

Summary - An ordinance amending the assessment ordinance adopted January 22, 1991, for Special Assessment District No. 9 (Southwest Truckee Meadows).

BILL NO. 1016

ORDINANCE NO. 841
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 9 (SOUTHWEST TRUCKEE MEADOWS); AMENDING THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE AMENDED ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein "Board") of the County of Washoe (herein "County") in the State of Nevada, created the Washoe County, Nevada, Special Assessment District No. 9 (Southwest Truckee Meadows) (herein "District"), and ordered the acquisition of a street improvement project, sanitary sewer projects and a water improvement project for the District (the "Project"); and

WHEREAS, the Board determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Board has levied assessments against the property benefited by the improvements in the District; and

WHEREAS, pursuant to Section 4 of the ordinance identified in Section 1 thereof as the "District No. 9 Bond Ordinance" adopted March 12, 1991, the Board reserved the right to change the assessments against APN Nos. 49-352-01, 49-300-14, 49-300-20, 49-

300-21, 49-300-42, 49-300-43, 49-300-01, 49-300-13, 49-300-36, 49-300-38, 49-300-39, 49-300-40 and 49-300-41 so long as the aggregate total amount assessed against all of these parcels is not changed; and

WHEREAS, the owners of parcels 49-300-20, 49-300-21, 49-300-42, 49-300-43, 49-300-39, 49-300-38, 49-300-40, and 49-300-41 (the "Parcels") desire to change the assessments on the Parcels without changing the aggregate total amount assessed against the Parcels and have so documented this desire by executing an Affidavit of Waiver and Consent (the "Affidavit"), a copy of which Affidavit is attached hereto as Exhibit 1 and incorporated herein by this reference; and

WHEREAS, the owners of the Parcels have knowingly and voluntarily waived in the Affidavit their rights to the giving of notice and agree that the Parcels be bound and be subject to an assessment lien as thoroughly and effectively as if all action, proceedings, notice, matters and things had been taken and done free from irregularities as if their desired change in assessments were the original assessments for the Parcels in the assessment roll for the District.

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 "Amendment to the Special Assessment District No. 9 Assessment Ordinance" (the "Ordinance").

Section 2. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this ordinance) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The Board hereby concludes that it is necessary and equitable to amend and revise the assessment roll as follows:

<u>Parcel Number</u>	<u>Owners</u>	<u>Revised Amount of Final Assessment</u>
49-300-20	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 0.00
49-300-21	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 0.00
49-300-42	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 0.00
49-300-43	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 0.00
49-300-39	Filiberto & Karen Ferroni Co-Trs	\$ 83,555.83
49-300-38	Filiberto & Karen Ferroni Co-Trs	\$ 317,220.80
49-300-40	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 444,479.54
49-300-41	Charles E. Springer, Executor, Estate of John Shaw Field	\$ 331,073.22

(the "amended assessments").

Section 4. The Board hereby determines that the amended assessments do not exceed the amount of the estimate of maximum special benefits nor the reasonable market value of the Parcels either individually or collectively.

Section 5. Due to the amended assessments, Sections 2 and 4 of the ordinance adopted January 22, 1991 and cited therein as the "Special Assessment District No. 9 Assessment Ordinance", are amended to read as follows:

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 by the modifications, corrections and revisions, if any, set forth in the Special Assessment District No. 9 Assessment Protest

Resolution or in the Amendment to the Special Assessment District No. 9 Assessment Ordinance adopted February 25, 1992.

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 benefitted by said improvements) and described in the assessment roll for the District, as filed in the office of the County Clerk on November 27, 1990, and as modified and confirmed by the Special Assessment District No. 9 Assessment Protest Resolution duly adopted by said Board on January 8, 1991, and as amended and confirmed by the Amendment to the Special Assessment District No. 9 Assessment Ordinance duly adopted by the Board on February 25, 1992, the amounts and assessments shown in the assessment roll (as so filed, modified, amended and confirmed).

Section 6. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Chief Sanitary Engineer, and filed in the records of the office of the County Clerk on November 27, 1990, as modified by ordinance adopted January 22, 1991, and as hereinabove amended and revised.

Section 7. The County Clerk is hereby directed to deliver to the County Recorder, the County Assessor and the County Treasurer of Washoe County a copy of the amended assessments. The County Recorder is authorized and directed to record the amended assessments in the office of the County Recorder, and the County Treasurer is hereby directed to collect the several sums so assessed as a tax upon the several tracts whose assessment has been amended.

Section 8. 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 amended assessments for the District.

Section 9. This Ordinance does not reopen the 30 day period during which cash payments of assessments may be made without interest, as outlined at NRS 271.405, nor

the 15 day period during which appeals from adverse assessment determinations may be made, pursuant to NRS 271.395, for either the assessments effected or not effected by this amendment.

Section 10. 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 11. 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 25th day of February, 1992, 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. _____

(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 Administration Complex, 1001 East Ninth Street, Reno, Washoe County, Nevada at 9:³~~0~~ o'clock a.m., on the 25th day of February, 1992, 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 CONCERNING WASHOE COUNTY, NEVADA,
SPECIAL ASSESSMENT DISTRICT NO. 9 (SOUTHWEST
TRUCKEE MEADOWS); AMENDING THE ASSESSMENT
ROLL; VALIDATING AND CONFIRMING THE AMENDED
ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN
CONNECTION THEREWITH; RATIFYING ALL ACTION
TAKEN CONSISTENT WITH THE PROVISIONS HEREOF;
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 (the "Board") has previously created Washoe County, Nevada, Special Assessment District No. 9 (Southwest Truckee Meadows) (the "District") for the purpose of acquiring street, sanitary sewer and water improvements in a street, sanitary sewer and water project; that the Board has levied assessments against the property benefited by the improvements in the District; that pursuant to Section 4 of the District No. 9 Bond Ordinance adopted March 12, 1991, the Board reserved the right to change the assessments against APN Nos. 49-352-01, 49-300-14, 49-300-20, 49-300-21, 49-300-42, 49-300-43, 49-300-01, 49-300-13, 49-300-36, 49-300-38, 49-300-39, 49-300-40 and 49-300-41 so long as the aggregate total amount assessed against all of these parcels is not changed; that the owners of parcels 49-300-20, 49-300-21, 49-300-42, 49-300-43, 49-300-39, 49-300-38, 49-300-40, and 49-300-41 (the "Parcels") have documented their desire to change the assessments to the Parcels; that the owners of the Parcels have waived their right to all proceedings and notice relative to this amendment.

The ordaining clause is then set forth.

Section 1. Provides that the ordinance shall be designated "Amendment to the Special Assessment District No. 9 Assessment Ordinance."

Section 2. Ratified, approves and confirms all consistent prior action taken in connection with Special Assessment District.

Section 3. Amends and revises the assessment roll as to the Parcels (the "amended assessments").

Section 4. Determines that the amended assessments do not exceed the estimate of maximum special benefits or the reasonable market value of the Parcels.

Section 5. Restates Sections 2 and 4 to the Special Assessment District No 9 Assessment Ordinance adopted by the Board on January 22, 1991.

Section 6. Validates and confirms the assessment roll as amended and revised.

Section 7. Directs the County Clerk to deliver the amended assessments to the County Recorder, the County Assessor and the County Treasurer, provides for recording the amended assessments, and directs the County Treasurer to collect the amended assessments.

Section 8. Authorizes the County officials to take any action necessary to effectuate the ordinance.

Section 9. States that the Ordinance does not reopen the 30 day cash payment period, outlined at NRS 271.405, nor the 15 day appeal period described at NRS 271.395.

Section 10. Provides a repealer clause for conflicting provisions.

Section 11. Provides for notice by publication of the February 25, 1992 hearing on the ordinance and provides for this summary of provisions.

Section 12. Provides that the ordinance shall be in effect from and after its publication for two weeks following its final adoption on February 25, 1992; and provides the form for such publication which includes the names of the Commissioners voting for and against the adoption of the ordinance.

Section 13. Provides a severability clause.

Copies of Bill No. 1016 are on file in the office of the County Clerk in the Washoe County Courthouse, 75 East Court 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 11th day of February 1992.

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

(SEAL)

(End of Form of Notice)

Section 12. 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. ___

ORDINANCE NO. ___

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 9 (SOUTHWEST TRUCKEE MEADOWS); AMENDING THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE AMENDED ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; 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 Courthouse, 75 East Court Street, Reno, Washoe County, Nevada; and that said ordinance was proposed February 11, 1992, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on February 25, 1992, by the following vote of the Board of County Commissioners:

Those Voting Aye:

- Gene McDowell
- Larry Beck
- Dianne Cornwall
- Tina Leighton
- Rene Reid

Those Voting Nay:

Those Absent and Not Voting: _____

This ordinance shall be in full force and effect from and after March 9, 1992, 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 February 25, 1992.

/s/ Gene McDowell
Board of County Commissioners
Washoe County, Nevada

(SEAL)

Attest:

/s/ Judi Bailey
County Clerk

(End of Form of Publication)

Section 13. 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 February 11, 1992.

Proposed by Commissioner Cornwall.

Passed on February 25, 1992.

Ayes:

Gene McDowell

Larry Beck

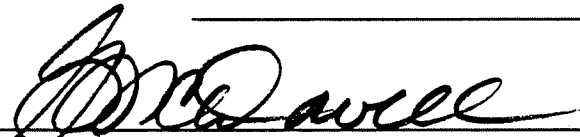
Dianne Cornwall

Tina Leighton

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 March 9, 1992, i.e., the date of the second publication of such Ordinance by its title only.