STATE OF NEVADA, ss.
COUNTY OF WASHOE

Alice L. Buffaloe

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice _____ of Bill No. 960 Ord. 785

_____ of which a copy is hereto attached, was first published in said newspaper in its issue dated the 16th day of Jan., 19 90 and, Jan. 23rd.

the full period of 2 days, the last publication thereof being in the issue of Jan. 23rd. 19 90

Signed *Alice L. Buffaloe*

Subscribed and sworn to before me this

23rd day of January 19 90

Joanne F. Wessel
Notary Public



BILL NO. 960
ORDINANCE NO. 785
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); CONFIRMING THE PROCEEDINGS TAKEN IN PROVIDING FOR THE ACQUISITION OF A WATER PROJECT IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID WATER IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS AND PARCELS OF LAND BENEFITTED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

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 in the Washoe County Administration Complex, 1001 E. 9th Street, Reno, Washoe County, Nevada; and that said ordinance was proposed December 12, 1989, and passed and adopted at a meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 9, 1990, by Dianne Cornwall, Larry Beck, James Lillard, Gene McDowell, and Rene Reid.

This ordinance shall be in full force and effect from and after January 23, 1990, i.e., the date of the second publication of such ordinance by its title only.

Judi Bailey, County Clerk
349008-Bill No. 960 Ord. NO. 785
Jan 16.23-mb133

Summary: An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements), ratifying action taken by County officers and employees toward the levy of assessments, and providing other matters related thereto.

BILL NO. 960
 ORDINANCE NO. 785
 (of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); CONFIRMING THE PROCEEDINGS TAKEN IN PROVIDING FOR THE ACQUISITION OF WATER IMPROVEMENTS IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID WATER IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID WATER IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

9-06

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements) (the "District"), for the purpose of acquiring water improvements (the "Project") and has provided that a portion of the entire cost and expense of such water improvements shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the District has been created by Ordinance No. 745 adopted on June 14, 1988, under the provisions of the Consolidated Local Improvements Law; and

WHEREAS, the Board has heretofore determined that the cost and expense of the Project is to be paid in part by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all improvements in said District (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$1,291,467.19, which is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board, by a resolution duly adopted on November 14, 1989, directed the Chief Sanitary Engineer of the County (the "Engineer") to make out a preliminary assessment roll; and

WHEREAS, after determination of the portion of the costs of such work to be paid by the property specially benefited, the Board, together with the Engineer, made out an assessment roll containing, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known that the name is "unknown" a description of each lot, tract or parcel of land to be assessed, and the amount of the assessment thereon, and the Engineer has reported said assessment roll to the Board and has filed the assessment roll with the County Clerk; and

WHEREAS, the Board thereupon fixed a time and place, to-wit, Tuesday, December 12, 1989 at 9:30 a.m., at the First Floor Commissioner's Chambers, Washoe County Administration Complex, 1001 E. 9th Street, Reno, Nevada, when all complaints, protests and objections to the assessment roll, to the amount of the assessments, and to the regularity of the

proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the water improvements in said District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

WHEREAS, the Board caused said assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the County Clerk on November 14, 1989 and November 21, 1989; and the Clerk by publication and by mail gave the requisite notice of the time and place of such hearing, of the filing of the assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated the Board met to hear and determine all objections so filed or made orally by any interested party; and

WHEREAS, there were no written protests and no oral complaints, objections and protests received, each of which was duly considered; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled; provided, however, that the Board determined it was necessary to modify, correct and revise the assessment roll in certain respects; and

WHEREAS, by a resolution duly adopted this December 12, 1989 (the "Assessment Protest Resolution"), the Board so modified, corrected and revised the assessment roll and, as so modified, corrected and revised, confirmed the assessment roll to be in final form; and

WHEREAS, \$1,291,467.19, the total cost of the Project, is to be assessed against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the Board to provide when said assessments shall become due and the penalties payable after any delinquency.

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

Section 1. This ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 18 (Thomas Creek Water Improvements) Assessment Ordinance" (the "Ordinance").

Section 2. The Board has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the Board, except as provided in the Assessment Protest Resolution.

Section 3. All actions, 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 Special Assessment District No. 18, including, but not limited to, the acquisition of the water improvements and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said water improvements) and described in the assessment roll for the District, as filed in the office of the County Clerk on November 14, 1989 and November 21, 1989, and as modified and confirmed by the Assessment Protest Resolution the amounts and assessments shown in the assessment roll (as so filed, modified and confirmed).

Section 5. The assessments shall be due and payable at the office of the County Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of person interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in ten (10) substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable annually at the office of said County Treasurer

of Washoe County on January 23 in each year, commencing on January 23, 1991. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than one percent (1%) the rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before the time the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole installment of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of five percent (5%) of the principal of the deferred installments so prepaid.

Section 6. The amounts assessed as aforesaid shall be a lien upon said lots, tracts and parcels of land from the effective date of this Ordinance (i.e. January 23, 1990) until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such

amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the Board shall forthwith cause the original purchaser or purchasers of the bonds issued in connection with this Special Assessment District No. 18 (Thomas Creek Improvements) and any person, partnership and corporation hereafter designated in writing by the original purchaser or purchasers or its successors, as representatives of the owner or owners of the bonds to be hereafter authorized to be issued by ordinance (such bond ordinance to designate definitely said original purchaser or purchasers), and the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last-known address; and if such delinquency shall not be paid within 10 days after such notice shall have been given by deposit in the United States mail, then said assessment shall be enforced by the County, as provided by law with the other taxes in the general assessment roll of said County, and in the same manner. Nothing herein shall be construed as preventing the County from collecting any assessment by suit in the name of the governing body; and the assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If said foreclosure be not promptly filed and prosecuted, then any bondowner may file and prosecute said foreclosure action in the name of said County. Any bondowner may also proceed against the County to protect and enforce the rights of the bondowners under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondowner or bondowners may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondowners so to foreclose such delinquent assessments, or so to proceed against the County, or both, shall not relieve the County or any of its officers, agents or employees of any liability for its failure so to foreclose such delinquent assessments.

Section 8. The County Clerk is hereby directed to deliver to the County Assessor and County Treasurer of Washoe County a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made; and said County Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 9. The County Clerk is hereby directed to deliver to the County Recorder of Washoe County for recordation, a copy of the final assessment roll, endorsed by the Clerk as the roll designated in the assessment ordinance, together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer who has been directed by the Board to collect the Assessment.

Section 10. In accordance with NRS 271.405 (7), the County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk of the County. In accordance with NRS 271.390 (2), the County Clerk or Deputy County Clerk shall also give written notice of the levy of assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30 day period, to the owner or owners of all property upon which the assessment was levied at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the County Clerk or Deputy County Clerk and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning said District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate

statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390 (2) and NRS 271.405 (7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN WASHOE COUNTY, NEVADA
SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons that, by an ordinance duly passed, adopted, signed and approved on January 9, 1990 (the "Ordinance"), there was levied and assessed against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements)"(said lots, tracts and parcels of land being more specifically described in the assessment roll designated in said Ordinance), a portion of the cost and expense of such improvements.

Assessments are due and payable at the office of the County Treasurer of Washoe County, in Reno, Nevada, on or before February 22, 1990, being 30 days after the effective date of the Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all person interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in fifteen (15) substantially equal annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from January 23, 1990 (i.e., the effective date the Ordinance), both principal and interest being payable annually at the office of the County Treasurer of Washoe County, Reno, Nevada, on January 23, commencing on January 23, 1991. After the effective date of the Ordinance and before assessment bonds are issued (or if bonds are not issued), the Board shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than one percent

(1%) the rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether of principal or interest, when due will cause the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether the County's option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any annual installment of the unpaid principal with interest accruing thereon to the next interest payment date and the payment of a penalty for such prepayment of five percent (5%) of the installment or installments of principal so prepaid. The Board has established by the Ordinance a prepayment penalty or premium of five percent (5%) of the principal of deferred installments so prepaid.

Pursuant to NRS 271.395, within the 15 days immediately succeeding the effective date of the Ordinance, any person who has filed a complaint, protest or objection in writing shall have the right to commence an action or suits in any court of competent jurisdiction to correct or set aside such determination. Thereafter all actions or suits attacking the regularity, validity and correctness of the proceedings, of the assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation, shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from January 23, 1990 (i.e., the effective date of the assessment ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of

assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this January 9, 1990.

/s/ Judi Bailey
County Clerk

*Amount of Assessment \$ _____

*Description of property assessed _____

(*Included in mailed, not published, notice.)

(End of Form of Notice)

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 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 ten (10) days before the date set for such hearing, i.e., at least ten (10) days before the 9th day of January, 1990, such publication to be in substantially the following form:

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

Bill No. 960
Ordinance No. _____
(of Washoe County, Nevada)

**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 First Floor Commissioner's Chambers, Washoe County Administration Complex, 1001 E. 9th Street, in Reno, Washoe County, Nevada at 9:30 o'clock a.m., on 9th day of January, 1990, 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:

**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA,
SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK
WATER IMPROVEMENTS); CONFIRMING THE PROCEEDINGS
TAKEN IN PROVIDING FOR THE ACQUISITION OF A WATER
PROJECT IN WASHOE COUNTY, NEVADA, SPECIAL
ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER
IMPROVEMENTS); PROVIDING FOR THE PAYMENT OF THE
COSTS AND EXPENSES OF SAID WATER IMPROVEMENTS;
ASSESSING A PORTION OF THE COST OF SAID WATER
IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS
AND PARCELS OF LAND BENEFITED BY SAID
IMPROVEMENTS; DESCRIBING THE MANNER FOR THE
COLLECTION AND PAYMENT OF SAID ASSESSMENTS;**

PROVIDING PENALTY FOR DELINQUENT PAYMENTS;
RATIFYING, APPROVING AND CONFIRMING ALL ACTION
PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION
OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT
DISTRICT NO. 18 (THOMAS CREEK WATER
IMPROVEMENTS); PRESCRIBING DETAILS IN CONNECTION
THEREWITH AND OTHER MATTERS RELATING THERETO;
AND PROVIDING THE EFFECTIVE DATE HEREOF.

An adequate summary of the ordinance is as follows:

The preambles of the ordinance recite that the Board of County Commissioners has previously created Washoe County, Nevada Special Assessment District No. 18 (Thomas Creek Water Improvements) for the purpose of acquiring water improvements in a water project; that the County has determined that the total cost of the project is \$1,291,467.19, which will be assessed; recite that after determining the total cost to be assessed, that the Chief Sanitary Engineer of the County has prepared an assessment roll which was filed with the County Clerk; recite that the Board fixed a time and place, i.e., December 12, 1989 for a hearing on the assessments and provided for the giving of mailed and published notice of such hearing; recite that the hearing was held, that all written and oral objections were without sufficient merit and were overruled; recite that the assessment roll was confirmed by resolution adopted on December 12, 1989; and recite that the assessments do not exceed the benefits to the property assessed.

The ordaining clause is then set forth.

Section 1. Provides that the ordinance shall be designated "Special Assessment District No. 18 (Thomas Creek Water Improvements) Assessment Ordinance."

Section 2. Dispenses with complaints, protests and objections made at the December 12, 1989, hearing.

Section 3. Ratified, approves and confirms all consistent prior action taken in connection with Special Assessment District No. 18 (Thomas Creek Water Improvements) and the levying of special assessments against the property in the District.

Section 4. Levies assessments against all specially benefited property in Special Assessment District No. 18 (Thomas Creek Water Improvements) as set forth in the assessment roll filed with the County Clerk on November 14, 1989 and November 21, 1989, except as modified by the December 12, 1989, resolution.

Section 5. Provides for the time and conditions for the payment of the assessments including, but not necessarily limited to, provisions for the payment of the assessments without interest during a 30-day period, for the election to pay the assessments in 10 substantially equal annual installments of principal with interest, for the option to accelerate the payment of principal in the case of failure to pay any installment of principal or interest, for the payment of 2% per month (or higher) penalty interest and other penalties, for the restoration of the right to pay in installments on certain payments being made before date of sale, for the prepayment of any assessment in part or in full at anytime under specified conditions, provides for a prepayment penalty of 5%, provides for the interest rate on the assessment installments to be established by a resolution of the Board to be adopted following the sale of the bonds for the District.

Section 6. Provides that the amounts assessed shall constitute a lien on the lots, tract and parcels of land in the District co-equal of that with general taxes and prior and superior to all other liens, claims, encumbrances and titles and that the lien shall survive other foreclosure sales.

Section 7. Provides for mailed notice to a representative of the original purchasers of the bonds of the District and to the owner of any delinquent property in case of delinquency in assessment payments; provides for the duty of the Board to foreclose such lien, as provided by law, if the assessment is not paid within 10 days after such notice; provides for the Board to collect any assessment by suit in the name of the County; provides for any bondowner to enforce said lien in the name of the County or to proceed against the County to enforce the rights of bondowners under the ordinance; provides that any such proceeding shall be for the equal benefit of all owners of the then outstanding bonds; and provides that the failure of any bondowner to

foreclose any assessment or to proceed against the County or both shall not relieve the County or any of its officers of any liability for its failure to foreclose such assessments.

Section 8. Directs the County Clerk to deliver the assessment roll to the County Assessor and the County Treasurer and directs the County Treasurer to collect the assessments.

Section 9. Directs the County Clerk to deliver to the County Recorder for recordation, the assessment roll together with a statement that the current payment status of any of the assessments may be obtained from the County Treasurer.

Section 10. Directs the County Clerk to give notice by publication and by mail to each owner of the property which has been assessed stating that the assessments have been levied and are due and payable and stating the last date for their payment; provides that proof of publication and proof of mailing shall be maintained in the permanent records of the County Clerk until all assessments have been paid; recites that the Board has determined that the manner of giving notice by publication and by mail is reasonably calculated to inform interested parties of the proceedings concerning the District and levy of the assessments.

Section 11. Specifies the form of the notice to property owners of the levy of assessments for improvements in Washoe County, Nevada, Special Assessment District No. 18 (Thomas Creek Water Improvements).

Section 12. Authorizes the County officials to take any action necessary to effectuate the ordinance.

Section 13. Provides a repealer clause for conflicting provisions.

Section 14. Provides for notice by publication of the January 9, 1990 hearing on the ordinance and provides for this summary of provisions.

Section 15. Provides that the ordinance shall be in effect from and after its publication for two weeks following its final adoption on January 9, 1990; and provides the form for such publication which includes the names of the Commissioners voting for and against the adoption of the ordinance.

Section 16. Provides a severability clause.

Copies of Bill No. 960 are on file in the office of the County Clerk in the Washoe County Administration Complex, 1001 E. 9th Street, Reno, Washoe County, 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, Washoe County, Nevada, has caused this notice to be published this 12th day of December, 1989.

/s/ Judi Bailey
County Clerk
and Ex-Officio Clerk of the
Board of County Commissioners

(SEAL)

(End of Form of Notice)

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 the 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)

BILL NO. 960

ORDINANCE NO. 785

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); CONFIRMING THE PROCEEDINGS TAKEN IN PROVIDING FOR THE ACQUISITION OF A WATER PROJECT IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID WATER IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING PENALTY FOR DELINQUENT PAYMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION OF WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 18 (THOMAS CREEK WATER IMPROVEMENTS); PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

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 in the Washoe County Administration Complex, 1001 E. 9th Street, Reno, Washoe County, Nevada; and that said ordinance was proposed December 12, 1989, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on January 9, 1990, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Dianne Cornwall

Larry Beck

James Lillard

Gene McDowell

Rene Reid

Those Voting Nay:

Those Absent and Not Voting:

This ordinance shall be in full force and effect from and after January 23, 1990, 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 this January 9, 1990.

/s/ LARRY Beck, Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Judi Bailey
County Clerk

(End of Form of Publication)

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 December 12, 1989.

Proposed by Commissioner Beck.


Passed on January 9, 1990.

Ayes:

Dianne Cornwall
Larry Beck
James Lillard
Gene McDowell
Rene Reid

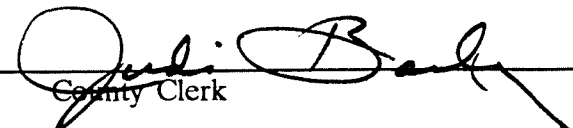
Nays:

Absent:


Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:


County Clerk

This Ordinance shall be in force and effect from and after January 23, 1990, i.e., the date of the second publication of such Ordinance by its title only.