



CITY OF ELKO
CITY MANAGER
1751 COLLEGE AVENUE
ELKO, NEVADA 89801
(775) 777-7110/FAX (775) 777-7119

The Elko City Council will meet in regular session on Tuesday, February 26, 2019

Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 4:00 P.M., P.S.T.

Attached with this notice is the agenda for said meeting of the Council.

In accordance with NRS 241.020, the public notice and agenda was posted on the City of Elko

Website, <http://www.elkocity.com>, the State of Nevada's Public Notice Website,

<https://notice.nv.gov> in the following locations:

ELKO CITY HALL

1751 College Avenue, Elko, NV 89801

Date: Time Posted: February 21, 2019 at 8:30 a.m.

ELKO COUNTY COURTHOUSE

571 Idaho Street, Elko, NV 89801

Date/Time Posted: February 21, 2019 at 8:40 a.m.

ELKO POLICE DEPARTMENT

1448 Silver, Elko NV 89801

Date/Time Posted: February 21, 2019 at 8:50 a.m.

ELKO COUNTY LIBRARY

720 Court Street, Elko, NV 89801

Date/Time Posted: February 21, 2019 at 9:00 a.m.

Posted by: Kim Wilkinson Administrative Assistant

Name

Title

Signature

The public may contact Kim Wilkinson by phone at (775)777-7110 or email at kwilkinson@elkocitynv.gov to request supporting material for the meeting described herein. The agenda and supporting material is available at Elko City Hall, 1751 College Avenue, Elko, NV or on the City website at <http://www.elkocity.com>

Dated this 21st day of February, 2019

NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Elko City Council, 1751 College Avenue, Elko, Nevada 89801, or by calling (775) 777-7110.

Curtis Calder, City Manager

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.S.T., TUESDAY, FEBRUARY 26, 2019
ELKO CITY HALL, 1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

The Agenda for this meeting of the City of Elko City Council has been properly posted for this date and time in accordance with NRS requirements.

ROLL CALL

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

APPROVAL OF MINUTES: February 12, 2019 **Regular Session**

I. PRESENTATIONS

- A. Reading of a proclamation in recognition of National Burn Awareness Week, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
- B. Presentation by Lt. Col. John Brownell, Nevada National Guard, regarding the National Guard Youth Challenge Program, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**
- C. Presentation by Police Chief Ben Reed, Police Department Year in Review Crime Report, and matters related thereto. **INFORMATION ONLY - NON ACTION ITEM**

II. PERSONNEL

- A. Employee Introductions:
 - 1.) Amanda Hansen, Administrative Assistant, Fire Department
 - 2.) Paul Willis, System Administrator, Information Systems

III. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**
- B. Review, consideration, and possible final acceptance of AIP 48 at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Airport Staff is asking for final acceptance of this project and to begin grant close out documentation.

This project completed reconstruction of Runway 6/24 safety area including stabilization improvements and drainage improvement. AIP 48 also included design only of the Security Fence/Gates upgrade (AIP 49). The final project cost was \$ 2,761,476.96. The total local share for this project was \$ 172,592.31. There was one no cost change order associated with this project. The project came in 5.5% (\$162,374.77) under budget. The prime contractor for construction was Road & Highway Builders, LLC and the project engineer/construction manager was Jviation, Inc. JF

- C. Review, consideration, and possible award of the bid for the Municipal Swimming Pool Repair Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids for the Swimming Pool Repair Project were opened on Wednesday, February 19, 2019. The City received a total of three bids for the project, two of which have been deemed responsive and one being deemed unresponsive. A bid tabulation sheet has been included in the packet for Council review. JW

IV. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL

V. NEW BUSINESS

- A. Discussion and possible direction to Staff to initiate adoption of 2018 International Fire Codes, and initiation of a Business Impact Statement, and matters related thereto. **FOR POSSIBLE ACTION**

On January 9, 2018, Council directed Staff to initiate the adoptions of the 2018 International Building Codes. The Fire Department would like to combine initiation of the 2018 International Fire Codes at the same time, as well as directing the Clerk's office to initiate a Business Impact Statement for both ordinances. JH

- B. Review, consideration, and possible approval of a lease agreement between the City of Elko, Elko Regional Airport and Newmont Mining Corporation at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

Newmont Mining Corporation wishes to enter into a lease agreement with the Elko Regional Airport for the lease of 45 parking spaces located at the airport terminal. Staff would section off a portion of the parking lot spaces to be utilized by Newmont Employees. This lease would be for a four month period with the ability for extension if warranted. JF

- C. Review and possible approval of a Professional Services Agreement with Jviation Inc., an engineering firm to provide engineering services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The current Professional Service Agreement for engineering services at the airport expired January 14, 2019. A consultant selection process was conducted and a recommendation was presented to City Council on February 12, 2019. Jviation Inc. was selected to continue as the airport's consulting engineering firm. The airport respectfully asks that Jviation be awarded a five year contract that is contingent upon Federal AIP funding at 93.75% and airport need. Each future planning project will be taken before Elko City Council for consideration prior to any contractual obligations. The PSA will be for a five (5) year period. JF

- D. Review, consideration, and possible approval of a request from Randon Williams, dba Williams & Co. Barbecue for concession space at the Elko City Main Park, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Williams would like to utilize Area 2 as a space of approximately 40' X 15' for his barbecue business. He does hold an Elko City Business License. KW

VI. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of a roadway and utility easement along the west property lines of APN 039-001-007, 008 & 009, consisting of an area approximately 26,225 sq. ft., filed by Robert Morley of High Desert Engineering on behalf of Trinity Jay Shippy and Kathryn

Justine Shippy and processed as Vacation No. 2-19, and matters related thereto.
FOR POSSIBLE ACTION

January 19, 1978 an easement was granted to the City of Elko for a water line and roadway. This easement is outside the City of Elko incorporated boundaries but since the easement was granted to the City of Elko, it is within the jurisdiction of the City of Elko and not Elko County to vacate the easement. The property owner is proposing to relocate the water line in a new easement granted to the City of Elko. CL

VII. 5:30 P.M. PUBLIC HEARINGS

- A. Public hearing pursuant to NRS 268.059(a) regarding the fair market value and possible sale at public auction of approximately 4,000 sq. ft. of City-owned property located generally on the south corner of the intersection of Elm Street and 8th Street, designated APN 001-066-005. Discussion and possible motion determining that the fair market value of the property is \$20,000 in accordance with the appraisal of Jason Buckholz of CRBE, Inc., appraiser, and possible adoption of Resolution No. 05-19, a resolution of the Elko City Council finding it is in the best interest of the City to sell APN 001-066-005 and hereby declaring its intention to sell such property at public auction pursuant to City Code Section 8-1-3 and NRS 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

Don Knight began the process of purchasing the parcel bearing APN 001-066-005, which is City-owned property located adjacent to his residence located at 772 Elm Street. The City Council, at its May 23, 2017 meeting, determined it was in the best interest of the City to sell the property to Mr. Knight, and that the property was too small to establish an economically viable use by anyone else. Council conditioned the sale on Mr. Knight completing a parcel map to combine the two parcels. On November 13, 2018, Mr. Knight requested that Council remove the parcel map condition. However, Council did not remove the condition and Mr. Knight repudiated the purchase of the parcel. Council accepted the repudiation and authorized Staff to obtain the required appraisal and proceed with the statutory process of selling the parcel at public auction as required by NRS 268.062. CL

- B. Review, consideration, and possible action to adopt Resolution No. 4-19, a resolution and order vacating a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, filed and processed as Vacation No. 1-19 filed by MP Elko LLC., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of January 22, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting February 5, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-19 with findings in support of its recommendation. CL

- C. Review, consideration, and possible action to adopt Resolution No. 3-19, a resolution of the Elko City Council adopting a change in zoning district boundaries from AG (General Agriculture) to IC (Industrial Commercial), approximately 27.605 acres of property, located generally north side of West Idaho Street, approximately 1400 feet northeast of I-80 exit 298, filed by Defty Family Trust and processed as Rezone No. 1-19, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the subject zone change request on February 5, 2019 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 1-19. CL

- D. First Reading of Ordinance No. 835, an ordinance amending Title 8, Chapter 2, of the Elko City Code entitled "Conditions of Utility Occupancy of Public Roads and City Street Cuts and Repairs" hereby adding Smart Dig Requirements, and matters related thereto. **FOR POSSIBLE ACTION**

On August 28, 2018, Council approved initiation of Ordinance 836 and directed Staff to prepare a Business Impact Statement. The Business Impact Statement was approved on February 12, 2019 after making some changes to the ordinance. Those changes are in the ordinance being presented tonight. SAW

- E. Review, discussion, and possible consideration to authorize the Elko High School Homecoming Committee to apply for funding from the Fiscal Year 2019/2020 Community Donation Budget Line Item, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko High School Homecoming Committee is requesting funding to cover the Parade Fee for the 2019 Homecoming Parade. A letter from the Homecoming Committee has been provided for your review. CC

VIII. REPORTS

- A. Mayor and City Council
- B. City Manager
- C. Assistant City Manager
- D. Utilities Director
- E. Public Works
- F. Airport Manager
- G. City Attorney
- H. Fire Chief
- I. Police Chief
- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director
- O. Civil Engineer

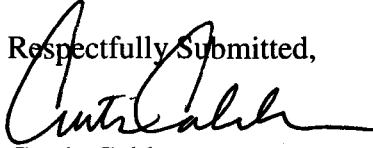
P. Building Official

COMMENTS BY THE GENERAL PUBLIC

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NOTE: The Mayor, Mayor Pro Tempore, or other Presiding Officer of the City Council reserves the right to change the order of the agenda, and if the agenda has not been completed, to recess the meeting and continue on another specified date and time. Additionally, the City Council reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

Respectfully Submitted,

Curtis Calder
City Manager

City of Elko)
County of Elko)
State of Nevada)

SS February 12, 2019

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, February 12, 2019.

This meeting was called to order by Mayor Reece Keener.

CALL TO ORDER

ROLL CALL

Mayor Present: Reece Keener

Council Present: Councilwoman Mandy Simons
 Councilman Schmidtlein
 Councilman Chip Stone
 Councilman Bill Hance

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Ryan Limberg, Utilities Director
 Kelly Wooldridge, City Clerk
 Suzie Shurtz, Human Resources Manager
 Jeff Ford, Building Official
 Cathy Laughlin, City Planner
 Candi Quilici, Accounting Manager
 Troy Poncin, Information Systems Manager
 Dennis Strickland, Public Works Director
 John Holmes, Fire Marshal
 Jack Snyder, Deputy Fire Chief
 Ben Reed Jr., Police Chief
 James Wiley, Parks and Recreation Director
 Jim Foster, Airport Manager
 Bob Thibault, Civil Engineer
 Dave Stanton, City Attorney
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES: January 22, 2019 Regular Session

**** A motion was made by Councilman Schmidtlein, Seconded by Councilman Stone, to approve the minutes.**

The motion passed unanimously. (5-0)

I. PRESENTATIONS

- A. Reading of a proclamation recognizing the month of February as “Beef Month,” and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation and presented a copy of it to a representative from Elko County Cattlewomen.

Sydney Wintermoe, Elko County Cattlewomen, presented Mayor Keener a large roast and thanked him for the proclamation.

- B. Presentation of the “National Radon Action Month Proclamation” to Nadia Noel, Radon Education Coordinator, University of Nevada Cooperative Extension, and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Keener read the proclamation and presented a copy of it to a representative. He admitted that when he read the proclamation last month he went out and got a kit and is waiting for the results.

Nadia Noel, Radon Education Coordinator Nevada Radon Education Program, handed out some information for Councilmembers (Exhibit “A”). She explained that Radon is a problem in Elko and surrounding areas. Radon test kits are available at a few locations and there are some presentations available for people that want more information.

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

Cami Gerber, Great Basin College Foundation, 1500 College Pkwy, explained she was there with Matt McCarty, Director. They manage resources from the community for the benefit of the students and programs at Great Basin College. The Annual Dinner Dance Gala is back and will be held March 16, 2019 at the Elko Convention Center. It will begin at 6:00 p.m. with cocktails, 6:45 p.m. dining and dancing until 10:00 p.m. Machi’s will cater the event. The tickets are \$65 each or \$450 for a table of eight. Everyone is invited to attend or donate.

II. CONSENT AGENDA

- A. Review and possible designation of an independent auditor to prepare the annual audit for the City of Elko for Fiscal Year ending June 30, 2019, pursuant to NRS 354.624, and matters related thereto. **FOR POSSIBLE ACTION**

Each year the City is required to designate an independent auditor prior to March 31 of the year in which the audit is to be conducted. The City put out Requests for Proposals for auditing services for a period of five years on March 2016, and awarded the RFP to HintonBurdick, PLLC. JJ

- B. Review, consideration, and possible adoption of current FEMA's Schedule of Equipment Rates for City of Elko equipment charge outs, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko has not updated its equipment rate schedule since June of 2005. In order to facilitate charge outs for reimbursement for equipment utilized by the City of Elko in the event of an incident of accident requiring our assistance the City needs rate schedules to charge for the equipment used in the incident. FEMA has a very extensive equipment rate schedule which they update periodically. DS

- C. Review, consideration, and possible adoption of the updated City of Elko Storm Water Advisory Committee (SWAC) Bylaws, and matters related thereto. **FOR POSSIBLE ACTION**

The Committee felt there were a couple of items that needed to be modified. See the copy of the SWAC Bylaws showing the tracked changes. DS

- D. Review, consideration, and possible acceptance of a Deed of Dedication (requested by the City) from the Elko County School District to the City of Elko for a permanent non-exclusive Right of Way, and matters related thereto. **FOR POSSIBLE ACTION**

The purpose of this right of way is to allow the City a location to run a future water line connecting North 5th Street to BLM property where this water line would continue on to a future tank site. RL

- E. Review, consideration, and possible approval of a list of appraisers recommended by the City Manager for purposes of conducting appraisals during the 2019 calendar year, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code Section 8-1-1 requires the City Manager or designee to compile and to submit a list of appraisers qualified to conduct business in the City of Elko to the City Council on or about January 1st of each year. The Planning Department has developed a list of qualified appraisers interested in conducting business with the City of Elko and the City Manager has approved the list. CL

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidlein, to approve the Consent Agenda.**

The motion passed unanimously. (5-0)

III. PERSONNEL

- A. Mayoral designation of City Council members to specific "Liaison" positions within the City of Elko, and matters related thereto. **NO ACTION BY THE COUNCIL REQUIRED**

Designation of a Council member to the Arts and Culture Advisory Board. CC

Mayor Keener nominated Councilwoman Simons to be the liaison for the Arts and Culture Advisory Board.

Councilman Stone volunteered to be in second position.

IV. APPROPRIATIONS

- A. Review and possible approval of Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the general warrants.**

The motion passed unanimously. (5-0)

- B. Review and possible approval of Print 'N Copy Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to approve the Print 'N Copy warrants.**

The motion passed. (4-0 Mayor Keener abstained.)

- C. Review, consideration, and possible direction to Staff to solicit bids for the East Secondary Clarifier Rehabilitation Project-2019, and matters related thereto. **FOR POSSIBLE ACTION**

This is a maintenance project budgeted for in the current year budget. The work consists of sandblasting and repainting all metal surfaces above and below the waterline of the clarifier with 3 or 4 coats of paint, respectively. Additionally, any damaged components noticed will be repaired during this time while the clarifier is drained of water. RL

Ryan Limberg, Utilities Director, explained this is a standard maintenance issue. They could not complete maintenance until the new clarifier was completed.

Councilman Schmidtlein asked if they expect to find any damage.

Mr. Limberg said it is usually minimal. They weren't expecting anything unusual.

**** A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to direct staff to solicit bids for the East Secondary Clarifier Rehabilitation Project 2019.**

The motion passed unanimously. (5-0)

- D. Review, consideration, and possible action to retain the law firm of Taggart and Taggart, Ltd. to represent the City of Elko in pending litigation brought by the Pershing County Water Conservation District against the Nevada Division of Water Resources, and matters related thereto. **FOR POSSIBLE ACTION**

On August 12, 2015, Pershing County Water Conservation District (PCWCD), which is principally composed of agricultural interests owning water rights in the Lovelock area, filed a petition in the 11th Judicial District Court (Pershing County) asking the court to require the State Engineer to make a number of decisions potentially having significant adverse impacts on water rights throughout the Humboldt River Basin.

If the court grants the relief requested by PCWCD, curtailment of ground water pumping could be required in the Elko Segment of the Humboldt River Basin. This and other matters before the court could significantly hamper the City's ability to utilize its water rights, with consequential impacts on growth and economic development.

Both Newmont and Barrick have filed motions to intervene.

Staff believes that the City of Elko is an interested and affected party in this matter and has an interest in the outcome of the PCWCD litigation in Pershing County. By intervening in the litigation, the City of Elko would have the opportunity to protect its water rights through the legal process.

The law firm of Taggart and Taggart, Ltd. specializes in water rights litigation and is currently representing at least one other party seeking to intervene in the lawsuit. The law firm has indicated that it could also represent the City without a conflict of interest. There would be an economic benefit to using the same law firm to represent one or more similarly-situated parties in the litigation. RL

Mr. Limberg explained since this agenda action sheet was completed, the law firm is now representing three other clients. In 2014 and 2015, Pershing County wasn't getting much water. They weren't getting surface water. They filed a lawsuit and the State had until February 4th to respond to that lawsuit. One thing in the State Engineer's response to the lawsuit was, *"On December 3, 2018, the State Engineer also filed a separate motion requiring PCWCD to provide notice to all potentially effected appropriators in the Humboldt River Basin based on the Eureka County Decision. This motion is still pending at this time though the State Engineer respectfully restates his argument that it would be appropriate to require PCWCD to serve all potentially effected appropriators and to allow them to intervene prior to advancing these proceedings. Doing so would assure those potentially effected water rights holders' due process interests are sufficiently protected so that they may be afforded notice and an opportunity to be heard before their property interests may be impacted."* Current intervening parties, as of a week ago, include Newmont, Marigold, Barrick, US Water and Land, Crawford Farms and one other party. If the City retains this law firm and files a motion to intervene, there is no guarantee that a judge would allow that and Pershing County can oppose that motion to intervene.

Mayor Keener stated we need to be prudent in protecting our water rights. We need to go on record that we are an interested party.

Mr. Limberg said legal counsel read and approved the legal services agreement.

Councilwoman Simons asked Mr. Stanton, if we file this then we are part of a lawsuit.

Dave Stanton, City Attorney, said if the motion to intervene is granted, we become a party to the litigation. Each party would be given an opportunity to present an argument. If we don't intervene, we won't have a seat at the table.

Mayor Keener said if Pershing County were to prevail in this, it is conceivable that the water division would go through the Humboldt Basin and pare back holders of existing water rights.

Mr. Stanton agreed and added that the State Engineer could order various water users, including the City of Elko, to curtail pumping and prevent the City from utilizing some of the water rights it has.

Councilman Stone thought it was important point that some of the largest employers support this and see the need to protect our water rights.

Mayor Keener called for public comment without a response.

Councilwoman Simons said it makes her nervous to be part of a lawsuit.

Councilman Schmidtlein said they have a responsibility. They can't be oblivious to potentially losing what all the residents of Elko are relying on. We need to provide water for the residents.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Hance, to direct staff to sign the Legal Services Agreement retaining the law firm of Taggart and Taggart Ltd., to represent the City in the pending litigation between PCWCD and the Division of Water Resources, which representation would include filing a motion to intervene on the City's behalf, in an amount not to exceed \$15,000.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible approval of a Professional Services Agreement (PSA) with Lumos and Associates for design of the Exit 298 Lift Station and Sewer Force Main project, and matters related thereto. **FOR POSSIBLE ACTION**

At the January 8, 2018 City Council meeting, Council directed Staff to negotiate a professional services agreement with Lumos and Associates and bring that agreement back to City Council for final approval. RL

Mr. Limberg explained the Lumos proposal was included as an exhibit to the standard Professional Services Agreement in the agenda packet.

Mayor Keener asked if they are utilizing local engineers.

Mr. Limberg answered they are using High Desert Engineering and a local electrical contractor.

Councilman Schmidtlein was glad they are using local firms for the design.

**** A motion was made by Councilman Schmidlein, seconded by Councilwoman Simons, to approve the Professional Services Agreement with Lumos and Associates for the design of the Exit 298 Lift Station and Sewer Force Main project.**

The motion passed unanimously. (5-0)

- F. Review, consideration, and possible issuance of final acceptance for the WRF Emergency Diesel Generator Construction Project, and matters related thereto. **FOR POSSIBLE ACTION**

The project is complete. There were two change orders for the project totaling \$30,800.00. Change order #1 was for providing and installing 600 linear feet of 250 MCM copper wire in the amount of \$6600.00. Change order #2 was for enlarging the concrete pad. This cost was \$24,200.00 and Smith Power Products paid for the costs associated with this change order. RL

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to issue final acceptance for the WRF Emergency Diesel Generator Construction Project.**

The motion passed unanimously. (5-0)

- G. Review and possible selection of an engineering firm to provide services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The current Professional Service Agreement for engineering services at the airport expired January 14, 2019.

The airport for the next five-year (5) period as required under FAA Advisory Circular 150/5100-14 series. The Airport selection committee held interviews on January 29, 2019 and interviewed two (2) engineering firms: Armstrong Consultants, Inc., and Jviation Engineering. The selection committee recommends that the Council select Jviation Engineering for the next five (5) year engineering service contract. Upon selection, Staff will negotiate a Professional Services Agreement with the successful firm. This new agreement will be brought back to Council for review and approval. JF

Jim Foster, Airport Manager, explained the tally sheets were included in the packet. Kirk Nielson from Jviation was present.

Kirk Nielson, Jviation, said they have been doing engineering at the airport for the last five years and look forward to another five years.

**** A motion was made by Councilman Stone, seconded by Councilwoman Simons, to award the bid to Jviation Engineering for the next five years for engineering services at the Elko Regional Airport.**

The motion passed unanimously. (5-0)

V. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 12-18, filed by DDS Properties LLC., for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located east of Jennings Way approximately 120' north of Cortney Drive (APN 001-01H-001). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission July 9, 2018 and conditionally approved by City Council July 24, 2018. The Planning Commission considered this item on November 6, 2018 and took action to forward a recommendation to City Council to conditionally approve Final Plat 12-18. CL

Cathy Laughlin, City Planner, explained this was conditionally approved and recommended by the Planning Commission prior to the new code update. She explained the agenda item. Staff recommended approval with thirteen conditions.

Mayor Keener said he understood the parcel was difficult to develop.

**** A motion was made by Councilman Schmidtlein, seconded by Councilwoman Simons, to conditionally approve Final Plat No. 12-18 for the Humboldt Hills Subdivision, subject to the thirteen conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

VI. UNFINISHED BUSINESS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL

**** A motion was made by Councilwoman Simons, seconded by Councilman Schmidtlein, to table.**

The motion passed unanimously. (5-0)

- B. Title: Review, consideration, and possible issuance of a permanent Certificate of Occupancy for the property located at 537 South 5th Street, owned by Mr. John Dagley, and matters related thereto. **FOR POSSIBLE ACTION**

The City issued a Temporary Certificate of Occupancy dated October 7, 1993 for a structure located at 537 South 5th Street. The Temporary Certificate of Occupancy was issued for a period of 180 days and cited three conditions to be satisfied before a final inspection could be completed. The first condition required completion of the final grade which based on the City approved grading plan. The grading plan showed drainage away from the structure to the South Fifth Street right-of-way. That condition has not been addressed. The City Council considered the request for a permanent Certificate of Occupancy on October 11, 2016 and directed staff to seek solutions for the drainage issues associated with 537 S. 5th Street and hopefully engage neighbors in the area and be able to come up with a solution that can be presented to the board. The Building Official and the Assistant City Manager inspected the site with Mr. Dagley on June 12, 2018. Based on the information presented by Mr. Dagley and the site inspection, no apparent solutions were identified. Mr. Dagley met with the Assistant City Manager on February 4, 2019 and provided his files for review. The Assistant City Manager identified a potential solution which requires drainage into the sanitary sewer. The Assistant City Manager discussed the possibility with the Utilities Director and determined the potential solution could be presented to Mr. Dagley. The Assistant City Manager met with Mr. Dagley on February 5, 2019, discussed the potential solution, and informed Mr. Dagley that he would need to engage the appropriate design professional to fully evaluate and design the drainage solution. SW

Scott Wilkinson, Assistant City Manager, explained they did not engage the adjacent/abutting property owners. There is some drainage issue going on between the properties but the real issue is that the subject property does not drain in its existing circumstances. He and Jeff Ford met with Mr. Dagley on site to discuss the issue. This is a complicated issue. He reviewed Mr. Dagley's files and found a drawing that showed a potential of collecting the water at the low point (front of the building), cut the slab of the building and route a drainage over to the sewer cleanout. He felt that was the only potential solution. Mr. Dagley would need to engage an engineer and evaluate the feasibility, design it and submit it to the City for review and possible approval.

John Dagley said this was brought to council two years ago. Since then there has been a lot going on. He drew up one set of plans some time ago and passed it around (Exhibit "B"). There is only one inch of drainage from the top of the slab to the sidewalk. The original drawing showed drainage of 8.5 inches but that isn't the case. They have no place to go with the water. There is no way to solve this without tearing the building down. He has proposed putting in a grease/oil/water separator at the northeast corner of the property. He would have to go in several feet but there are several trees in the way. The engineer he hired (Lostra) came out and looked at this and so did Ruby Dome Construction and Remington Construction. He has been trying to come up with a solution for this. The construction companies are reluctant due to how deep they need to dig. They are worried the trees have rooted under the building and the foundation will be

damaged during excavation. He has seen quotes up to \$100,000 for the work. The property isn't worth putting the money into it. He can't sell the property because he doesn't have a permanent certificate of occupancy. He had hired Greg Corn to file a suit against Mr. Cortez, and in the middle of the filings, Greg Corn passed away and he (Mr. Dagley) ended up in the hospital. He wasn't even aware there was an issue with the Certificate of Occupancy until Alan Kightlinger told him. This was built behind the City's back without any inspections. For 26 years, it has been there. The price to do this work is too high and he can't do it. He doesn't have any solutions other than what he is proposing, and he isn't sure he can do that without shutting down his business. The City has held the position that this is not a City problem; it's a civil problem. How can it be his problem when it is the City that overlooks the whole process? He wasn't there when this slipped through the City's fingers; none of us were. This can't be the only property that has slipped through the City's fingers. If he has to make these costly changes, then the properties around him should have to as well. He wants a fair chance. The costs are out of hand and he doesn't know what to do.

Mayor Keener stated this is a thorny issue. He disclosed that Mr. Dagley's business is a competitor but they are on friendly terms and he doesn't feel there is a conflict. The costs of \$90,000 or more, was that to tap into the sewer? (Yes) Did he ever seek any remedy from Mr. Cortez through Mr. Corn?

Mr. Dagley said the paperwork was ready to file when Mr. Corn passed away. He didn't know Mr. Corn had passed away for a few months. The bar association was supposed to come in and go over Mr. Corn's cases but he has yet to hear from them or another attorney. He still has money on retainer with that office.

Mr. Wilkinson stated he has never seen detail plans on how he would route the drainage to the sewer. He felt it would be beneficial for Council to see a quote on the costs. There isn't any information to support the costs Mr. Dagley is giving us. He wants Mr. Dagley to explore the options with an engineer and contractors and bring that information back.

Mayor Keener asked about the property to the south, shouldn't they have had a grading permit?

Mr. Wilkinson didn't think talking about adjacent or abutting properties was part of the issue. This property has an issue with drainage from the building. The City is not responsible to provide construction management on a project. We permit the projects and inspect them and issue C of O's if they are completed per plan. That didn't occur in this case.

Councilman Schmidlein asked if the City gives him 180 days to hire an engineering firm, get City approval and then get some estimates to bring back to council, if that is something he can work with?

Dave Stanton, City Attorney, said the City adopted a new building code and it created a new procedure for dealing with Certificates of Occupancy. The way it works now is the Building Official decides whether or not to issue the Certificate of Occupancy, and not the City Council. There is no mechanism for waiving the requirement. If the Certificate of Occupancy gets denied then there is an appeal process. Tonight, this is not an appeal nor is it a hearing. Council does not have the authority under the Code to issue a Certificate of Occupancy. Council is limited in terms of what can be done. He thought the right thing for Mr. Dagley to do is to work with staff,

hire an engineer and solve the problem. Once that is done he can then approach the Building Department and apply for a Building Permit to get a Certificate of Occupancy.

Mr. Dagley said they have been working on this since 2010. He can't solve this in 120 days and he wasn't sure why he would have to apply for a Building Permit when he wasn't building a new building.

Mr. Wilkinson clarified he would have to apply for a Plumbing Permit because he would be changing the plumbing.

Mayor Keener said the property has limited economic value as it is right now. You are almost forced into finding a solution and putting it in place. They can't change what happened in 1993; they can only focus on what is going on right now.

**** A motion was made by Councilman Schmittlein, seconded by Councilman Hance, to deny the request for a permanent Certificate of Occupancy.**

The motion passed unanimously. (5-0)

IX. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible action to adopt Resolution No. 1-19, a resolution and order vacating 5' of the existing 10' public utility and drainage easement along the southwesterly lot line of parcel referred to as APN 001-61J-028, filed and processed as Vacation No. 4-18 filed by Koinonia Construction, and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of December 18, 2018, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its special meeting January 3, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 4-18 with findings in support of its recommendation. CL

Cathy Laughlin, City Planner, explained this is the final stage in the vacation process. Planning Commission forwarded a recommendation to conditionally approve. She went over the application.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to adopt Resolution No. 1-19, which contains conditions as recommended by the Planning Commission.**

The motion passed unanimously. (5-0)

- B. Review and consideration of submitted data and/or arguments and determination as to whether the proposed **ORDINANCE NO. 835: AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, OF THE ELKO CITY CODE**

ENTITLED "CONDITIONS OF UTILITY OCCUPANCY OF PUBLIC ROADS AND CITY STREET CUTS AND REPAIRS" BY ADDING SMART DIG REQUIREMENTS, AND MATTERS RELATED THERETO will impose a direct and significant burden upon a business or directly restrict the formation, operation, or expansion of a business, and matters related thereto.
FOR POSSIBLE ACTION

Pursuant to NRS 237.080 the City of Elko notified owners and officers of businesses which may be affected by the ordinance. Staff has prepared a Business Impact Statement for Ordinance No. 835.

On August 28, 2018, Council approved initiation of Ordinance No. 835, and directed Staff to prepare a business impact statement. Pursuant to NRS 237.090, a Business Impact Statement has been prepared and must be considered by the City Council prior to the public hearing, and adoption of the ordinance. KW

Kelly Wooldridge, City Clerk, explained she was presenting the Business Impact Statement for Ordinance No. 835, amending Title 8, Chapter 2, Conditions of Utility Occupancy of Public Roads and City Street Cuts and Repairs. The Clerk's Office mailed notices to 204 contractors, engineers, developers and utility companies. It was published in the paper for five days and gave over 15 business days for comments pursuant to NRS 237. She received one written comment from Frontier and it is attached to the Business Impact Statement included in the agenda packet. They feel the ordinance can cause additional costs to them and delay projects. That was the only possible adverse affect that was found. Other cities have found beneficial impacts and she went over them. Council needs to decide if there is an adverse effect, what we need to do to change the ordinance, or to approve the Business Impact Statement.

Dick Campbell, 825 Oak Creek Place, Spring Creek, Area Service Manager for NV Energy, said this was brought to his attention and he read the provision. It seems to be on the contractor performing the work to install this additional conduit. He would like to know who is paying the bill for the additional labor costs for this. He doesn't feel his rate payers should be paying for this to be done.

Weston Williams, A & E Construction, 4990 Victory Boulevard, said they are a contractor for many of the utility companies in town. The concern they have is increasing the costs of putting down conduit. Their ultimate goal is to cause the least amount of disturbance as possible. They often have required clearances and other steps that need to be taken, and this can cause them to lose money. How would that even be engineered by the City? As they gain the permit, where would these be placed?

Councilman Schmidlein said the only way this is going to work is for open excavation. For areas where they may be doing a road crossing, you may want to put something like this in. If the City wants that put in, the City should pay that bill. It's not right to make the contractor pay that.

Councilman Hance said in the Ordinance, Section 3, it states that the City will pick up the cost of materials and such.

Scott Wilkinson, Assistant City Manager, said the City also picks up the cost for them to include that in their design. He thought that was clarified in the ordinance. It is also just for excavations 100 foot or more in length.

Mr. Williams said as he read through the ordinance, he thought labor was excluded. It did include materials but labor was specifically excluded.

Mr. Wilkinson said that was correct. He thought it would be near impossible to figure out what that labor cost would be when you are digging a trench for other utilities. Materials are easy to identify. We thought that was a pretty good approach.

Councilwoman Simons asked how much labor will it require to put in the conduit.

Councilman Schmidtlein said it doesn't cost much more to put in conduit. It can be argued but he has guys that put that in all day long. It would closely break even.

Councilman Hance thought that was still covered in Section 3 of the proposed ordinance.

Mayor Keener thought this was important for the City to grow. We need to adopt what other cities and communities are doing nationwide in order to be a more modern city.

Ms. Wooldridge said they can clean up the ordinance up a bit to be more specific on the labor.

Councilman Schmidtlein suggested some language and wondered if they can change the language at this time.

Dave Stanton, City Attorney, said this is the time to add language to the ordinance. This is not a first reading yet. That will be at the next meeting.

Mr. Wilkinson agreed to looking further at the ordinance language.

BREAK

Mayor Keener called the meeting back to order and asked Mr. Wilkinson if he had any proposed language to add to the ordinance.

Mr. Wilkinson read some of the ordinance and made some suggestions. The words drilling, boring and tunneling that can come out of the definition for excavation. That would leave just open trenching. This is for private excavation. In the proposed ordinance (as drafted) 8-2-3B-B-1a and c can be left in, and strike b. That will allow for materials, labor and equipment to all be paid for that incremental cost.

Mayor Keener called for public comment.

**** A motion was made by Mayor Keener, seconded by Councilwoman Simons, to approve the Business Impact Statement pursuant to NRS 237, Ordinance No. 835, determining that it does not impose a direct or significant economic burden on business, or**

directly restrict the formation, operation or expansion of a business. He referenced Mr. Wilkinson's comments as they relate to the guidelines that will run with this Ordinance.

The motion passed unanimously. (5-0)

VII. NEW BUSINESS

- A. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Humboldt Hills subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. The Planning Commission recommended as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat.
SAW

Mr. Wilkinson recommended approval of the agreement as proposed.

Mayor Keener called for public comment without a response.

**** A motion was made by Councilwoman Simons, seconded by Councilman Hance, to approve the Agreement to Install Improvements and Performance Maintenance Guarantees for subdivision improvements associated with the Humboldt Hills Subdivision, the subdivider shall enter into the agreement within 30-days.**

The motion passed unanimously. (5-0)

- B. Review, consideration, and possible action to accept the 2018 Annual Report of Planning Commission Activities, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an Annual Report of its activities to Council. On February 5, 2019, the Planning Commission took action to approve the 2018 Annual Report of Planning Commission Activities, and forward it to the Council. CL

Cathy Laughlin, City Planner, explained this is the 2018 Annual Report and went over the details.

**** A motion was made by Councilman Hance, seconded by Councilman Stone, to accept the 2018 Annual Report of the Planning Commission activities.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible approval of an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision, and matters related thereto. **FOR POSSIBLE ACTION**

Elko City Code 3-3-21 requires the subdivider to have executed and filed an agreement between the subdivider and the City for the required subdivision improvements, included stipulations on the timeframe for when those improvements are to be completed, and to post a performance guarantee in accordance with Elko City Code 3-3-22. The Planning Commission recommended as one of the conditions for approval of the final plat, that the agreement shall be approved by the City Council.

The Planning Commission also recommended that the Developer shall enter into the agreement within 30 days of the City Council's approval of the final plat. CL

NO ACTION

- D. Review, consideration, and possible action to fill a vacancy on the Elko City Planning Commission, and matters related thereto. **FOR POSSIBLE ACTION**

On January 8, 2019, Council accepted a letter of resignation from Planning Commission member David Freistroffer. Staff conducted the standard recruitment process and has received 2 letters of interest to serve on the Planning Commission, copies of which are included in the Council packet. The new member will be appointed to fill the remainder of the four-year term, which will expire at the end of July 2021. CL

Ms. Laughlin explained there were two letters of interest and both applicants were in the audience.

Jennifer Beck, 369 Parkchester Dr. in Spring Creek, said she put in her application to be on the commission. She went to school to be a project manager for Ormaza Construction. She wants to see positive growth within the community.

Mayor Keener said there is an issue with her residency. You need to be a resident of the City of Elko to serve on the commission.

Dave Stanton, City Attorney, agreed.

Gratton Miller, Elko, said he wanted to join the commission because he believes he can be an asset. He went over his experience.

Mayor Keener and Councilman Schmidtlein thanked both for applying.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to appoint Gratton Miller to fill the vacancy on the Elko City Planning Commission with the term expiring July 2021.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible adoption of the updated City of Elko Americans with Disabilities Act (ADA) Transition Plan, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko's current plan, dated April, 1993, was extremely outdated and needed to be updated. The Nevada Department of Transportation's ADA Coordinator reached out to the City inquiring about the City's transition plan and offered guidance from NDOT in an effort to update our plan. DS

Dennis Strickland, Public Works Director, explained the plan was very outdated and needed to be replaced.

**** A motion was made by Councilman Hance, seconded by Councilwoman Simons, to adopt the updated Americans with Disabilities Act Transition Plan.**

The motion passed unanimously. (5-0)

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS

- B. Review, consideration, and possible approval of a variance, related to the expansion of an existing facility located at 1225 Water Street, from Section 3-8-6 of the Elko City Code which stipulates a lowest floor elevation requirement of two feet above the base flood elevation, and matters related thereto. **FOR POSSIBLE ACTION**

The property owner is proposing an expansion of the existing facility located at 1225 Water Street. The owner's engineer has filed a variance request allowing for a lower floor elevation of 1.85 feet above base flood elevation for both the existing structure and the expansion area. The variance request of 0.15 less than the required two feet above base flood elevation stipulated in the code. The basis for the request is to match the existing floor elevation which was approved for construction under different guidelines in effect at the time of development. Additionally, City Code is more restrictive than the FEMA requirement of one foot over base flood elevation. SAW

Scott Wilkinson, Assistant City Manager, explained the request was in the packet. He sent out a memo earlier today that goes through all of the findings and code requirements. If Council chooses to grant this variance, the memo should be referenced for the findings in the motion.

Tom Ballew, High Desert Engineering, 640 Idaho Street, stated his case. You are not approving anything FEMA would be objecting to. They want the variance to allow the construction to match the existing building floor elevation.

Mr. Wilkinson noted there was a flood insurance rate map revision in 2017 that put the building into zone X but one of the driveways is still mapped as an AH flood hazard zone. The risk to the structure is extremely low. He felt the findings in his memo are very important for the motion.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Hance, to approve the Variance related to the expansion of an existing facility located at 1225 Water Street, Section 3-8-6 of the City Code, which stipulates a lowest floor elevation requirement of 2 feet above the flood elevation, and to allow the elevation of 5065.87, which is an inch and a half or .13 below the 2 foot requirement, to allow the variance, and also to incorporate the entire memo which Mr. Wilkinson had presented to the Councilmembers.**

The motion passed unanimously. (5-0)

VII. NEW BUSINESS (Cont.)

- F. Review, consideration, and approval of the 2019 City of Elko Land Inventory update, and matters related thereto. **FOR POSSIBLE ACTION**

City of Elko Land Inventory spreadsheet is to be updated when necessary. Planning Commission reviewed the modifications at their February 5, 2019 meeting and recommended to City Council to approve the updated land inventory.
CL

Cathy Laughlin, City Planner, went over the suggested modifications.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Stone, to approve the updated 2019 City of Elko Land Inventory.**

The motion passed unanimously. (5-0)

- G. Review, consideration, and possible approval of authorization for Staff to initiate the acquisition of .841 acres of real property from Barry W. and Lynn M. Lipparelli Trust for the amount of \$38,500, the appraised value of the property stated in the appraisal of Jason Buckholz of CRBE Inc., for the creation of the Cattle Drive and Tamarak Road Rights-of-Way, and matters related thereto. **FOR POSSIBLE ACTION**

City Staff supports the acquisition of a portion of APN 006-09B-087 and 006-09B-088 for the creation of the Cattle Drive and Tamarak Road Rights-of-Way.
SAW

Scott Wilkinson, Assistant City Manager, went over the request. He recommended the acquisition and stated this is budgeted for.

**** A motion was made by Councilwoman Simons, seconded by Councilman Stone, to authorize staff to proceed with the Barry W. and Lynn M. Lipparelli Trust property land acquisition for the appraised value of \$38,500, for the creation of Cattle Drive and Tamarak Road Rights-of-Way.**

The motion passed unanimously. (5-0)

- H. Review, consideration, and possible approval of a Hangar (E-3) Lease Agreement with James D. Boyer, and matters related thereto. **FOR POSSIBLE ACTION**

James D. Boyer assumed a Lease Assumption of Hangar E-3 from Ed and Sharon Netherton on November 1, 2015. The Lease Assumption expired February 28, 2018 and a new Lease Agreement needs to be completed with Mr. Boyer. Additionally, airport ground leases of less than one-half an acre are no longer subject to appraisal/auction process for cities whose population is less than 25,000 (NRS 496.80) JF

Jim Foster, Airport Manager, explained there were a couple of things that Mr. Boyer wanted updated since the new lease agreement was given to Council. He went over the changes (Exhibit "C").

**** A motion was made by Councilman Stone, seconded by Councilman Hance, to approve the T-Hangar E-3 Lease Agreement with James D. Boyer, subject to the two changes that have been recognized.**

The motion passed unanimously. (5-0)

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS (Cont.)

- A. Review, consideration, and possible action to approve Curb, Gutter, and Sidewalk Waiver No. 1-19, filed by Medallus Urgent Care, which waives the requirement for curb and gutter on the north side of Lamoille Highway abutting APN 001-750-016, and matters related thereto. **FOR POSSIBLE ACTION**

Per Elko City Code Section 2-13-3, public improvements are required on developed lots or parcels of land involve a change in building occupancy and use of land. The applicant has recently leased the property which was vacant for more than 12 months and lost all legal non-conforming status. NDOT has reviewed the need for curb and gutter at this location and has determined that it is not needed to control drainage in this area. Staff recommends approval of the waiver for curb and gutter with sidewalk still being required. CL

Cathy Laughlin, City Planner, explained the key part of this background information was that the building sat vacant for more than 12 months and lost legal non-conformance. They explained to the property renter that the building needed to be brought up to City Code requirements. There is curb, gutter and sidewalk that ends at the intersection, with the sidewalk continuing on around to the driveway. He will be required to continue the sidewalk on the other side of the driveway, but NDOT has stated they do not want the continuation of curb and gutter. She recommended the waiver of curb and gutter only. Sidewalk will still be required.

Councilman Hance asked if the existing sidewalk is in the NDOT right-of-way? Yes. Will the future sidewalk be in the NDOT right-of-way? Yes

Dennis Strickland, Public Works Director, added that they will have to make sure they are ADA compliant across their driveway. He has been meeting with NDOT to get the pedestrian connectivity in place between 12th Street and Carlin Court.

Dave Stanton, City Attorney, added some points regarding criteria that the waiver must be based upon. Council will need findings that are consistent with the code.

**** A motion was made by Councilman Schmidlein, seconded by Councilman Hance, to approve Curb/Gutter Waiver No. 1-19, for the waiver of curb and gutter along Lamoille Highway abutting APN: 001-750-016, with the understanding that the sidewalk will still be install and per City Code Section 2-13-B, that the curb and gutter is not practical to be installed with the drainage currently there and NDOT will not allow the installation of curb and gutter.**

The motion passed unanimously. (5-0)

- C. Review, consideration, and possible action concerning a Letter of Protest by current property owners concerning the fence height related to the development of the storage facility located at the intersection of 12th Street and Opal Drive, and matters related thereto. **FOR POSSIBLE ACTION**

The City received a letter of protest on January 22, 2019. The letter of protest is dated January 18, 2019 and relates to the height of the screen wall constructed on the abutting commercial development, which is a storage unit facility. The reason for the complaint is that the constructed screen wall blocks the complainants' views and thus affects their home values.

Conditional Use Permit 3-17 for the development was approved by the Planning Commission on July 18, 2017. Condition 10 of the approval required construction of the screen wall as shown on the plans. The plans show a screen wall with a minimum height of eight feet, six inches and a maximum height of nine feet, six-and one-half inches. The plans identified a solid concrete masonry unit (CMU) wall with a natural concrete finish. The developer has installed a solid precast wall approximately eight feet in height on the 12th Street and Opal Drive frontages.

Pursuant to City Code Section 3-2-18(E), the Planning Commission makes the final determination on conditional use permits, subject to the right of appeal as set forth in Section 3-2-25. However, in this case, there was no appeal of the conditional use permit and the time limit of ten (10) calendar days after the decision for filing an appeal with the City Clerk, required by Section 3-2-25(A) of the City Code, has expired. SAW

Scott Wilkinson, Assistant City Manager, referred to his memo and went over the highlights. He didn't think there was anything Council could do with this. There will be a new hearing with

some proposed changes to the development of the property at another public hearing for a Conditional Use Permit on March 5th.

Dennis Strickland, Public Works Director, said the homeowners were present for a while but left early.

Mr. Wilkinson didn't think there was a provision in code that would allow for any type of action by the Council to override the Conditional Use Permit as approved.

Dave Stanton, City Attorney, said procedurally, he didn't know what Council could do with this.

NO ACTION

X. REPORTS

A. Mayor and City Council

Mayor Keener went to Carson City for Mayor's Day at the Legislature. There will be a government day in late March. He has been in touch with Congressman Amodei and he is making progress with Union Pacific Railroad regarding the easement that we have in contention that would connect Manzanita and Silver Street.

Councilman Schmidlein attended a Fairboard meeting last night. They were discussing doing some miscellaneous improvements but he felt there are some ethic issues.

B. City Manager - Legislative Report

Curtis Calder said he did not have a Legislative Report but they have completed some fiscal notes. You will see a check in the next set of warrants for payment back to Elko County refunding an overpayment to the City of Elko for the Fire District.

C. Assistant City Manager - 403 Pine Street

Scott Wilkinson said the 403 Pine response was better than expected. The property owner cleaned up the property. The only issue was a vehicle that was moved out to the Right-Of-Way and the City towed it. Legal Counsel drafted a letter to close out the file. There will probably be some more nuisances coming to Council in the next couple of months.

D. Utilities Director

Ryan Limberg reported he is working on a draft water agreement with the VA.

E. Public Works

F. Airport Manager - Airport Operations, Part 139 Inspection

Jim Foster said they are still dealing with weather. There have been delays but no cancellations. They had the Part 139 Inspection during some weather issues and they had a great inspection. Mayor Keener asked about a \$6,500 warrant on a door. Mr. Foster answered those doors are over 20 years old and they needed some repairs. Curtis Calder said it resolved the north side door issue where it stayed open all of the time.

G. City Attorney

H. Fire Chief

- I. Police Chief
- J. City Clerk
- K. City Planner

Cathy Laughlin reported there will be a rezone as a public hearing at the next Council Meeting. The 20+ acres adjacent to the Golden Gate development has been proposed for a zone change.

- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director – **Report Swimming Pool Repair**

James Wiley reported the project is on schedule for the Pool Renovation. It is still out for bid for another week. They will bring a recommendation to the next meeting. Snobowl will be open for another weekend and maybe the next weekend. They will keep it open for as long as they can.

- O. Civil Engineer - **Sports Complex**

Bob Thibault reporting nothing is really happening at the Sports Complex because of the weather conditions.

- P. Building Official

Jeff Ford said he was happy to report that the Komatsu project is fully permitted and up and running.

COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

There were no public comments.

There being no further business, Mayor Reece Keener adjourned the meeting.

Mayor Reece Keener

Kelly Wooldridge, City Clerk

**Elko City Council
Agenda Action Sheet**

1. **Title: Review, consideration, and possible final acceptance of AIP 48 at the Elko Regional Airport, and matters related thereto. FOR POSSIBLE ACTION**
2. **Meeting Date: February 26, 2019**
3. **Agenda Category: APPROPRIATION**
4. **Time Required: 5 Minutes**
5. **Background Information: Airport Staff is asking for final acceptance of this project and to begin grant close out documentation.**

This project completed reconstruction of Runway 6/24 safety area including stabilization improvements and drainage improvement. AIP 48 also included design only of the Security Fence/Gates upgrade (AIP 49). The final project cost was \$ 2,761,476.96. The total local share for this project was \$ 172,592.31. There was one no cost change order associated with this project. The project came in 5.5% (\$ 162,374.77) under budget. The prime contractor for construction was Road & Highway Builders, LLC and the project engineer/construction manager was Jviation, Inc. JF

6. **Budget Impact Statement:**

**Appropriation Required: \$ 2,741, 111.00
Budget amount available: \$ 2,923, 851.73
Fund name: Airport Enterprise Fund**

7. **Business Impact Statement: Not Required**
8. **Supplemental Agenda Information: AIP 48 Construction Report**
9. **Recommended Motion: Move to accept substantial completion of AIP #48. Direct Staff to begin close out documentation for this grant with the Federal Aviation Administration.**
10. **Prepared By: Jim Foster, Airport Manager**
11. **Committee/Other Agency Review:**
12. **Council Action:**
13. **Council Agenda Distribution: Jviation, Inc.
Attention: Mr. Kirk Nielsen, Project Manager
Kirk.Nielsen@jviation.com
Direct (801) 924-4228
Cell (801) 558-3428**



Elko Regional Airport
Elko, Nevada
AIP NO. 3-32-0005-048-2017

FEDERAL ELIGIBLE FUNDING (AIP-048)	Total	Federal	Local
		93.75%	6.25%
AIP No. 3-32-0005-048	\$ 2,923,851.73	\$ 2,741,111.00	\$ 182,740.73
TOTAL FUNDING	\$ 2,923,851.73	\$ 2,741,111.00	\$ 182,740.73
Installation of 8-Foot Chain Link Security Fence and Gates			
<u>Administration Costs</u>			
Independent Fee Estimate	\$ 3,000.00	\$ 2,812.50	\$ 187.50
SUB-TOTAL	\$ 3,000.00	\$ 2,812.50	\$ 187.50
<u>Engineering Costs (Amendment No. 13)</u>			
Preliminary Design	\$ 71,420.00	\$ 66,956.25	\$ 4,463.75
Design	\$ 122,940.00	\$ 115,256.25	\$ 7,683.75
Reimbursable Costs During Design	\$ 3,528.00	\$ 3,307.50	\$ 220.50
Boundary Survey	\$ 19,000.00	\$ 17,812.50	\$ 1,187.50
Cultural Resources Use Permit Class II Survey and Report	\$ 30,000.00	\$ 28,125.00	\$ 1,875.00
SUB-TOTAL	\$ 246,888.00	\$ 231,457.50	\$ 15,430.50
TOTAL: Installation of 8-Foot Chain Link Security Fence and Gates	\$ 249,888.00	\$ 234,270.00	\$ 15,618.00
Drainage Improvements and Runway Safety Area Stabilization			
<u>Administration Costs</u>			
Independent Fee Analysis (Rood & Associates)	\$ 3,000.00	\$ 2,812.50	\$ 187.50
Invitation for Bids (Elko Daily Free Press)	\$ 507.12	\$ 475.43	\$ 31.70
Advertisement Costs (Final/Close-Out) (Elko Daily Free Press)	\$ 48.84	\$ 45.79	\$ 3.05
SUB-TOTAL	\$ 3,555.96	\$ 3,333.71	\$ 222.25
<u>Engineering / Construction Management Costs (Amendment No. 14)</u>			
Preliminary Design	\$ 33,405.00	\$ 31,317.19	\$ 2,087.81
Design	\$ 65,120.00	\$ 61,050.00	\$ 4,070.00
Bidding	\$ 21,520.00	\$ 20,175.00	\$ 1,345.00
Reimbursable Costs During Design	\$ 6,190.00	\$ 5,803.13	\$ 386.88
Construction Administration	\$ 18,465.00	\$ 17,310.94	\$ 1,154.06
Pre-Construction Coordination	\$ 6,605.00	\$ 6,192.19	\$ 412.81
Construction Coordination	\$ 56,860.00	\$ 53,306.25	\$ 3,553.75
Post Construction Coordination	\$ 17,950.00	\$ 16,828.13	\$ 1,121.88
Geotechnical Investigations	\$ 9,000.00	\$ 8,437.50	\$ 562.50
Quality Acceptance (QA) Testing	\$ 20,000.00	\$ 18,750.00	\$ 1,250.00
Reimbursable Costs During Construction	\$ 12,466.00	\$ 11,686.88	\$ 779.13
SUB-TOTAL	\$ 267,581.00	\$ 250,857.19	\$ 16,723.81
<u>Construction Costs</u>			
Schedule I (As-Built)	\$ 320,908.00	\$ 300,851.25	\$ 20,056.75
Schedule II (As-Built)	\$ 1,919,544.00	\$ 1,799,572.50	\$ 119,971.50
SUB-TOTAL	\$ 2,240,452.00	\$ 2,100,423.75	\$ 140,028.25
TOTAL: Drainage Improvements and Runway Safety Area Stabilization	\$ 2,511,588.96	\$ 2,354,614.65	\$ 156,974.31
TOTAL COSTS AIP-048	\$ 2,761,476.96	\$ 2,588,884.65	\$ 172,592.31
TRUNCATED TOTAL COSTS AIP-048	\$ 2,761,476.96	\$ 2,145,559.00	\$ 615,917.96
VARIANCE	\$ 162,374.77	\$ 152,226.35	\$ 10,148.42
PERCENT OF FUNDING (%)	94.45%	94.45%	94.45%

Notes: Change Order No. 1 is a no cost change order.

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible award of the bid for the Municipal Swimming Pool Repair Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **10 Minutes**
5. Background Information: **Bids for the Swimming Pool Repair Project were opened on Wednesday February 19, 2019. The City received a total of three bids for the project, two of which have been deemed responsive and one being deemed unresponsive. A bid tabulation sheet has been included in the packet for Council review. JW**
6. Budget Information:

Appropriation Required: \$463,352.00
Budget amount available:
Fund name: Recreation Fund
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Award the bid for the Swimming Pool Repair Project to MGM Construction for the amount of \$463,352.00. Clarification: there was a minor mathematical error with numerical total for the bid. An \$800.00 addition error bringing the total from \$464,152.00 to \$463,352.00.**
10. Prepared By: **James Wiley, Parks and Recreation Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**CITY OF ELKO
BID TABULATION
FOR
Municipal Swimming Pool Repair Project
February 19, 2019**

Name _____
Address _____
City State _____
Phone No. _____
Fax No. _____

<u>Raintree Construction</u>
31 Licht Parkway
Spring Creek, NV
775-753-7845
775-753-7845

<u>MGM Construction</u>
400 W 900 North Bldg. #5
North Salt Lake, UT 84054
801-298-1805 Ex 103
N/A

<u>Schell Creek Constuction</u>
222 Silver Street
Elko, NV 89801
775-934-9913
N/A

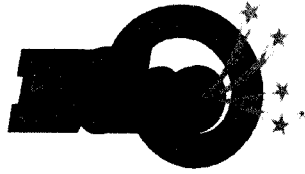
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Base Bid - Mobilization and Demobilization to and from the project site @ _____ per lump sum.	1	L.S.	\$ 2,000.00	\$ 2,000.00	\$9,153.00	\$ 9,153.00	\$14,166.00	\$ 14,166.00
2	Base Bid - Demolition and disposal of - Including, but not limited to northern wall/roof translucent panel roofing, glass exterior wall, slab on grade, brick veneer and mounted lighting fixtures including all labor, material & equipment @ _____ per lump sum.	1	L.S.	\$ 44,560.00	\$ 44,560.00	\$44,080.00	\$ 44,080.00	\$65,506.00	\$ 65,506.00
3	Base Bid - Roof/Wall replacement including concrete frost wall and all labor, materials, supplies, and equipment. @ _____ per lump sum.	1	LS	\$ 182,649.00	\$ 182,649.00	\$361,579.00	\$ 361,579.00	\$339,273.00	\$ 339,273.00
4	Base Bid - 4" Concrete slab on grade replacement including all labor, material, supplies and equipment. @ _____ per Cubic Yard	11.50	CU/YD	\$ 763.91	\$ 8,785.00	\$1,205.91	\$ 13,868.00	\$4,548.87	\$ 52,312.01
5	Base Bid - Install buildings new lighting on northern wall including all labor, materials, supplies, and equipment. @ _____ per lump sum.	1	L.F.	\$ 6,075.00	\$ 6,075.00	\$34,672.00	\$ 34,672.00	\$49,050.00	\$ 49,050.00
	Total				\$ 244,069.00		\$ 463,352.00		\$ 520,307.01

* Proposal
Guarantee/Bid bond, not
signed or notarized
* Affidavid of non-
collusion not included

*Addition Error on wrtten total
\$ 464,152.00 vrs. \$463,352.00
error of \$800.00
Amount of \$463,352.00 is the bid
total

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to conditionally approve Final Plat No. 11-18, filed by Parrado Partners LP., for the development of a subdivision entitled Great Basin Estates, Phase 3 involving the proposed division of approximately 9.650 acres of property into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **UNFINISHED BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located generally northeast of Flagstone Drive between Opal Drive and Clarkson Drive (APN 001-633-030). Preliminary Plat was recommended to Council to conditionally approve by Planning Commission May 3, 2016 and conditionally approved by Council May 24, 2016. The Planning Commission considered this item on September 6, 2018, and took action to forward a recommendation to Council to conditionally approve Final Plat 11-18. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Maps, P.C. action report, Staff reports and related correspondence.**
9. Recommended Motion: **Conditionally approve Final Plat No. 11-18 for the Great Basin Estates, Phase 3 subdivision subject to the conditions as recommended by the Planning Commission OR table item if Cease and Desist Order issued by NDEP is still in effect.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission**
12. Council Action:
13. Agenda Distribution: **Parrado Partners, LP
Robert Capps—robertcapps@cappshomes.com
12257 Business Park Drive #1
Truckee, CA 96161**



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

CITY OF ELKO

PLANNING COMMISSION ACTION REPORT

Special Meeting of September 6, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on September 6, 2018 pursuant to City Code Sections 3-3-6 (B)1 and (C) 2:

Final Plat No. 11-18, filed by Parrado Partners, LP, for the development of a subdivision entitled Great Basin Estates Phase 3 involving the proposed division of approximately 9.65 acres divided into 38 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto.

The subject property is located generally at the extension of Village Parkway and Opal Drive. (001-633-030).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to conditionally approve Final Plat No. 11-18 subject to the conditions in the City of Elko Staff Report dated August 23, 2018 listed as follows:


1. **The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.**
2. **The Performance Agreement shall be approved by the City Council.**
3. **The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.**
4. **The Final Plat is approved for 38 single family residential lots.**
5. **The Utility Department will issue a Will Serve Letter for the subdivision.**
6. **State approval of the subdivision is required.**
7. **Conformance with Preliminary Plat conditions is required.**
8. **Civil improvements are to comply with Chapter 3-3 of City code.**
9. **The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest**

edition Standard Specifications for Public Works. All Right -of-Way and utility improvements are to be certified by the Engineer of Record for the project.


10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.

11. Modify Planning Commission approval jurat to the 3rd day of May, 2016 prior to City Council approval.

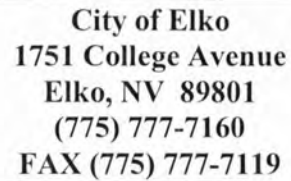
The Planning Commission's findings to support its recommendation are the Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Plat is in conformance with the Preliminary Plat. The proposed subdivision is in conformance with the Land Use Component of the Master Plat. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms with Sections 3-3-20 through 3-3-27 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of City Code. The Subdivider has submitted civil improvement plans in conformance with Section 3-3-41 of City Code. The plans have been approved by City Staff. The Subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of City Code. The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of City Code. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of City Code. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of City Code. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of City Code. The proposed development is in conformance with Section 3-8 of City Code. The subdivision is in conformance with 3-8 Floodplain Management.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk



PROJECT INFORMATION

PARCEL NUMBERS: 001-633-030

PARCEL SIZE: 9.650 acres Phase 3, final phase of the subdivision

EXISTING ZONING: (R) Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- Northwest: River corridor / Undeveloped
- Northeast: RMH- Residential Mobile Home / Developed
- Southwest: Single Family Residential (R) / Developed
- Southeast: Single Family Residential (R) and (RMH) / Developed

PROPERTY CHARACTERISTICS:

- The property is an undeveloped residential parcel.
- The area abuts the second phase the Great Basin Estates Subdivision.
- The parcel is generally flat.

MASTER PLAN, COORDINATING PLANS, and CITY CODE SECTIONS:

Applicable Master Plan Sections, Coordinating Plans, and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Chapter 3 Subdivisions
- City of Elko Zoning – Section 3-2-3 General Provisions
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Zoning – Section 3-2-5(E) Single-Family Residential District
- City of Elko Zoning – Section 3-2-5(G) Residential Zoning Districts Area, Setback And Height Schedule For Principal Buildings
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND INFORMATION

1. The Final Plat for Great Basin Estates Phase 1B was recorded on June 29, 2017.
2. The Final Plat for Great Basin Estates Phase 2 was approved by City Council on August 14, 2018.
3. The Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
4. The Planning Commission reviewed and recommended a conditional approval to the City Council on the Preliminary Plat on May 3, 2016.

5. The City Council conditionally approved the Preliminary Plat at its meeting on May 24, 2016.
6. Phasing was shown on the preliminary plat.
7. Under the conditional approval for the preliminary plat, a modification of standards was granted for all lot dimensions.
8. The subdivision is located on APN 001-633-030, shown as parcel E on Final Plat for Phase 2.
9. The proposed subdivision consists of 38 lots with no additional phases.
10. The total subdivided area is approximately 9.650 acres in size.
11. The proposed density is 5.09 units per acre.
12. Approximately 2.187 acres are offered for dedication for street development.
13. The area proposed for subdivision has been removed from the FEMA Special Flood Hazard Area by a Letter of Map Revision submitted to and approved by FEMA as Case No. 16-09-0367P with an effective date of April 3, 2017.
14. The property is located off Opal Drive and Clarkson Drive.

MASTER PLAN:

Land Use

1. Conformance with the Land Use component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat and the Master Plan.

The proposed subdivision is in conformance with the Land Use Component of the Master Plan.

Transportation

2. Conformance with the Transportation component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat.

The proposed subdivision is in conformance with Transportation Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property lies within the 20 year capture zone for the City of Elko.

The proposed subdivision is in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system.

SECTION 3-3-6 FINAL PLAT STAGE (STAGE III)

Pre-submission Requirements (A)(1) – The Final Plat is in conformance with the zone requirements. A modification of standards for the lot dimensions was granted with the conditional approval of the Preliminary Plat.

Pre-submission Requirements (A)(2) – The proposed final plat conforms to the preliminary plat.

Pre-submission Requirements (A)(3) – The Title Sheet includes an affidavit for public utilities and no objections were received from public utilities upon notification for the Preliminary Plat.

SECTION 3-3-8 INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL

- A. Form and Content-The final plat conforms to the required size specifications and provides the appropriate affidavits and certifications.
- B. Identification Data
 - 1. The subdivision map identified the subdivision, and provides its location by section, township, range and county.
 - 2. The subdivision map was prepared by a properly licensed surveyor.
 - 3. The subdivision map provides a scale, north point, and date of preparation.
- C. Survey Data
 - 1. The boundaries of the tract are fully balanced and closed.
 - 2. All exceptions are noted on the plat.
 - 3. The location and description of cardinal points are tied to a section corner.
 - 4. The location and description of any physical encroachments upon the boundary of the tract are noted on the plat.
- D. Descriptive Data
 - 1. The name, right of way lines, courses, lengths and widths of all streets and easements are noted on the plat.
 - 2. All drainage ways are noted on the plan.
 - 3. All utility and public service easements are noted on the plat.
 - 4. The location and dimensions of all lots, parcels and exceptions are shown on the plat.
 - 5. All residential lots are numbered consecutively on the plat.
 - 6. There are no sites dedicated to the public shown on the plat.
 - 7. The location of adjoining subdivisions are noted on the plat with required information.
 - 8. There are no deed restrictions proposed.
- E. Dedication and Acknowledgment
 - 1. The owner's certificate has the required dedication information for all easements and right of ways.
 - 2. The execution of dedication is acknowledged and certified by a notary public.
- F. Additional Information
 - 1. All centerline monuments for streets are noted as being set on the plat.
 - 2. The centerline and width of each right of way is noted on the plat.
 - 3. The plat indicates the location of monuments that will be set to determine the boundaries of the subdivision.
 - 4. The length and bearing of each lot line is identified on the plat.
 - 5. The city boundary adjoining the subdivision is not identified on the plat, as the plat is not adjoining a boundary.
 - 6. The plat identifies the location of the section lines, and 1/16th section line adjoining the subdivision boundaries.
- G. City Engineer to Check
 - 1. The Engineer shall check the final map for accuracy of dimensions, placement of monuments, the establishment of survey records, and conformance with the preliminary map.
 - a) Closure calculations have been provided.

- b) Civil improvement plans have been provided, previous civil improvement plans have been approved for this subdivision.
 - c) Civil improvement plans for drainage have been submitted.
 - d) An engineer's estimate has **not** been provided.
 - 2. It appears the lot closures are within the required tolerances.
- H. Required certifications
- 1. The Owner's Certificate is shown on the final plat.
 - 2. The Owner's Certificate offers for dedication all right of ways shown on the plat.
 - 3. A Clerk Certificate is shown on the final plat, certifying the signature of the City Council.
 - 4. The Owner's Certificate offers for dedication all easements shown on the plat.
 - 5. A Surveyor's Certificate is shown on the plat and provides the required language.
 - 6. The City Engineer's Certificate is listed on the plat.
 - 7. A certificate from the Nevada Division of Environmental Protection is provided with the required language.
 - 8. A copy of review by the state engineer is not available at this time.
 - 9. A certificate from the Division of Water Resources is provided on the plat with the required language.
 - 10. The civil improvement plans identify the required water meters for the subdivision.

SECTIONS 3-3-20 through 3-3-27 (inclusive)

- 1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process. A modification of standards for lot dimensions was approved during that process.

Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms Sections 3-3-20 through 3-3-27 (inclusive).

SECTION 3-3-40-RESPONSIBILITY FOR IMPROVEMENTS

The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of city code.

SECTION 3-3-41-ENGINEERING PLANS

The Subdivider has submitted civil improvement plans in conformance with section 3-3-41 of City code. The plans have been approved by city staff.

SECTION 3-3-42-CONSTRUCTION AND INSPECTION

The Subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of city code.

SECTION 3-3-43-REQUIRED IMPROVEMENTS

The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of city code.

Civil improvements include curb, gutter and sidewalk, paving and utilities within the Village Parkway, Village Green Circle, Nicole Court and Opal Drive right of ways.

SECTION 3-3-44-AGREEMENT TO INSTALL IMPROVEMENTS

The Subdivider will be required to enter into a Performance Agreement to address to conform to Section 3-3-44 of city code.

SECTION 3-3-45-PERFORMANCE GUARANTEE

The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of city code.

SECTIONS 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process. A modification of standards for lot dimensions was approved during that process.

Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of city code.

SECTION 3-8-FLOODPLAIN MANAGEMENT

1. The proposed subdivision has been removed from the FEMA Special Flood Hazard Area by a Letter of Map Revision submitted to and approved by FEMA as Case No. 16-09-0367P with an effective date of April 3, 2017.

The proposed development is in conformance with Section 3-8 of city code.

FINDINGS

1. The Final Plat for Great Basin Estates Phase 3 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
2. The Final Plat is in conformance with the Preliminary Plat.
3. The proposed subdivision is in conformance with the Land Use Component of the Master Plan.
4. The proposed subdivision is in conformance with Transportation Component of the Master Plan.
5. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms Sections 3-3-20 through 3-3-27 (inclusive).
6. The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of city code.
7. The Subdivider has submitted civil improvement plans in conformance with section 3-3-41 of City code. The plans have been approved by city staff.

8. The Subdivider has submitted plans to the city and state agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of city code.
9. The Subdivider has submitted civil improvement plans which are in conformance with Section 3-3-43 of city code.
10. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of city code.
11. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of city code.
12. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G) and 3-2-17 of city code.
13. The proposed development is in conformance with Section 3-8 of city code.
14. The subdivision is in conformance with 3-8 Floodplain Management.

RECOMMENDATION

Staff recommends **approval** of the subdivision based on the following conditions:

1. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
2. The Performance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
4. The Final Plat is approved for 38 single family residential lots.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. State approval of the subdivision is required.
7. Conformance with Preliminary Plat conditions is required.
8. Civil improvements are to comply with Chapter 3-3 of City code.
9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition Standard Specifications for Public Works. All Right -of-Way and utility improvements are to be certified by the Engineer of Record for the project.

10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.
11. Modify Planning Commission approval jurat to the 3rd day of May, 2016 prior to City Council approval.

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 9/6

Do not use pencil or red pen, they do not reproduce

Title: Final Plat 11-18 Great Basin Estates Phase 3
Applicant(s): Parrado Partners, LP
Site Location: Extension of Village Parkway + Opal Drive
Current Zoning: R Date Received: 8/15/18 Date Public Notice: N/A
COMMENT: This is to subdivide 9.65 acres into 38 lots.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 8/24/18
- Recommend approval as presented by Staff

SAW

Initial

City Manager: Date: 8/24/18
Recommend approval based upon conditions listed in Staff Report.

cc

Initial



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 * (775) 777-7219 fax

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s):	Parrado Partners, LP		
MAILING ADDRESS:	12257 Business Park Drive #8, Truckee, CA 96161		
PHONE NO (Home):		(Business)	(530) 587-0740
NAME OF PROPERTY OWNER (If different):			
(Property owner consent in writing must be provided)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-633-030	Address	Flagstone Dr/Granite Dr
Lot(s), Block(s), & Subdivision	Lot E, Great Basin Estates Subdivision, Phase 2		
Or Parcel(s) & File No.			
PROJECT DESCRIPTION OR PURPOSE:			
APPLICANT'S REPRESENTATIVE OR ENGINEER:	High Desert Engineering, LLC		

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month), and must include the following:

1. One .pdf of the entire application, and ten (10) 24" x 36" copies of the final plat folded to a size not to exceed 9"x12" provided by a properly licensed surveyor, as well as one (1) set of reproducible plans 8 1/2" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-8 of Elko City Code (see attached checklist).
2. Pre-Submission Requirements:
 - a. The final plat shall meet all requirements of the zoning district in which located, and any necessary zoning amendment shall have been adopted by the Elko City Council prior to filing of the final plat.
 - b. The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of the City Subdivision Ordinance.
 - c. The final plat submittal shall include a letter signifying approval of utility easements by all public utilities involved, and shall be so indicated by an affidavit on the map.
 - d. A complete set of construction plans for all public improvements associated with the final plat shall have been approved or substantially approved by the City Engineer.

Fee: \$750.00 + \$25.00 per lot including remainder parcels; non-refundable.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

Final Plat Checklist as per Elko City Code 3-3-8

Identification Data	
	Subdivision Name
	Location and Section, Township and Range
	Name, address and phone number of subdivider
	Name, address and phone number of engineer/surveyor
	Scale, North Point and Date of Preparation
	Location maps
Survey Data (Required)	
	Boundaries of the Tract fully balanced and closed
	Any exception within the plat boundaries
	The subdivision is to be tied to a section corner
	Location and description of all physical encroachments
Descriptive Data	
	Street Layout, location, widths, easements
	All drainageways, designated as such
	All utility and public service easements
	Location and dimensions of all lots, parcels
	Residential Lots shall be numbered consecutively
	All sites to be dedicated to the public and proposed use
	Location of all adjoining subdivisions with name date, book and page
	Any private deed restrictions to be imposed upon the plat
Dedication and Acknowledgment	
	Statement of dedication for items to be dedicated
	Execution of dedication acknowledged by a notary public
Additional Information	
	Street CL, and Monuments identified
	Street CL and width shown on map
	Location of mounuments used to determine boudaries
	Each city boundary line crossing or adjoining the subdivision
	Section lines crossing the subdivision boundaries
City Engineer to Check	
	Closure report for each of the lots
	Civil Improvement plans
	Estimate of quantities required to complete the improvements
Required Certifications	
	All parties having record title in the land to be subdivided
	Offering for dedication
	Clerk of each approving governing body
	Easements
	Surveyor's Certificate
	City Engineer
	State Health division
	State Engineer
	Division of Water Resources
	City Council

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I acknowledge that, if approved, I must provide an AutoCAD file containing the final subdivision layout on NAD 83 NV East Zone Coordinate System to the City Engineering Department when requesting final map signatures for recording.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent

Robert E. Morley, P.L.S.

(Please print or type)

Mailing Address

640 Idaho Street

Street Address or P.O. Box

Elko, Nevada 89801

City, State, Zip Code

Phone Number:

775-738-4053

Email address:

remorley@frontiernet.net

SIGNATURE:

Robert E. Morley

FOR OFFICE USE ONLY

38 Lots x 25 \$950 = \$36100
\$1700

File No.: 11-18 **Date Filed:** 8/15/18 **Fee Paid:** \$1700 cr# 1504

RECEIVED

AUG 15 2018

Phase 3.txt

Parcel name: Lot 44

North: 28473550.8913 East : 612360.1426
Line Course: S 48-15-09 E Length: 59.00
North: 28473511.6062 East : 612404.1617
Line Course: S 41-44-51 W Length: 100.00
North: 28473436.9976 East : 612337.5768
Line Course: N 48-15-09 W Length: 74.00
North: 28473486.2704 East : 612282.3664
Line Course: N 41-44-51 E Length: 9.55
North: 28473493.3955 East : 612288.7253
Line Course: N 41-44-51 E Length: 75.45
North: 28473549.6878 East : 612338.9636
Curve Length: 23.56 Radius: 15.00
Delta: 90-00-00 Tangent: 15.00
Chord: 21.21 Course: N 86-44-51 E
Course In: S 48-15-09 E Course Out: N 41-44-51 E
RP North: 28473539.7000 East : 612350.1549
End North: 28473550.8913 East : 612360.1426

Perimeter: 341.56 Area: 7,352 S.F. 0.169 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 341,560,000.00

Parcel name: Lot 45

North: 28473511.6062 East : 612404.1617
Line Course: S 48-15-09 E Length: 60.00
North: 28473471.6552 East : 612448.9269
Line Course: S 41-44-51 W Length: 100.00
North: 28473397.0466 East : 612382.3420
Line Course: N 48-15-09 W Length: 60.00
North: 28473436.9975 East : 612337.5768
Line Course: N 41-44-51 E Length: 100.00
North: 28473511.6062 East : 612404.1617
Line Course: S 21-04-39 W Length: 0.00
North: 28473511.6062 East : 612404.1617

Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000

Precision 1: 320,000,000.00

Parcel name: Lot 46

North: 28473471.6552 East : 612448.9268
Line Course: S 48-15-09 E Length: 60.00
North: 28473431.7042 East : 612493.6920
Line Course: S 41-44-51 W Length: 100.00
North: 28473357.0956 East : 612427.1071
Line Course: N 48-15-09 W Length: 60.00
North: 28473397.0465 East : 612382.3419
Line Course: N 41-44-51 E Length: 100.00
North: 28473471.6552 East : 612448.9268
Line Course: S 31-08-20 W Length: 0.00
North: 28473471.6552 East : 612448.9268

Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 320,000,000.00

Parcel name: Lot 47

North: 28473431.7042 East : 612493.6920
Line Course: S 48-15-09 E Length: 60.00
North: 28473391.7532 East : 612538.4571
Line Course: S 41-44-51 W Length: 100.00
North: 28473317.1446 East : 612471.8722
Line Course: N 48-15-09 W Length: 60.00
North: 28473357.0955 East : 612427.1070
Line Course: N 41-44-51 E Length: 100.00
North: 28473431.7042 East : 612493.6920
Line Course: S 44-32-56 W Length: 0.00
North: 28473431.7042 East : 612493.6920

Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 320,000,000.00

Phase 3.txt

Parcel name: Lot 48

North: 28473391.7532 East : 612538.4571
Line Course: S 48-15-09 E Length: 60.00
North: 28473351.8022 East : 612583.2223
Line Course: S 41-44-51 W Length: 100.00
North: 28473277.1936 East : 612516.6374
Line Course: N 48-15-09 W Length: 60.00
North: 28473317.1445 East : 612471.8722
Line Course: N 41-44-51 E Length: 100.00
North: 28473391.7532 East : 612538.4571
Line Course: S 46-10-09 W Length: 0.00
North: 28473391.7532 East : 612538.4571

Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 320,000,000.00

Parcel name: Lot 49

North: 28473311.8512 East : 612627.9874
Line Course: N 48-15-09 W Length: 60.00
North: 28473351.8021 East : 612583.2222
Line Course: S 41-44-51 W Length: 100.00
North: 28473277.1935 East : 612516.6373
Line Course: S 48-15-09 E Length: 60.00
North: 28473237.2425 East : 612561.4025
Line Course: N 41-44-51 E Length: 100.00
North: 28473311.8512 East : 612627.9874
Line Course: S 36-17-33 W Length: 0.00
North: 28473311.8512 East : 612627.9874

Perimeter: 320.00 Area: 6,000 S.F. 0.138 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 320,000,000.00

Parcel name: Lot 50

North: 28473307.5780 East : 612632.7754
Line Course: N 48-15-09 W Length: 6.42
North: 28473311.8528 East : 612627.9855

Phase 3.txt

Line Course: S 41-44-51 W Length: 100.00
 North: 28473237.2442 East : 612561.4006
 Line Course: S 48-15-09 E Length: 25.06
 North: 28473220.5580 East : 612580.0975
 Line Course: S 37-41-16 E Length: 43.58
 North: 28473186.0708 East : 612606.7405
 Line Course: N 41-45-12 E Length: 105.55
 North: 28473264.8130 East : 612677.0289
 Curve Length: 61.56 Radius: 775.00
 Delta: 4-33-04 Tangent: 30.80
 Chord: 61.54 Course: N 45-58-37 W
 Course In: S 46-17-55 W Course Out: N 41-44-51 E
 RP North: 28472729.3656 East : 612116.7424
 End North: 28473307.5826 East : 612632.7754
 Line Course: S 01-47-24 E Length: 0.00
 North: 28473307.5826 East : 612632.7754

Perimeter: 342.16 Area: 6,912 S.F. 0.159 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0045 Course: N 00-20-13 E
 Error North: 0.00452 East : 0.00003
 Precision 1: 76,037.78

 Parcel name: Lot 51

North: 28473264.8082 East : 612677.0290
 Curve Length: 74.85 Radius: 775.00
 Delta: 5-32-02 Tangent: 37.45
 Chord: 74.82 Course: S 40-56-04 E
 Course In: S 46-17-55 W Course Out: N 51-49-57 E
 RP North: 28472729.3608 East : 612116.7425
 End North: 28473208.2818 East : 612726.0533
 Line Course: S 48-00-44 W Length: 108.30
 North: 28473135.8321 East : 612645.5553
 Line Course: N 37-41-16 W Length: 63.48
 North: 28473186.0672 East : 612606.7463
 Line Course: N 41-45-12 E Length: 105.55
 North: 28473264.8095 East : 612677.0347

Perimeter: 352.18 Area: 7,389 S.F. 0.170 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0058 Course: N 77-25-02 E
 Error North: 0.00125 East : 0.00562
 Precision 1: 60,720.69

Phase 3.txt

Parcel name: Lot 52

North:	28473208.2841	East :	612726.0514
Curve Length:	74.85	Radius:	775.00
Delta:	5-32-01	Tangent:	37.45
Chord:	74.82	Course:	S 35-24-03 E
Course In:	S 51-49-57 W	Course Out:	N 57-21-58 E
RP North:	28472729.3631	East :	612116.7405
End North:	28473147.2966	East :	612769.3940
Line Course:	S 50-43-33 W	Length:	111.20
North:	28473076.9034	East :	612683.3113
Line Course:	N 32-39-03 W	Length:	69.99
North:	28473135.8332	East :	612645.5504
Line Course:	N 48-00-44 E	Length:	108.30
North:	28473208.2829	East :	612726.0484

Perimeter: 364.34 Area: 7,935 S.F. 0.182 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0032 Course: S 67-29-22 W
 Error North: -0.00121 East : -0.00293
 Precision 1: 113,856.25

Parcel name: Lot 53

North:	28473147.2961	East :	612769.3946
Curve Length:	74.85	Radius:	775.00
Delta:	5-32-01	Tangent:	37.45
Chord:	74.82	Course:	S 29-52-02 E
Course In:	S 57-21-58 W	Course Out:	N 62-53-59 E
RP North:	28472729.3626	East :	612116.7410
End North:	28473082.4133	East :	612806.6542
Line Course:	S 53-39-25 W	Length:	107.04
North:	28473018.9794	East :	612720.4353
Line Course:	N 32-39-03 W	Length:	68.80
North:	28473076.9072	East :	612683.3165
Line Course:	N 50-43-33 E	Length:	111.20
North:	28473147.3003	East :	612769.3993
Line Course:	S 90-00-00 E	Length:	0.00
North:	28473147.3003	East :	612769.3993

Perimeter: 361.89 Area: 7,824 S.F. 0.180 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0063 Course: N 47-53-33 E
 Error North: 0.00425 East : 0.00471
 Precision 1: 57,442.86

Phase 3.txt

Parcel name: Lot 54

North:	28473069.3312	East :	612868.4368
Curve Length:	63.52	Radius:	825.00
Delta:	4-24-42	Tangent:	31.78
Chord:	63.51	Course:	N 26-32-30 W
Course In:	S 65-39-51 W	Course Out:	N 61-15-09 E
RP North:	28472729.3617	East :	612116.7416
End North:	28473126.1459	East :	612840.0585
Line Course:	N 63-48-49 E	Length:	103.71
North:	28473171.9123	East :	612933.1240
Line Course:	S 33-34-46 E	Length:	76.31
North:	28473108.3370	East :	612975.3305
Line Course:	S 68-46-47 W	Length:	108.63
North:	28473069.0179	East :	612874.0661
Line Course:	S 65-39-51 W	Length:	5.00
North:	28473066.9574	East :	612869.5104
Line Course:	N 24-20-09 W	Length:	2.61
North:	28473069.3355	East :	612868.4349

Perimeter: 359.77 Area: 7,621 S.F. 0.175 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0047 Course: N 24-54-01 W

Error North: 0.00429 East : -0.00199

Precision 1: 76,548.94

Parcel name: Lot 55

North:	28473126.1460	East :	612840.0584
Curve Length:	58.26	Radius:	825.00
Delta:	4-02-46	Tangent:	29.14
Chord:	58.25	Course:	N 30-46-14 W
Course In:	S 61-15-09 W	Course Out:	N 57-12-23 E
RP North:	28472729.3618	East :	612116.7416
End North:	28473176.1938	East :	612810.2588
Line Course:	N 57-29-16 E	Length:	100.01
North:	28473229.9471	East :	612894.5949
Line Course:	S 33-34-46 E	Length:	69.66
North:	28473171.9120	East :	612933.1234
Line Course:	S 63-48-49 W	Length:	103.71
North:	28473126.1455	East :	612840.0578

Perimeter: 331.63 Area: 6,473 S.F. 0.149 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0008 Course: S 50-47-13 W

Error North: -0.00049 East : -0.00060

Precision 1: 414,550.00

Phase 3.txt

Parcel name: Lot 56

North:	28473176.1939	East :	612810.2587
Curve Length:	70.23	Radius:	825.00
Delta:	4-52-39	Tangent:	35.14
Chord:	70.21	Course:	N 35-13-56 W
Course In:	S 57-12-23 W	Course Out:	N 52-19-44 E
RP North:	28472729.3620	East :	612116.7414
End North:	28473233.5426	East :	612769.7552
Curve Length:	22.40	Radius:	15.00
Delta:	85-33-39	Tangent:	13.88
Chord:	20.38	Course:	N 05-06-33 E
Course In:	N 52-19-44 E	Course Out:	N 42-06-37 W
RP North:	28473242.7095	East :	612781.6281
End North:	28473253.8373	East :	612771.5697
Line Course:	N 47-53-23 E	Length:	75.24
North:	28473304.2903	East :	612827.3869
Line Course:	S 42-06-44 E	Length:	100.22
North:	28473229.9438	East :	612894.5930
Line Course:	S 57-29-16 W	Length:	100.01
North:	28473176.1904	East :	612810.2569
Line Course:	N 90-00-00 W	Length:	0.00
North:	28473176.1904	East :	612810.2569

Perimeter: 368.09 Area: 8,568 S.F. 0.197 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0039 Course: S 28-20-56 W

Error North: -0.00347 East : -0.00187

Precision 1: 94,384.62

Parcel name: Lot 57

North:	28473304.2895	East :	612827.3875
Line Course:	N 47-53-23 E	Length:	60.35
North:	28473344.7578	East :	612872.1584
Curve Length:	21.47	Radius:	15.00
Delta:	82-00-04	Tangent:	13.04
Chord:	19.68	Course:	N 88-53-25 E
Course In:	S 42-06-37 E	Course Out:	N 39-53-27 E
RP North:	28473333.6300	East :	612882.2168
End North:	28473345.1390	East :	612891.8367
Line Course:	S 50-06-33 E	Length:	84.57
North:	28473290.9020	East :	612956.7246
Curve Length:	17.45	Radius:	20.00
Delta:	49-59-41	Tangent:	9.33

Phase 3.txt

Chord: 16.90 Course: S 25-06-43 E
 Course In: S 39-53-27 W Course Out: N 89-53-08 E
 RP North: 28473275.5566 East : 612943.8980
 End North: 28473275.5965 East : 612963.8980
 Line Course: S 56-37-37 W Length: 82.99
 North: 28473229.9447 East : 612894.5925
 Line Course: N 42-06-44 W Length: 100.22
 North: 28473304.2912 East : 612827.3865
 Line Course: N 90-00-00 W Length: 0.00
 North: 28473304.2912 East : 612827.3865

Perimeter: 367.04 Area: 8,586 S.F. 0.197 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0020 Course: N 29-41-16 W
 Error North: 0.00171 East : -0.00098
 Precision 1: 183,525.00

Parcel name: Lot 58

North: 28473275.5971 East : 612963.8968
 Curve Length: 81.11 Radius: 50.00
 Delta: 92-56-48 Tangent: 52.64
 Chord: 72.51 Course: S 46-35-16 E
 Course In: N 89-53-08 E Course Out: S 03-03-40 E
 RP North: 28473275.6970 East : 613013.8967
 End North: 28473225.7683 East : 613016.5668
 Line Course: S 03-03-40 E Length: 99.50
 North: 28473126.4103 East : 613021.8802
 Line Course: S 68-46-47 W Length: 49.94
 North: 28473108.3343 East : 612975.3263
 Line Course: N 33-34-46 W Length: 76.31
 North: 28473171.9097 East : 612933.1198
 Line Course: N 33-34-46 W Length: 69.66
 North: 28473229.9448 East : 612894.5914
 Line Course: N 56-37-37 E Length: 82.99
 North: 28473275.5966 East : 612963.8969
 Line Course: S 90-00-00 E Length: 0.00
 North: 28473275.5966 East : 612963.8969

Perimeter: 459.51 Area: 11,758 S.F. 0.270 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0005 Course: S 06-41-40 E
 Error North: -0.00053 East : 0.00006
 Precision 1: 919,020.00

Phase 3.txt

Parcel name: Lot 59

North: 28473225.7683 East : 613016.5668
 Curve Length: 62.48 Radius: 50.00
 Delta: 71-36-03 Tangent: 36.06
 Chord: 58.50 Course: N 51-08-19 E
 Course In: N 03-03-40 W Course Out: S 74-39-43 E
 RP North: 28473275.6970 East : 613013.8968
 End North: 28473262.4713 East : 613062.1159
 Line Course: S 74-39-43 E Length: 262.30
 North: 28473193.0894 East : 613315.0733
 Line Course: S 80-27-31 W Length: 217.18
 North: 28473157.0896 East : 613100.8977
 Line Course: S 68-46-47 W Length: 84.76
 North: 28473126.4104 East : 613021.8848
 Line Course: N 03-03-40 W Length: 99.50
 North: 28473225.7684 East : 613016.5714

Perimeter: 726.22 Area: 18,725 S.F. 0.430 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0046 Course: N 89-24-51 E
 Error North: 0.00005 East : 0.00455
 Precision 1: 157,873.91

Parcel name: Lot 60

North: 28473316.4906 East : 613042.8083
 Curve Length: 61.10 Radius: 50.00
 Delta: 70-00-42 Tangent: 35.02
 Chord: 57.37 Course: S 19-40-04 E
 Course In: S 35-19-35 W Course Out: S 74-39-43 E
 RP North: 28473275.6970 East : 613013.8967
 End North: 28473262.4714 East: 613062.1157
 Line Course: S 74-39-43 E Length: 262.30
 North: 28473193.0894 East : 613315.0731
 Line Course: N 46-55-41 W Length: 204.73
 North: 28473332.9029 East : 613165.5185
 Line Course: N 54-33-09 W Length: 90.62
 North: 28473385.4585 East : 613091.6952
 Line Course: S 35-19-35 W Length: 84.54
 North: 28473316.4848 East : 613042.8113

Perimeter: 703.28 Area: 19,445 S.F. 0.446 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0066 Course: S 27-18-00 E
 Error North: -0.00584 East : 0.00301
 Precision 1: 106,559.09

Phase 3.txt

Parcel name: Lot 61

North: 28473329.2660 East : 612988.7897
Line Course: N 50-06-33 W Length: 34.90
North: 28473351.6483 East : 612962.0121
Line Course: N 37-00-20 E Length: 102.79
North: 28473433.7340 East : 613023.8806
Line Course: S 54-33-09 E Length: 83.24
North: 28473385.4584 East : 613091.6918
Line Course: S 35-19-35 W Length: 84.54
North: 28473316.4847 East : 613042.8080
Curve Length: 39.65 Radius: 50.00
Delta: 45-25-49 Tangent: 20.93
Chord: 38.61 Course: N 77-23-20 W
Course In: S 35-19-35 W Course Out: N 10-06-14 W
RP North: 28473275.6911 East : 613013.8963
End North: 28473324.9157 East : 613005.1246
Curve Length: 17.45 Radius: 20.00
Delta: 49-59-41 Tangent: 9.33
Chord: 16.90 Course: N 75-06-24 W
Course In: N 10-06-14 W Course Out: S 39-53-27 W
RP North: 28473344.6055 East : 613001.6159
End North: 28473329.2601 East : 612988.7894

Perimeter: 362.57 Area: 8,289 S.F. 0.190 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0059 Course: S 02-53-31 W
Error North: -0.00584 East : -0.00030
Precision 1: 61,452.54

Parcel name: Lot 62

North: 28473407.8278 East : 612910.4311
Line Course: N 37-00-20 E Length: 86.93
North: 28473477.2481 East : 612962.7536
Line Course: S 54-33-09 E Length: 75.03
North: 28473433.7339 East : 613023.8766
Line Course: S 37-00-20 W Length: 102.79
North: 28473351.6482 East : 612962.0081
Line Course: N 50-06-33 W Length: 35.20
North: 28473374.2229 East : 612935.0002
Curve Length: 10.93 Radius: 20.00
Delta: 31-18-01 Tangent: 5.60
Chord: 10.79 Course: N 34-27-33 W
Course In: N 39-53-27 E Course Out: S 71-11-28 W
RP North: 28473389.5683 East : 612947.8268

Phase 3.txt

End North: 28473383.1200 East : 612928.8948
Curve Length: 31.36 Radius: 50.00
Delta: 35-56-09 Tangent: 16.22
Chord: 30.85 Course: N 36-46-36 W
Course In: S 71-11-28 W Course Out: N 35-15-19 E
RP North: 28473366.9994 East : 612881.5648
End North: 28473407.8288 East : 612910.4259
Line Course: N 08-52-50 E Length: 0.00
North: 28473407.8288 East : 612910.4259

Perimeter: 342.23 Area: 7,239 S.F. 0.166 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0053 Course: N 79-03-06 W
Error North: 0.00101 East : -0.00524
Precision 1: 64,573.58

Parcel name: Lot 63

North: 28473414.6415 East : 612866.4001
Line Course: N 07-35-56 W Length: 146.26
North: 28473559.6171 East : 612847.0591
Line Course: S 54-33-09 E Length: 142.02
North: 28473477.2516 East : 612962.7553
Line Course: S 37-00-20 W Length: 86.93
North: 28473407.8313 East : 612910.4328
Curve Length: 46.18 Radius: 50.00
Delta: 52-55-02 Tangent: 24.88
Chord: 44.56 Course: N 81-12-12 W
Course In: S 35-15-19 W Course Out: N 17-39-43 W
RP North: 28473367.0019 East : 612881.5718
End North: 28473414.6450 East : 612866.4018

Perimeter: 421.39 Area: 9,139 S.F. 0.210 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0039 Course: N 25-04-50 E
Error North: 0.00353 East : 0.00165
Precision 1: 108,048.72

Parcel name: Lot 64

North: 28473458.0698 East : 612756.4434
Line Course: N 41-44-40 E Length: 136.10
North: 28473559.6170 East : 612847.0601
Line Course: S 07-35-56 E Length: 146.26
North: 28473414.6414 East : 612866.4011

Phase 3.txt
Curve Length: 48.65 Radius: 50.00
Delta: 55-44-56 Tangent: 26.45
Chord: 46.75 Course: S 44-27-49 W
Course In: S 17-39-43 E Course Out: N 73-24-39 W
RP North: 28473366.9983 East : 612881.5711
End North: 28473381.2736 East : 612833.6522
Line Course: N 45-09-12 W Length: 108.90
North: 28473458.0712 East : 612756.4425
Line Course: S 08-52-50 E Length: 0.00
North: 28473458.0712 East : 612756.4425

Perimeter: 439.91 Area: 9,913 S.F. 0.228 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0017 Course: N 32-10-58 W
Error North: 0.00141 East : -0.00089
Precision 1: 258,770.59

Parcel name: Lot 65

North: 28473398.3800 East : 612703.1787
Line Course: N 41-44-40 E Length: 80.00
North: 28473458.0697 East : 612756.4435
Line Course: S 45-09-12 E Length: 108.90
North: 28473381.2722 East : 612833.6532
Curve Length: 10.93 Radius: 20.00
Delta: 31-18-02 Tangent: 5.60
Chord: 10.79 Course: S 32-14-22 W
Course In: N 73-24-39 W Course Out: S 42-06-37 E
RP North: 28473386.9823 East : 612814.4856
End North: 28473372.1452 East : 612827.8968
Line Course: S 47-53-23 W Length: 63.83
North: 28473329.3434 East : 612780.5442
Line Course: N 48-15-17 W Length: 103.69
North: 28473398.3823 East : 612703.1798
Line Course: N 90-00-00 W Length: 0.00
North: 28473398.3823 East : 612703.1798

Perimeter: 367.34 Area: 8,290 S.F. 0.190 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0025 Course: N 26-06-30 E
Error North: 0.00228 East : 0.00112
Precision 1: 146,940.00

Parcel name: Lot 66

Phase 3.txt

North: 28473398.3800 East : 612703.1787
 Line Course: S 48-15-17 E Length: 103.69
 North: 28473329.3411 East : 612780.5431
 Line Course: S 47-53-23 W Length: 54.90
 North: 28473292.5274 East : 612739.8152
 Curve Length: 23.29 Radius: 15.00
 Delta: 88-58-41 Tangent: 14.73
 Chord: 21.02 Course: N 87-37-17 W
 Course In: N 42-06-37 W Course Out: S 46-52-04 W
 RP North: 28473303.6552 East : 612729.7568
 End North: 28473293.3999 East : 612718.8102
 Curve Length: 73.73 Radius: 825.00
 Delta: 5-07-13 Tangent: 36.89
 Chord: 73.70 Course: N 45-41-33 W
 Course In: S 46-52-04 W Course Out: N 41-44-51 E
 RP North: 28472729.3604 East : 612116.7434
 End North: 28473344.8817 East : 612666.0689
 Line Course: N 48-15-09 W Length: 7.93
 North: 28473350.1619 East : 612660.1524
 Line Course: N 41-44-40 E Length: 64.62
 North: 28473398.3763 East : 612703.1770
 Line Course: S 90-00-00 E Length: 0.00
 North: 28473398.3763 East : 612703.1770

Perimeter: 328.16 Area: 6,570 S.F. 0.151 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0041 Course: S 24-14-30 W
 Error North: -0.00371 East : -0.00167
 Precision 1: 80,039.02

 Parcel name: Lot 67

North: 28473350.1625 East : 612660.1514
 Line Course: N 48-15-09 W Length: 88.68
 North: 28473409.2100 East : 612593.9885
 Curve Length: 23.56 Radius: 15.00
 Delta: 90-00-00 Tangent: 15.00
 Chord: 21.21 Course: N 03-15-09 W
 Course In: N 41-44-51 E Course Out: N 48-15-09 W
 RP North: 28473420.4013 East : 612603.9762
 End North: 28473430.3890 East : 612592.7849
 Line Course: N 41-44-51 E Length: 49.62
 North: 28473467.4099 East : 612625.8244
 Line Course: S 48-15-17 E Length: 103.67
 North: 28473398.3843 East : 612703.1738
 Line Course: S 41-44-40 W Length: 64.62
 North: 28473350.1699 East : 612660.1492
 Line Course: N 30-41-59 E Length: 0.00
 North: 28473350.1699 East : 612660.1492

Phase 3.txt

Perimeter: 330.16 Area: 6,651 S.F. 0.153 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0077 Course: N 16-43-22 W

Error North: 0.00736 East : -0.00221

Precision 1: 42,876.62

Parcel name: Lot 68

North: 28473467.4083 East : 612625.8264

Line Course: S 48-15-17 E Length: 103.67

North: 28473398.3827 East : 612703.1758

Line Course: N 41-44-40 E Length: 80.00

North: 28473458.0724 East : 612756.4406

Line Course: N 48-15-19 W Length: 80.37

North: 28473511.5838 East : 612696.4750

Curve Length: 56.70

Radius: 50.00

Delta: 64-58-12

Tangent: 31.84

Chord: 53.71

Course: S 59-15-27 W

Course In: N 63-13-39 W

Course Out: S 01-44-33 W

RP North: 28473534.1063

East : 612651.8349

End North: 28473484.1294

East: 612650.3145

Curve Length: 17.45

Radius: 20.00

Delta: 49-59-42

Tangent: 9.33

Chord: 16.90

Course: S 66-44-42 W

Course In: S 01-44-33 W

Course Out: N 48-15-09 W

RP North: 28473464.1386

East : 612649.7064

End North: 28473477.4556

East : 612634.7846

Line Course: S 41-44-51 W Length: 13.46

North: 28473467.4133 East : 612625.8223

Line Course: S 90-00-00 E Length: 0.00

North: 28473467.4133 East : 612625.8223

Perimeter: 351.65 Area: 7,196 S.F. 0.165 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0065 Course: N 38-48-39 W

Error North: 0.00505 East : -0.00406

Precision 1: 54,100.00

Parcel name: Lot 69

North: 28473511.5796

East : 612696.4796

Curve Length: 64.43

Radius: 50.00

Delta: 73-50-06

Tangent: 37.56

Chord: 60.07

Course: N 10-08-42 W

Phase 3.txt

Course In: N 63-13-39 W Course Out: N 42-56-15 E
 RP North: 28473534.1020 East : 612651.8395
 End North: 28473570.7069 East : 612685.8995
 Line Course: N 42-56-15 E Length: 85.16
 North: 28473633.0523 East : 612743.9105
 Line Course: S 54-33-09 E Length: 126.62
 North: 28473559.6182 East : 612847.0611
 Line Course: S 41-44-40 W Length: 136.10
 North: 28473458.0710 East : 612756.4445
 Line Course: N 48-15-19 W Length: 80.37
 North: 28473511.5824 East : 612696.4789
 Line Course: N 03-34-35 W Length: 0.00
 North: 28473511.5824 East : 612696.4789

Perimeter: 492.68 Area: 15,110 S.F. 0.347 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0029 Course: N 13-24-13 W
 Error North: 0.00278 East : -0.00066
 Precision 1: 169,889.66

Parcel name: Lot 70

North: 28473581.5078 East : 612635.9433
 Line Course: N 48-15-19 W Length: 88.98
 North: 28473640.7518 East : 612569.5537
 Line Course: N 46-08-47 E Length: 96.52
 North: 28473707.6226 East : 612639.1554
 Line Course: S 54-33-09 E Length: 128.59
 North: 28473633.0460 East : 612743.9109
 Line Course: S 42-56-15 W Length: 85.16
 North: 28473570.7006 East : 612685.8999
 Curve Length: 53.65 Radius: 50.00
 Delta: 61-28-29 Tangent: 29.73
 Chord: 51.11 Course: N 77-48-00 W
 Course In: S 42-56-15 W Course Out: N 18-32-14 W
 RP North: 28473534.0957 East : 612651.8399
 End North: 28473581.5016 East : 612635.9439
 Line Course: S 43-37-31 E Length: 0.00
 North: 28473581.5016 East : 612635.9439

Perimeter: 452.90 Area: 12,635 S.F. 0.290 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0062 Course: S 05-10-00 E
 Error North: -0.00618 East : 0.00056
 Precision 1: 73,048.39

Phase 3.txt

Parcel name: Lot 71

North: 28473581.8964 East : 612517.0211
Line Course: S 48-30-52 E Length: 107.41
North: 28473510.7447 East : 612597.4844
Curve Length: 17.45 Radius: 20.00
Delta: 49-59-41 Tangent: 9.33
Chord: 16.90 Course: N 16-45-01 E
Course In: N 48-15-09 W Course Out: N 81-45-10 E
RP North: 28473524.0617 East : 612582.5626
End North: 28473526.9306 East : 612602.3558
Curve Length: 69.56 Radius: 50.00
Delta: 79-42-36 Tangent: 41.74
Chord: 64.08 Course: N 31-36-28 E
Course In: N 81-45-10 E Course Out: N 18-32-14 W
RP North: 28473534.1028 East : 612651.8387
End North: 28473581.5087 East : 612635.9427
Line Course: N 48-15-19 W Length: 88.98
North: 28473640.7527 East : 612569.5531
Line Course: S 41-44-51 W Length: 78.89
North: 28473581.8940 East : 612517.0242

Perimeter: 362.30 Area: 7,099 S.F. 0.163 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0040 Course: S 51-25-09 E
Error North: -0.00249 East : 0.00312
Precision 1: 90,572.50

Parcel name: Lot 72

North: 28473581.8964 East : 612517.0211
Line Course: S 48-30-52 E Length: 107.41
North: 28473510.7447 East : 612597.4844
Line Course: S 41-44-51 W Length: 63.08
North: 28473463.6816 East : 612555.4826
Curve Length: 23.56 Radius: 15.00
Delta: 90-00-00 Tangent: 15.00
Chord: 21.21 Course: S 86-44-51 W
Course In: N 48-15-09 W Course Out: S 41-44-51 W
RP North: 28473473.6693 East : 612544.2913
End North: 28473462.4780 East : 612534.3036
Line Course: N 48-15-09 W Length: 92.41
North: 28473524.0091 East : 612465.3577
Line Course: N 41-44-51 E Length: 77.59
North: 28473581.8980 East : 612517.0210

Perimeter: 364.05 Area: 8,312 S.F. 0.191 ACRES

Phase 3.txt

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0015

Course: N 05-02-22 W

Error North: 0.00153

East : -0.00014

Precision 1: 242,700.00

Parcel name: Lot 73

North: 28473588.1956 East : 612393.4351

Line Course: S 48-15-09 E Length: 96.40

North: 28473524.0077 East : 612465.3579

Line Course: N 41-44-51 E Length: 77.59

North: 28473581.8966 East : 612517.0211

Line Course: N 48-15-09 W Length: 111.40

North: 28473656.0722 East : 612433.9071

Line Course: S 41-44-51 W Length: 62.59

North: 28473609.3746 East : 612392.2316

Curve Length: 23.56

Radius: 15.00

Delta: 90-00-00

Tangent: 15.00

Chord: 21.21

Course: S 03-15-09 E

Course In: S 48-15-09 E

Course Out: S 41-44-51 W

RP North: 28473599.3869

East : 612403.4229

End North: 28473588.1956

East : 612393.4351

Perimeter: 371.54 Area: 8,595 S.F. 0.197 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000

Course: N 00-00-00 E

Error North: 0.00000

East : 0.00000

Precision 1: 371,540,000.00

Parcel name: Lot 74

North: 28473656.0721 East : 612433.9072

Line Course: N 41-44-51 E Length: 78.89

North: 28473714.9309 East : 612486.4360

Line Course: S 48-15-09 E Length: 111.40

North: 28473640.7553 East : 612569.5500

Line Course: S 41-44-51 W Length: 78.89

North: 28473581.8965 East : 612517.0212

Line Course: N 48-15-09 W Length: 111.40

North: 28473656.0721 East : 612433.9072

Line Course: N 42-11-04 W Length: 0.00

North: 28473656.0721 East : 612433.9072

Perimeter: 380.58 Area: 8,788 S.F. 0.202 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Phase 3.txt

Error Closure: 0.0000
Error North: 0.00000
Precision 1: 380,580,000.00

Course: S 90-00-00 E
East : 0.00000

Parcel name: Lot 75

North: 28473714.9308 East : 612486.4361
Line Course: S 48-15-09 E Length: 111.40
North: 28473640.7552 East : 612569.5501
Line Course: N 46-08-47 E Length: 96.52
North: 28473707.6260 East : 612639.1519
Line Course: N 54-33-09 W Length: 105.44
North: 28473768.7767 East : 612553.2554
Line Course: N 48-15-09 W Length: 14.00
North: 28473778.0986 East : 612542.8102
Line Course: S 41-44-51 W Length: 84.67
North: 28473714.9274 East : 612486.4328
Line Course: S 43-28-06 E Length: 0.00
North: 28473714.9274 East : 612486.4328

Perimeter: 412.03 Area: 10,309 S.F. 0.237 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0047 Course: S 44-02-34 W
Error North: -0.00339 East : -0.00328
Precision 1: 87,665.96

Parcel name: Lot 76

North: 28473875.3134 East : 612433.8827
Line Course: N 48-15-09 W Length: 25.00
North: 28473891.9596 East : 612415.2306
Line Course: S 41-44-51 W Length: 63.60
North: 28473844.5085 East : 612372.8826
Line Course: S 48-15-09 E Length: 111.00
North: 28473770.5992 East : 612455.6982
Line Course: N 41-44-51 E Length: 63.60
North: 28473818.0503 East : 612498.0462
Line Course: N 48-15-09 W Length: 86.00
North: 28473875.3134 East : 612433.8827

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 349,200,000.00

Parcel name: Lot 77

North: 28473844.5086 East : 612372.8825
Line Course: S 48-15-09 E Length: 111.00
North: 28473770.5993 East : 612455.6981
Line Course: S 41-44-51 W Length: 63.60
North: 28473723.1482 East : 612413.3501
Line Course: N 48-15-09 W Length: 111.00
North: 28473797.0575 East : 612330.5345
Line Course: N 41-44-51 E Length: 63.60
North: 28473844.5086 East : 612372.8825
Line Course: N 32-00-19 W Length: 0.00
North: 28473844.5086 East : 612372.8825

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 349,200,000.00

Parcel name: Lot 78

North: 28473797.0575 East : 612330.5345
Line Course: S 48-15-09 E Length: 111.00
North: 28473723.1483 East : 612413.3501
Line Course: S 41-44-51 W Length: 63.60
North: 28473675.6972 East : 612371.0021
Line Course: N 48-15-09 W Length: 111.00
North: 28473749.6064 East : 612288.1865
Line Course: N 41-44-51 E Length: 63.60
North: 28473797.0575 East : 612330.5345
Line Course: N 01-47-24 W Length: 0.00
North: 28473797.0575 East : 612330.5345

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 349,200,000.00

Parcel name: Lot 79

Phase 3.txt

North: 28473749.6065 East : 612288.1864
Line Course: S 48-15-09 E Length: 111.00
North: 28473675.6972 East : 612371.0020
Line Course: S 41-44-51 W Length: 63.60
North: 28473628.2461 East : 612328.6540
Line Course: N 48-15-09 W Length: 111.00
North: 28473702.1554 East : 612245.8384
Line Course: N 41-44-51 E Length: 63.60
North: 28473749.6065 East : 612288.1864
Line Course: N 90-00-00 W Length: 0.00
North: 28473749.6065 East : 612288.1864

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 349,200,000.00

Parcel name: Lot 80

North: 28473702.1554 East : 612245.8384
Line Course: S 48-15-09 E Length: 111.00
North: 28473628.2462 East : 612328.6539
Line Course: S 41-44-51 W Length: 63.60
North: 28473580.7951 East : 612286.3059
Line Course: N 48-15-09 W Length: 111.00
North: 28473654.7043 East : 612203.4903
Line Course: N 41-44-51 E Length: 63.60
North: 28473702.1554 East : 612245.8384
Line Course: N 29-21-28 E Length: 0.00
North: 28473702.1554 East : 612245.8384

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0000 Course: S 90-00-00 E
Error North: 0.00000 East : 0.00000
Precision 1: 349,200,000.00

Parcel name: Lot 81

North: 28473654.7044 East : 612203.4903
Line Course: S 41-44-51 W Length: 63.60
North: 28473607.2533 East : 612161.1423
Line Course: S 48-15-09 E Length: 111.00

Phase 3.txt

North: 28473533.3440 East : 612243.9579
 Line Course: N 41-44-51 E Length: 63.60
 North: 28473580.7951 East : 612286.3059
 Line Course: N 48-15-09 W Length: 111.00
 North: 28473654.7044 East : 612203.4903
 Line Course: N 48-21-59 W Length: 0.00
 North: 28473654.7044 East : 612203.4903

Perimeter: 349.20 Area: 7,060 S.F. 0.162 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E
 Error North: 0.00000 East: 0.00000
 Precision 1: 349,200,000.00

 Parcel name: Street Dedication

North: 28472369.4166 East : 613949.2330
 Line Course: S 48-15-09 E Length: 60.00
 North: 28472329.4656 East : 613993.9982
 Line Course: S 41-44-51 W Length: 226.15
 North: 28472160.7382 East : 613843.4164
 Curve Length: 23.56 Radius: 15.00
 Delta: 90-00-00 Tangent: 15.00
 Chord: 21.21 Course: S 03-15-09 E
 Course In: S 48-15-09 E Course Out: S 41-44-51 W
 RP North: 28472150.7504 East : 613854.6077
 End North: 28472139.5592 East : 613844.6200
 Line Course: S 48-15-09 E Length: 188.81
 North: 28472013.8402 East : 613985.4886
 Curve Length: 23.56 Radius: 15.00
 Delta: 90-00-00 Tangent: 15.00
 Chord: 21.21 Course: N 86-44-51 E
 Course In: N 41-44-51 E Course Out: S 48-15-09 E
 RP North: 28472025.0315 East : 613995.4763
 End North: 28472015.0437 East : 614006.6676
 Line Course: N 41-44-51 E Length: 63.08
 North: 28472062.1069 East : 614048.6694
 Curve Length: 17.45 Radius: 20.00
 Delta: 49-59-41 Tangent: 9.33
 Chord: 16.90 Course: N 16-45-01 E
 Course In: N 48-15-09 W Course Out: N 81-45-10 E
 RP North: 28472075.4239 East : 614033.7476
 End North: 28472078.2927 East : 614053.5408
 Curve Length: 244.34 Radius: 50.00
 Delta: 279-59-23 Tangent: 41.96
 Chord: 64.29 Course: S 48-15-09 E
 Course In: N 81-45-10 E Course Out: S 01-44-33 W
 RP North: 28472085.4650 East : 614103.0237
 End North: 28472035.4881 East : 614101.5033

Phase 3.txt

Curve Length: 17.45 Radius: 20.00
Delta: 49-59-42 Tangent: 9.33
Chord: 16.90 Course: S 66-44-42 W
Course In: S 01-44-33 W Course Out: N 48-15-09 W
RP North: 28472015.4973 East : 614100.8952
End North: 28472028.8143 East : 614085.9734

Line Course: S 41-44-51 W Length: 63.08
North: 28471981.7512 East : 614043.9717

Curve Length: 23.56 Radius: 15.00
Delta: 90-00-00 Tangent: 15.00
Chord: 21.21 Course: S 03-15-09 E
Course In: S 48-15-09 E Course Out: S 41-44-51 W
RP North: 28471971.7635 East : 614055.1630
End North: 28471960.5722 East : 614045.1752

Line Course: S 48-15-09 E Length: 96.61
North: 28471896.2445 East : 614117.2547

Curve Length: 73.73 Radius: 825.00
Delta: 5-07-13 Tangent: 36.89
Chord: 73.70 Course: S 45-41-33 E
Course In: S 41-44-51 W Course Out: N 46-52-04 E
RP North: 28471280.7232 East : 613567.9291
End North: 28471844.7627 East : 614169.9959

Curve Length: 23.29 Radius: 15.00
Delta: 88-58-41 Tangent: 14.73
Chord: 21.02 Course: S 87-37-17 E
Course In: N 46-52-04 E Course Out: S 42-06-37 E
RP North: 28471855.0180 East : 614180.9426
End North: 28471843.8902 East : 614191.0010

Line Course: N 47-53-23 E Length: 118.73
North: 28471923.5057 East : 614279.0815

Curve Length: 10.93 Radius: 20.00
Delta: 31-18-02 Tangent: 5.60
Chord: 10.79 Course: N 32-14-22 E
Course In: N 42-06-37 W Course Out: S 73-24-39 E
RP North: 28471938.3428 East : 614265.6703
End North: 28471932.6327 East : 614284.8378

Curve Length: 126.19 Radius: 50.00
Delta: 144-36-07 Tangent: 156.68
Chord: 95.27 Course: N 88-53-25 E
Course In: S 73-24-39 E Course Out: N 71-11-28 E
RP North: 28471918.3573 East : 614332.7566
End North: 28471934.4779 East : 614380.0866

Curve Length: 10.93 Radius: 20.00
Delta: 31-18-01 Tangent: 5.60
Chord: 10.79 Course: S 34-27-33 E
Course In: N 71-11-28 E Course Out: S 39-53-27 W
RP North: 28471940.9262 East : 614399.0186
End North: 28471925.5808 East : 614386.1921

Line Course: S 50-06-33 E Length: 70.10
North: 28471880.6238 East : 614439.9775

Curve Length: 17.45 Radius: 20.00
Delta: 49-59-41 Tangent: 9.33
Chord: 16.90 Course: S 75-06-24 E

Phase 3.txt

Course In: N 39-53-27 E	Course Out: S 10-06-14 E
RP North: 28471895.9692	East : 614452.8041
End North: 28471876.2794	East : 614456.3127
Curve Length: 244.34	Radius: 50.00
Delta: 279-59-22	Tangent: 41.96
Chord: 64.29	Course: S 39-53-27 W
Course In: S 10-06-14 E	Course Out: S 89-53-08 W
RP North: 28471827.0548	East : 614465.0844
End North: 28471826.9549	East : 614415.0845
Curve Length: 17.45	Radius: 20.00
Delta: 49-59-41	Tangent: 9.33
Chord: 16.90	Course: N 25-06-43 W
Course In: S 89-53-08 W	Course Out: N 39-53-27 E
RP North: 28471826.9150	East : 614395.0845
End North: 28471842.2603	East : 614407.9111
Line Course: N 50-06-33 W Length: 84.57	
North: 28471896.4973	East : 614343.0233
Curve Length: 21.47	Radius: 15.00
Delta: 82-00-04	Tangent: 13.04
Chord: 19.68	Course: S 88-53-25 W
Course In: S 39-53-27 W	Course Out: N 42-06-37 W
RP North: 28471884.9883	East : 614333.4033
End North: 28471896.1162	East : 614323.3450
Line Course: S 47-53-23 W Length: 135.59	
North: 28471805.1950	East : 614222.7568
Curve Length: 22.40	Radius: 15.00
Delta: 85-33-39	Tangent: 13.88
Chord: 20.38	Course: S 05-06-33 W
Course In: S 42-06-37 E	Course Out: S 52-19-44 W
RP North: 28471794.0671	East : 614232.8152
End North: 28471784.9002	East : 614220.9422
Curve Length: 192.01	Radius: 825.00
Delta: 13-20-07	Tangent: 96.44
Chord: 191.58	Course: S 31-00-12 E
Course In: S 52-19-44 W	Course Out: N 65-39-51 E
RP North: 28471280.7196	East : 613567.9285
End North: 28471620.6891	East : 614319.6237
Line Course: S 24-20-09 E Length: 2.61	
North: 28471618.3110	East : 614320.6992
Line Course: S 65-39-51 W Length: 50.00	
North: 28471597.7068	East : 614275.1420
Line Course: N 24-20-09 W Length: 2.61	
North: 28471600.0849	East : 614274.0664
Curve Length: 323.50	Radius: 775.00
Delta: 23-55-00	Tangent: 164.14
Chord: 321.16	Course: N 36-17-39 W
Course In: S 65-39-51 W	Course Out: N 41-44-51 E
RP North: 28471280.7196	East : 613567.9285
End North: 28471858.9366	East : 614083.9615
Line Course: N 48-15-09 W Length: 365.42	
North: 28472102.2512	East : 613811.3266
Curve Length: 23.56	Radius: 15.00
Delta: 90-00-00	Tangent: 15.00

Phase 3.txt

Chord: 21.21 Course: S 86-44-51 W
 Course In: S 41-44-51 W Course Out: N 48-15-09 W
 RP North: 28472091.0599 East : 613801.3389
 End North: 28472101.0476 East : 613790.1476
 Line Course: S 41-44-51 W Length: 75.45
 North: 28472044.7554 East : 613739.9093
 Line Course: N 48-15-09 W Length: 60.00
 North: 28472084.7063 East : 613695.1441
 Line Course: N 41-44-51 E Length: 381.60
 North: 28472369.4129 East : 613949.2321
 Line Course: S 32-00-19 E Length: 0.00
 North: 28472369.4129 East : 613949.2321

Perimeter: 3501.57 Area: 95,280 S.F. 2.187 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
 Error Closure: 0.0038 Course: S 13-46-59 W
 Error North: -0.00367 East : -0.00090
 Precision 1: 921,468.42

Parcel name: Total Area

North: 28472443.3259 East : 613866.4175
 Line Course: S 48-15-09 E Length: 185.00
 North: 28472320.1438 East : 614004.4435
 Line Course: S 54-33-09 E Length: 751.56
 North: 28471884.2716 East : 614616.6998
 Line Course: S 46-55-41 E Length: 204.73
 North: 28471744.4581 East : 614766.2544
 Line Course: S 80-27-31 W Length: 217.18
 North: 28471708.4584 East : 614552.0789
 Line Course: S 68-46-47 W Length: 243.33
 North: 28471620.3840 East : 614325.2477
 Line Course: S 65-39-51 W Length: 55.00
 North: 28471597.7193 East : 614275.1346
 Line Course: N 24-20-09 W Length: 2.61
 North: 28471600.0974 East : 614274.0591
 Curve Length: 37.39 Radius: 775.00
 Delta: 2-45-52 Tangent: 18.70
 Chord: 37.39 Course: N 25-43-05 W
 Course In: S 65-39-51 W Course Out: N 62-53-59 E
 RP North: 28471280.7321 East : 613567.9212
 End North: 28471633.7828 East: 614257.8344
 Line Course: S 53-39-25 W Length: 107.04
 North: 28471570.3489 East : 614171.6155
 Line Course: N 32-39-03 W Length: 138.79
 North: 28471687.2064 East : 614096.7357
 Line Course: N 37-41-16 W Length: 107.06
 North: 28471771.9288 East : 614031.2837
 Line Course: N 48-15-09 W Length: 399.06

Phase 3.txt

	North: 28472037.6426	East : 613733.5505
Line	Course: N 41-44-51 E Length: 9.55	
	North: 28472044.7677	East : 613739.9093
Line	Course: N 48-15-09 W Length: 171.00	
	North: 28472158.6279	East : 613612.3286
Line	Course: N 41-44-51 E Length: 381.60	
	North: 28472443.3345	East : 613866.4166

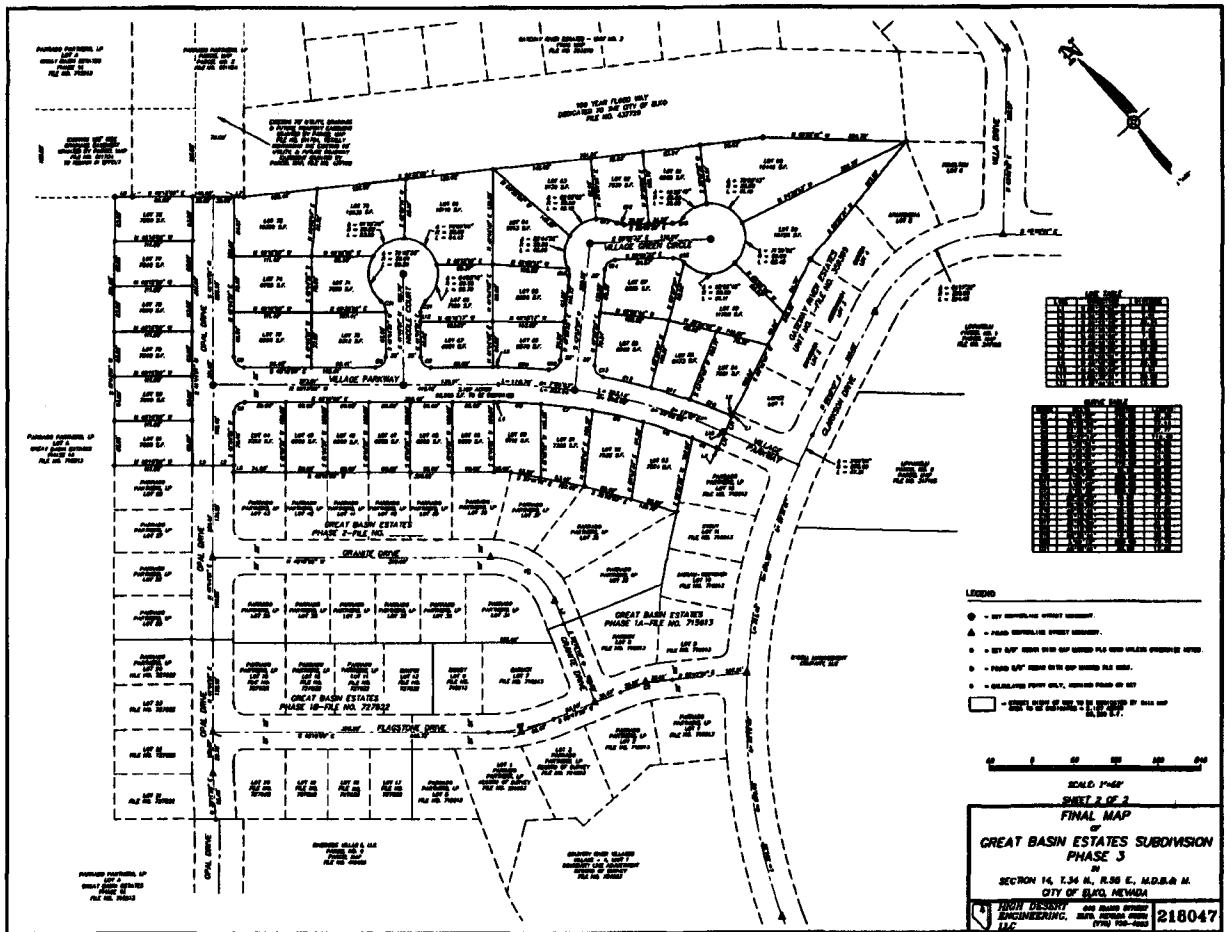
Perimeter: 3010.90 Area: 420,362 S.F. 9.650 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0086	Course: N 06-12-57 W
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Error North: 0.00852	East : -0.00093
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Precision 1: 350,104.65



**Elko City Council
Agenda Action Sheet**

1. Title: **Discussion and possible direction to Staff to initiate adoption of 2018 International Fire Codes, and initiation of a Business Impact Statement, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **On January 9, 2018, Council Directed Staff to initiate the adoptions of the 2018 International Building Codes. The Fire Department would like to combine initiation of the 2018 International Fire Codes at the same time, as well as directing the Clerk's office to initiate a Business Impact Statement for both ordinances. JH**
6. Budget Information:

Appropriation Required: **NA**
Budget amount available: **NA**
Fund name: **NA**
7. Business Impact Statement: **Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Pleasure of the Council for possible continued initiation of code amendments and adoption of Building and Fire Codes.**
10. Prepared By: **John Holmes, Fire Marshal**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
3. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a lease agreement between the City of Elko, Elko Regional Airport and Newmont Mining Corporation at the Elko Regional Airport, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **Newmont Mining Corporation wishes to enter into a lease agreement with the Elko Regional Airport for the lease of 45 parking spaces located at the airport terminal. Staff would section off a portion of the parking lot spaces to be utilized by Newmont Employees. This lease would be for a four month period with the ability for extension if warranted. JF**
6. Budget Impact Statement: **N/A**

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Lease Agreement**
9. Recommended Motion: **Move to approve lease agreement between the Elko Regional Airport and Newmont Mining Corporation**
10. Prepared By: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Brian Glen Iverson**
Manager of Lands, U.S.
Land Department
T 775.778.2552
C 775.753.3162
www.newmont.com

Newmont Mining Corporation
1655 Mountain City Highway
Elko, Nevada 89801

**Elko City Council
Agenda Action Sheet**

1. Title: **Review and possible approval of a Professional Services Agreement with Jviation Inc., an engineering firm to provide engineering services at the Elko Regional Airport, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **The current Professional Service Agreement for engineering services at the airport expired January 14, 2019. A consultant selection process was conducted and a recommendation was presented to City Council on February 12, 2019. Jviation Inc. was selected to continue as the airport's consulting engineering firm. The airport respectfully asks that Jviation be awarded a five year contract that is contingent upon Federal AIP funding at 93.75% and airport need. Each future planning project will be taken before Elko City Council for consideration prior to any contractual obligations. The PSA will be for a five (5) year period. JF**
6. Budget Impact Statement: **N/A**

Appropriation Required:
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Professional Service Agreement**
9. Recommended Motion: **Move to accept a professional services agreement with Jviation, Inc. for engineering services at the Elko Regional Airport.**
10. Prepared By: **Jim Foster, Airport Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Kirk Nielsen, Project Manager
Jviation, Inc.
Kirk.Nielsen@jviation.com**

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of a request from Randon Williams, dba Williams & Co. Barbecue for concession space at the Elko City Main Park, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Mr. Williams would like to utilize Area 2 as a space of approximately 40' X 15' for his barbecue business. He does hold an Elko City Business License. KW**
6. Budget Impact Statement:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, Lease Agreement**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Kelly Wooldridge, City Clerk**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Randon Williams**
williamsncobbq@gmail.com

**ELKO CITY MAIN PARK
CONCESSION APPLICATION**
1751 College Avenue Elko, Nevada
Phone: 775-777-7126
Fax: 775-777-7129

The City of Elko allows use of designated portions of the Main City Park for certain types of businesses with approval from the Elko City Council. The fees for the use of park space are based on the amount of space requested. An Elko City Business License is required along with a \$1 million dollar insurance policy with the City listed as additional insured. Interested person(s) must complete the application and return it to the Elko City Clerk's Department. The Elko City Manager/City Clerk shall review the application to determine eligibility, fees, and space availability. If eligible, a draft agreement will be presented to the City Council for approval. Once the agreement is approved, signed and insurance provided your business may commence in the designated area.

Name of Applicant(s): Randon Williams

Company Name: Williams & Co. Barbecue LLC

Mailing Address: 4990 Victory Blvd Elko NV 89801
Street or P.O. Box City State Zip

Business License Number: 10863

Area of Park requested: #1 or any available #2
(Space Number or General Area)

Total square footage required: 40' x 15'

Type of food service proposed: Barbecue

Type of recreation service proposed: _____

Proposed operational hours: From: 8 a.m. p.m. To: 9 a.m. p.m.
(circle one) (circle one)

Days of operations (circle all that apply): Monday, Tuesday, Wednesday, Thursday, Friday,
Saturday, Sunday Occasionally

Months of use (circle all that apply): January, February, March, April, May, June, July, August,
September, October, November, December

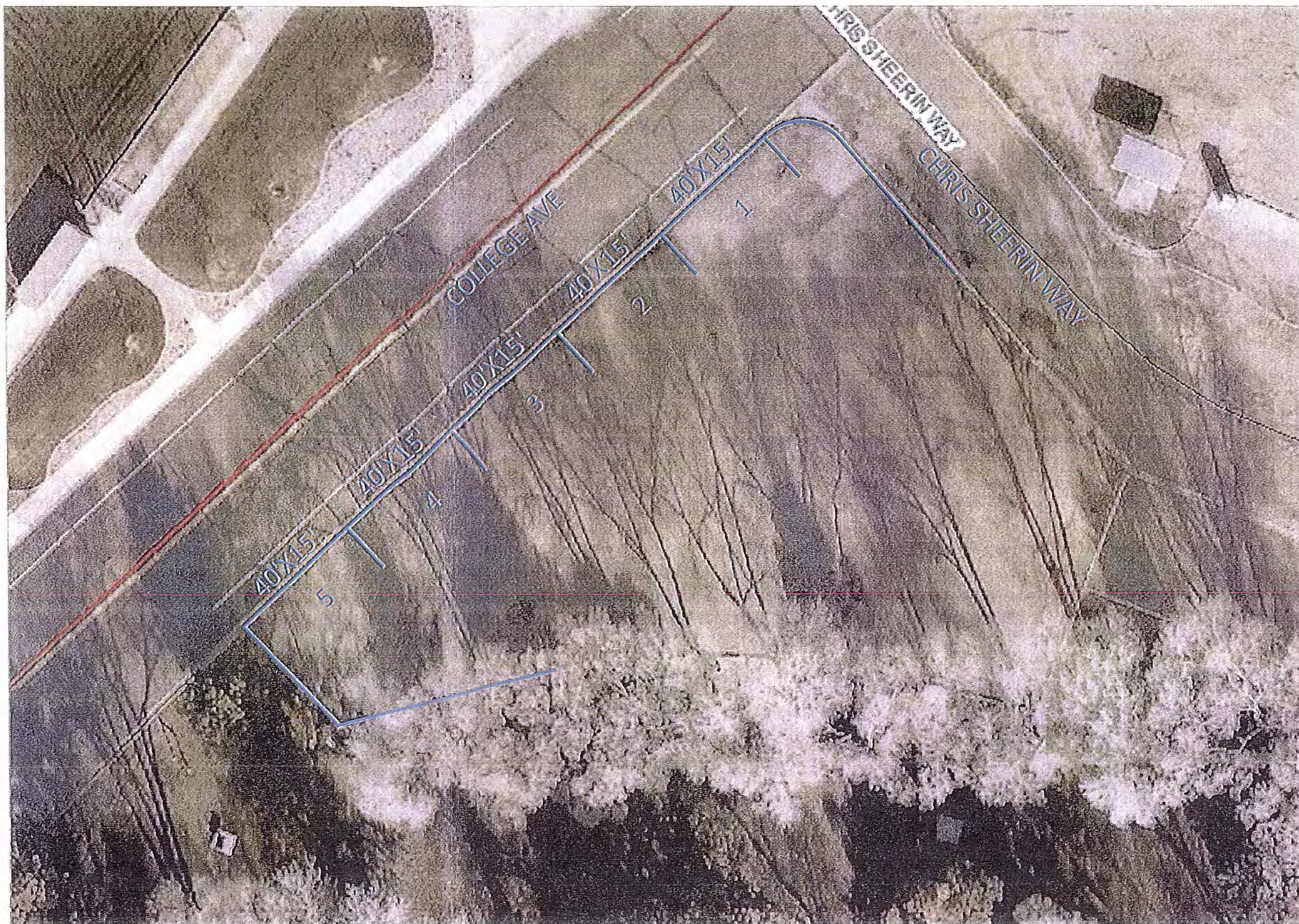
Under penalties of perjury, the undersigned declares that he/she is the applicant/authorized agent of the applicant in the foregoing application for license and knows the contents thereof; that those items contained in the application are true of his/her own knowledge except as to those matters stated on information and belief and as to such matters he/she believes it to be true.

Signature: [Signature]

Date: 2-20-19

Printed Name: Randon Jesse Williams
williamsncobb@gmail

801-310-0519



CITY OF ELKO
1751 COLLEGE AVE
ELKO, NEVADA 89801
775-777-7210

SCALE
HORZ 1"=30'
VERT none

DESIGNED BY JJ
DRAWN BY ACAD 2017
CHECKED BY JJ
DATE 05/12/2017

CITY OF ELKO
FOOD TRUCK PARKING

SHEET 1
OF 1

CITY OF ELKO

LICENSE AND CONCESSIONAIRE AGREEMENT

THIS AGREEMENT is made and entered into as of this ____ day of _____, 20____ by and between **Randon Williams dba Williams & Co. Barbecue LLC**, Licensee and Concessionaire (hereinafter referred to as "**Concessionaire**") and **THE CITY OF ELKO**, Owner and Licensor (hereinafter referred to as the "**City**").

1. **PURPOSE AND TERM.** **Concessionaire** is hereby given privilege and license to use the approximately **400 square feet**, known as **Area 2** and depicted on Exhibit "A" to conduct and operate a food concession business subject to the conditions contained herein.
3. **SALE OF FOOD AND BEVERAGES.**
Subject to paragraph 3.B. below, **Concessionaire** shall have the right to sell any food and nonalcoholic beverages or refreshments of any kind as indicated on applicable permits and licenses from the City of Elko, Elko Fire Marshal and the State Health Department. **Concessionaire** shall submit proof to **City** of acquisition of all required permits which may be required by law to conduct operations. **Concessionaire** shall pay any licenses and taxes which may be assessed in conjunction with the concession operation.
4. **CARE OF PREMISES AND EQUIPMENT.** **Concessionaire** will keep all stands, fixtures and equipment in a clean, sanitary and orderly condition at all times and conduct the food concession in accordance with all federal, state and local health department rules, regulations, statutes and ordinances.
5. **PERMANENT FIXTURES.** **Concessionaire** shall not install any permanent fixtures or structures to the property. All equipment must be mobile.
6. **JANITORIAL SERVICES.** **Concessionaire**, at its own expense, shall provide trash receptacles and trash removal on a daily basis and shall keep all areas used by it, including the common area utilized by the **Concessionaire** and the general public, in a clean condition and good state of repair. It is expressly understood that the entire premises are open to inspection by authorized representatives of the **City** at all times.
7. **RENT.** Rent is payable by the **Concessionaire** to the **City** in the amount of **\$50.00 per month**.
8. **UTILITIES.** No Utility connections will be made available to the **Concessionaire** by the **City**.
9. **DAYS AND HOURS OF OPERATION.** **Concessionaire** shall have exclusive right to the use of Area 2 as depicted in Exhibit "A" **Every day , all months, the hours of 8:00 a.m. to 9:00 p.m.** At times when the **Concessionaire** is not utilizing such area, the public may utilize the area for general recreational uses.

10. **NOT A CONTRACT FOR EMPLOYMENT OR LEASE.** It is understood and agreed that this contract is not a contract of employment, in the sense that **Concessionaire** or the **Concessionaire's** employees are not employees of the **City**. **Concessionaire** at all times shall be deemed to be an independent contractor. **Concessionaire** is not authorized to bind the **City** to any contracts or other obligations. The **City** shall not be liable for acts of the **Concessionaire** or its assistants or employees in performing the duties described herein.
11. **DEFAULT OF CONCESSIONAIRE.** The **City** shall have the right to terminate the agreement after **fifteen (15) days** written notice served on **Concessionaire** personally or by certified mail, in the event that default shall be made by **Concessionaire** of any of the covenants hereby agreed to be performed by **Concessionaire**, or if **Concessionaire** violates any of the ordinances of the City of Elko, State of Nevada, or federal government, or for dishonesty, incompetence, negligence, inattention or irresponsibility. If after receiving written notice of default herein provided, **Concessionaire** cures all defaults or violations to the satisfaction of the Recreation Coordinator or representative within **fifteen (15) days**, its default may be considered cured and this agreement shall remain in full force and effect until it is terminated. In the event the agreement is terminated after the 15-day default notice, it will be lawful for the **City** to immediately thereafter remove all property from the premises owned by **Concessionaire**.
12. **LIABILITY INSURANCE.** **Concessionaire** shall save and hold harmless, defend and indemnify the **City**, its successors and assigns, from and against all loss or damage to property, injury to or death of persons resulting in any manner whatsoever, directly or indirectly, by reason of the use or occupancy of the concessions for any purpose whatsoever by reason of the rights, licenses and privileges herein granted. In partial performance of such obligation, **Concessionaire** shall file with the City Manager evidence of public liability insurance coverage satisfactory to **City** insuring the liability of **City**, of its officers, agents and employees and **Concessionaire** for any and all activities covered by the terms of this agreement in an amount not less than **ONE MILLION DOLLARS (\$1,000,000.00)** single limit liability for bodily injury death or property damage. Said policy shall not be canceled until the **City** shall have at least thirty (30) days notice in writing of such cancellation. A certified true copy of the policy with endorsement must be furnished to the City Manager within **ten (10) days** from the date of execution of this agreement. The policy must include the following endorsements: **"IT IS A CONDITION OF THIS POLICY THAT THE INSURANCE COMPANY MUST FURNISH WRITTEN NOTICE TO THE CITY OF ELKO PARKS DEPARTMENT THIRTY (30) DAYS IN ADVANCE OF THE EFFECTIVE DATE OF ANY REDUCTION IN OR CANCELLATION OF THIS POLICY."** Such cancellation shall terminate the **Concessionaire's** agreement for the facility.
12. **NOTICES.** Any notice to **Concessionaire** herein may be served personally or by mail addressed to **Randon Williams, 4990 Victory Blvd, Elko, NV 89801..** Any notice given by **Concessionaire** to **City** shall be deemed properly served upon the **City** if the same is delivered to the City Manager of the City of Elko or deposited in the post office, postage prepaid, addressed to the City Manager, 1751 College Avenue, Elko, Nevada 89801.

13. **ASSIGNMENT AND SUBLETTING PROHIBITED.** This agreement may not be assigned to any other person or persons, in whole or in part, nor shall any portion of the premises hereby licensed to **Concessionaire** be sublet in any manner whatsoever. This agreement shall terminate if, in the opinion of the City Manager, the **Concessionaire**, by reason of incapacity or otherwise, is unable to perform its duties for a period exceeding **thirty (30)** consecutive days.
14. **TERMINATION OF LEASE.** It is hereby agreed that both the **City and Concessionaire** shall have the option to terminate the remaining term of this agreement upon a 15 day written notice.
15. **ENTIRE AGREEMENT.** This Agreement shall be deemed and construed as the entire agreement of the parties hereto and there are not prior or contemporaneous oral agreements between the parties which would or will alter the terms of this agreement in any particular whatsoever. Any subsequent amendment to this agreement shall be in writing.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed the day and year first above written.

CITY OF ELKO:

ATTEST:

BY: REECE KEENER, MAYOR

KELLY WOOLDRIDGE, CITY CLERK

CONCESSIONAIRE:

BY: _____
RANDON WILLIAMS

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept a petition for the vacation of a roadway and utility easement along the west property lines of APN 039-001-007, 008 & 009, consisting of an area approximately 26,225 sq. ft., filed by Robert Morley of High Desert Engineering on behalf of Trinidad Jay Shippy and Kathryn Justine Shippy and processed as Vacation No. 2-19, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PETITION**
4. Time Required: **10 Minutes**
5. Background Information: **January 19, 1978, an easement was granted to the City of Elko for a water line and roadway. This easement is outside the City of Elko incorporated boundaries but since the easement was granted to the City of Elko, it is within the jurisdiction of the City of Elko and not Elko County to vacate the easement. The property owner is proposing to relocate the water line in a new easement granted to the City of Elko. CL**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application, Map, and Staff Memo**
9. Recommended Motion: **Accept the petition for vacation and direct Staff to commence the vacation process by referring the matter to the Planning Commission.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution: **Trinidad Jay Shippy and Kathryn Justine Shippy
2135 Industrial Way
Elko, NV 89801

High Desert Engineering
Robert Morley
640 Idaho Street
Elko, NV 89801**



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

CITY COUNCIL PETITION DATE:	February 26, 2019
PLANNING COMMISSION DATE:	March 5, 2019
APPLICATION NUMBER:	Vacation 2-19
APPLICANT:	Trinidy J. Shipping and Kathryn J. Shippy
PROJECT DESCRIPTION:	APN 039-001-007 thru 039-001-009

Vacation of an existing utility and access easement along the west property line abutting all three parcels. In conjunction with a relocation of a water line and a dedication of a new water line easement.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact, conditions and waivers.

PROJECT INFORMATION

PARCEL NUMBER: 039-001-007, 008 & 009

EXISTING ZONING: Elko County Property

MASTER PLAN DESIGNATION: Elko County Property

EXISTING LAND USE: Developed, Industrial

BACKGROUND:

1. The property has been developed as industrial land use.
2. The property is located in the county and not within city limits.
3. The easement continues to the north through parcel APN 039-001-002 and that portion of the easement will remain.
4. The easement was granted to the City of Elko on January 19, 1978 to construct, reconstruct, repair, operate and maintain an alley, street or roadway for right-of-way purposes and water line or distribution system.
5. The property owner is proposing to relocate the existing water line into a new easement granted to the City of Elko along the northerly property line of APN 039-001-007.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: Elko County (Industrial land use) / Developed

East: Elko County (Industrial land use) / Developed

South: Elko County (Industrial land use) / Developed

West: RMH / Developed

PROPERTY CHARACTERISTICS:

The property is currently developed.

There is a city of Elko water line within the existing easement.

It does not appear that there are any other utilities located in the easement.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive

City of Elko Master Plan – Land Use Component

City of Elko Master Plan – Transportation Component

City of Elko Redevelopment Plan

City of Elko Code – Section 8-7 Street Vacation Procedures

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Industrial General.
2. The property is located outside City of Elko incorporated boundary.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from Industrial Way.
2. Industrial Way is an Elko County maintained roadway.

The Master Plan Transportation component is not applicable as the property is located in Elko County.

REDEVELOPMENT PLAN

- The area is located outside the Redevelopment Area.

FINDINGS

- The proposed vacation is in conformance with the City of Elko Master Plan Land Use component
- The proposed vacation is in conformance with the City of Elko Master Plan Transportation component
- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.

STAFF RECOMMENDATION:

Staff recommends the City Council accept this petition and forward this item to the Planning Commission for further consideration.

RECEIVED

FEB 11 2019

EXHIBIT A
30' ROADWAY AND UTILITY EASEMENT
CITY OF ELKO, NEVADA
January 4, 2019

An Easement for a Roadway and Utility purposes being 30' in width located Section 13, T.34 N., R.55 E., M.B.D. & M., City of Elko, Nevada, more particularly described as follows:

Commencing at the Northwest Corner of said Section 13, thence S 00° 43' 52" W, 261.56 feet along the Westerly Line of said Section 13 to Corner No. 1, the True Point of Beginning, a point being the most Northerly Corner of that Parcel conveyed to Trinity Jay Shippy and Kathryn Justine Shippy, by deed, Document No. 744502, on file in the office of the Elko County Recorder, Elko, Nevada ;

Thence S 48° 40' 55" E, 228.48 feet along the Northerly Line of said Shippy Parcel to Corner No. 2, a point being on the Northwesternly Right of Way of Industrial Way;

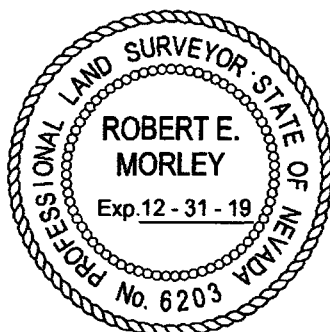
Thence from a tangent bearing S 41° 19' 05" W, on a curve to the left with a radius of 180.00 feet, through a central angle of 09° 35' 39", for an arc length of 30.14 feet along the said Northwesternly Right of Way of Industrial Way to Corner No. 3;

Thence N 48° 40' 55" W, 205.30 feet to Corner No. 4, a point being on the said Westerly Line of Section 13;

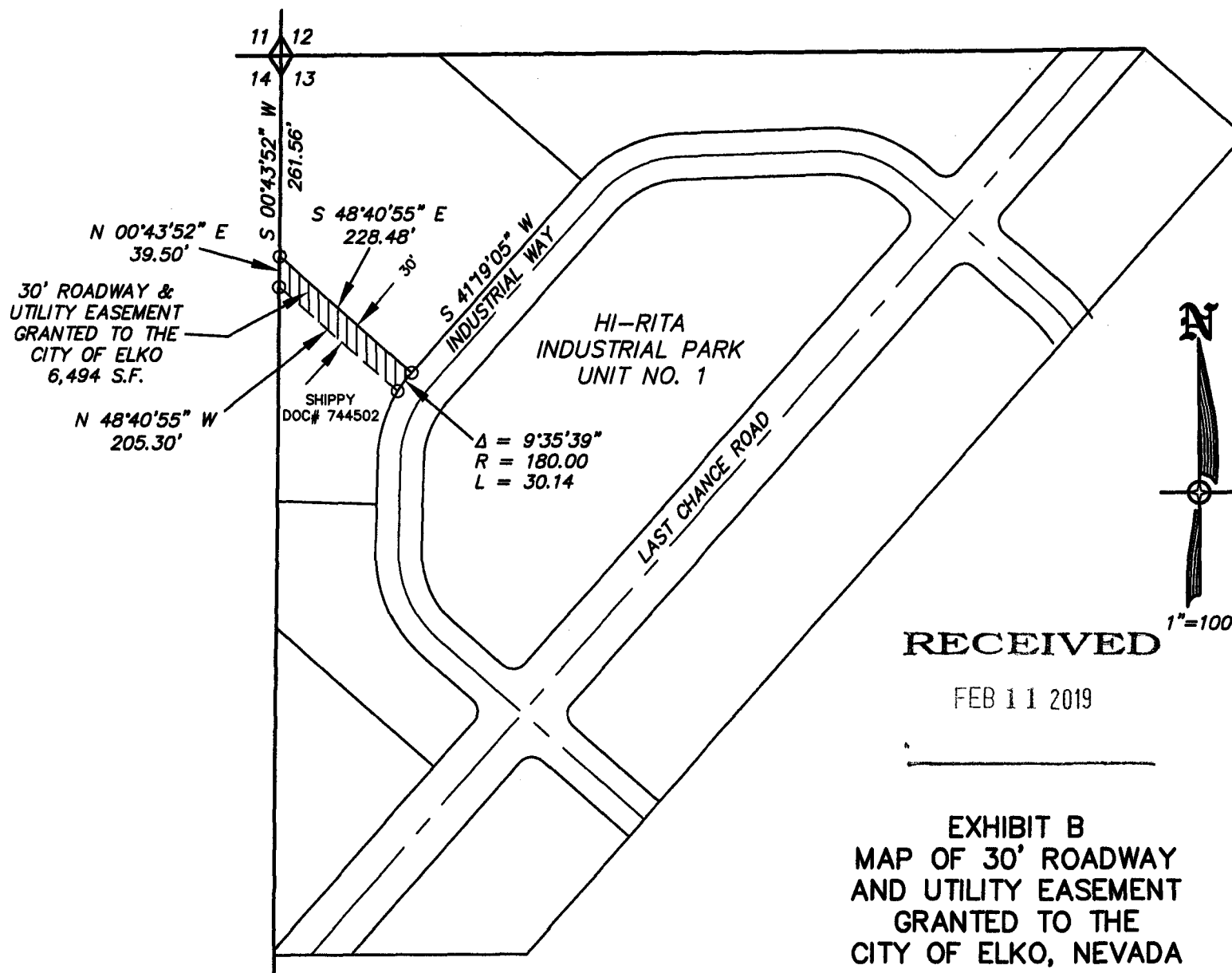
Thence N 00° 43' 52" E, 39.50 feet along the said Westerly Line of Section 13 to Corner No. 1, the point of beginning, containing 6,494 square feet more or less.

Reference is hereby made to Exhibit B, Map of 30' Roadway and Utility Easement to be Granted to City of Elko, Nevada, attached hereto and made a part hereof.

Prepared by Robert E. Morley, PLS
640 Idaho Street



High Desert Engineering
Elko, NV 89801



RECEIVED

FEB 11 2019

EXHIBIT B
MAP OF 30' ROADWAY
AND UTILITY EASEMENT
GRANTED TO THE
CITY OF ELKO, NEVADA

FEB 11 2019

EXHIBIT A
30' ROADWAY AND UTILITY EASEMENT VACATION
FOR CITY OF ELKO, NEVADA
January 3, 2019

A parcel of land located Section 13, T.34 N., R.55 E., M.B.D. & M., City of Elko, Nevada, being a portion the 30' Roadway and Utility Easement conveyed to the City of Elko, by deed in Book 261, Page 33, Official Records, on file in the Office of the Elko County Recorder, Elko, Nevada, more particularly described as follows:

Commencing at the Northwest Corner of said Section 13, thence S 00° 43' 52" W, 261.56 feet along the Westerly Line of said Section 13 to Corner No. 1, the True Point of Beginning;

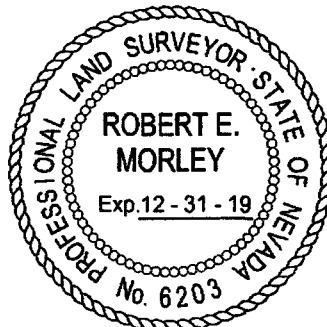
Thence continuing S 00° 43' 52" W, 904.52 feet along the said Westerly Line of Section 13 to Corner No. 2, a point being on the Northwesterly Right of Way of Last Chance Road;

Thence N 41° 19' 05" E, 46.11 feet along the said Northwesterly Right of Way of Last Chance Road to Corner No. 3;

Thence N 00° 43' 52" E, 843.80 feet to Corner No. 4, a point being on the Northerly Line of that Parcel conveyed to Trinity Jay Shippy and Kathryn Justine Shippy, by deed, Document No. 744502, on file in the office of the Elko County Recorder, Elko, Nevada;

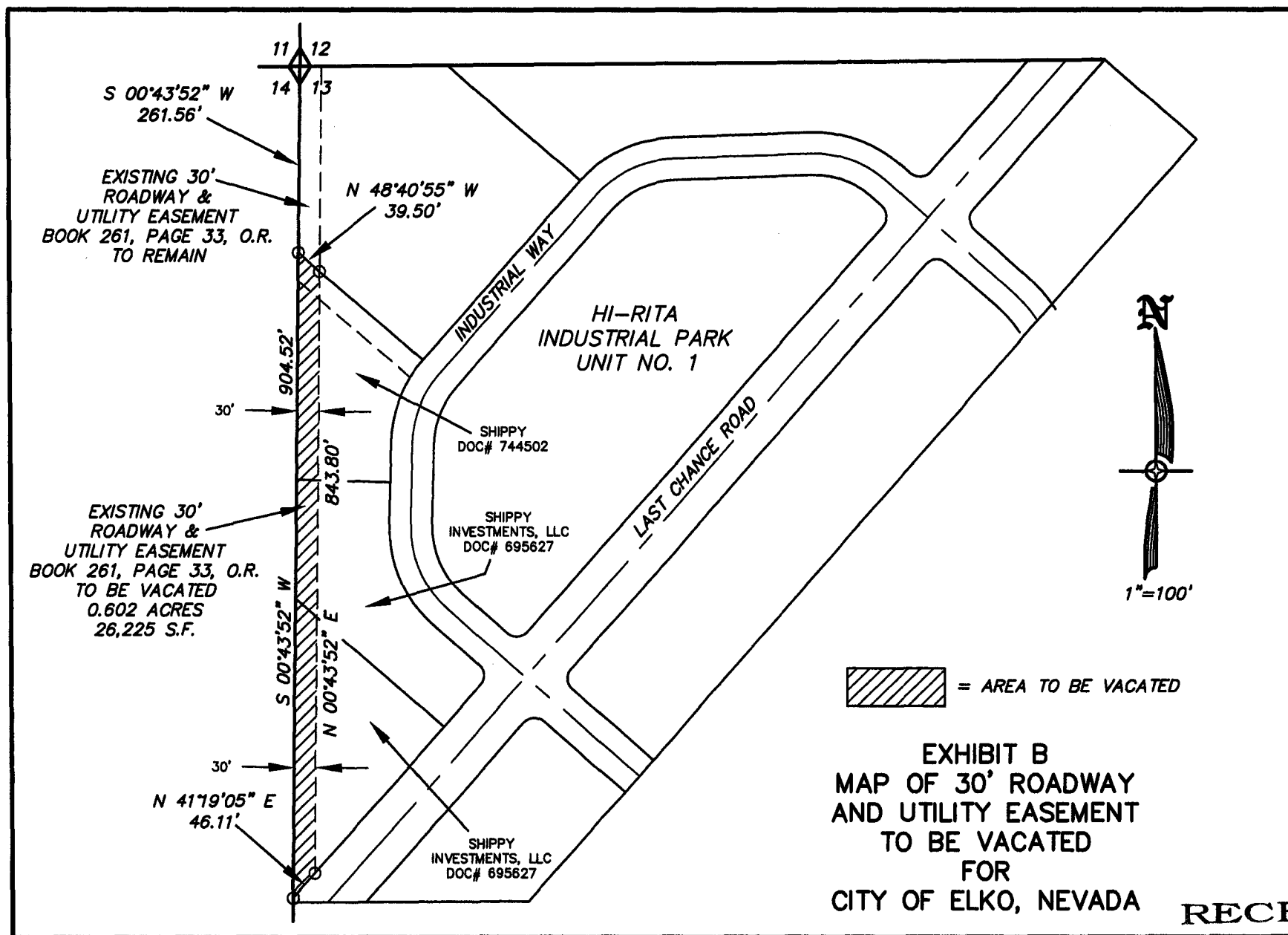
Thence N 48° 40' 55" W, 39.50 feet along the said Northerly Line of Shippy Parcel, to Corner No. 1, the point of beginning, containing 26,225 square feet more or less.

Reference is hereby made to Exhibit B, Map of 30' Roadway and Utility Easement to be Vacated for City of Elko, Nevada, attached hereto and made a part hereof.



Prepared by Robert E. Morley, PLS
640 Idaho Street

High Desert Engineering
Elko, NV 89801



RECEIVED

FEB 11 2019



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

(775) 777-7160 * (775) 777-7119 fax

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): Trinidy Jay Shippy and Kathryn Justine Shippy
MAILING ADDRESS: 2135 Industrial Way, Elko, Nevada 89801
PHONE NO (Home) _____ (Business) (775) 934-2129
NAME OF PROPERTY OWNER (If different): _____
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: Same as Applicant
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 039-001-007 thru 039-001-009 Address Industrial Way
Lot(s), Block(s), & Subdivision Portion of Block A, Hi-Rita Industrial Park, Unit No. 1
Or Parcel(s) & File No. File No. 215089

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

RECEIVED

FEB 11 2010

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Trinidy Jay shippy and Kathryn Justine Shippy
(Name)

2193 Industrial Way, Elko NV 89801
(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

Shippy Investments, LLC
(Name)

2135 Industrial Way, Elko NV 89801
(Address)

1. Describe the nature of the request: _____

2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: _____

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Robert E. Morley
(Please print or type)

Mailing Address 640 Idaho
Street Address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

Phone Number: (775) 738-4053

Email address: _____

SIGNATURE: Robert E. Morley

FOR OFFICE USE ONLY

File No.: 2-19 **Date Filed:** 2/11/19 **Fee Paid:** \$600 CK# 14792

City of Elko
1751 College Avenue
Elko, Nevada 89801

RECEIVED

FEB 14 2019

Re: Application for vacation of City Easement

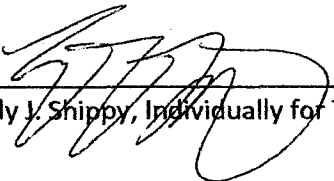
To Whom It May Concern:

Shippy Investments, LLC and Trinidy Jay Shippy & Kathryn Shippy hereby authorize Robert E. Morley to act as their representative and agent at it pertains to the recently submitted Application for Vacation of City Street Easement or other Public Way submitted by Trinidy Jay Shippy and Kathryn Justine Shippy.

Shippy Investments, LLC



By: Trinidy J. Shippy, Manager



Trinidy J. Shippy, Individually for Trinidy Jay Shippy and Kathryn Justin Shippy

RECEIVED

FEB 11 2019

City of Elko
1751 College Avenue
Elko, Nevada 89801

Re: Application for vacation of City Easement

To Whom It May Concern:

Shippy investments, LLC has no objection to and is willing to join in the vacation of the existing City roadway and utility easement as applied for by Trinidy Jay Shippy and Kathryn Justine Shippy located along the West line of Section 13, T.34 N., R.55 E., M.D.B. & M., adjacent to our property on Last Chance Road and Industrial Way being Assessor's Parcel Numbers 039-001-008 and 039-001-009.

Shippy Investments LLC


By: Trinidy J. Shippy, Manager

**Elko City Council
Agenda Action Sheet**

1. Title: **Public hearing pursuant to NRS 268.059(a) regarding the fair market value and possible sale at public auction of approximately 4,000 sq. ft. of City-owned property located generally on the south corner of the intersection of Elm Street and 8th Street, designated APN 001-066-005. Discussion and possible motion determining that the fair market value of the property is \$20,000 in accordance with the appraisal of Jason Buckholz of CRBE, Inc., appraiser, and possible adoption of Resolution No. 05-19, a resolution of the Elko City Council finding it is in the best interest of the City to sell APN 001-066-005 and hereby declaring its intention to sell such property at public auction pursuant to City Code Section 8-1-3 and NRS 268.062, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Don Knight began the process of purchasing the parcel bearing APN 001-066-005, which is City-owned property located adjacent to his residence located at 772 Elm Street. Council, at its May 23, 2017 meeting, determined it was in the best interest of the City to sell the property to Mr. Knight, and that the property was too small to establish an economically viable use by anyone else. Council conditioned the sale on Mr. Knight completing a parcel map to combine the two parcels. On November 13, 2018, Mr. Knight requested that Council remove the parcel map condition. However, Council did not remove the condition and Mr. Knight repudiated the purchase of the parcel. Council accepted the repudiation and authorized Staff to obtain the required appraisal and proceed with the statutory process of selling the parcel at public auction as required by NRS 268.062. CL**
6. Budget Information:

Appropriation Required: **NA**
Budget amount available: **NA**
Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Appraisal and Resolution**
9. Recommended Motion: **Accept the fair market value as determined at the public hearing and adopt Resolution No. 05-19**
10. Prepared By: **Cathy Laughlin, City Planner**

Agenda Item VII.A.

11. Committee/Other Agency Review: **City Attorney**
12. Council Action:
13. Agenda Distribution: **Don Knight**
772 Elm Street
Elko, NV 89801

CITY OF ELKO
Resolution No. 05-19

**RESOLUTION AGREEING WITH THE APPRAISER'S
VALUE OF THE PROPERTY, DECLARING
INTENTION TO SELL LAND AT PUBLIC AUCTION
AND SETTING DATE FOR AUCTION**

WHEREAS, the City Council has determined to proceed with the process of selling approximately 4,000 square feet of City-owned land located on the south corner of the intersection of Elm Street and 8th Street, in the City of Elko, Elko County, Nevada (hereinafter the "Property") through the public auction process, as set forth in Elko City Code Title 8, Chapter 1.

WHEREAS, the property is legally described as:

A.P.N. 001-066-005

Lots 1 and 2 of Block 114 as shown on the Map of the First Addition, recorded in the office of the Elko County Recorder as file no. 5,

TOGETHER WITH all and singular the tenements, hereditaments, easements, and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents issues and profits thereof, or of any part thereof.

WHEREAS, the City has obtained one (1) appraisal of the property as follows:

An appraisal by CBRE, Inc. with an appraised value of \$20,000.00 as of February 2, 2019.

WHEREAS, the City Council held a public hearing on February 26, 2019 regarding the fair market value of the property and affirmed that the appraised value established by CBRE, Inc. of \$20,000.00 is the fair market value.

WHEREAS, the City cannot sell the property for less than the appraised value.

WHEREAS, the minimum price must be \$20,000.00, payable in cash or cashier's check at close of sale, which shall be within sixty (60) days of acceptance by the City Council of the highest bid.

NOW, THEREFORE, upon motion duly made by Councilman _____ and seconded by Councilman _____,

IT IS RESOLVED AND ORDERED THAT:

1. It is in the best interest of the City that the City-owned real property consisting of a 4,000 square foot parcel of City owned land located on the south corner of the intersection of Elm Street and 8th Street, in the City of Elko, Elko County, Nevada and more particularly described as set forth above, shall be placed for public auction sale at the regularly held City Council Meeting on the 26th day of March, 2019 at 5:30 o'clock p.m. at the Elko City Hall, 1751 College Avenue, Elko, Nevada.
2. The minimum price must be \$20,000.00 payable in cash or cashier's check at close of sale which shall be within sixty (60) days of acceptance by the City Council of the highest bid. In addition, the successful bidder, upon acceptance by the City Council, shall pay the title insurance premium, recording fees, transfer tax, legal publication fees, the appraisal fee in the amount of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00), and all attorney fees for the preparation of the documents and other services of related to this sale.
3. All bids must be in writing, sealed, addressed to the Elko City Council, and filed with the City Clerk at the City Office no later than 5:30 p.m. on the date of said sale, comply with the terms and conditions of this Resolution, and comply with Title 8, Chapter 1 of the Elko City Code, as amended or supplemented
4. At the time and place fixed in this Resolution for the meeting of the City Council, all sealed bids which have been received will, in public session, be opened, examined and declared by the City Council. Of the proposals bids submitted which conform to all terms and conditions specified in the resolution and which are made by responsible bidders, the bid which is the highest will be finally accepted, unless a higher oral bid is accepted at the public sale in accordance with NRS 268.062(4) or the City Council rejects all bids in accordance with NRS 268.062(6).
5. Before accepting any written bid, the City Council shall call for oral bids. If, upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions specified in this Resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid received at the public auction which is made by a responsible person must shall be finally accepted.
6. The final acceptance by the City Council may be made either at the same session or at any adjourned session of the same meeting held within the twenty-one (21) days next following.
7. The City Council may, either at the same session or at any adjourned session of the same meeting held within the twenty-one (21) days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

8. The City is selling all its interest in and to the parcel of land described for sale subject to the above-described conditions, exceptions and reservations, but makes no guarantee of title or of the accuracy of the description of said lands. If the buyer desires a title insurance policy, it shall be at the instance and expense of such buyer.

9. Completion of the sale by the City is expressly conditioned upon full performance by the buyer within sixty (60) calendar days after the acceptance of the bid, including full payment of the purchase price and all costs and expenses in cash or by cashier's check. If the successful buyer bidder fails or neglects to complete the purchase of the property, to include the payment of all costs and expenses, within sixty (60) calendar days after the acceptance of the offer, the sale will be considered cancelled.

10. The City Council may, in its discretion, take into consideration, in addition to the amount offered, that the highest bid must be made by a responsible person.

11. The City Council reserves the right to waive technical or minor variations, omissions or irregularities.

12. **IT IS FURTHER RESOLVED THAT** upon adoption of this Resolution by the City Council, it shall be signed by the Mayor and attested by the City Clerk and shall be in full force and effect after its adoption.

PASSES AND ADOPTED this 26th day of February 2019.

END OF RESOLUTION AND ORDER.

DATED this 26th day of February 2019.

CITY OF ELKO

ATTEST:

By: _____
REECE KEENER, Mayor

KELLY WOOLDRIDGE, City Clerk

VOTE:

AYES:

NAYES:

ABSENT:

ABSTAIN:

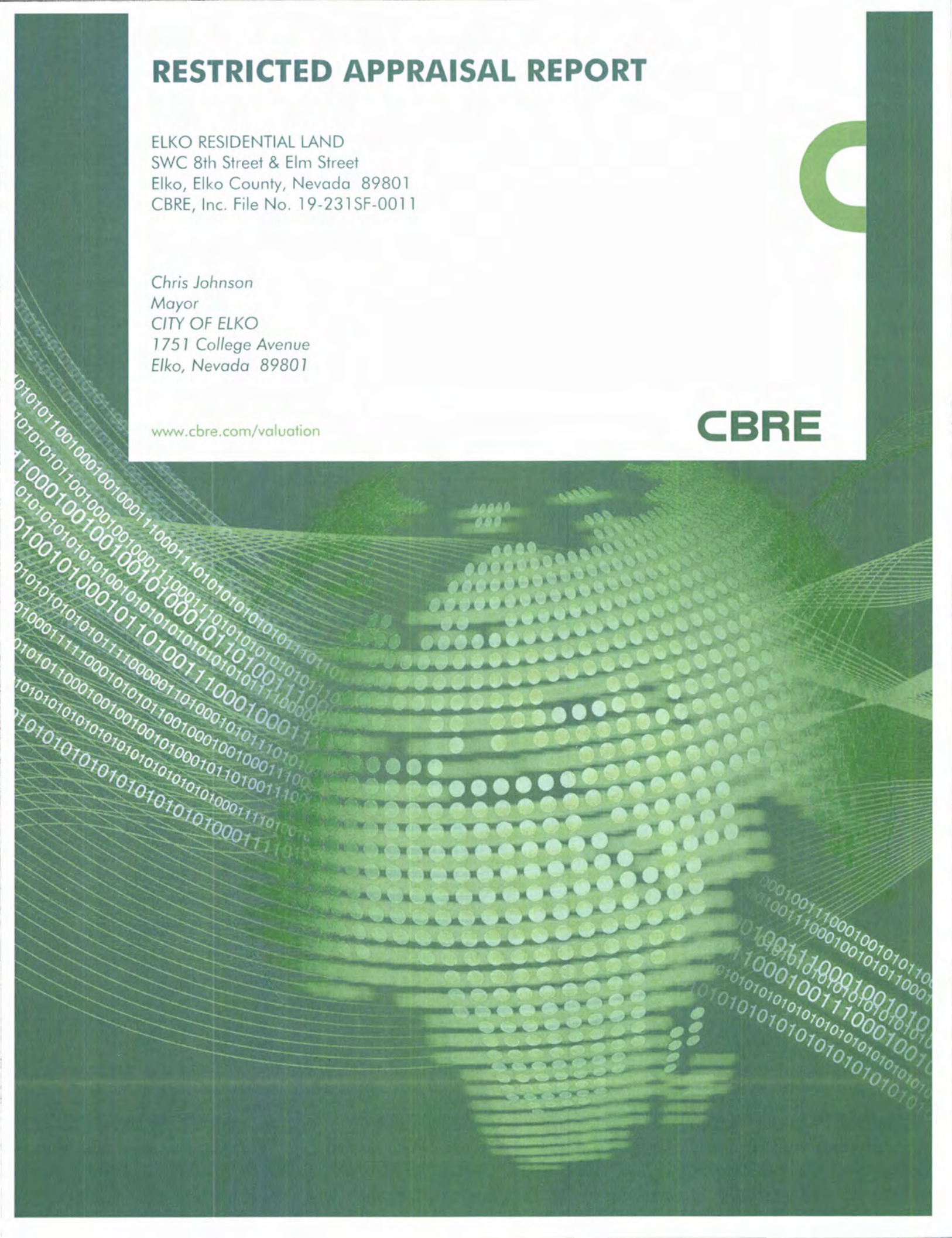
RESTRICTED APPRAISAL REPORT

ELKO RESIDENTIAL LAND
SWC 8th Street & Elm Street
Elko, Elko County, Nevada 89801
CBRE, Inc. File No. 19-231SF-0011

Chris Johnson
Mayor
CITY OF ELKO
1751 College Avenue
Elko, Nevada 89801

www.cbre.com/valuation

CBRE



February 4, 2019

Chris Johnson
Mayor
CITY OF ELKO
1751 College Avenue
Elko, Nevada 89801RE: Appraisal of Elko Residential Land
SWC 8th Street & Elm Street
Elko, Elko County, Nevada
CBRE, Inc. File No. 19-231SF-0011

Dear Mr. Johnson:

At your request and authorization, CBRE, Inc. has prepared an appraisal of the market value of the referenced property. Our analysis is presented in the following Restricted Appraisal Report. The reader is hereby advised that the opinions and conclusions contained herein may not be properly understood without additional information contained in the appraiser's work file.

The subject is a .09-acre (4,000 sq. ft.) tract of vacant land (residential subdivision) located at SWC 8th Street & Elm Street in Elko, Nevada. The subject site is located at the corner of Elm Street and 8th Street with frontage along both streets. Although the subject has good street frontage the corner location may inhibit development due to required setbacks yet may accommodate a small structure or could be assembled with an adjacent parcel. Based on current setback requirements, the buildable area is limited to an approximate 20' wide structure.

Based on the analysis contained in the following report, the market value of the subject is concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
As Is	Fee Simple Estate	February 2, 2019	\$20,000
Compiled by CBRE			

The report, in its entirety, including all assumptions and limiting conditions, is an integral part of, and inseparable from, this letter.

The following appraisal sets forth the most pertinent data gathered, the techniques employed, and the reasoning leading to the opinion of value. The analyses, opinions and conclusions were developed based on, and this report has been prepared in conformance with, the guidelines and recommendations set forth in the Uniform Standards of Professional Appraisal Practice (USPAP),

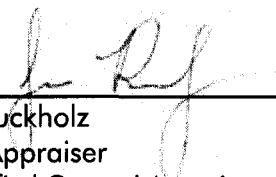
the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.

The intended use and user of our report are specifically identified in our report as agreed upon in our contract for services and/or reliance language found in the report. No other use or user of the report is permitted by any other party for any other purpose. Dissemination of this report by any party to any non-intended users does not extend reliance to any such party, and CBRE will not be responsible for any unauthorized use of or reliance upon the report, its conclusions or contents (or any portion thereof).

It has been a pleasure to assist you in this assignment. If you have any questions concerning the analysis, or if CBRE can be of further service, please contact us.


Respectfully submitted,

CBRE - VALUATION & ADVISORY SERVICES



Jason Buckholz
Senior Appraiser
NV Certified General Appraiser #A.0007369-CG
Expires: June 30, 2019
www.cbre.com/Jason_Buckholz

Phone: (775) 823-6931
Fax: (775) 823-6990
Email: jason.buckholz@cbre.com



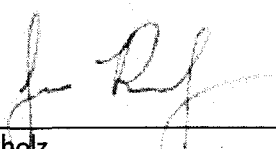
Jay S. Lefevers, MAI
Managing Director
NV Certified General Appraiser #A.0206493-CG
Expires: February 29, 2020
www.cbre.com/Jay_Lefevers

Phone: 602-735-5692
Fax: 602-735-5613
Email: jay.lefevers@cbre.com

Certification

We certify to the best of our knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions, and conclusions.
3. We have no present or prospective interest in or bias with respect to the property that is the subject of this report and have no personal interest in or bias with respect to the parties involved with this assignment.
4. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
5. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
6. This appraisal assignment was not based upon a requested minimum valuation, a specific valuation, or the approval of a loan.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice, as well as the requirements of the State of Nevada.
8. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. As of the date of this report, Jay Lefevers, MAI has completed the continuing education program for Designated Members of the Appraisal Institute.
11. As of the date of this report, Jason Buckholz has completed the Standards and Ethics Education Requirements for Candidates/Practicing Affiliates of the Appraisal Institute.
12. Jason Buckholz has and Jay Lefevers, MAI has not made a personal inspection of the property that is the subject of this report.
13. No one provided significant real property appraisal assistance to the persons signing this report.
14. Valuation & Advisory Services operates as an independent economic entity within CBRE, Inc. Although employees of other CBRE, Inc. divisions may be contacted as a part of our routine market research investigations, absolute client confidentiality and privacy were maintained at all times with regard to this assignment without conflict of interest.
15. Jason Buckholz and Jay Lefevers, MAI have provided services, as an appraiser, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment. We last appraised the property in August 2017 for the same client.



Jason Buckholz
NV Certified General Appraiser #A.0007369-CG



Jay S. Lefevers, MAI
NV Certified General Appraiser #A.0206493-CG

Subject Photographs



Aerial View



TYPICAL VIEW OF THE SUBJECT



TYPICAL VIEW OF THE SUBJECT



TYPICAL VIEW OF THE SUBJECT



TYPICAL VIEW OF THE SUBJECT



TYPICAL VIEW OF THE SUBJECT



TYPICAL VIEW OF THE SUBJECT

Executive Summary

Property Name	Elko Residential Land	
Location	SWC 8th Street & Elm Street, Elko, Elko County, Nevada 89801	
Highest and Best Use		
As If Vacant	Residential	
Property Rights Appraised	Fee Simple Estate	
Date of Report	February 4, 2019	
Date of Inspection	February 2, 2019	
Estimated Exposure Time	12 Months	
Estimated Marketing Time	12 Months	
Land Area - Total	0.09 AC	4,000 SF

VALUATION	Total	Per SF
Land Value	\$20,000	\$5.00

CONCLUDED MARKET VALUE			
Appraisal Premise	Interest Appraised	Date of Value	Value
As Is	Fee Simple Estate	February 2, 2019	\$20,000
Compiled by CBRE			

EXTRAORDINARY ASSUMPTIONS

An extraordinary assumption is defined as "an assumption directly related to a specific assignment, as of the effective date of the assignment results, which if found to be false, could alter the appraiser's opinions or conclusions." ¹

- None noted.

HYPOTHETICAL CONDITIONS

A hypothetical condition is defined as "a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purposes of analysis." ²

- None noted.

¹ The Appraisal Foundation, USPAP, 2018-2019.

² The Appraisal Foundation, USPAP, 2018-2019.

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B Qualifications	

Introduction

OWNERSHIP AND PROPERTY HISTORY

Title to the property is currently vested in the name of The City of Elko, who acquired title to the property in more than three years ago as recorded in the Elko County Deed Records.

INTENDED USE OF REPORT

This appraisal is to be used for internal decisions, and no other use is permitted.

INTENDED USER OF REPORT

This appraisal is to be used by The City of Elko, and no other user may rely on our report unless as specifically indicated in the report.

Intended Users - the intended user is the person (or entity) who the appraiser intends will use the results of the appraisal. The client may provide the appraiser with information about other potential users of the appraisal, but the appraiser ultimately determines who the appropriate users are given the appraisal problem to be solved. Identifying the intended users is necessary so that the appraiser can report the opinions and conclusions developed in the appraisal in a manner that is clear and understandable to the intended users. Parties who receive or might receive a copy of the appraisal are not necessarily intended users. The appraiser's responsibility is to the intended users identified in the report, not to all readers of the appraisal report.³

PURPOSE OF THE APPRAISAL

The purpose of this appraisal is to estimate the market value of the subject property.

DEFINITION OF VALUE

The current economic definition of market value agreed upon by agencies that regulate federal financial institutions in the U.S. (and used herein) is as follows:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised, and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and

³ Appraisal Institute, The Appraisal of Real Estate, 14th ed. (Chicago: Appraisal Institute, 2013), 50.

5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.⁴

INTEREST APPRAISED

The value estimated represents Fee Simple Interest and defined as follows:

Fee Simple Estate - Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power and escheat.⁵

SCOPE OF WORK

This is a Restricted Appraisal Report that is intended to comply with the reporting requirements set forth under Standards Rule 2 of the Uniform Standards of Professional Appraisal Practice for a Restricted Appraisal Report. As such, it presents limited discussions of the data, reasoning, and analyses that were used in the appraisal process to develop the appraiser's opinion of value. Supporting documentation concerning the data, reasoning, and analyses has been retained in the appraiser's file. The depth of discussion contained in this report is specific to the needs of the client and for the intended use stated herein. The reader is hereby advised that the opinions and conclusions contained herein may not be properly understood without additional information contained in the appraiser's work file. CBRE, Inc. completed the following steps for this assignment:

Extent to Which the Property is Identified

The property is identified through the following sources:

- postal address
- assessor's records
- legal description

Extent to Which the Property is Inspected

The extent of the inspection included the following: exterior.

Type and Extent of the Data Researched

CBRE reviewed the following:

- applicable tax data
- zoning requirements
- flood zone status
- demographics
- comparable data

⁴ Interagency Appraisal and Evaluation Guidelines; December 10, 2010, Federal Register, Volume 75 Number 237, Page 77472.

⁵ *Dictionary of Real Estate Appraisal*, 78.

Type and Extent of Analysis Applied

CBRE, Inc. analyzed the data gathered through the use of appropriate and accepted appraisal methodology to arrive at a probable value indication via each applicable approach to value. The steps required to complete each approach are discussed in the methodology section.

Data Resources Utilized in the Analysis

DATA SOURCES

Item:	Source(s):
Site Data	
Size	City of Elko - Planning Dept.
Other	
Zoning	City/County Planning Department and/or Municipal Code
Demographics	Claritas
Compiled by CBRE	

Subject Parcel Map



Subject Site Summary

SITE SUMMARY AND ANALYSIS

Physical Description

Gross Site Area	0.09 Acres	4,000 Sq. Ft.
Excess Land Area	None	n/a
Surplus Land Area	None	n/a
Shape	Irregular	
Topography	Generally Level	
Zoning District	ZR, Residential	
Flood Map Panel No. & Date	32007C5625E	4-Sep-13
Flood Zone	Zone X	
Adjacent Land Uses	Residential and vacant	
Earthquake Zone	N/A	

Utilities**Provider****Adequacy**

Water	City of Elko	Yes
Sewer	City of Elko	Yes
Natural Gas	NV Energy	Yes
Electricity	NV Energy	Yes

Other**Yes****No****Unknown**

Detrimental Easements			X
Encroachments			X
Deed Restrictions			X
Reciprocal Parking Rights		X	

Source: Various sources compiled by CBRE

The subject is situated at the corner of 8th Street and Elm Street with frontage along both streets as well as an un-named alley. Although the subject has good street frontage and visibility, the small size of the subject site may inhibit development due to required setbacks. Based on current setback requirements, development of any structure is limited to approximately 20' in width.

Appraisal Methodology

In appraisal practice, an approach to value is included or omitted based on its applicability to the property type being valued and the quality and quantity of information available.

COST APPROACH

The cost approach is based on the proposition that the informed purchaser would pay no more for the subject than the cost to produce a substitute property with equivalent utility. This approach is particularly applicable when the property being appraised involves relatively new improvements that represent the highest and best use of the land, or when it is improved with relatively unique or specialized improvements for which there exist few sales or leases of comparable properties.

SALES COMPARISON APPROACH

The sales comparison approach utilizes sales of comparable properties, adjusted for differences, to indicate a value for the subject. Valuation is typically accomplished using physical units of comparison such as price per square foot, price per unit, price per floor, etc., or economic units of comparison such as gross rent multiplier. Adjustments are applied to the physical units of comparison derived from the comparable sale. The unit of comparison chosen for the subject is then used to yield a total value. Economic units of comparison are not adjusted, but rather analyzed as to relevant differences, with the final estimate derived based on the general comparisons.

INCOME CAPITALIZATION APPROACH

The income capitalization approach reflects the subject's income-producing capabilities. This approach is based on the assumption that value is created by the expectation of benefits to be derived in the future. Specifically estimated is the amount an investor would be willing to pay to receive an income stream plus reversion value from a property over a period of time. The two common valuation techniques associated with the income capitalization approach are direct capitalization and the discounted cash flow (DCF) analysis.

METHODOLOGY APPLICABLE TO THE SUBJECT

In valuing the subject, only the sales comparison approach is applicable and has been utilized.

Land Value

The following map and table summarize the comparable data used in the valuation of the subject site.



SUMMARY OF COMPARABLE LAND SALES										
No.	Property Location	Transaction Type	Transaction Date	Use		Actual Sale Price	Size (Acres)	Size (SF)	Price Per Acre	Price Per SF
1	1639 Stitzel Way Elko, NV APN: 001-929-110	Sale	Oct-18	Vacant Residential	ZR1	\$70,000	0.21	9,179	\$332,193	\$7.63
2	609 Tasha Way Elko, NV APN: 001-619-024	Sale	Jun-18	Vacant Residential	ZR	\$90,000	0.25	10,795	\$363,168	\$8.34
3	1972 Ruby View Drive Elko, NV APN: 001-901-006	Sale	May-17	Vacant Residential	ZR	\$120,000	0.27	11,644	\$448,918	\$10.31
4	233 Cottonwood Drive Elko, NV APN: 001-961-027	Sale	Jan-17	Vacant Residential	ZR	\$59,000	0.17	7,314	\$351,386	\$8.07
Subject	SWC 8th Street & Elm Street, Elko, Nevada	---	---	Residential	ZR	---	0.09	4,000	---	---
Compiled by CBRE										

SUMMARY OF ADJUSTMENTS

Based on our comparative analysis, the following chart summarizes the adjustments warranted to each comparable.

LAND SALES ADJUSTMENT GRID					
Comparable Number	1	2	3	4	Subject
Transaction Type	Sale	Sale	Sale	Sale	---
Transaction Date	Oct-18	Jun-18	May-17	Jan-17	---
Use	Vacant Residential	Vacant Residential	Vacant Residential	Vacant Residential	Residential
Zoning	ZR1	ZR	ZR	ZR	ZR
Adjusted Sale Price ¹	\$70,000	\$90,000	\$120,000	\$59,000	---
Size (Acres)	0.21	0.25	0.27	0.17	---
Size (SF)	9,179	10,795	11,644	7,314	0
Price Per SF	\$7.63	\$8.34	\$10.31	\$8.07	---
Price (\$ PSF)	\$7.63	\$8.34	\$10.31	\$8.07	---
Property Rights Conveyed	0%	0%	0%	0%	
Financing Terms ¹	0%	0%	0%	0%	
Conditions of Sale	0%	0%	0%	0%	
Market Conditions (Time)	0%	0%	0%	0%	
Subtotal	\$7.63	\$8.34	\$10.31	\$8.07	
Size	-25%	-25%	-25%	-10%	
Shape	0%	0%	0%	0%	
Corner/Utility	0%	-5%	-5%	-5%	
Frontage	0%	0%	0%	0%	
Topography	0%	0%	0%	0%	
Location	-5%	-10%	-20%	-20%	
Total Other Adjustments	-30%	-40%	-50%	-35%	
Value Indication for Subject	\$5.34	\$5.00	\$5.15	\$5.24	
Absolute Adjustment	30%	40%	50%	35%	
Compiled by CBRE					

As compared to the subject size adjustments were given based on an average site size for the neighborhood of approximately 0.2 acres. All of the comparables reflect larger sites, superior to the subject and size adjustments were given. The subject is situated on a corner lot with frontage along three sides of the parcel, including alley frontage. However, the subject site is long and narrow. Based on setbacks of 15' from street frontage, the buildable area is limited to structures approximately 20' in width. The limited building area may inhibit development and downward corner/utility adjustments were given to Comparables 2, 3 and 4. In terms of location, all of the comparables are deemed superior and downward adjustments were given.

CONCLUSION

After adjustments, the comparables indicate a range in value for the subject of \$4.37 to \$4.92 per square foot. Based on the preceding analysis, a price per square foot indication near the low end of the range was most appropriate for the subject. The following table presents the valuation conclusion:

CONCLUDED LAND VALUE				
\$ PSF		Subject SF		Total
\$5.00	x	4,000	=	\$20,000
\$5.42	x	4,000	=	\$21,680
Indicated Value:				\$20,000
				(\$'s/SF) \$5.00
Compiled by CBRE				

Reconciliation of Value

In valuing the subject, the Sales Comparison Approach is considered most reliable and was used.

Based on the foregoing, the market value of the subject has been concluded as follows:

MARKET VALUE CONCLUSION			
Appraisal Premise	Interest Appraised	Date of Value	Value Conclusion
As Is	Fee Simple Estate	February 2, 2019	\$20,000
Compiled by CBRE			

Assumptions and Limiting Conditions

1. CBRE, Inc. through its appraiser (collectively, "CBRE") has inspected through reasonable observation the subject property. However, it is not possible or reasonably practicable to personally inspect conditions beneath the soil and the entire interior and exterior of the improvements on the subject property. Therefore, no representation is made as to such matters.
2. The report, including its conclusions and any portion of such report (the "Report"), is as of the date set forth in the letter of transmittal and based upon the information, market, economic, and property conditions and projected levels of operation existing as of such date. The dollar amount of any conclusion as to value in the Report is based upon the purchasing power of the U.S. Dollar on such date. The Report is subject to change as a result of fluctuations in any of the foregoing. CBRE has no obligation to revise the Report to reflect any such fluctuations or other events or conditions which occur subsequent to such date.
3. Unless otherwise expressly noted in the Report, CBRE has assumed that:
 - (i) Title to the subject property is clear and marketable and that there are no recorded or unrecorded matters or exceptions to title that would adversely affect marketability or value. CBRE has not examined title records (including without limitation liens, encumbrances, easements, deed restrictions, and other conditions that may affect the title or use of the subject property) and makes no representations regarding title or its limitations on the use of the subject property. Insurance against financial loss that may arise out of defects in title should be sought from a qualified title insurance company.
 - (ii) Existing improvements on the subject property conform to applicable local, state, and federal building codes and ordinances, are structurally sound and seismically safe, and have been built and repaired in a workmanlike manner according to standard practices; all building systems (mechanical/electrical, HVAC, elevator, plumbing, etc.) are in good working order with no major deferred maintenance or repair required; and the roof and exterior are in good condition and free from intrusion by the elements. CBRE has not retained independent structural, mechanical, electrical, or civil engineers in connection with this appraisal and, therefore, makes no representations relative to the condition of improvements. CBRE appraisers are not engineers and are not qualified to judge matters of an engineering nature, and furthermore structural problems or building system problems may not be visible. It is expressly assumed that any purchaser would, as a precondition to closing a sale, obtain a satisfactory engineering report relative to the structural integrity of the property and the integrity of building systems.
 - (iii) Any proposed improvements, on or off-site, as well as any alterations or repairs considered will be completed in a workmanlike manner according to standard practices.
 - (iv) Hazardous materials are not present on the subject property. CBRE is not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater, mold, or other potentially hazardous materials may affect the value of the property.
 - (v) No mineral deposit or subsurface rights of value exist with respect to the subject property, whether gas, liquid, or solid, and no air or development rights of value may be transferred. CBRE has not considered any rights associated with extraction or exploration of any resources, unless otherwise expressly noted in the Report.
 - (vi) There are no contemplated public initiatives, governmental development controls, rent controls, or changes in the present zoning ordinances or regulations governing use, density, or shape that would significantly affect the value of the subject property.
 - (vii) All required licenses, certificates of occupancy, consents, or other legislative or administrative authority from any local, state, nor national government or private entity or organization have been or can be readily obtained or renewed for any use on which the Report is based.
 - (viii) The subject property is managed and operated in a prudent and competent manner, neither inefficiently or super-efficiently.
 - (ix) The subject property and its use, management, and operation are in full compliance with all applicable federal, state, and local regulations, laws, and restrictions, including without limitation environmental laws, seismic hazards, flight patterns, decibel levels/noise envelopes, fire hazards, hillside ordinances, density, allowable uses, building codes, permits, and licenses.
 - (x) The subject property is in full compliance with the Americans with Disabilities Act (ADA). CBRE is not qualified to assess the subject property's compliance with the ADA, notwithstanding any discussion of possible readily achievable barrier removal construction items in the Report.

- (xi) All information regarding the areas and dimensions of the subject property furnished to CBRE are correct, and no encroachments exist. CBRE has neither undertaken any survey of the boundaries of the subject property nor reviewed or confirmed the accuracy of any legal description of the subject property.

Unless otherwise expressly noted in the Report, no issues regarding the foregoing were brought to CBRE's attention, and CBRE has no knowledge of any such facts affecting the subject property. If any information inconsistent with any of the foregoing assumptions is discovered, such information could have a substantial negative impact on the Report. Accordingly, if any such information is subsequently made known to CBRE, CBRE reserves the right to amend the Report, which may include the conclusions of the Report. CBRE assumes no responsibility for any conditions regarding the foregoing, or for any expertise or knowledge required to discover them. Any user of the Report is urged to retain an expert in the applicable field(s) for information regarding such conditions.

4. CBRE has assumed that all documents, data and information furnished by or behalf of the client, property owner, or owner's representative are accurate and correct, unless otherwise expressly noted in the Report. Such data and information include, without limitation, numerical street addresses, lot and block numbers, Assessor's Parcel Numbers, land dimensions, square footage area of the land, dimensions of the improvements, gross building areas, net rentable areas, usable areas, unit count, room count, rent schedules, income data, historical operating expenses, budgets, and related data. Any error in any of the above could have a substantial impact on the Report. Accordingly, if any such errors are subsequently made known to CBRE, CBRE reserves the right to amend the Report, which may include the conclusions of the Report. The client and intended user should carefully review all assumptions, data, relevant calculations, and conclusions of the Report and should immediately notify CBRE of any questions or errors within 30 days after the date of delivery of the Report.
5. CBRE assumes no responsibility (including any obligation to procure the same) for any documents, data or information not provided to CBRE, including without limitation any termite inspection, survey or occupancy permit.
6. All furnishings, equipment and business operations have been disregarded with only real property being considered in the Report, except as otherwise expressly stated and typically considered part of real property.
7. Any cash flows included in the analysis are forecasts of estimated future operating characteristics based upon the information and assumptions contained within the Report. Any projections of income, expenses and economic conditions utilized in the Report, including such cash flows, should be considered as only estimates of the expectations of future income and expenses as of the date of the Report and not predictions of the future. Actual results are affected by a number of factors outside the control of CBRE, including without limitation fluctuating economic, market, and property conditions. Actual results may ultimately differ from these projections, and CBRE does not warrant any such projections.
8. The Report contains professional opinions and is expressly not intended to serve as any warranty, assurance or guarantee of any particular value of the subject property. Other appraisers may reach different conclusions as to the value of the subject property. Furthermore, market value is highly related to exposure time, promotion effort, terms, motivation, and conclusions surrounding the offering of the subject property. The Report is for the sole purpose of providing the intended user with CBRE's independent professional opinion of the value of the subject property as of the date of the Report. Accordingly, CBRE shall not be liable for any losses that arise from any investment or lending decisions based upon the Report that the client, intended user, or any buyer, seller, investor, or lending institution may undertake related to the subject property, and CBRE has not been compensated to assume any of these risks. Nothing contained in the Report shall be construed as any direct or indirect recommendation of CBRE to buy, sell, hold, or finance the subject property.
9. No opinion is expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. Any user of the Report is advised to retain experts in areas that fall outside the scope of the real estate appraisal profession for such matters.
10. CBRE assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.
11. Acceptance or use of the Report constitutes full acceptance of these Assumptions and Limiting Conditions and any special assumptions set forth in the Report. It is the responsibility of the user of the Report to read in full, comprehend and thus become aware of all such assumptions and limiting conditions. CBRE assumes no responsibility for any situation arising out of the user's failure to become familiar with and understand the same.
12. The Report applies to the property as a whole only, and any pro ration or division of the title into fractional interests will invalidate such conclusions, unless the Report expressly assumes such pro ration or division of interests.

13. The allocations of the total value estimate in the Report between land and improvements apply only to the existing use of the subject property. The allocations of values for each of the land and improvements are not intended to be used with any other property or appraisal and are not valid for any such use.
14. The maps, plats, sketches, graphs, photographs, and exhibits included in this Report are for illustration purposes only and shall be utilized only to assist in visualizing matters discussed in the Report. No such items shall be removed, reproduced, or used apart from the Report.
15. The Report shall not be duplicated or provided to any unintended users in whole or in part without the written consent of CBRE, which consent CBRE may withhold in its sole discretion. Exempt from this restriction is duplication for the internal use of the intended user and its attorneys, accountants, or advisors for the sole benefit of the intended user. Also exempt from this restriction is transmission of the Report pursuant to any requirement of any court, governmental authority, or regulatory agency having jurisdiction over the intended user, provided that the Report and its contents shall not be published, in whole or in part, in any public document without the written consent of CBRE, which consent CBRE may withhold in its sole discretion. Finally, the Report shall not be made available to the public or otherwise used in any offering of the property or any security, as defined by applicable law. Any unintended user who may possess the Report is advised that it shall not rely upon the Report or its conclusions and that it should rely on its own appraisers, advisors and other consultants for any decision in connection with the subject property. CBRE shall have no liability or responsibility to any such unintended user.

ADDENDA

Addendum A

CLIENT CONTRACT INFORMATION

December 13, 2018

Jason Buckholz
Senior Appraiser

Shelby Archuleta
Planning Technician
CITY OF ELKO
1751 College Avenue
Elko, NV 89801
Phone: 775.777.7160
Email: sarchuleta@elkocitynv.gov

RE: Assignment Agreement
Land
Vacant Land Appraisal, SW Corner of 8th Street and Elm Street
APN: 001-066-005
Elko, NV

Dear Ms. Archuleta:

We are pleased to submit this proposal and our Terms and Conditions for this assignment.

PROPOSAL SPECIFICATIONS

Purpose:	To estimate the Market Value of the referenced real estate
Premise:	As Is
Rights Appraised:	Fee Simple
Intended Use:	Internal Decision Making purposes
Intended User:	The intended user is CITY OF ELKO, and such other parties and entities (if any) expressly recognized by CBRE as "Intended Users" (as further defined herein).
Reliance:	Reliance on any reports produced by CBRE under this Agreement is extended solely to the client signing below and to other parties and entities expressly acknowledged in a signed writing by CBRE as Intended Users of the respective reports, provided that any conditions to such acknowledgement required by CBRE or hereunder have been satisfied. Parties or entities other than Intended Users who obtain a copy of the report or any portion thereof, whether as a result of its direct dissemination or by any other means, may not rely upon any opinions or conclusions contained in the report or such portions thereof, and CBRE will not be responsible for any unpermitted use of the report, its conclusions or contents or have any liability in connection therewith.
Inspection:	CBRE will conduct a physical inspection of the subject property and its surrounding environs on the effective date of appraisal.

Valuation Approaches:	Only the Sales Comparison Approach will be completed.
Report Type:	Restricted Appraisal Report
Appraisal Standards:	USPAP
Appraisal Fee:	\$1,500
Expenses:	Fee includes all associated expenses
Retainer:	A retainer is not required for this assignment
Payment Terms:	Final payment is due upon delivery of the final report or within thirty (30) days of your receipt of the draft report, whichever is sooner. The fee is considered earned upon delivery of the draft report.
Delivery Instructions:	We will invoice you for the assignment in its entirety at the completion of the assignment. CBRE encourages our clients to join in our environmental sustainability efforts by accepting an electronic copy of the report. An Adobe PDF file via email will be delivered to sarchuleta@elkocity.cov. The client has requested Two (2) bound final copy (ies).
Delivery Schedule:	
Preliminary Value:	Not Required
Draft Report:	Not Required
Final Report:	21 business days after the Start Date
Start Date:	The appraisal process will start upon receipt of your signed agreement and the property specific data.
Acceptance Date:	These specifications are subject to modification if this proposal is not accepted within 7 business days from the date of this letter.

When executed and delivered by all parties, this letter, together with the Terms and Conditions and the Specific Property Data Request attached hereto and incorporated herein, will serve as the Agreement for appraisal services by and between CBRE and Client. Each person signing below represents that it is authorized to enter into this Agreement and to bind the respective parties hereto.

We appreciate this opportunity to be of service to you on this assignment. If you have additional questions, please contact us.

Sincerely,

CBRE, Inc.
Valuation & Advisory Services

Jason Buckholz
Senior Appraiser
NV Certified General Appraiser #A.0007369-
CG
Expires: June 30, 2019
www.cbre.com/Jason_Buckholz
Phone: (775) 823-6931
Email: jason.buckholz@cbre.com

Jay S. Lefevers, MAI
Managing Director
NV Certified General Appraiser #A.0206493-
CG
Expires: February 29, 2020
www.cbre.com/Jay_Lefevers
Phone: 408-467-7587
Email: jay.lefevers@cbre.com

AGREED AND ACCEPTED

FOR CITY OF ELKO:

Signature

Chris Johnson

Name

775-777-7101

Phone Number

12/24/18

Date

Mayor

Title

cjohnson@elkocitynv.gov

E-Mail Address

TERMS AND CONDITIONS

1. The Terms and Conditions herein are part of an agreement for appraisal services (the "Agreement") between CBRE, Inc. (the "Appraiser") and the client signing this Agreement, and for whom the appraisal services will be performed (the "Client"), and shall be deemed a part of such Agreement as though set forth in full therein. The Agreement shall be governed by the laws of the state where the appraisal office is located for the Appraiser executing this Agreement.
2. Client shall be responsible for the payment of all fees stipulated in the Agreement. Payment of the appraisal fee and preparation of an appraisal report (the "Appraisal Report, or the "report") are not contingent upon any predetermined value or on an action or event resulting from the analyses, opinions, conclusions, or use of the Appraisal Report. Final payment is due as provided in the Proposal Specifications Section of this Agreement. If a draft report is requested, the fee is considered earned upon delivery of the draft report. It is understood that the Client may cancel this assignment in writing at any time prior to delivery of the completed report. In such event, the Client is obligated only for the prorated share of the fee based upon the work completed and expenses incurred (including travel expenses to and from the job site), with a minimum charge of \$0. Additional copies of the Appraisal Reports are available at a cost of \$250 per original color copy and \$100 per photocopy (black and white), plus shipping fees of \$30 per report.
3. If Appraiser is subpoenaed or ordered to give testimony, produce documents or information, or otherwise required by Client to participate in meetings, phone calls, conferences, litigation or other legal proceedings (including preparation for such proceedings) because of, connected with or in any way pertaining to this engagement, the Appraisal Report, the Appraiser's expertise, or the Property, Client shall pay Appraiser's additional costs and expenses, including but not limited to Appraiser's attorneys' fees, and additional time incurred by Appraiser based on Appraiser's then-prevailing hourly rates and related fees. Such charges include and pertain to, but are not limited to, time spent in preparing for and providing court room testimony, depositions, travel time, mileage and related travel expenses, waiting time, document review and production, and preparation time (excluding preparation of the Appraisal Report), meeting participation, and Appraiser's other related commitment of time and expertise. Hourly charges and other fees for such participation will be provided upon request. In the event Client requests additional appraisal services beyond the scope and purpose stated in the Agreement, Client agrees to pay additional fees for such services and to reimburse related expenses, whether or not the completed report has been delivered to Client at the time of such request.
4. Appraiser shall have the right to terminate this Agreement at any time effective immediately upon written notice to Client on the occurrence of fraud or the willful misconduct of Client, its employees or agents, in relation to Client's performance under this Agreement or without cause upon 30 days written notice.
5. In the event Client fails to make payments when due then, from the date due until paid, the amount due and payable shall bear interest at the maximum rate permitted in the State of Nevada. In the event either party institutes legal action against the other to enforce its rights under this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and expenses. Each party waives the right to a trial by jury in any action arising under this Agreement.
6. Appraiser assumes there are no major or significant items or issues affecting the Property that would require the expertise of a professional building contractor, engineer, or environmental consultant for Appraiser to prepare a valid report. Client acknowledges that such additional expertise is not covered in the Appraisal fee and agrees that, if such additional expertise is required, it shall be provided by others at the discretion and direction of the Client, and solely at Client's additional cost and expense.
7. In the event of any dispute between Client and Appraiser relating to this Agreement, or Appraiser's or Client's performance hereunder, Appraiser and Client agree that such dispute shall be resolved in the Fourth Judicial District Court, in and for the County of Elko, State of Nevada. Client acknowledges that Appraiser is being retained hereunder as an independent contractor to perform the services described herein and nothing in this Agreement shall be deemed to create any other relationship.

between Client and Appraiser. This engagement shall be deemed concluded and the services hereunder completed upon delivery to Client of the Appraisal Report discussed herein.

8. All statements of fact in the report which are used as the basis of the Appraiser's analyses, opinions, and conclusions will be true and correct to Appraiser's actual knowledge and belief. Appraiser does not make any representation or warranty, express or implied, as to the accuracy or completeness of the information supplied by Client as to the condition of the Property furnished to Appraiser. The conclusions and any permitted reliance on and use of the Appraisal Report shall be subject to the assumptions, limitations, and qualifying statements contained in the report.

9. Appraiser shall have no responsibility for legal matters, including zoning, or questions of survey or title, soil or subsoil conditions, engineering, or other similar technical matters. The report will not constitute a survey of the Property analyzed.

10. Client shall provide Appraiser with such materials with respect to the assignment as are reasonably requested by Appraiser and in the possession or under the control of Client. Client shall provide Appraiser with sufficient access to the Property to be analyzed, and hereby grants permission for entry unless discussed in advance to the contrary.

11. The data gathered in the course of the assignment (except data furnished by Client) and the report prepared pursuant to the Agreement are, and will remain, the property of Appraiser. With respect to data provided by Client, Appraiser shall not violate the confidential nature of the Appraiser-Client relationship by improperly disclosing any proprietary information furnished to Appraiser. Notwithstanding the foregoing, Appraiser is authorized by Client to disclose all or any portion of the report and related data as may be required by statute, government regulation, legal process, or judicial decree, including to appropriate representatives of the Appraisal Institute if such disclosure is required to enable Appraiser to comply with the Bylaws and Regulations of such Institute as now or hereafter in effect.

12. Unless specifically noted, in preparing the Appraisal Report the Appraiser will not be considering the possible existence of asbestos, PCB transformers, or other toxic, hazardous, or contaminated substances and/or underground storage tanks (collectively, "Hazardous Material") on or affecting the Property, or the cost of encapsulation or removal thereof. Further, Client represents that there is no major or significant deferred maintenance of the Property that would require the expertise of a professional cost estimator or contractor. If such repairs are needed, the estimates are to be prepared by others, at Client's discretion and direction, and are not covered as part of the Appraisal fee.

13. In the event Client intends to use the Appraisal Report in connection with a tax matter, Client acknowledges that Appraiser provides no warranty, representation or prediction as to the outcome of such tax matter. Client understands and acknowledges that any relevant taxing authority (whether the Internal Revenue Service or any other federal, state or local taxing authority) may disagree with or reject the Appraisal Report or otherwise disagree with Client's tax position, and further understands and acknowledges that the taxing authority may seek to collect additional taxes, interest, penalties or fees from Client beyond what may be suggested by the Appraisal Report. Client agrees that Appraiser shall have no responsibility or liability to Client or any other party for any such taxes, interest, penalties or fees and that Client will not seek damages or other compensation from Appraiser relating to any such taxes, interest, penalties or fees imposed on Client, or for any attorneys' fees, costs or other expenses relating to Client's tax matters.

14. Appraiser shall have no liability with respect to any loss, damage, claim or expense incurred by or asserted against Client arising out of, based upon or resulting from Client's failure to provide accurate or complete information or documentation pertaining to an assignment ordered under or in connection with this Agreement, including Client's failure, or the failure of any of Client's agents, to provide a complete copy of the Appraisal Report to any third party.

15. LIMITATION OF LIABILITY. EXCEPT TO THE EXTENT ARISING FROM SECTION 16 BELOW, OR SECTION 1 IF APPLICABLE, IN NO EVENT SHALL EITHER PARTY OR ANY OF ITS AFFILIATE, OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, OR CONTRACTORS BE LIABLE TO THE OTHER, WHETHER BASED IN CONTRACT, WARRANTY, INDEMNITY, NEGLIGENCE, STRICT LIABILITY OR OTHER TORT OR OTHERWISE, FOR ANY SPECIAL, CONSEQUENTIAL, PUNITIVE, INCIDENTAL OR INDIRECT DAMAGES AND AGGREGATE DAMAGES IN CONNECTION WITH THIS AGREEMENT FOR EITHER PARTY (EXCLUDING THE OBLIGATION TO PAY THE FEES REQUIRED HEREUNDER) SHALL NOT EXCEED THE GREATER OF THE TOTAL FEES PAYABLE TO APPRAISER UNDER THIS AGREEMENT OR TEN THOUSAND DOLLARS (\$10,000). THIS LIABILITY LIMITATION SHALL NOT APPLY IN THE EVENT OF A FINAL FINDING BY A COURT OF COMPETENT JURISDICTION THAT SUCH LIABILITY IS THE RESULT OF A PARTY'S FRAUD OR WILLFUL MISCONDUCT

16. Client shall not disseminate, distribute, make available or otherwise provide any Appraisal Report prepared hereunder to any third party (including without limitation, incorporating or referencing the Appraisal Report, in whole or in part, in any offering or other material intended for review by other parties) except to (i) any third party expressly acknowledged in a signed writing by Appraiser as an "Intended User" of the Appraisal Report provided that either Appraiser has received an acceptable release from such third party with respect to such Appraisal Report or Client provides acceptable indemnity protections to Appraiser against any claims resulting from the distribution of the Appraisal Report to such third party, (ii) any third party service provider (including rating agencies and Client's auditors) using the Appraisal Report in the course of providing services for the sole benefit of Client, or (iii) as required by statute, government regulation, legal process, or judicial decree, including without limitation requests for information pursuant to the applicable public records act. In the event Appraiser consents, in writing, to Client incorporating or referencing the Appraisal Report in any offering or other materials intended for review by other parties, Client shall not distribute, file, or otherwise make such materials available to any such parties unless and until Client has provided Appraiser with complete copies of such materials and Appraiser has approved all such materials in writing. Client shall not modify any such materials once approved by Appraiser. In the absence of satisfying the conditions of this paragraph with respect to a party who is not designated as an Intended User, in no event shall the receipt of an Appraisal Report by such party extend any right to the party to use and rely on such report, and Appraiser shall have no liability for such unauthorized use and reliance on any Appraisal Report. In the event Client breaches the provisions of this paragraph, Client shall indemnify, defend and hold Appraiser, and its affiliates and their officers, directors, employees, contractors, agents and other representatives (Appraiser and each of the foregoing an "Indemnified Party" and collectively the "Indemnified Parties"), fully harmless from and against all losses, liabilities, damages and expenses (collectively, "Damages") claimed against, sustained or incurred by any Indemnified Party arising out of or in connection with such breach, regardless of any negligence on the part of any Indemnified Party in preparing the Appraisal Report.

SPECIFIC PROPERTY DATA REQUEST

In order to complete this assignment under the terms outlined, CBRE, Inc., Valuation & Advisory Services, will require the following specific information for the property:

1. Current title report and title holder name
2. Legal description
3. Survey and/or plat map
4. Site plan for proposed or entitled development, if applicable
5. Current county property tax assessment or tax bill
6. Details on any sale, contract, or listing of the property within the past three years
7. Engineering studies, soil tests or environmental assessments
8. Ground lease, if applicable
9. Planning/Zoning application or approval, if applicable
10. Any previous market/demand studies or appraisals
11. Name and telephone number of property contact for physical inspection and additional information needed during the appraisal process
12. Any other information that might be helpful in valuing this property

If any of the requested data and information is not available, CBRE, Inc., reserves the right to extend the delivery date by the amount of time it takes to receive the requested information or make other arrangements. Please have the requested information delivered to the following:

Jason Buckholz
Senior Appraiser
CBRE, Inc.
Valuation & Advisory Services
6900 S. McCarran Blvd, Suite 3000
Reno, NV 89509

Addendum B

QUALIFICATIONS

Jason Buckholz

Senior Appraiser, Reno, NV

CBRE



T + 775.823.6931
M + 775.842.2530
Jason.Buckholz@cbre.com

6900 S. McCarran Blvd,
Suite 3000
Reno, NV 89509

Clients Represented

- Western Alliance Bank
- Bank of America
- Wells Fargo
- Nevada State Bank
- City National Bank
- Umpqua Bank
- Rabobank
- NorthMarq Capital
- PNC Bank
- JPMorgan Chase Bank
- Torrey Pines Bank
- BBVA Compass
- Cathay Bank
- Greater NV Credit Union
- Great Basin Credit Union
- LNR Partners
- CIII
- Bank of Georgia
- ProLogis
- Cantor Commercial
- CBRE Capital Markets

Experience

Jason R. Buckholz is a Senior Appraiser of the Valuation & Advisory Services within the California/Nevada region in the Reno, Nevada office. Jason has over 15 years of real estate appraisal and consulting experience throughout the states of Nevada and California, with primary experience in Northern Nevada since 2006 after working several years in the CBRE office located in Sacramento California. Mr. Buckholz is a licensed as a Certified General Real Estate Appraiser in the State of Nevada. He has also provided expert witness testimony in the State of Nevada. Additionally, Mr. Buckholz is part of the multi-family specialty group completing assignments that range in complexity from 6 unit to over 600 units including LIHTC properties, student housing and traditional market rate properties.

Working in Northern Nevada since 2006 as a General Certified Appraiser, Mr. Buckholz has experience with the following property types:

Office Buildings	Commercial Land	Industrial Land
Industrial Buildings	Medical Office Buildings	Rent Surveys
Apartments	Net Leased Investments	Shopping Centers
Gas Stations	Development Projects	Residential Land
Auto Dealerships	Mini-Storage	Special Use Facilities

Professional Affiliations / Accreditations

- Certified General Real Estate Appraiser: State of Nevada A.0007369-CG

Employment Experience

- 1999-2000 Site Acquisition Specialist, LCC International, Chico, California
- 2000-2003 Leasing Manager, Site-Com Inc., Sacramento, California
- 2003-2006 Real Estate Analyst/Appraiser, CB Richard Ellis, Sacramento, California
- 2006-2007 Real Estate Analyst/Appraiser, CB Richard Ellis, Las Vegas, Nevada
- 2007-Present Senior Real Estate Analyst/Appraiser, CBRE, Inc, Reno, Nevada

APPRAISER CERTIFICATE

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

NOT TRANSFERABLE

REAL ESTATE DIVISION

NOT TRANSFERABLE

This is to Certify That : JASON R BUCKHOLZ

Certificate Number: A.0007369-CG

Is duly authorized to act as a CERTIFIED GENERAL APPRAISER from the issue date to the expiration date at the business address stated here in, unless the certificate is sooner revoked, cancelled, withdrawn, or invalidated.

Issue Date: June 29, 2017

Expire Date: June 30, 2019

In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of the authority vested in Chapter 645C of the Nevada Revised Statutes, has caused this Certificate to be issued with its Seal printed thereon. This certificate must be conspicuously displayed in place of business.

FOR: CBRE
6900 S MCCARRAN BLVD STE #3000
RENO, NV 89509

REAL ESTATE DIVISION

SHARATH CHANDRA
Administrator



Jay S. Lefevers, MAI

Managing Director, Northern – Central California/Nevada

CBRE



T + 408.467.7587
M+ 602.770.4530
jay.lefevers@cbre.com

225 West Santa Clara Street
12th Floor
San Jose, California 95113

Clients Represented

- Western Alliance Bank
- Bank of America
- Wells Fargo Bank
- Axiom Valuation Services
- Comerica Bank
- JPMorgan Chase Bank
- PNC Bank
- IMH Financial Corp.
- Umpqua Bank
- Bank of George
- California Bank & Trust
- Nevada State Bank
- BBVA Compass
- Bank of the West
- Grandpoint Bank
- Bank of Nevada
- Torrey Pines Bank
- Greater Nevada Credit Union
- Great Basin Credit Union
- First Independent Bank
- Rabobank
- Cathay Bank
- Pacific Western Bank

Experience

Jay S. Lefevers, MAI, is a Managing Director within the Western Region of Valuation & Advisory Services (VAS). Located in San Jose, Mr. Lefevers oversees offices in Northern - Central California (San Jose and Fresno) and Nevada (Las Vegas and Reno). His appraisal experience spans over 30 years with a broad spectrum of property types and primary focus throughout the states of California, Nevada and Arizona. However, assignments have been completed in numerous states throughout the western United States. Mr. Lefevers is a designated member of the Appraisal Institute and is licensed as a Certified General Real Estate Appraiser in the states of California, Nevada, and Arizona. He has also provided expert witness testimony in United States Bankruptcy Courts.

As Managing Director, Mr. Lefevers leads valuation and advisory staff in the offices of San Jose and Fresno, California and in Las Vegas and Reno, Nevada. His management of these offices involves overseeing new business development, client relations and appraisal quality control production.

Professional Affiliations / Accreditations

- Appraisal Institute, Designated Member (MAI)
- California Certified General Real Estate Appraiser, AG 044760
- Nevada Certified General Real Estate Appraiser, No. A.0206493-CG
- Arizona Certified General Real Estate Appraiser, No. 30042
- Program Registry – SBA Going Concern and Valuation of the Components of a Business Enterprise

Education

- Baylor University, Waco, Texas
 - MBA - Masters of Business Administration, Finance - 1986
- University of Texas, Austin, Texas
 - BBA - Bachelor of Business Administration, Finance - 1984

APPRAISER CERTIFICATE

STATE OF NEVADA DEPARTMENT OF BUSINESS AND INDUSTRY

NOT TRANSFERABLE

REAL ESTATE DIVISION

NOT TRANSFERABLE

This is to Certify That : JAY S LEFEVERS

Certificate Number: A.0206493-CG

Is duly authorized to act as a CERTIFIED GENERAL APPRAISER from the issue date to the expiration date at the business address stated here in, unless the certificate is sooner revoked, cancelled, withdrawn, or invalidated.

Issue Date: February 6, 2018

Expire Date: February 29, 2020

In witness whereof, THE DEPARTMENT OF BUSINESS AND INDUSTRY, REAL ESTATE DIVISION, by virtue of the authority vested in Chapter 645C of the Nevada Revised Statutes, has caused this Certificate to be issued with its Seal printed thereon. This certificate must be conspicuously displayed in place of business.

FOR: CBRE, INC
225 W SANTA CLARA STREET 12TH FLR
SAN JOSE, CA 95113

REAL ESTATE DIVISION

SHARATH CHANDRA
Administrator



**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 4-19, a resolution and order vacating a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, filed and processed as Vacation No. 1-19 filed by MP Elko LLC., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted a petition for the subject vacation at its regular meeting of January 22, 2019, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its regular meeting February 5, 2019, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-19 with findings in support of its recommendation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. action report, Staff report, application and related materials**
9. Recommended Motion: **Adopt Resolution No. 4-19, which contains conditions as recommended by the Planning Commission.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission and required local utility companies**
12. Council Action:
13. Agenda Distribution: **MP Elko, LLC
Attention: David Fonua
1801 Tiburon Blvd, Suite 800
Tiburon, California 94920
dffinancial@sbcglobal.net**

**CITY OF ELKO
RESOLUTION NO. 04-19**

**A RESOLUTION AND ORDER VACATING A PORTION OF THE PUBLIC UTILITY
AND DRAINAGE EASEMENT APPROXIMATELY 1,300 SQUARE FEET AND
WITHIN APN 001-660-049 WHICH IS LOCATED WITHIN THE CITY OF ELKO,
NEVADA, TO THE ABUTTING PROPERTY OWNER, I.E., MP ELKO, LLC.**

Upon introduction and motion by Councilman _____ and seconded by Councilman _____, the following Resolution and Order was passed and adopted:

WHEREAS, the Elko City Council, at a regular meeting held on January 22, 2019, unanimously voted to accept the submitted petition for vacation and further directed City Staff to continue with the vacation process by referring the matter to the Planning Commission for a report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at their regular meeting of February 5, 2019, voted to forward a recommendation of approval for the subject vacation; and,

WHEREAS, the Elko City Council finds that a Notice of Intent to vacate a portion of the public utility and drainage easement was published and mailed by priority mail with confirmation of delivery to all affected property owners, as required by law, as more fully appears from the Affidavit of Publication and Mailing Confirmation(s) on file in the Clerk's Office of the City of Elko; and,

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 p.m. on February 26, 2019, in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City Council was duly held and no persons having appeared to object to the proposed vacation and the City Council having deemed it for the best interests of the City and the public that the area be vacated and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of the public utility and drainage easement approximately 1,300 square feet situate in the City of Elko, Nevada, located generally along the north and east property lines of APN 001-660-049 is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interest of the City and the public, and that neither the public nor any person will be materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit B attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL as follows:

I.

That the portion of public utility and drainage easement situate in the City of Elko, Nevada, described and shown on Exhibits A and B attached hereto, be, and the same is hereby vacated upon fulfillment of the following conditions:

- 1. The applicant is responsible for all costs associated with the recordation of the vacation.**
- 2. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

That, subject to the conditions set forth in this Resolution, all right, title interest and estate of the City of Elko in that portion of the public utility and drainage easement located in the City of Elko as described and shown on Exhibits A and B shall be vacated and title vested in **MP Elko, LLC, a Nevada Limited Liability Company**, as owner of the parcel abutting the property being vacated, provided further that this vacation and the title of the abutting owner received pursuant thereto, shall be subject to all poles, lines, cables, pipes, drains, utility installations and easements now existing.

II.

That the City of Elko and the Elko City Council, officers and employees thereof, make no warranties, covenants, representations, or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify the copy of this Resolution and Order, and this Resolution and Order shall be recorded upon fulfillment of the above noted conditions, in the Office of the County Recorder of Elko County, Nevada, and be endorsed upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of the portion of the public utility and drainage easement as described and shown on Exhibits A and B attached hereto, situate in the City of Elko, Elko County, Nevada.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall not be signed and recorded until the conditions are satisfied.

IT IS FURTHER RESOLVED AND ORDERED that upon the above conditions being complied with that this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this _____ day of _____, 2019.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

RECEIVED

JAN 03 2019

EXHIBIT A

EASEMENT VACATION FOR MP ELKO, LLC

December 31, 2018

A parcel of land being a portion the public utility and drainage easement located on Parcel 10-A as shown on the Parcel Map for MP Elko, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada as File No. 687792, more particularly described as follows:

Commencing at the most Westerly Corner of said Parcel 10-A, thence N 61° 18' 13" E, 5.10 feet along the Northerly Line of said Parcel 10-A to Corner No. 1, the True Point of Beginning;

Thence continuing N 61° 18' 13" E, 193.25 feet along the said Northerly Line of Parcel 10-A to Corner No. 2;

Thence S 28° 40' 55" E, 49.19 feet to Corner No. 3;

Thence S 61° 18' 13" W, 7.50 feet to Corner No. 4, a point being on the Southwesterly Line of an existing 15.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for Elko C & R Associates on file in the office of the Elko County Recorder, Elko, Nevada as File No. 246602;

Thence N 28° 40' 55" W, 44.19 feet along the Southwesterly Line of the existing 15.00 foot public utility and drainage easement granted by and as shown on the said Parcel Map for Elko C & R Associates, File No. 246602, to Corner No. 5, a point being on the Southerly Line of an existing 5.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792;

Continued on Page 2

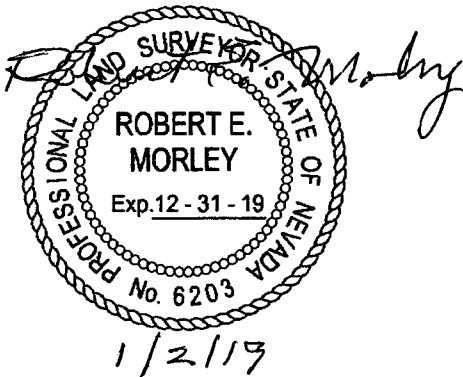
Easement Vacation
for MP Elko, LLC
Continued from Page 1

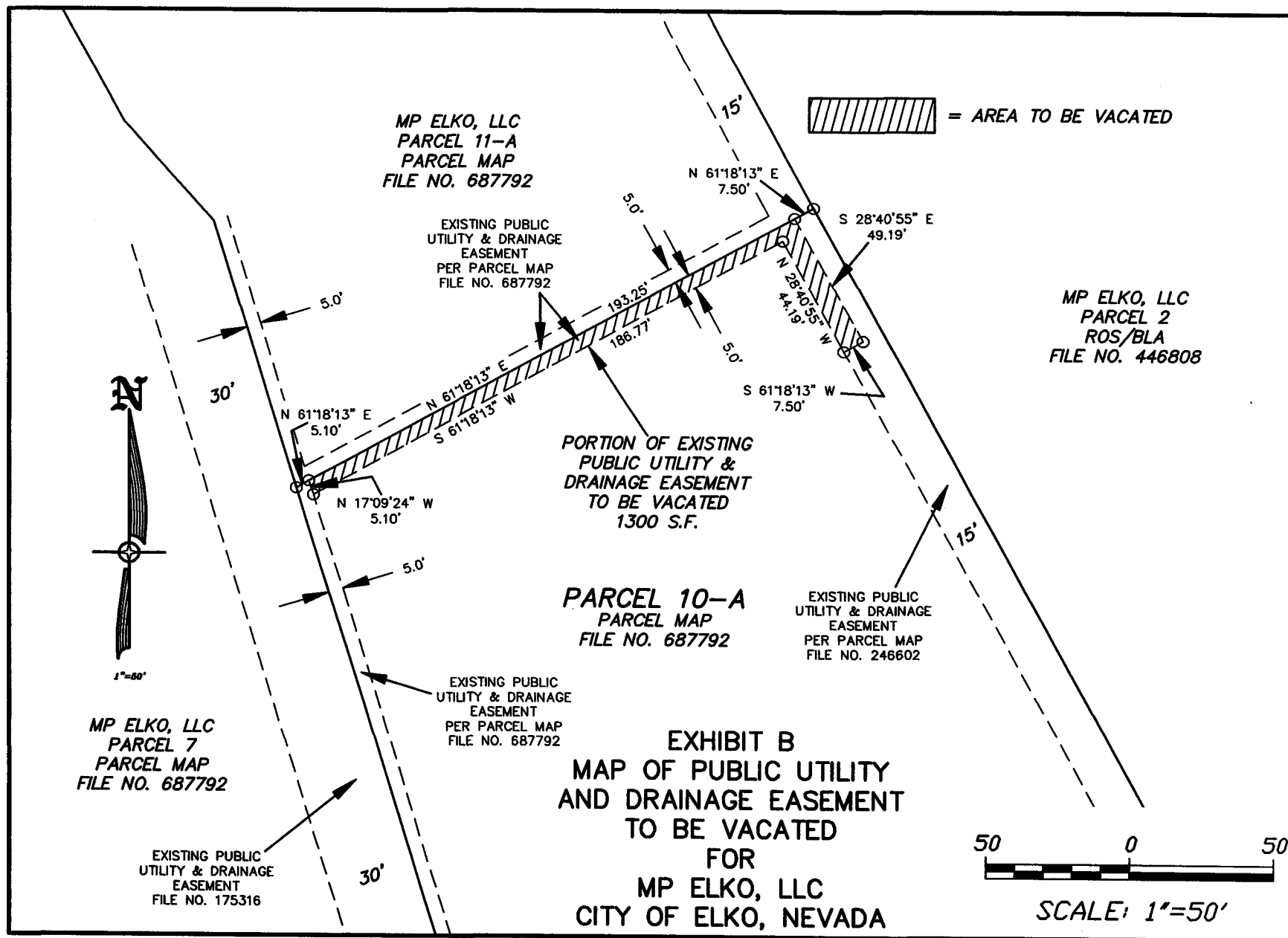
Thence S 61° 18' 13" W, 186.77 feet along the Southerly Line of the existing 5.00 foot public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792. to Corner No. 6, a point being on the Easterly Line of an existing 5.00 foot public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792.;

Thence N 17° 09' 24" W, 5.10 feet along the Easterly Line of the 5.00 foot existing public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792, to Corner No. 1, the point of beginning, containing 1,300 square feet more or less.

Reference is hereby made to Exhibit B, Map of Public Utility and Drainage Easement to be Vacated for MP Elko, LLC, attached hereto and made a part hereof.

The basis of bearings for the above described parcel is the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792





RECEIVED

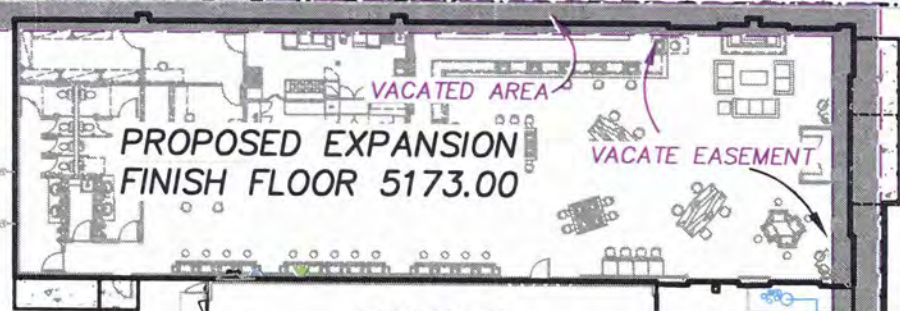
JAN 03 2019

1"=30'

GAS

GAS

PROPERTY LINE



VACATED AREA

VACATE EASEMENT

PROPOSED EXPANSION
FINISH FLOOR 5173.00

EXISTING
DOTTY'S CASINO
FINISH FLOOR 5173.00

PROPERTY LINE

EXISTING TENANT

PATIO

RECEIVED

JAN 03 2019

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE PUBLIC UTILITY AND DRAINAGE EASEMENT
LOCATED GENERALLY ON THE NORTH SIDE OF APN 001-660-049, ALL WITHIN
THE CITY OF ELKO, STATE OF NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. MP Elko, LLC. The portion of the public utility and drainage easement to be vacated is more particularly described as follows:

A parcel of land being a portion of the public utility and drainage easement located on Parcel 10-A as shown on the Parcel Map for MP Elko, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada as File No. 687792, more particularly described as follows:

Commencing at the most Westerly Corner of said Parcel 10-A, thence N 61° 18' 13" E, 5.10 feet along the Northerly Line of said Parcel 10-A to Corner No. 1, the True Point of Beginning; Thence continuing N 61° 18' 13" E, 193.25 feet along the said Northerly Line of Parcel 10-A to Corner No. 2;

Thence S 28° 40' 55" E, 49.19 feet to Corner No. 3;

Thence S 61° 18' 13" W, 7.50 feet to Corner No. 4, a point being on the Southwesterly Line of an existing 15.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for Elko C & R Associates on file in the office of the Elko County Recorder, Elko, Nevada as File No. 246602;

Thence N 28° 40' 55" W, 44.19 feet along the Southwesterly Line of the existing 15.00 feet public utility and drainage easement granted by and as shown on the said Parcel Map for Elko C & R Associates, File No. 246602, to Corner No. 5, a point being on the Southerly Line of an existing 5.00 foot public utility and drainage easement granted by and as shown on the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792;

Thence S 61° 18' 13" W, 186.77 along the Southerly Line of the existing 5.00 foot public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792, to Corner No. 6, a point being on the Easterly Line of an existing 5.00 public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792;

Thence N 17° 09' 24" W, 5.10 feet along the Easterly Line of the 5.00 foot existing public utility and drainage easement granted by the said Parcel Map for MP Elko, LLC, File No. 687792, to Corner No. 1, the point of beginning, containing 1,300 square feet more or less.

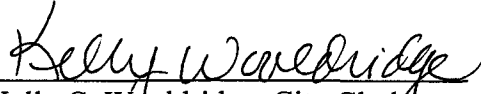
Reference is hereby made to Exhibit B, Map of Public Utility and Drainage Easement to be Vacated for MP Elko, LLC, attached hereto and made a part hereof.

The basis of bearings for the above described parcel is the Parcel Map for MP Elko, LLC, on file in the office of the Elko County Recorder, Elko, Nevada as File No. 687792.

AND that the Elko City Council shall further consider the advisability of the vacation of the public utility and drainage easement, and the adoption of a Resolution and Order vacating the

same with the reversion of title as above stated at a meeting of said Council to be held in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, on February 26, 2019 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 6th day of February 2019.


Kelly C. Wooldridge, City Clerk

PUBLISH: February 9, 2019



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of February 5, 2019

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 5, 2019 pursuant to Section 8-7-3 B. of City Code:

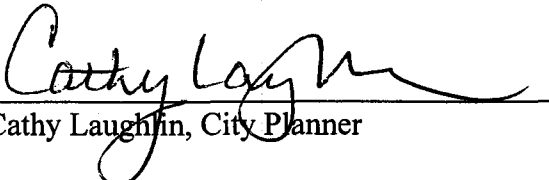
Vacation No. 1-19, filed by MP Elko, LLC. for the vacation of a portion of the public utility and drainage easement located along the north and east property lines of APN 001-660-049, consisting of an area approximately 1,300 square feet, and matters related thereto.

The subject property is located generally on the southwest side of Mountain City Highway, approximately 370' northeast of Connolly Drive. (APN 001-660-049. 2525 Mountain City Highway)

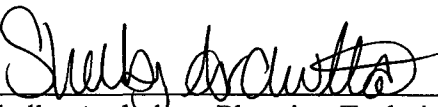
NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-19 subject to the conditions listed in the City of Elko Staff Report dated January 17, 2019, listed as follows:

- 1. The applicant is responsible for all costs associated with the recordation of the vacation.**
- 2. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The easement proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with City Code 3-2-10(B). The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

REPORT DATE:	January 17, 2019
PLANNING COMMISSION DATE:	February 5, 2019
AGENDA ITEM NUMBER:	I.B.2
APPLICATION NUMBER:	Vacation 1-19
APPLICANT:	MP Elko LLC
PROJECT DESCRIPTION:	APN 001-660-049

Vacation of a drainage and utility easement along the north property line abutting APN 001-660-049



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions.

PROJECT INFORMATION

PARCEL NUMBER: 001-660-049

PARCEL SIZE: 1.741 acres

EXISTING ZONING: (C) General Commercial

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Developed, Retail

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

North: Commercial / Developed
East: Commercial / Developed
South: Commercial / Developed
West: Commercial / Undeveloped

PROPERTY CHARACTERISTICS:

The property is currently developed.

The property is part of the Junction Shopping Center and shares access from Mountain City Highway with other uses of the complex.
Parking is also considered a shared use among the shopping center.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

NRS 278.479 to 278.480, inclusive
City of Elko Master Plan – Land Use Component
City of Elko Master Plan – Transportation Component
City of Elko Redevelopment Plan
City of Elko Code – Section 3-2-10 General Commercial Zoning District
City of Elko Code – Section 8-7 Street Vacation Procedures

BACKGROUND:

1. The property has always been developed as commercial.
2. Dotty's is proposing an expansion to their space and it will extend over the existing easement.
3. There are adjacent easements which will remain.

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
3. Per NRS 278.480(6) Public utility companies have been notified of the vacation on November 19, 2018.
4. The utilities located within the area are proposed to be relocated.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. C- General Commercial Zoning District is listed as a corresponding zoning district for Medium Density.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
4. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

The proposed vacation is in conformance with the Master Plan Land Use component.

MASTER PLAN - Transportation:

1. The area is accessed from Mountain City Highway and Connolly Drive.
2. The proposed vacation is not part of the right-of-way for either access roadway.

The proposed vacation is in conformance with the Master Plan Transportation component.

REDEVELOPMENT PLAN

The easement proposed for vacation is located outside the Redevelopment Area.

ELKO CITY CODE SECTION 3-2-10 C, COMMERCIAL ZONING DISTRICTS

1. The easement proposed for vacation is part of the existing parcel 001-660-049. The existing parcel will not change in size or area with the vacation.

The proposed vacation is in conformance with Section 3-2-10 of City code.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. If it is determined by a majority vote of the city council that it is in the best interest of the city and that no person will be materially injured thereby, the city council, by motion, may propose the realignment, change, vacation, adjustment or abandonment of any street or any portion thereof. In addition, any abutting owner desiring the vacation of any street or easement or portion thereof shall file a petition in writing with the city council and the city council shall consider said petition as set forth above.
 - The City Council accepted the petition at their meeting on January 22, 2019 and referred the matter to the Planning Commission for further consideration.
2. Except for a petition for the vacation or abandonment of an easement for a public utility owned or controlled by the city, the petition or motion shall be referred to the planning commission, which shall report its findings and recommendations thereon to the city council. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.
 - The filing fee was paid by the applicant.
3. Whenever any street, easement or portion thereof is proposed to be vacated or abandoned, the city council shall notify by certified mail each owner of property abutting the proposed vacation or abandonment and cause a notice to be published at least once in a newspaper of general circulation in the city setting forth the extent of the proposed vacation or abandonment and setting a date for public hearing, which date may be not less than ten (10) days and not more than forty (40) days subsequent to the date the notice is first published.
4. Order of City Council: Except as provided in subsection E of this section, if, upon public hearing, the City Council is satisfied that the public will not be materially injured by the proposed vacation or abandonment, and that it is in the best interest of the city, it shall order the street vacated or abandoned. The city council may make the order conditional, and the order shall become effective only upon the fulfillment of the conditions prescribed.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

1. The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
2. The proposed vacation is in conformance with the City of Elko Master Plan Land Use component
3. The proposed vacation is in conformance with the City of Elko Master Plan Transportation component
4. The easement proposed for vacation is not located within the Redevelopment Area.

5. The proposed vacation is in conformance with City Code 3-2-10(B).
6. The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City Code.
7. The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Vacation 1-19

Applicant(s): MP EKO, LLC

Site Location: 2525 Mountain City Hwy

Current Zoning: C Date Received: 1/3/19 Date Public Notice: N/A

COMMENT: This is to vacate a portion of the public
Utility and drainage easement located along the North
and East property lines of APN 001-1660-049.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 1/28/19

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 1/29/19

No comments/concerns.

CC

Initial



February 1, 2019

RECEIVED

FEB 01 2019

Shelby Archuleta
City of Elko Planning Department
1751 College Avenue
Elko, Nevada 89801

RE: Proposed Vacation No. 1-19

Dear Ms. Archuleta:

Per your request in the letter dated January 14, 2019 regarding the proposed vacation of a portion of the public utility easement located generally along the north and east property lines of APN 001-660-049. NV Energy does not have utility facilities in the area to be vacated and has no objection to the proposed vacation.

If you have any questions/concerns please feel free to contact me at 775-834-3097 or at jakejohnson@nvenergy.com

Sincerely,

A handwritten signature in black ink, appearing to read "Jake Johnson".

Jake Johnson
NV Energy

Shelby Archuleta

From: Lana Carter <lanalcarter@LIVE.COM>
Sent: Wednesday, January 30, 2019 6:31 PM
To: Cathy Laughlin
Cc: Shelby Archuleta; Scott A. Wilkinson; David Fonua; Rlino@nvenergy.com; Johnson, Jake
Subject: RE: Proposed Vacation No. 1-19

Hi Cathy,

Robert Lino, David Fonua and I met on site today. We feel the existing power line is outside the easement vacation area and can meet the requirements of being centered within a 10' easement with the existing easements. Jake is in Reno so it is hard for him to see this is the case in the field and must rely on NV Energy mapping. To verify NV Energy is going to field locate the line, we will photo graph it and I can remap it if its location is different than shown on the site plan I submitted with my application. We will then send this information to Jake. I spoke with Jake today and he said he would be glad to issue a new letter if we can provide this additional information showing where the line is. Hopefully we can do this before Tuesday's meeting so me don't have to table this item.

We appreciate your and Shelby's efforts on this.

Thanks!!

Lana L. Carter, P.E.,
Professional Engineer & Owner

www.carterengineeringelko.com

Please note that this message and any attachments may be protected by federal and/or state privacy laws and might also contain information that is privileged, confidential, and/or subject to attorney/client, attorney work product, or other similar protections. If you suspect that you are not the intended recipient of this message, please be so kind as to reply and let me know of my error and then delete the message and any attachments, without further dissemination, copying, or distribution. Thank you.

-----Original Message-----

From: Cathy Laughlin <claughlin@elkocitynv.gov>
Sent: Tuesday, January 29, 2019 3:15 PM
To: Lana Carter <lanalcarter@LIVE.COM>; Johnson, Jake <JakeJohnson@nvenergy.com>
Cc: Shelby Archuleta <sarchuleta@elkocitynv.gov>; Scott A. Wilkinson <sawilkinson@elkocitynv.gov>
Subject: RE: Proposed Vacation No. 1-19

Jake,

I spoke to Lana regarding the attached letter you sent for the MP Elko proposed vacation. She has stated that there are no underground power utilities in the area proposed for vacation and that she would like to get with you to discuss this. Lana can be reached at (775) 397-2531. We will need a new letter from you stating that you approve the vacation if your decision is changed.

Thanks,

Cathy Laughlin
City Planner

(775)777-7160 ph
(775)777-7219 fax
claughlin@elkocitynv.gov

City of Elko
1751 College Avenue
Elko, NV 89801

Shelby Archuleta

From: Lana Carter <lanalcarter@LIVE.COM>
Sent: Friday, February 1, 2019 7:49 AM
To: Johnson, Jake; Cathy Laughlin
Cc: Shelby Archuleta; Scott A. Wilkinson
Subject: RE: Proposed Vacation No. 1-19

Many thanks for everyone's effort on this.

Lana L. Carter, P.E.,
Professional Engineer & Owner

www.carterengineeringelko.com

Please note that this message and any attachments may be protected by federal and/or state privacy laws and might also contain information that is privileged, confidential, and/or subject to attorney/client, attorney work product, or other similar protections. If you suspect that you are not the intended recipient of this message, please be so kind as to reply and let me know of my error and then delete the message and any attachments, without further dissemination, copying, or distribution. Thank you.

-----Original Message-----

From: Johnson, Jake <JakeJohnson@nvenergy.com>
Sent: Friday, February 1, 2019 7:32 AM
To: Cathy Laughlin <claughlin@elkocitynv.gov>; Lana Carter <lanalcarter@LIVE.COM>
Cc: Shelby Archuleta <sarchuleta@elkocitynv.gov>; Scott A. Wilkinson <sawilkinson@elkocitynv.gov>
Subject: RE: Proposed Vacation No. 1-19

Cathy,

Please see the attached revised letter.

-----Original Message-----

From: Cathy Laughlin [mailto:claughlin@elkocitynv.gov]
Sent: Tuesday, January 29, 2019 3:15 PM
To: Lana Carter <lanalcarter@LIVE.COM>; Johnson, Jake <JakeJohnson@nvenergy.com>
Cc: Shelby Archuleta <sarchuleta@elkocitynv.gov>; Scott A. Wilkinson <sawilkinson@elkocitynv.gov>
Subject: [INTERNET] RE: Proposed Vacation No. 1-19

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Jake,

I spoke to Lana regarding the attached letter you sent for the MP Elko proposed vacation. She has stated that there are no underground power utilities in the area proposed for vacation and that she would like to get with you to discuss this. Lana can be reached at (775) 397-2531. We will need a new letter from you stating that you approve the vacation if your decision is changed.

Thanks,

Cathy Laughlin
City Planner

(775)777-7160 ph
(775)777-7219 fax
claughlin@elkocitynv.gov

City of Elko
1751 College Avenue
Elko, NV 89801

-----Original Message-----

From: Shelby Archuleta
Sent: Tuesday, January 29, 2019 7:59 AM
To: Cathy Laughlin <claughlin@elkocitynv.gov>; Scott A. Wilkinson <sawilkinson@elkocitynv.gov>
Subject: FW: Proposed Vacation No. 1-19

FYI

-----Original Message-----

From: Johnson, Jake <JakeJohnson@nvenergy.com>
Sent: Tuesday, January 29, 2019 7:22 AM
To: Shelby Archuleta <sarchuleta@elkocitynv.gov>
Subject: Proposed Vacation No. 1-19

Shelby,

Attached is a pdf regarding the response for the 1-19 proposed vacation.

Please let me know if you have any questions.

NOTICE: The information contained in this electronic transmission is intended only for the use of the individual or entity named above. ANY DISTRIBUTION OR COPYING OF THIS MESSAGE IS PROHIBITED, except by the intended recipient(s). Attempts to intercept this message are in violation of 18 U.S.C. 2511(1) of the Electronic Communications Privacy Act, which subjects the interceptor to fines, imprisonment and/or civil damages. If you are not the intended recipient(s), please delete it and notify me.

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January 28, 2019

Shelby Archuleta
City of Elko Planning Department
1751 College Avenue
Elko, Nevada 89801

RE: Proposed Vacation No. 1-19

Dear Ms. Archuleta:

Per your request in the letter dated January 14, 2019 regarding the proposed vacation of a portion of the public utility easement located generally along the north and east property lines of APN 001-660-049. NV Energy has underground utility facilities in the vicinity of the proposed vacation. If these facilities are within the area to be vacated, we request an easement 10 feet in width, centered on the existing facilities to remain.

If you have any questions/concerns please feel free to contact me at 775-834-3097 or at jakejohnson@nvenergy.com

Sincerely,

A handwritten signature in black ink, appearing to read "Jake Johnson".

Jake Johnson
NV Energy



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

NV Energy
Mr. Jake Johnson
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Johnson:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Satview Broadband
Mr. Tariq Ahmad
PO Box 18148
Reno, NV 89511

And VIA EMAIL: taroil@yahoo.com

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Ahmad:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Frontier Communication
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Proposed Vacation No. 1-19

Dear Mr. Whitaker:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures

Shelby Archuleta

From: Teresa Gust <teresa.e@canyonconstructionco.com>
Sent: Friday, January 25, 2019 10:55 AM
To: Shelby Archuleta
Subject: Proposed Vacation No. 1-19

Shelby, please be advised that Michael W. Lattin, VP-Field Operations, has reviewed your letter of January 14, 2019, Re: Proposed Vacation No. 1-19 and has determined that Elko Heat Company has no present or future interests in the area stated. This email complies with NRS 278.480(6).

Thank you

Teresa

Accounting Clerk
Canyon Construction &
Elko Heat Co.
Phone: (775) 738-2210 ext 107
Fax: (775) 753-8049
teresa.e@canyonconstructionco.com



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

January 14, 2019

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 1-19

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by MP Elko, LLC to vacate a portion of the public utility and drainage easement located generally along the north and east property lines of APN 001-660-049. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on February 5, 2019. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

(775) 777-7160 * (775) 777-7119 fax

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): MP Elko LLC

MAILING ADDRESS: 1801 Tiburon Blvd., Suite 800, Tiburon California, 94920-2575

PHONE NO (Home) _____ **(Business)** 775-318-0011

NAME OF PROPERTY OWNER (If different): _____

(Property owner's consent in writing must be provided.)

MAILING ADDRESS: _____

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-660-049 **Address** 2525 Mountain City Highway

Lot(s), Block(s), & Subdivision _____

Or Parcel(s) & File No. Parcel 10-A, File No. 687792

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice.

Fee: A \$600.00 non-refundable fee.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

MP Elko LLC, 1801 Tiburon Blvd, Suite 800, Tiburon California 94920

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

MP Elko LLC, 1801 Tiburon Blvd, Suite 800, Tiburon California 94920

(Name)

(Address)

1. Describe the nature of the request: _____
The proposed Dotty's Casino building expansion extends into a drainage and
utility easement that has no utilities at this area and is not needed for drainage.
There are also adjacent easements that can be used for utilities and drainage if
needed for future development.
The owner requests vacation of these easements for the building expansion.

2. Describe any utilities currently located in the area proposed for vacation, and if any are present
how they will be addressed: There are no utilities located in the portion of the
requested easement vacation.

Use additional pages if necessary

This area intentionally left blank

By My Signature below:

☒ I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.

☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not effect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent David Fonua
(Please print or type)

Mailing Address 1801 Tiburon Blvd, Suite 800
Street Address or P.O. Box
Tiburon, California 94920
City, State, Zip Code

Phone Number: 775-318-0011

Email address: dffinancial@sbcglobal.net

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 1-19 **Date Filed:** 1/3/19 **Fee Paid:** \$ 600 ck# 1485

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 3-19, a resolution of the Elko City Council adopting a change in zoning district boundaries from AG (General Agriculture) to IC (Industrial Commercial), approximately 27.605 acres of property, located generally north side of West Idaho Street, approximately 1400 feet northeast of I-80 exit 298, filed by Defty Family Trust and processed as Rezone No. 1-19, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the subject zone change request on February 5, 2019 and took action to forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 1-19. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. action report, Staff memos and related correspondence**
9. Recommended Motion: **Adopt Resolution No. 3-19**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, legal counsel**
12. Council Action:
13. Agenda Distribution: **Defty Family Trust
P.O. Box 8606
Woodland CA 95776
SDefty@ddge.net**

Upon introduction and motion by Councilman _____ and seconded by Councilman _____ the following Resolution and Order was passed and adopted:

**CITY OF ELKO
RESOLUTION NO. 03-19**

**A RESOLUTION OF THE ELKO CITY COUNCIL
ADOPTING A CHANGE IN ZONING DISTRICT BOUNDARIES**

WHEREAS, the Elko City Council has conducted a public hearing in accordance with Nevada Revised Statutes, Section 278.260 and the Elko City Code, Section 3-2-21(C), and

WHEREAS, the Elko City Council has received and reviewed the application submitted by Defty Family Trust (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 1-19.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 1-19, involving a change in zoning from AG (General Agricultural) to IC (Industrial Commercial) involving approximately 27.605 acres of property located generally on northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298, more particularly described in Exhibit A and shown on the map at Exhibit B attached hereto is hereby adopted.

IT IS FURTHER RESOLVED AND ORDERED that this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this ____ day of _____, 2019.

CITY OF ELKO

By: _____
REECE KEENER, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Exhibit A

RECEIVED

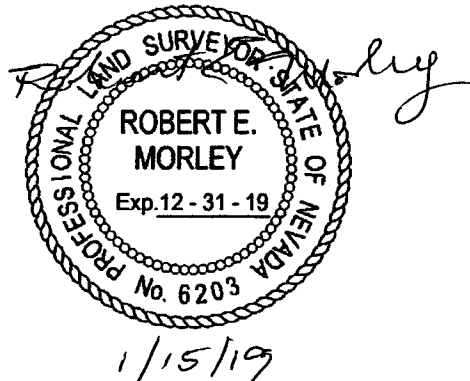
JAN 15 2019

**LEGAL DESCRIPTION
FOR DEFTY FAMILY TRUST
RE-ZONE APPLICATION**

January 15, 2019

A Parcel of land located in Section 19, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, more particularly described as follows:

All of Parcel No. 2 as shown on the Parcel Map for Bruce Miller and Sidnie Miller as Trustees of the Bruce & Sidnie Miller Family Trust, Eric Young and Sidnie Miller, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 736178



Prepared by Robert E. Morley
High Desert Engineering

640 Idaho Street
Elko, Nevada 89801

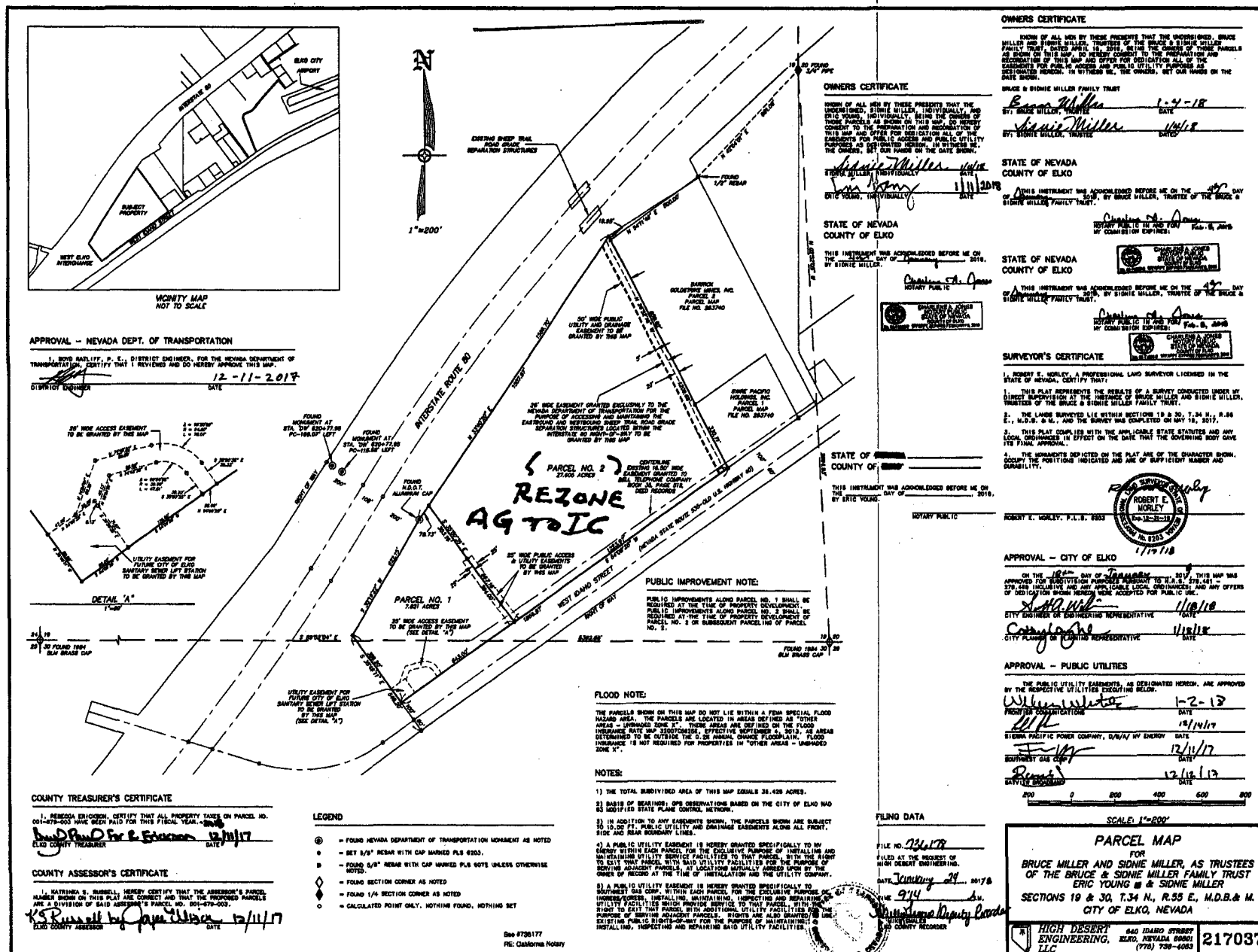
~~JAN 15 2019~~

DRAWING NUMBER
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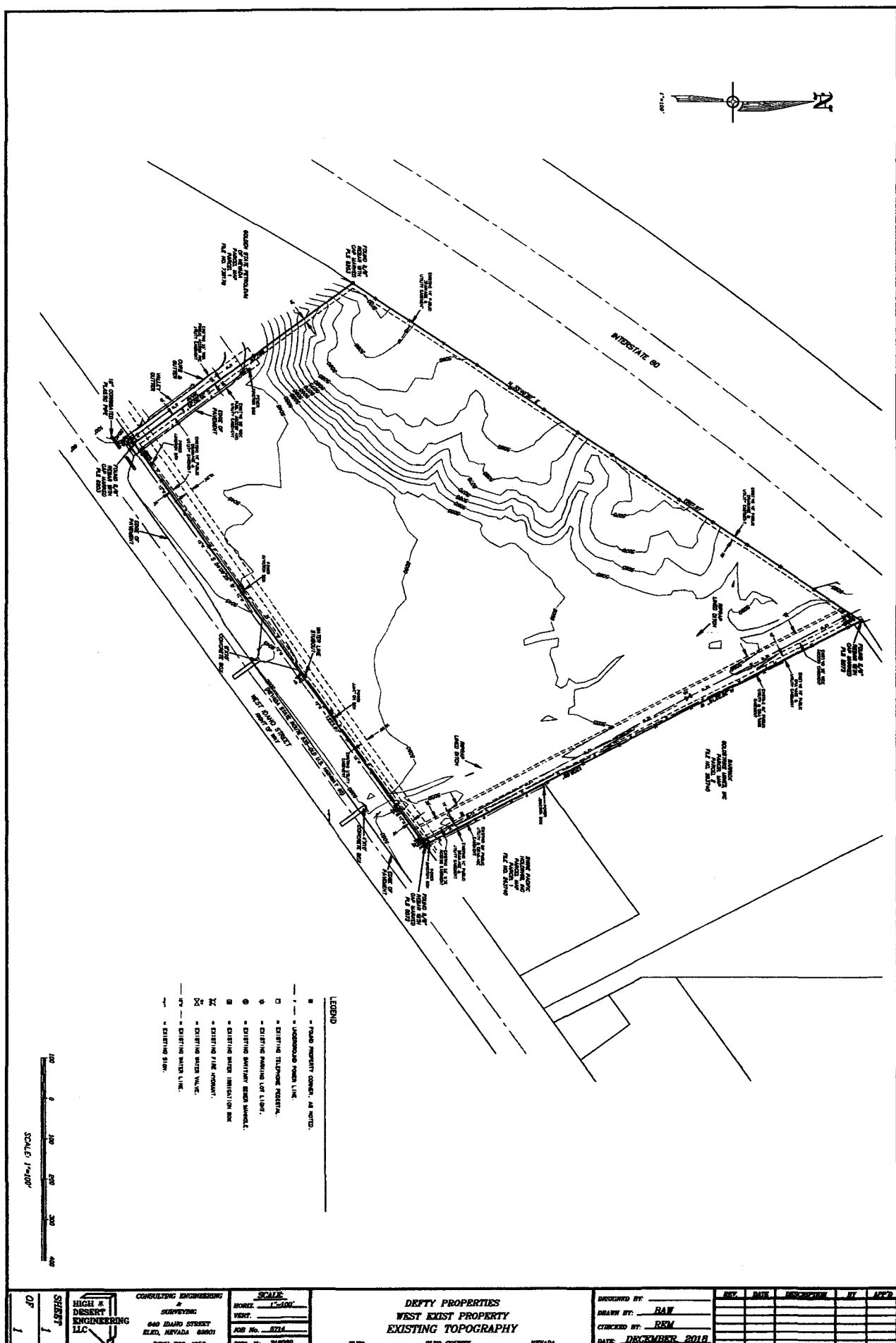
DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER



3378





CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

CITY OF ELKO

PLANNING COMMISSION ACTION REPORT

Regular Meeting of February 5, 2019

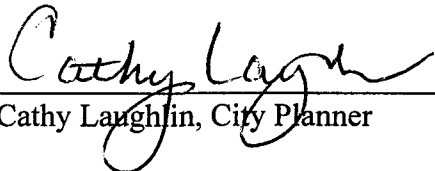
WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on February 5, 2019 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 1-19, filed by Defty Family Trust, for a change in zoning from AG (General Agriculture) to IC (Industrial Commercial) zoning district, approximately 27.605 acres of property, and matters related thereto. FOR POSSIBLE ACTION

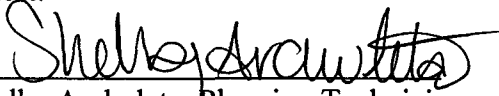
The subject property is located generally on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298. (APN 001-679-012).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwarded a recommendation to City Council to adopt a resolution which approves Rezone No. 1-19.

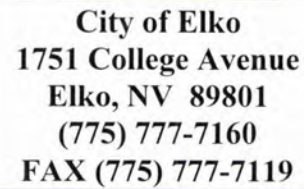
The Planning Commission's findings to support its recommendation are the proposed rezone is in conformance with the Master Plan Land Use Component. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed rezone is in conformance with the City of Elko Airport Master Plan. The proposed rezone is consistent with the City of Elko Wellhead Protection Plan. The proposed rezone is consistent with Elko City Code 3-2-4(B) & (C). The proposed rezone is in conformance with Section 3-2-11(B) IC – Industrial Commercial Zoning District. The proposed rezone is consistent with Elko City Code 3-2-17. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk



PROJECT INFORMATION

PARCEL NUMBER: 001-679-012

PARCEL SIZE: 27.605 acres

EXISTING ZONING: (AG) General Agricultural

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Undeveloped land

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:
North and South: (AG) General Agricultural / Undeveloped
West: General Commercial (C) / Developed as Golden Gate Petroleum
East: Light Industrial and Elko County property / Developed

PROPERTY CHARACTERISTICS:

The property is generally flat with steeper topography in the northwest corner of the property.
The property is access from West Idaho Street and has a shared access point with Golden Gate Petroleum.

MASTER PLAN AND CITY CODES:

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Airport Master Plan
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-11 – Industrial Commercial Zoning District
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. The applicant purchased the property on 1/15/2019.
2. The parcel was created by Parcel Map, recorded as document 736178 on January 24, 2018.
3. The rezone includes all of APN 001-679-012.
4. The property fronts West Idaho Street.
5. City water is located along the frontage of the property.
6. Sewer has not been extended to the area. Existing facilities in the area utilize septic for

sanitary sewer.

7. Other non-city utilities are located in the immediate area.

MASTER PLAN

Land use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. IC- Industrial Commercial is a corresponding zoning district for Commercial Highway as well as Planned Commercial, General Commercial and Convenience Commercial.
3. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
4. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
5. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The area will be accessed from West Idaho Street.
2. West Idaho Street under NDOT jurisdiction, is classified as a Major Arterial.

The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure.

AIRPORT MASTER PLAN

1. The area is located within the defined runway approach airspace area delineated in the airport master plan.
2. Development within the area will be restricted in accordance 14 CFR Part 77.9.
3. The restrictions stipulated in the federal code are not expected to have a significant, if any, impact on property development under the allowable land use stipulated in city code which are in conformance with the City Master Plan.

The proposed rezone is in conformance with the City of Elko Airport Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

1. A proposed well (test hole/monitoring well currently exists) approximately 3,100 feet from the property is expected to be installed as development occurs in the area. At that time, it could be expected that this property will be located within the 5 year capture zones.

SECTION 3-8

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

- Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
- Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

SECTION 3-2-11 (IC) Industrial Commercial Zoning District:

1. Conformance with the section is required as the property develops.

SECTION 3-2-17 Traffic, Access, Parking and Loading Regulations:

1. Conformance with the section is required as the property develops.

SECTION 3-2-21 Amendments:

1. The applicant has conformed to this section of code with the filing of the application.

FINDINGS

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed rezone is in conformance with the City of Elko Airport Master Plan.
4. The proposed rezone is consistent with City of Elko Wellhead Protection Plan.
5. The proposed rezone is consistent with Elko City Code 3-2-4 (B) & (C)\
6. The proposed rezone is in conformance with Section 3-2-11(B) IC-Industrial Commercial Zoning District.
7. The proposed rezone is consistent with Elko City Code 3-2-17
8. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a

danger to human health and safety.

STAFF RECOMMENDATION:

Staff recommends this item be **APPROVED**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 2/5

Do not use pencil or red pen, they do not reproduce

Title: Rezone 1-19

Applicant(s): Defty Family Trust

Site Location: 001-679-012, NW of W Idaho, ≈ 1,376' NE of I-80

Current Zoning: AG Date Received: 1/15/19 Date Public Notice: 1/25/19

COMMENT: This is to rezone APN 001-679-012 from
AG to IC

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 1/29/19

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 1/29/19

No comments/concerns.

CK

Initial

Rez 1-19 Defty Family Trust - CC

YPNO PANAME
 006090006*BAR L RANCH ET AL
 001679009 BAR L RANCH ET AL
 001679002*BAR L RANCH ET AL
 001679006*BAR L RANCH ET AL

1 p.c.

00609G037 BARRICK GOLDSTRIKE MINES INC A
 00609G003*BOGUE, CLARENCE E ET AL

00609G012*ELKO CITY OF
 00609G031*ELKO CITY OF
 00609G030*ELKO CITY OF
 00609G009*ELKO CITY OF
 00609G008*ELKO CITY OF
 00609G005*ELKO CITY OF
 00609G027*ELKO CITY OF
 001660106*ELKO CITY OF

NO p.c.

001679010*ELKO INC

00609G004*ESM 2 LLC

00609G002*ESM 2 LLC

00609G004*ESM 2 LLC

1 p.c.

001679011 GOLDEN GATE PETROLEUM OF NEVADA

00609G025*JPL INVESTMENTS LLC

00609G011*JPL INVESTMENTS LLC

00609G010*JPL INVESTMENTS LLC

1 p.c.

001679015*JOY GLOBAL SURFACE MINING INC

001679005*JOY GLOBAL SURFACE MINING INC

001679004* MILLER, BRUCE & SIDNIE TR

Same as BARL Ranch ↑

00609G039*PETE'S TRAILER PARK LLC

00609G038*PETE'S TRAILER PARK LLC

1 p.c.

00609N008*PINNACLE INVESTMENTS PART ET AL

00609G006*SUTHERLAND, JAMES N & JANICE I

001679013 SWIRE PACIFIC HOLDINGS INC

PMADD1

ATTN: REGIONAL LAND DEPT 293 SPRUCE RD
 COS SUTHERLAND, JAMES ETA PO BOX 1731

C/O COACH USA INC

PMADD2

PO BOX 1478

PO BOX 1478

PO BOX 1478

PO BOX 1478

293 SPRUCE RD

PO BOX 1731

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

1755 COLLEGE AVE

4105 W IDAHO ST

PO BOX 2347

3250 SUNDANCE DR

PO BOX 2347

16580 WEDGE PKWY STE 300

1764 W 2900 S

1764 W 2900 S

1764 W 2900 S

135 S 84TH ST, STE 300

135 S 84TH ST, STE 300

PO BOX 1478

6366 RIO VISTA LN

6366 RIO VISTA LN

20 S SANTA CRUZ AVE STE 320

PO BOX 1731

12634 S 265 W

PMCTST

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84401-3255

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84020-7930

13

Mailed 2/14/19

* = Properties outside the Original
 300ft radius to achieve 30 parcels

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a public hearing on Tuesday, February 26, 2019 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

- Rezone 1-19, having a hearing as Resolution No. 3-19, filed by The Defty Family Trust for a change in zoning from AG (General Agricultural) to IC (Industrial Commercial), approximately 27.605 acres of property, specifically APN 001-379-012, located generally on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298, more particularly described as:
A parcel of land located in Section 19, Township 34 North, Range 55 East, M.D.B. & M., City of Elko, Nevada, more particularly described as follows:
All of Parcel No. 2 as shown on the Parcel Map for Bruce Miller and Sidnie Miller as Trustees of the Bruce & Sidnie Miller Family Trust, Eric Young and Sidnie Miller, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 736178.
The intent of the zone change is to allow for Industrial and Commercial Development.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@elkocitynv.gov

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

January 22, 2019

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

Re: Rezone No. 1-19

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider Rezone No. 1-19, filed by Defty Family Trust. Please find enclosed a double-sided copy of the application and related site plan for your review and comment.

The subject property consists of approximately 27.605 acres and is located on the northwest side of W. Idaho Street, approximately 1,376' northeast of I-80 Exit 298, as shown on the enclosed map.

Review by the Elko City Planning Commission is scheduled for February 5, 2019.

Please submit written comments to the City of Elko Planning Department as soon as possible. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone * (775) 777-7219 fax

RECEIVED

APPLICATION FOR ZONE CHANGE

JAN 15 2019

APPLICANT(s):	Spencer & Laura Defty Trustee's Defty Family Trust.		
MAILING ADDRESS:	PO Box 8608 Woodland CA. 95776		
PHONE NO (Home):	(530) 662-2042	(Business):	(530) 662-2042
NAME OF PROPERTY OWNER (If different):	(916) 761-1578		
(Property owner's consent in writing must be provided.)			
MAILING ADDRESS:	Same as Above		
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-679-012	Address:	West Idaho Street Elko NV.
Lot(s), Block(s), & Subdivision			Old US Hwy 40
Or Parcel(s) & File No.	286161 File # 736 178		

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Complete applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$500.00 non-refundable filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (L to R, for example).

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this Rezone Application.

1. Identify the existing zoning classification of the property: Aq
2. Identify the zoning Classification being proposed/requested: IC
3. Explain in detail the type and nature of the use anticipated on the property: Industrial Commercial For Mining, construction, commercial, and Retail.
Current Entrusted Parties are looking for opportunity For Mining Equipment
Repair, sales, service center. Trucking companies have Enquired For yard space
and office locations.
Given The open space Nature of this 28 Acre property we anticipate
a mixed use.
4. Explain how the proposed zoning classification relates with other zoning classifications in the area: Both to the west and east There are commercial/Industrial uses.
This is up in the middle that would fit For a mixed use Infill.
5. Identify any unique physical features or characteristics associated with the property: Uniquely located on Old Hwy 40 and Hwy 80 on a off ramp Exit 298
to Hwy 80. This has a great opportunity for low Impact High
Revenue For the City of Elko as it is outside the city center.

(Use additional pages if necessary to address questions 3 through 5)

By My Signature below:

- ☒ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- ☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- ☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- ☒ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- ☒ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent Spencer DeFty
(Please print or type)

Mailing Address Po Box 8608
Street Address or P.O. Box

Woodland Ca. 95776
City, State, Zip Code

Phone Number: (916) 761-1578

Email address: sdef+y@ddge.net

SIGNATURE: [Signature]

FOR OFFICE USE ONLY

File No.: 1-19 Date Filed: 1/15/19 Fee Paid: \$500 CK# 25618

**Elko City Council
Agenda Action Sheet**

1. Title: **First Reading of Ordinance No. 835, an ordinance amending Title 8, Chapter 2, of the Elko City Code entitled “Conditions of Utility Occupancy of Public Roads and City Street Cuts and Repairs” hereby adding Smart Dig Requirements, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **On August 28, 2018, Council approved initiation of Ordinance 836 and directed Staff to prepare a Business Impact Statement. The Business Impact Statement was approved on February 12, 2019 after making some changes to the ordinance. Those changes are in the ordinance being presented tonight. SAW**
6. Budget Information:

Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name: **N/A**
7. Business Impact Statement: **Required**
8. Supplemental Agenda Information: **Copy of the Business Impact Statement**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Scott Wilkinson, Assistant City Manager**
11. Committee/Other Agency Review: **N/A**
12. Council Action:
13. Agenda Distribution:

CITY OF ELKO
ORDINANCE NO. 835

AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, OF THE ELKO CITY CODE ENTITLED “CONDITIONS OF UTILITY OCCUPANCY OF PUBLIC ROADS AND CITY STREET CUTS AND REPAIRS” BY ADDING SMART DIG REQUIREMENTS, AND MATTERS RELATED THERETO.

WHEREAS, the City of Elko desires to amend the City Code to add Smart Dig requirements for utility installation

WHEREAS, the City of Elko desires to increase communication capabilities by adding mandatory conduit installation to the City Code

WHEREAS, the City Council desires to enact this ordinance amending and adding sections to the Conditions of Utility Occupancy of Public Roads and City Street Cuts and Repairs Code to adopt within the City of Elko a code which is uniform with Smart Dig standards, except as otherwise specifically provided herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN:

For amendment purposes, words which are in bold and underlined are additions to the Ordinance, and words which ~~are lined through and red~~ are deleted from the Ordinance.

Section 1: Title 8, Chapter 2, is hereby added to read as follows:

Chapter 2
CONDITIONS OF UTILITY OCCUPANCY OF PUBLIC RIGHTS-OF-WAY OR
PUBLIC EASEMENTS ~~ROADS~~, ~~DIG~~ SMART DIG REQUIREMENTS, AND CITY
EXCAVATION PERMITS ~~STREET CUTS AND REPAIRS~~ 🌐 📄

8-2-1: TITLE:

8-2-2: DEFINITIONS, TERMS:

8-2-3: CITY EXCAVATION ~~STREET CUT~~ PERMITS:

8-2-3A: SMART DIG REQUIREMENTS:

8-2-3B: MANDATORY INSTALLATION OF CONDUIT:

8-2-4: ASPHALT PAVEMENT REPAIR:

8-2-5: EMERGENCY CITY STREET CUTS:

8-2-6: NEW CITY STREET CUTS:

8-2-7: CONSTRUCTION STANDARDS:

8-2-8: NONINTERFERENCE WITH EXISTING UTILITIES:

8-2-9: RELOCATION OF UTILITIES:

8-2-10: REPAIR OF PUBLIC ROADS AND CITY STREET CUTS:

8-2-11: INDEMNIFICATION:

8-2-12: LIABILITY INSURANCE:

8-2-13: BONDING:

8-2-14: PERMIT FEES:

8-2-15: CONTRACTOR AND BUSINESS LICENSES:

8-2-16: INSPECTION:

8-2-17: WATER DRAINAGE:

8-2-18: ABANDONED UTILITY FACILITIES:

8-2-1: TITLE:

This ~~chapter~~ Chapter shall be known as and may be cited as: the CONDITIONS OF UTILITY OCCUPANCY OF PUBLIC RIGHTS-OF-WAY OR PUBLIC EASEMENTS, SMART DIG REQUIREMENTS, ROADS AND CITY EXCAVATION PERMITS, STREET CUTS AND REPAIRS. (Ord. 476, 11-26-1996)

8-2-2: DEFINITIONS, TERMS:

For the purpose of this ~~chapter~~ Chapter, the following terms, phrases, words and abbreviations shall have the meanings ascribed to them below. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

COMMUNICATIONS INFRASTRUCTURE: The technology, products and network connections that allow for the transmission of communications over large distances.

CONSTRUCTION PLANS: Plans, profiles, cross-sections and other required details for the construction of public improvements, prepared in conjunction with the project and in compliance with standards of design and construction approved by the City.

~~DAMAGE: A. The substantial weakening of the structural or lateral support of a subsurface installation;~~

~~B. The penetration or destruction of any protective coating, housing or other protective device of a subsurface installation; or~~

~~C. The partial or complete severance of a subsurface installation.~~

EMERGENCY: Sudden unexpected occurrence that involves clear and imminent danger and requires immediate action to prevent or mitigate loss of life or damage to health, property or essential public services.

EXCAVATE OR EXCAVATION: Any work or action in which earth, rock, pavement, or other materials in the ground or underwater in a public right-of-way is moved, removed, or otherwise displaced in any of the following ways: grading, trenching, digging, ditching, or any other means.

EXCAVATOR: Any person who engages in excavation.

EXCAVATION PERMIT: A permit required and issued by the City for any excavation within a public right-of-way, to include a street cut.

LONGITUDINAL ACCESS: Access to or the use of any part of a right-of-way that extends generally parallel to the right-of-way.

OPERATOR: Any person who owns, operates or maintains underground telecommunication facilities.

PERMITTEE: An excavator who is authorized to perform work pursuant to an excavation permit in accordance with the provisions of this Chapter.

PERSON: A natural person, any form of business or social organization and any other legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization, or any government, governmental agency or political subdivision of a government.

PUBLIC EASEMENT: A right to use any area or alignment that has been conveyed to the City for one or more public purposes.

PUBLIC RIGHT-OF-WAY: An area or alignment that has been dedicated to the City for one or more public purposes. ~~OAD AND PUBLIC ROADS: The public highways, streets, avenues, alleys, bridges and ways as the same may now or hereafter exist within the city and future additions thereto over which the city has jurisdiction. (Ord. 476, 11-26-1996)~~

PUBLIC WORKS PROJECT: Any excavation project undertaken by a public entity.

SMART DIG: The requirements of this Chapter pertaining to the placement of telecommunication facilities in excavations within rights-of-way.

TELECOMMUNICATION: The transmission of signs, signals, messages, words, writing, images, sound or information of any nature by wire, radio, optical, or electromagnetic systems. Telecommunication occurs when the exchange of information between communication participants includes the use of technology.

TELECOMMUNICATION FACILITY: Any cable, line, fiber, wire, conduit, inner duct, access manhole, hand hole, tower, hut, pedestal, pole, box, splice panel, transmitting equipment, receiving equipment, power equipment or other equipment, system or device that is used to transmit, receive, produce or distribute a signal for telecommunications purposes via wireless, wireline, electronic or optical means, and any other outside plant materials provided by the City.

UNDERGROUND FACILITY: Any underground or submerged conductor, pipe, structure, conduit, or equipment used or installed for use in providing electric,

communications, gas, sanitary sewer, storm sewer, reuse water or any other underground works.

USA: Underground Service Alert (USA), a non-profit mutual benefit organization operating free call centers for excavators who are digging, blasting, trenching, drilling, grading, excavating, or otherwise moving any earth for the purpose of providing information about the locations of underground facilities.

8-2-3: CITY EXCAVATION ~~STREET CUT~~ PERMITS:

- A. Permit Required: Prior to cutting or excavating within any public rights-of-way or public easements ~~road~~ within the ~~city~~ City limits, an excavation permit must be ~~obtained from issued by~~ the ~~city~~ City. ~~and a copy filed with the city engineer's office.~~
- B. State Permits Applicable: Prior to the cutting ~~of~~, or excavation of any state highway or route within the ~~city~~ City limits, all state permits must be obtained and a copy of each such permit must filed with the City ~~city engineer's office.~~
- C. Traffic Control ~~And~~ and Construction Plans; Depth ~~Of~~ of Facilities: ~~A permittee for a city permit~~ An applicant for an excavation permit shall submit with ~~the his~~ application a traffic control plan and ~~a~~ detailed construction plans, which plans must be approved by the City prior to ~~the approval issuance~~ of the city excavation street cut permit. ~~The traffic control plan and detailed construction plan shall be approved by the city~~ Two copies of the traffic control plan and two copies of the construction plans shall be submitted with the application. ~~engineer or his designee. The depth of all facilities shall be a minimum of twenty four inches (24") below the lowest point of the asphalt roadway section. The minimum depth of any excavation in a City-owned right-of-way shall be twenty-four inches (24") below the surface of the ground or, in cases of excavations below asphalt paving or sidewalks, a minimum of twenty-four inches (24") below the bottom of the pavement or sidewalk.~~
- D. Notification Prior ~~To~~ Excavation Digging: The permittee must notify ~~underground service alert (USA Dig)~~ USA at least ~~forty eight~~ forty-eight (48) hours prior to the start of any excavation.
- E. Presence ~~Of~~ of Form ~~And~~ and Permit: A copy of the USA ~~underground service alert (USA) DigAlert Location Request Form~~ form and a copy of the ~~city~~ City excavation street cut permit shall be present on the job site at all times work is in progress.
- F. Cut Unavoidable: ~~A permittee~~ An applicant for ~~a city street cut~~ an excavation permit requesting permission to perform a street cut shall demonstrate that the cut is unavoidable and that the permittee has fully evaluated ~~he has looked at~~ other alignments which ~~could have avoided~~ would avoid ~~the a street~~ cut.
- G. Work Without Excavation Permit: If a person performs an excavation ~~takes place~~ without a permit, ~~and it is not~~ except in an emergency as defined in this Chapter, ~~then~~

permittee shall ~~thereafter be required to~~ pay double the regular permit fee for that excavation project. ~~The only exception to this is an emergency. Any company performing an emergency excavation shall notify the city police department prior to excavating.~~

- H. Expiration Date: ~~An expiration date shall be established for the permit.~~ An excavation permit shall expire on a date determined by the City, which date shall be no more than thirty (30) days shall be the longest period for any single city street cut permit from the date of issuance. All permittee work shall be completed within thirty (30) days from the issuance date of the permit. If a temporary patch is ~~required~~ needed ~~due to a street cut,~~ the permittee shall pay an additional fee as established by resolution of the ~~city council~~ City Council.
- I. Revocation ~~Of of~~ Permit: The ~~City~~ engineer or designee may revoke an excavation permit at any time for the failure of the ~~contractor~~ permittee to comply with this ~~chapter~~ Chapter. ~~(Ord. 476, 11-26-1996)~~

8-2-3A SMART DIG REQUIREMENTS:

- A. Smart Dig requirements apply to excavations at least one hundred (100) feet in length.
- B. Operators and excavators are not required to comply with Smart Dig requirements if an excavation is made due to an emergency as defined in this Chapter.

8-2-3B MANDATORY INSTALLATION OF CONDUIT

- A. Installation of Conduit in Rights-of-Way for Public Works Projects: Whenever a person undertakes a public works project within a public right-of-way involving the planning, construction, reconstruction, or repaving of the public right-of-way, the project shall include, to the maximum extent practical and feasible, installation of underground communication infrastructure by the person performing the work.
1. The City may grant a telecommunications provider a license for longitudinal access or wireless access to a right-of-way for the installation, operation, and maintenance of a telecommunications facility.
 2. Before granting a telecommunications provider a license for longitudinal access or wireless access to a right-of-way, the City must first enter into a competitively neutral and nondiscriminatory agreement with the telecommunications provider. . Such an agreement must be approved by the Elko City Council, which approval may be granted, conditioned or withheld in its discretion.
- B. Installation of Conduit in Rights-of-Way for Private Excavations:
1. To the maximum extent practicable and feasible, the City shall condition all permits for private excavations within public rights-of-way on the execution of an agreement

providing for the installation of underground communications infrastructure on behalf of the City by the permittee, which agreement shall, without limitation, contain the following terms and conditions:

- a. Upon satisfactory completion of the installation, the City shall pay to the permittee the incremental additional cost of installing the communications infrastructure, which cost shall not include any amounts that would otherwise have been paid by the permittee had the communications infrastructure not been installed;
 - b. The City shall bear all reasonable and properly documented design and construction costs associated solely with and required for the installation of the communications infrastructure.
2. The communications infrastructure shall automatically be owned by the City upon installation without any further action on the part of either the permittee or the City.
 3. The City may, at its sole option and expense, require the permittee conducting the excavation to extend the excavation, where practical, to permit the connection of the communications infrastructure to existing communications infrastructure owned by the City.

8-2-4: ASPHALT PAVEMENT REPAIR:

The permittee shall receive ~~city~~ City approval for the construction of temporary and permanent asphalt pavement repairs required as a result of the excavation. All asphalt repairs shall be performed by a properly licensed contractor. The permittee shall be responsible for properly compacted placement of all backfill and base required to establish a smooth road surface, shall perform appropriate compaction tests and shall provide the test results to the City. If repairs are made by the ~~city~~ City, the ~~applicant-permittee~~ shall reimburse the ~~city~~ City for expenses incurred to construct temporary and permanent pavement patches at rates established by resolution of the ~~city-council~~ City Council. (~~Ord. 713, 5-25-2010~~)

8-2-5: EMERGENCY EXCAVATIONS ~~CITY-STREET CUTS~~:

When an emergency requires any ~~asphalt~~-excavation, the permittee making the excavation shall notify the ~~city~~ City police department. The permittee shall provide the police department with the location of the excavation, the start time and a description of extent of the project. The permittee must obtain a ~~city~~ City excavation ~~street-cut~~ permit on the next ~~succeeding~~-business day. The permittee shall be responsible for properly compacted placement of all backfill and base required to establish a smooth road surface, shall perform appropriate compaction tests and shall provide the test results to the City. ~~-whether the emergency work has been completed or not. Compaction tests shall also be required on these trenches as well as any other trench. (Ord. 476, 11-26-1996)~~

8-2-6: NEW CITY STREET CUTS:

Except in an emergency, if the a permittee wishes to excavate within a street or paved alley that is five (5) years old or less, ~~as determined by city staff,~~ they permittee must receive city council City Council approval prior to excavation. ~~The city council meets on the second and fourth Tuesday of each month. To make arrangements to be placed on the agenda, the permittee must contact the city manager's office in writing fourteen (14) calendar days prior to the next regularly scheduled city council meeting. The permittee must submit at least three (3) copies of the traffic control plan and the construction plans. At this time~~ In granting approval for a new excavation permit pursuant to this Section, the ~~city council~~ City Council may place any conditions on the permit they feel it determines are reasonably necessary to protect the ~~city City~~ streets. ~~In the case of an emergency, this item does not apply. See section 8-2-5 of this chapter for emergency excavation requirements. (Ord. 476, 11-26-1996)~~

8-2-7: CONSTRUCTION STANDARDS:

All pipes, sewers, drains, lines, valves or other structures and appurtenances which shall be laid and used shall be installed, constructed and maintained in accordance with any applicable standard details and specifications, as adopted and amended by the codes and ordinances of the ~~city City,~~ all applicable state statutes, regulations and orders Nevada statutes and the rules, (to include all applicable regulations and orders of the Nevada ~~public service commission~~ Public Utilities Commission), and in a good and workmanlike manner, and the pipes, sewers, drains, lines, valves or other structures and appurtenances shall be maintained in compliance with all applicable standards ~~set adopted~~ by the ~~engineering department City, ordinances, rules, regulations and codes from time to time in force. (Ord. 476, 11-26-1996)~~

8-2-8: NONINTERFERENCE WITH EXISTING UTILITIES:

All pipes, sewers, drains, lines, valves or other structures and appurtenances laid or placed by any person shall be located in the public roads in the ~~city City~~ so as not to obstruct or interfere with any pipes, sewers, drains, lines, valves or other structures already installed. The City shall, upon request, provide to the permittee available information pertaining to ~~At the sole discretion of the city, it shall be determined~~ whether or not there is any such interference or obstruction; provided, due to the passage time, the City may no longer have records documenting the locations of certain underground facilities within the City rights-of-way and, accordingly, nothing herein shall be interpreted as creating a legal obligation on the part of the City to provide accurate information as to the locations of existing pipes, sewers, drains, lines, valves or other structures and appurtenances. It shall be the permittee's responsibility to see that no interference or damage occurs prior to and/or during excavation. ~~(Ord. 476, 11-26-1996)~~

8-2-9: RELOCATION OF UTILITIES:

Any person who lays or places any pipes, sewers, drains, lines, valves or other structures and appurtenances shall relocate, without expense to the ~~city City,~~ any such pipes, sewers, drains, lines, valves or other structures and appurtenances when made necessary by any lawful change in any public street, road or highway by the ~~city City.~~ (Ord. 476, 11-26-1996)

8-2-10: REPAIR OF PUBLIC ROADS AND CITY STREET CUTS:

If any portion of a sidewalk, curb, gutter, alley, public road or right of way shall be damaged by reason of defects in any of the pipes, sewers, drains, lines, valves or other structures and appurtenances installed, utilized, maintained or constructed, or by reason of any cause whatsoever, including the subsidence of any cut in the public road, or the existence of any pipes, sewers, drains, lines, valves or other structures and appurtenances constructed or maintained under this chapter, the person who initially constructed such improvements shall, at his own cost and expense, within ten (10) days, repair any such damage and restore such sidewalk, curb, gutter, street, alley, public road or right of way, or portion thereof, to as good a condition as it existed before such excavation, disturbance, work, or other cause of damage occurred. Any subsurface or surface installations damaged by a utility ~~city~~-street cut or excavation of any kind in a City right-of-way shall be repaired at the permittee's expense. (Ord. 476, 11-26-1996)

8-2-11: INDEMNIFICATION:

~~The city shall in no way be liable or responsible for any acts or damages that may occur in the construction, operation or maintenance by a permittee of its appliances, pipes and appurtenances hereunder, and the acceptance of a permit shall be deemed an agreement on the part of permittee to defend the city and hold it harmless against any and all liability, loss, cost, damage or expense sustained by the city on account of any suit, judgment, execution, claim or demand whatsoever, resulting from the negligence, default, misconduct or failure to act on the part of permittee in the excavation of any public roads and construction of any utilities. The city shall notify the permittee promptly after the presentation of any claim or demand, either by suit or otherwise, made against the city as are hereby agreed to be indemnified. (Ord. 476, 11-26-1996)~~

8-2-12~~11~~: LIABILITY INSURANCE:

Before an excavation permit shall be issued under this ~~chapter~~ Chapter, any permittee, with the exception of all public utilities under the jurisdiction of the ~~state public service commission~~ Nevada Public Utilities Commission and having a current franchise with the ~~city~~ City, shall file with the ~~city~~ City clerk a certificate of insurance showing a minimum combined single limit liability insurance policy of five hundred thousand dollars (\$500,000.00), such policy to include, but not be limited to, collapse and underground damage. (Ord. 476, 11-26-1996) The foregoing policy shall name the City as an additional insured.

8-2-13~~12~~: BONDING:

Any person obtaining a permit under this ~~chapter~~ Chapter shall, before renewing or in any manner changing the surface of the sidewalk, curb, gutter, street, highway, avenue or alley, ~~execute to provide~~ the ~~city~~ City a bond or other security, ~~to be approved by the city attorney, in such sums as shall be designated by the city engineer as necessary for the proper protection of the city, conditioned that guaranteeing that~~ the obligor of the bond will pay to the ~~city~~ City the amount of the bond; should the ~~person obtaining such permit~~ permittee fail, neglect or refuse to complete the work, including the excavating or filling in of the sidewalk, curb, gutter, public street, highway, avenue or alley and all public utilities in proper condition to the satisfaction of the ~~city~~ City ~~engineer or designee~~ after the work provided for in the permit

has been finished; provided, however, that instead of special bonds to cover particular work, any person intending to make excavations in sidewalks, curbs, gutters, public streets, alleys, or any public places in the ~~city~~ City may make and maintain with the ~~city~~ City a general bond in the sum of two thousand, five hundred dollars (\$2,500.00), which general bond shall be conditioned and used for the same purpose as the special bond hereinbefore described in this section, covering all work to be done instead of any particular piece of work; ~~while~~ So long as such general bond is maintained at the sum of two thousand, five hundred dollars (\$2,500.00), ~~such person the permittee~~ shall not be required to ~~make~~ provide the aforementioned special bond previously ~~provided in this section~~, but shall be required to comply with all ~~the~~ other provisions of this ~~chapter~~ Chapter. Notwithstanding the foregoing, Public-public utilities under the jurisdiction of the ~~state public service commission~~ Nevada Public Utilities Commission and having a current franchise with the ~~city~~ City ~~are to~~ shall be considered bonded for purposes ~~stated above of this Section 8-2-13.~~ (Ord. 476, 11-26-1996)

8-2-1413: PERMIT FEES:

- A. Payment Required: All ~~permittees~~ applicants for a ~~city~~ City ~~excavation~~ street cut permit shall pay to the building department permit fees as set by resolution of the ~~city council~~ City Council.
- B. Estimated Permit Fees; When Paid: All ~~initial application~~ estimated excavation permit fees shall be paid at the time of filing the initial application.
- C. Final Fees: Final permit fees shall be paid within thirty (30) calendar days of the ~~acceptance~~ approval of the work ~~performed~~ by the ~~city~~ City. (Ord. 476, 11-26-1996)

8-2-1514: CONTRACTOR AND BUSINESS LICENSES:

All permittees shall be licensed state contractors and possess a current ~~city~~ City business license and shall provide copies of the foregoing licenses to the City prior to the commencement of work. ~~Proof of this shall be required.~~ (Ord. 476, 11-26-1996)

8-2-1615: INSPECTION:

The permittee shall ~~be required to~~ schedule all City inspections ~~twenty~~ twenty-four (24) hours in advance. Failure ~~to have an inspection of the permittee to obtain inspections of the work to the extent reasonably necessary to enable the City to determine compliance with the City Code, to include model codes adopted therein,~~ shall result in ~~the city engineer or designee~~ revoking the revocation of the permit. (Ord. 476, 11-26-1996)

8-2-1716: WATER DRAINAGE:

The permittee shall be responsible for maintaining surface water drainage at all times during performance of the work, to include, This may require redirecting ~~the water~~ drainage where appropriate, except as otherwise directed by the City. The permittee shall, upon request by the City, submit to the City and a an appropriate plan for ~~this shall be submitted~~ water drainage control, in which event the work may not commence or continue until or unless the water drainage control plan has been approved by the City. The requirements set forth

in a water drainage control plan shall, upon approval by the City, become requirements of the excavation permit. ~~to the city engineer or his/her designee for approval. (Ord. 476, 11-26-1996)~~

8-2-18~~17~~: ABANDONED UTILITY FACILITIES:

A permittee with utilities in a ~~city right-of-way~~ City right-of-way that the permittee has abandoned or intends to abandon ~~are going to be abandoned~~ may be required by the ~~city~~ City, in the City's discretion, to remove ~~their the~~ utilities at ~~their own the permittee's~~ expense or, in the alternative, to reimburse the ~~city~~ City for the cost removal of ~~such abandoned the~~ utilities. Notwithstanding the foregoing, if the permittee is a ~~For~~ public ~~utilities that are~~ utility under the jurisdiction of the ~~state public service commission~~ Nevada Public Utilities Commission and ~~have has~~ a current franchise with the ~~city~~ City, in the event of an inconsistency between the requirements of this Section 8-2-18 and the terms of a franchise agreement, the terms of the franchise ~~regulations agreement~~ shall prevail. ~~(Ord. 476, 11-26-1996)~~

Section 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed, but only to the extent of such conflict

Section 3: If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by a court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

Section 4: Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper of general circulation within the time established by law, for at least one publication.

Section 5: This Ordinance shall be effective upon the publication mentioned in Section 4
PASSED AND ADOPTED this ____ day of _____, 2019 by the following vote of the Elko City Council.

VOTES

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this ____ day of _____, 2019.

CITY OF ELKO

BY:

REECE KEENER, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, discussion, and possible consideration to authorize the Elko High School Homecoming Committee to apply for funding from the Fiscal Year 2019/2020 Community Donation Budget Line Item, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 26, 2019**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **5 Minutes**
5. Background Information: **The Elko High School Homecoming Committee is requesting funding to cover the Parade Fee for the 2019 Homecoming Parade. A letter from the Homecoming Committee has been provided for your review. CC**
6. Budget Information:

Appropriation Required: N/A
Budget amount available: N/A
Fund name: N/A
7. Business Impact Statement:
8. Supplemental Agenda Information: **Letter from the Elko High School Homecoming Committee**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Curtis Calder, City Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Elko High School Homecoming Committee
Elko High School
987 College Avenue
Elko, NV 89801**

February 19, 2019

Dear Elko City Council,

Tradition is an important part of our community. Many traditions that are important and valued have lasted for over 100 years in our community. These traditions are shared from one generation to the next. Elko High School has played an important role in many of these traditions including the homecoming parade. For many years, the parade has been a highlight of the homecoming festivities that helps connect the school and the community. We like to show our appreciation for the community support that we receive.

With the increasing cost of the parade fee over the past few years, the high school is presented with a financial dilemma. Our school does not charge the clubs an entry fee into the parade so we do not generate an income to pay the city fee.

We would like to attend the city council meeting, at the councils urging, to apply for funding that would cover the parade fee for the 2019 homecoming parade. We appreciate your support and encouragement to continue our traditions. We hope that you will consider our activity worthy of your support.

Sincerely,

Elko High School Homecoming Committee
Elko High School
987 College Avenue
Elko, NV 89801