

DOC # 4800686

03/30/2018 10:43:14 AM

Requested By

WASHOE COUNTY CSD

Washoe County Recorder

Lawrence R. Burtness - Recorder

Fee: \$0.00 RPTT: \$0.00

Page 1 of 6



APN: 538-171-08

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

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

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

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

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by the developers of the applicable property because the tentative map or maps to which they correspond have since been superseded by a new tentative map or maps.

BILL NO. 1799

ORDINANCE NO. 1613

TITLE:

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

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

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BY THE DEVELOPERS OF THE APPLICABLE PROPERTY BECAUSE THE TENTATIVE MAP OR MAPS TO WHICH THEY CORRESPOND HAVE SINCE BEEN SUPERSEDED BY A NEW TENTATIVE MAP OR MAPS.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

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

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

WHEREAS :

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

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

discretion of the Director of Community Development;  
and

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

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

SECTION 1.

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

SECTION 2. General Terms.

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

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

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

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

Proposed on March (month) 13 (day), 2018.

Proposed by Commissioner Hartung.

Passed on March (month) 27 (day), 2018.

Vote:

Ayes: Marsha Berkbigler, Kitty Jung, Bob Lucey and Vaughn Hartung

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

Nays: none.

Absent: Jeanne Herman

Marsha Berkbigler  
Marsha Berkbigler, Chair  
Washoe County Commission

ATTEST:

Nancy L. Parent  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after  
the 6<sup>th</sup> day of the month of April of the year 2018.



## WASHOE COUNTY RECORDER

OFFICE OF THE COUNTY RECORDER  
LAWRENCE R. BURTNES, RECORDER

1001 E. NINTH STREET  
POST OFFICE BOX 11130  
RENO, NEVADA 89520-0027  
PHONE (775) 328-3661  
FAX (775) 325-8010

### LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

Kathleen Emerson

Signature

March 30, 2018

Date

Kathleen Emerson

Printed Name

DOC # 4800687

03/30/2018 10:43:14 AM

Requested By  
WASHOE COUNTY CSD  
Washoe County Recorder  
Lawrence R. Burtness - Recorder  
Fee: \$0.00 RPTT: \$0.00  
Page 1 of 4



WHEN RECORDED, RETURN TO:

Exhibit A

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

APNs: 534-600-01 and 02  
076-290-44

Escrow No.: 081214 - PAH

Recorder Affirmation Statement: The undersigned hereby affirms that this document, including any exhibit hereby submitted for recording, does not contain the social security number of any person or persons (per NRS 239B.030)(2)).

TERMINATION AND RELEASE

The undersigned are the parties to the following documents, recorded in the office of the Recorder of Washoe County, Nevada:

- that certain Agreement recorded on August 16, 2007 as Document No. 3566290;
- that certain Amended And Restated Agreement recorded on September 28, 2010 as Document No. 3926841;
- that certain Ordinance Approving Second Amended and Restated Agreement (Harris Ranch) recorded on November 14, 2013 as Document No. 4298929;
- that certain Ordinance No. 1424 recorded on September 15, 2010 as Document No. 3922552;
- that certain Ordinance No. 1335 recorded on September 22, 2010 as Document No. 3924761; and
- that certain Agreement recorded on August 16, 2007 as Document No. 3566290.

The undersigned parties agree that said documents are terminated and all lien, charge and encumbrance of said documents against the real property therein described is hereby released, cancelled and terminated.

SPANISH SPRINGS ASSOCIATES  
LIMITED PARTNERSHIP, a Nevada  
limited partnership

By: Hawco Development Company, General  
Partner

By: \_\_\_\_\_  
Jesse Haw, President

THE COUNTY OF WASHOE, a  
political subdivision of the State of  
Nevada, by and through its Board of  
County Commissioners

By:   
Marsha Berkbigler, Chair

STATE OF NEVADA )

)ss.

COUNTY OF WASHOE )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by JESSE HAW, President of Hawco Development Company, General Partner of Spanish Springs Associates Limited Partnership, a Nevada limited partnership.

\_\_\_\_\_

Notary

STATE OF NEVADA )

)ss.

COUNTY OF WASHOE )

This instrument was acknowledged before me on March 27, 2018, by MARSHA BERKBIGLER, Chair of Washoe County Board of County Commissioners.



Nancy L. Parent

Notary



WHEN RECORDED, RETURN TO:

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

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LIMITED PARTNERSHIP, a Nevada  
limited partnership

THE COUNTY OF WASHOE, a  
political subdivision of the State of  
Nevada, by and through its Board of  
County Commissioners

By: Hawco Development Company, General  
Partner

By: Robert M. Sader  
Robert M. Sader, Secretary

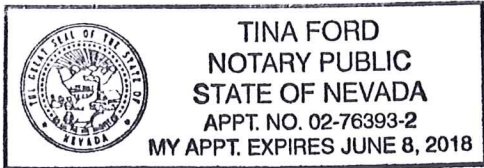
By: \_\_\_\_\_  
Marsha Berkbigler, Chairperson

Date: 3/28/18

Date: \_\_\_\_\_

STATE OF NEVADA            )  
  )ss.  
COUNTY OF WASHOE        )

This instrument was acknowledged before me on March 28, 2018, by ROBERT M. SADER, Secretary of Hawco Development Company, General Partner of Spanish Springs Associates Limited Partnership, a Nevada limited partnership.



Tina Ford  
Notary

STATE OF NEVADA            )  
  )ss.  
COUNTY OF WASHOE        )

This instrument was acknowledged before me on \_\_\_\_\_, 2018, by MARSHA BERKBIGLER, Chairperson of Washoe County Board of County Commissioners.

\_\_\_\_\_  
Notary

**PROOF OF  
PUBLICATION**

**STATE OF WISCONSIN SS.  
COUNTY OF BROWN**

WASHOE CO  
1001 E 9TH ST

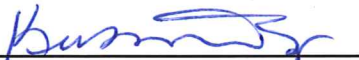
RENO NV 89512

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 date: 03/30/2018 - 04/06/2018, for exact publication dates please see last line of Proof of Publication below.

03/30/18, 04/06/18

  
\_\_\_\_\_  
Legal Clerk

Subscribed and sworn before me this  
6th of April 2018.

  
\_\_\_\_\_  
NOTARY PUBLIC RESIDING  
AT STATE OF WISCONSIN  
COUNTY OF BROWN

Notary Expires: 3/20/2022

Ad#:0002827260  
P O :  
# of Affidavits : 000



**NOTICE OF ADOPTION  
WASHOE COUNTY ORDINANCE NO. 1613  
BILL NO. 1799**

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 Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 13, 2018 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on March 27, 2018 by the following vote of the Board of County Commissioners:

AN ORDINANCE, PURSUANT TO NRS 278.0205 AND WCC 110.814.40, TO APPROVE THE CANCELLATION OF A SERIES OF DEVELOPMENT AGREEMENTS ASSOCIATED WITH VARIOUS ORDINANCES THAT EXTENDED THE DEADLINES FOR FILING FINAL MAPS IN CONNECTION WITH TENTATIVE SUBDIVISION MAP CASE NUMBER TM05-016 (HARRIS RANCH SUBDIVISION). THE AGREEMENTS ARE NO LONGER NEEDED AND ARE PROPOSED FOR CANCELLATION BY THE DEVELOPERS OF THE APPLICABLE PROPERTY BECAUSE THE TENTATIVE MAP OR MAPS TO WHICH THEY CORRESPOND HAVE SINCE BEEN SUPERSEDED BY A NEW TENTATIVE MAP OR MAPS. THOSE AGREEMENTS AND ASSOCIATED ORDINANCES INCLUDE:

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Those Voting Aye: Marsha Berkbigler, Kitty Jung, Bob Lucey, and Vaughn Hartung.

Those Absent: Jeanne Herman.

This Ordinance shall be in full force and effect from and after April 6, 2018.

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

DATED: March 28, 2018

**NANCY PARENT,** Washoe County Clerk and  
Clerk of the Board of County Commissioners

No 2827260

March 30, April 6, 2018