

SUMMARY: Amends a development agreement with Trust Company of America regarding the "Rabbit Ridge" project to extend the termination date and deadlines for filing final subdivision maps for approved tentative maps PM 06-036, PM06-037, PM06-033 and require that final maps be submitted not later than two years from the effective date of this ordinance.

BILL NO. 1653

ORDINANCE NO. 1472

AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 APPROVING AMENDMENT OF CONDITIONS CASE NO. AC 11-005, TO AMEND DEVELOPMENT AGREEMENT CASE NUMBER DA 06-005 FOR TRUST COMPANY OF AMERICA. THE PROPOSED AMENDMENT OF CONDITIONS WILL EXTEND THE DEADLINE FOR FILING A FINAL MAP FOR TENTATIVE PARCEL MAP CASE NO'S PM06-031, PM06-032, AND PM06-033 FOR TWO YEARS FROM THE DATE OF THE SIGNING BY THE CHAIR OF THE WASHOE COUNTY COMMISSION.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DOES ORDAIN:

SECTION 1 Recitals

WHEREAS:

A. In July of 2008, Washoe County and the Trust Company of America, a Colorado Corporation for the benefit of Eric Maurice Roberts and Constance Louise Roberts (the "Owner"), entered into a Development Agreement regarding the development of property described therein (the "Property") and generally referred to as the "Rabbit Ridge," (the "Project") and such Development Agreement was approved by county ordinance on July 8, 2008 (Bill No. 1560, Ordinance 1381), and recorded as Document Number 3675054 on August 1, 2008 (the "Development Agreement").

B. On or about September 14, 2006, three tentative parcel maps (PM 06-031, PM06-032, and PM06-033 - as attached to the Development Agreement) regarding the Project were approved by the Washoe County Parcel Map Review Committee, with conditions, and, among other things,

the Development Agreement intended to extend the deadline for filing final parcel maps.

C. Under paragraph 9.1, the term of the Development Agreement commenced on July 8, 2008 and ends three years thereafter, but the Owner may apply for a two-year extension and that the Board of County Commissioners may grant the extension provided that the laws and regulations existing at the time of the extension shall thereafter govern the Property, the Project, the Maps and the Development Agreement.

D. Owner has applied for a two year extension, and the Board desires to amend the Development Agreement as allowed by NRS 278.0205 and WCC 110.814.40.

NOW THEREFORE,

SECTION 2 **Findings**

The Board finds:

1. That in connection with a review of the Development Agreement as required by WCC 110.814.35 the Director of the Community Development Department has reported to this Commission that the Owner has demonstrated good faith compliance with the terms of the Development Agreement;

2. That the Project and Development Agreement, as amended herein, remain consistent with the Master Plan and the Warm Springs Specific Plan;

3. That the Development Agreement, as amended herein:

a. remains in the best interests of Washoe County since this Board's approval and the Parcel Map Review Committee's recommendation of approval of the Tentative Parcel Map Case Numbers PM06-031, PM06-032, and PM06-033;

b. continues to promote the public interest and welfare of the County by enabling good development to continue through the process being established; and

c. the terms and conditions in the Development Agreement are sufficient to protect the interest of the

public, residents and owners of the land subject to the Development Agreement in the Warm Springs Specific Plan.

4. Notice of intent to adopt this amendment was published in accordance with WCC 110.814.40(a).

5. This Ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

SECTION 3
Agreement.

Approval of First Amendment to Development
The following amendment is hereby approved.



First Amendment
to Development Agreement between Washoe County and
the Trust Company of America
(Rabbit Ridge Project)

This Agreement is by and between the following parties and concerns the following described property:

County Washoe County, a political subdivision of the state of Nevada
1001 East Ninth Street
Reno, Nevada 89512

Owner Trust Company of America, a Colorado corporation
for the benefit of Eric Maurice Roberts and Constance Louise
Roberts
c/o Eric and Constance Roberts
300 Livorna Heights Road
Alamo, CA 94507

Property All that real property situated in the County of Washoe, State of Nevada, bounded and described as follows: All that portion of the Northeast ¼ of Northeast ¼, Section 21, Township 22 North, Range 21 East, Mount Diablo Base and Meridian in the County of Washoe, State of Nevada, described as follows:

PARCEL 1

Parcel 21-2-1-4 as shown on Record of Survey Map filed in the office of the Washoe County Recorder, Washoe County, Nevada on October 29, 1975 under File No. 383413

and Division of Land Map filed in the office of the Washoe County Recorder, Washoe County, Nevada under File No. 383418.

PARCEL 2

An easement for ingress and egress to the Palomino Valley General Improvement District as set forth in a document recorded October 29, 1975 in Book 927, Official Records, Page 368, Washoe County, Nevada.

Recitals

WHEREAS:

A. In July of 2008, Washoe County and the Trust Company of America, a Colorado Corporation for the benefit of Eric Maurice Roberts and Constance Louise Roberts (the “**Owner**”), entered into a Development Agreement regarding the development of property described therein (the “**Property**”) and generally referred to as the “**Rabbit Ridge**,” (the “**Project**”) and such Development Agreement was approved by county ordinance on July 8, 2008 (Bill No. 1560, Ordinance 1381), and recorded as Document Number 3675054 on August 1, 2008 (the “**Development Agreement**”).

B. On or about September 14, 2006, three tentative parcel maps (PM 06-031, PM06-032, and PM06-033 – as attached to the Development Agreement) regarding the Project were approved by the Washoe County Parcel Map Review Committee, with conditions, and, among other things, the Development Agreement intended to extend the deadline for filing final parcel maps.

C. Under paragraph 9.1, the term of the Development Agreement commenced on July 8, 2008 and ends three years thereafter, but the Owner may apply for a two-year extension and that the Board of County Commissioners may grant the extension provided that the laws and regulations existing at the time of the extension shall thereafter govern the Property, the Project, the Maps and the Development Agreement.

D. Owner has applied for a two year extension, and the Board of County Commissioners of Washoe County desires to amend the Development Agreement as allowed by NRS 278.0205 and WCC 110.814.40.

NOW THEREFORE, in exchange for the mutual covenants and benefits contained in or appurtenant to this Agreement, the parties agree as follows.

Art 1 FIRST AMENDMENT TO DEVELOPMENT AGREEMENT

§A1.01 General

The Development Agreement is hereby amended and modified in all relevant places to accomplish the intents and effects stated herein. This Amendment No. 1 becomes effective only when executed by all the parties. All other provisions in the Development Agreement remain in full force and effect as herein amended.

§A1.02 Extension of Expiration Date and Date to File Final Maps.

1. The Development Agreement is hereby amended in paragraph 9.1 and all other relevant places to provide that it expires two years from the date that this ordinance is approved *provided that* all the law and regulations existing at the time this ordinance is approved shall hereafter govern the Property, the Project, the Maps and the Development Agreement.

2. Owner may file final parcel maps for PM06-031, PM06-032, and PM06-033 at any time during the term of the Development Agreement, as extended.

3. This amendment does not constitute or imply a waiver of any obligation under or any breach of the Development Agreement.

§A1.03 Property Description. The Development Agreement is hereby amended to provide that it applies to the Property described above.

EXECUTED ON THE DATES INDICATED

Owner

TRUST COMPANY OF AMERICA, a Colorado Corporation, for the benefit of Eric Maurice Roberts and Constance Louise Roberts

By _____



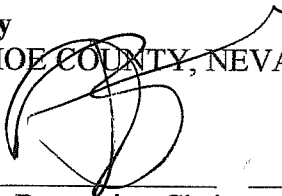
Date _____

9/23/2011

County

WASHOE COUNTY, NEVADA, a political subdivision of the State of Nevada

By _____



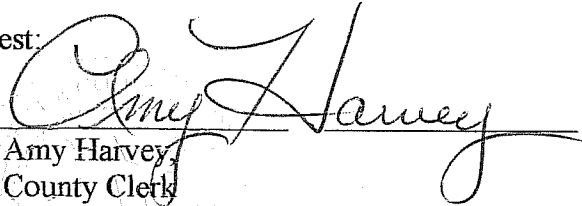
John Breternitz, Chairman
Board of County Commissioners

Date _____

9/27/11

Attest:

By _____



Amy Harvey,
County Clerk

Date _____

9.27.11

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SECTION 4

General Terms.

1. This Ordinance and the original executed Amendment to the Development Amendment shall be recorded in the Official Records of Washoe County.
2. 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.
3. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limitation to the generality of the foregoing, the preparation and execution of all necessary documents, legal proceedings and other items necessary or desirable for governance of the Project as provided in the Development Agreement. The County Clerk is authorized to make non-substantive edits and corrections to this Ordinance and the Development Agreement.
4. 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.
5. 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 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 weeks by two insertions as required by NRS 244.100 and any other enabling laws.
6. 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.

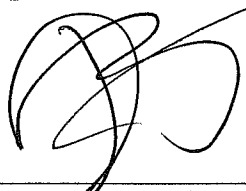
Passage and Effective Date

This Ordinance was proposed on 9/13/11 by  
Commissioner Jung.

This Ordinance was passed on 9/27/11.

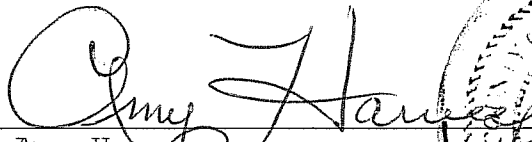
Those voting "aye" were Breternitz, Weber, Jung, Humli & Larkin.  
Those voting "nay" were \_\_\_\_\_.  
Those absent were \_\_\_\_\_.  
Those abstaining were \_\_\_\_\_.

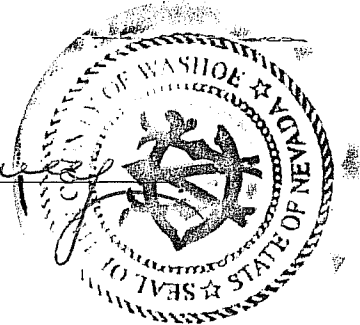
This Ordinance shall be in force and effect immediately upon the date of the second publication of such ordinance as required by NRS 244.100.



John Breternitz, Chairman  
Board of County Commissioners  
Washoe, County, Nevada

ATTEST:

  
Amy Harvey  
County Clerk



STATE OF NEVADA            )  
                                          )  
COUNTY OF WASHOE        )    Acknowledgement in Representative  
                                          )    Capacity (NRS 240.1665)

WASHOE COUNTY  
COMPTROLLER

2011 OCT 12 AM 9:58

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STATE OF NEVADA  
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **09/30/2011 - 10/07/2011**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed:

*Jeff Montemayor*  
OCT 07 2011

 STACEY GOMES  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
No: 09-10505-2 - Expires July 22, 2013

*Stacey Gomes*

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1472 BILL NO. 1653 An ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case No. AC 11-005, to amend Development Agreement Case Number DA 06-005 for Trust Company of America. The proposed amendment of conditions will extend the deadline for filing a final map for Tentative Parcel Map Case No's PM06-031, PM06-032, and PM06-033 for two years from the date of the signing by the chair of the Washoe County Commission. (Bill 1653) PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled Ordinance are available for public inspection and distribution at the office of the County Clerk of Washoe County, at her office in the County Courthouse, 75 Court Street, Reno, Nevada, and that such Ordinance was proposed by Commissioner Jung on September 13, 2011, and was passed and adopted at a regular meeting held on September 27, 2011, by the following vote of the Board of County Commissioners: Those Voting Aye: John Breternitz, Kitty Jung, Robert M. Larkin, Bonnie Weber, and David Humke Those Voting Nay: None Those Absent: None Those Abstaining: None This Ordinance shall be in full force and effect from and after October 7, 2011, 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 28th day of September, 2011. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 764607 Sep. 30, Oct. 7, 2011