



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, November 27, 2018

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>, and in the following locations:

ELKO CITY HALL
1751 College Avenue, Elko, NV 89801
Date: Time Posted: November 20, 2018 at 8:30 a.m.

ELKO COUNTY COURTHOUSE
571 Idaho Street, Elko, NV 89801
Date/Time Posted: November 20, 2018 at 8:40 a.m.

ELKO POLICE DEPARTMENT
1448 Silver, Elko NV 89801
Date/Time Posted: November 20, 2018 at 8:50 a.m.

ELKO COUNTY LIBRARY
720 Court Street, Elko, NV 89801
Date/Time Posted: November 20, 2018 at 9:00 a.m.

Posted by: Kim Wilkinson Administrative Assistant
Name Title

Kim Wilkinson
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 20th day of November, 2018

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
Curtis Calder, City Manager

CITY OF ELKO
CITY COUNCIL AGENDA
REGULAR MEETING
4:00 P.M., P.D.T., TUESDAY, NOVEMBER 27, 2018
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: November 13, 2018 Regular Session

I. APPROPRIATIONS

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

II. 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

III. NEW BUSINESS

- A. 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 3-3-44 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 3-3-45. 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

- B. Review, consideration, and possible acceptance of a Deed of Dedication offered by Sierra Pacific Power Company, a Nevada Corporation, d/b/a NV Energy for a permanent non-exclusive Right-of-Way for a public street and utilities associated with a segment Statice Street, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has been working with property owners to convert portions of Statice Street of record as easements to non-exclusive Right-of-Way for a public street and utility uses. NV Energy has offered the segment of roadway on its property for dedication of Right-of-Way. Council approved a Deed of Dedication at its meeting on August 28, 2018. Subsequent to that approval, NV Energy determined the document required a review by its legal department. The document was revised and resubmitted to the City for possible acceptance. SAW

- C. Review, consideration and possible recommendation to City Council for Revocable Permit No. 4-18, filed by Kraus Enterprises, LLC to occupy a portion of Silver Street Right-of-Way to accommodate landscaping, ADA ramps and a patio, and matters related thereto. **FOR POSSIBLE ACTION**

Kraus Enterprises LLC. recently purchased the building located at 336 Silver Street. The ADA accessibility into the front door was not compliant and they would like to add landscaping with a patio to the front of the building. CL

- D. Review, consideration, and possible approval to grant a Utility Easement to Sierra Pacific Power Company, a Nevada Corporation, d/b/a NV Energy across property owned by the City of Elko, identified as APN 006-080-013, and matters related thereto. **FOR POSSIBLE ACTION**

NV Energy is requesting the City grant an easement for the extension of power to Mr. Victor Heredia's property. City Staff supports this request. CL

- E. Review, discussion and possible direction to Staff to create a draft lease agreement to be used for dark fiber leasing, pending future approval by Council, and matters related thereto. **FOR POSSIBLE ACTION**

At the September 25, 2018 City Council meeting, Staff was directed to work with legal counsel and prepare documents to allow the lease of City property. During this process, it was determined that the City needs to create a pricing structure, assess fiber maintenance issues, and determine terms for the possible lease of dark fiber assets owned by the City. Based upon Staff's research, we recommend a five-year, month-to-month lease with specific terms to be placed on any carrier accessing the dark fiber. The IS department is looking for approval to create a draft lease agreement to be considered by the Council at a future date. Further, the IS department is looking for clarification if Staff should pursue an auction of the dark fiber asset, or if direct leasing is appropriate under an economic development exception. Fiber maintenance costs should be considered before agreeing to a lease. Four contractors were given the option of ballpark quoting an SLA for maintenance of our current fiber plant. After no response from three contractors and a large quote from one, IS would recommend the City purchase appropriate equipment to perform maintenance in-house. TP

- F. Review, consideration and possible approval of a request from the Elko Downtown Business Association (DBA) for a change to the closures for the 2018 Snowflake Festival to be held on December 8, 2018, and matters related thereto. **FOR POSSIBLE ACTION**

The DBA is requesting a change to the street closures for the annual Snowflake Festival held on December 8th. This change requires City Council approval. KW

IV. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of approximately 751.83 feet of the westerly portion of P & H Drive Right-of-Way, filed by Joy Global Surface Mining Inc. and processed as Vacation No. 3-18, and matters related thereto. **FOR POSSIBLE ACTION**

The applicant proposes to merge all of the parcels by parcel map application consolidating them into one parcel. By vacating the proposed portion of P & H Drive, it would allow them to facilitate the use of their property without a dedicated Right-of-Way bisecting their property. CL

V. 5:30 P.M. PUBLIC HEARINGS

- A. Second reading, public hearing, and possible adoption of Ordinance No. 834, an ordinance amending Title 3, Chapter 3, of the Elko City Code entitled "Subdivisions", filed and processed as Zoning Ordinance Amendment No. 2-18, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on November 6, 2018, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning ordinance amendment. City Council held the first reading of Ordinance No. 836 on November 13, 2018 and set the matter for second reading and public hearing. CL

- B. Second reading, public hearing, and possible adoption of Ordinance No. 836, an ordinance amending Title 3, Chapter 4, Section 2 of the Elko City Code entitled "Planning Commission", filed and processed as Zoning Ordinance Amendment No. 3-18, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission held a public hearing on November 6, 2018, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning ordinance amendment. City Council held the first reading of Ordinance No. 836 on November 13, 2018 and set the matter for second reading and public hearing. CL

VI. 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

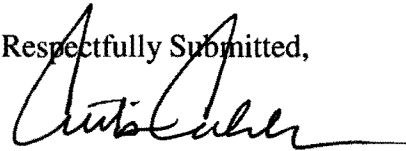
Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible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

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,

A handwritten signature in black ink, appearing to read "Curtis Calder", written over the printed name.

Curtis Calder
City Manager

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

SS November 13, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, November 13, 2018.

This meeting was called to order by Mayor Chris Johnson.

CALL TO ORDER

ROLL CALL

Mayor Present: Chris J. Johnson

Council Present: Councilman John Rice
 Councilman Robert Schmidlein
 Councilman Reece Keener

Council Absent: Councilwoman Mandy Simons

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Ryan Limberg, Utilities Director
 Kelly Wooldridge, City Clerk
 Jonnye Jund, Administrative Services Director
 Dennis Strickland, Public Works Director
 Cathy Laughlin, City Planner
 Candi Quilici, Accounting Manager
 Mike Haddenham, WRF Superintendent
 Matt Griego, Fire Chief
 John Holmes, Fire Marshal
 Ben Reed Jr., Police Chief
 James Wiley, Parks and Recreation Director
 Jim Foster, Airport Manager
 Bob Thibault, Civil Engineer
 Jeff Ford, Building Official
 Dave Stanton, City Attorney
 Diann Byington, Recording Secretary

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**

There were no public comments.

APPROVAL OF MINUTES: October 23, 2018 Regular Session

The minutes were approved by general consent.

I. PRESENTATIONS

- A. Reading of a proclamation in recognition of "Small Business Saturday" and matters related thereto. **INFORMATION ONLY – NON ACTION ITEM**

Mayor Johnson read the proclamation.

II. PERSONNEL

- A. Employee Introductions:

1) Benjamin Ritz, Mechanic I, Fleet Department

Present and introduced.

2) Susan Drake-Shurtz, Human Resources Manager

Present and introduced.

3) Kara Vera, Technical Assistant, Building Department

Present and introduced.

III. APPROPRIATIONS

- D. Review, consideration, and possible award of a bid for a new Service Truck with body and crane for the Water Reclamation Facility, and matters related thereto.
FOR POSSIBLE ACTION

City Council approved soliciting bids at the October 9, 2018 meeting. A Bid Tally Sheet will be provided prior to the Council meeting. RL

Ryan Limberg, Utilities Director, explained the bid tally sheet was included with the packet. The bids were all very close. Staff recommends award to Advanced Truck & Body Equipment for the base bid only, in the amount of \$107,010.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to award the bid on the new WRF Service Truck with body and crane to Advanced Truck & Body Equipment, 4825 Table Rock Rd., in Central Point, Oregon, in the base bid amount of \$107,010.**

The motion passed unanimously. (4-0)

- E. Review, consideration, and possible approval of Change Order No.1 and issuance of final acceptance for Reuse Pipeline and Sanitary Sewer to the Elko Sports Complex Project (Railroad and River Crossing Project), and matters related thereto. **FOR POSSIBLE ACTION**

This difficult project has been completed. The original bid was for \$1,117,267.50. There was one change order for the project in the amount of 43,557.40, consisting of deductive amounts for removing one manhole and reducing the number of conduits from the Scope of Work, as well as additive amounts for additional drill rig and boring expenses. RL

Mr. Limberg explained this was a difficult project because there is always water running beneath the surface. He is pleased with the completion of it. In the packet was the final invoice from Ruby Dome and a change order request form.

Councilman Keener said he noticed the budget amount available was \$930,000.

Mr. Limberg said there are two budgets for this project (\$930,000 in one budget and \$465,000 in another for the reuse line) and they can cover the costs. The same budgets also need to cover additional work through the Sports Complex. The budget will be close to the total allocation.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve Change Order No. 1 and issue final acceptance for the Reuse Pipeline and Sanitary Sewer to the Elko Sports Complex Project.**

The motion passed unanimously. (4-0)

- F. Review, consideration, and possible final acceptance of the 6th Street Storm Drain Repair-Phase 2, and matters related thereto. **FOR POSSIBLE ACTION**

At their August 14, 2018 meeting, Council awarded the bid for the 6th Street Storm Drain Repair-Phase 2, in the amount of \$59,175.60 to Great Basin Engineering Contractors. While performing this repair, on October 10, 2018, it was discovered that a significant amount of storm drain pipe downstream from this project is failing. The City of Elko deployed a camera in the storm drain for approximately 150 additional feet of the culvert and found numerous areas to be compromised and in danger of failing. The potential failure of this storm drain necessitated an emergency repair to protect the public health, welfare or safety of the public. Failure of this storm drain would pose significant risk of flooding to numerous areas, as this is a main drainage structure for the City of Elko. Great Basin Engineering Contractors has satisfactorily completed these repairs. DS

Councilman Schmidlein disclosed that his partners at Canyon Construction are owners of Great Basin Engineering Contractors and recused himself from the discussion.

Dennis Strickland, Public Works Director, explained he has already kept everyone apprised of the work going on. They are underfunded with the change order. After speaking to the City Manager and the Finance Manager, one of two things will happen; either excess sales tax will be used to support the budget on this item, or contingency will be used.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve final acceptance of the 6th Street Storm Drain Repair – Phase 2, to Great Basin Engineering, in the amount of \$164,171.20.**

The motion passed. (3-0 Councilman Schmidtlein abstained.)

- G. Review, consideration, and possible final acceptance of the Centennial Park Electrical Improvements, and matters related thereto. **FOR POSSIBLE ACTION**

At their July 25, 2017 meeting, Council awarded the Centennial Park Electrical Improvement Project to Intermountain Electrical Contractors, in the amount of \$140,728.20. There was one monetary change order during construction in the amount of \$31,035.89. There was an adjustment in quantities that saved \$1,343.50. The total project cost was \$170,420.59. This project was substantially completed on November 14, 2017, but had issues with the asphalt paving that the contractor needed to address in warmer weather. The issues were addressed this fall, and Staff recommends final acceptance. BT

Bob Thibault, Civil Engineer, explained this is finally completed and ready for acceptance after about a year delay due to cold weather hitting.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the final acceptance of the Centennial Park Electrical Improvement Project by Intermountain Electrical Contractors, in the amount of \$170,420.59.**

The motion passed. (3-0 Councilman Schmidtlein was absent.)

V. NEW BUSINESS

- A. Review, consideration, and possible authorization to reschedule the City Council Meeting from December 25, 2018 to Tuesday, December 18, 2018, and matters related thereto. **FOR POSSIBLE ACTION**

Councilman Keener said he would be out of town at that time.

Mayor Johnson thought the 18th would be the best date to hold this. We may not have to have a meeting but just in case there are some issues that need to be finished up by the end of the year, we can hold this meeting.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidtlein, to reschedule the December 25, 2018 meeting to Tuesday, December 18, 2018.**

The motion passed unanimously. (4-0)

- B. Review, consideration, and possible approval of a Water Meter Grant Policy and Water Meter Grant Application, and matters related thereto. **FOR POSSIBLE ACTION**

The Annual Water Department Budget has included \$20,000.00 for a Water Meter Grant Program for several years. However, a grant policy and grant application form was never acted upon or approved by Council. The purpose of this item is to request formal action by Council to approve, or direct Staff to modify, each of these two documents. RL

Ryan Limberg, Utilities Director, explained City Council directed staff to include money in the budget for a Water Meter Grant Policy that would be available for people to use but they have never been able to find a policy that Council had acted upon or approved. He included a draft grant policy in the packet. This year it looks like we may use these funds completely. In the past there have only been one or two applicants. The way this is drafted anyone may apply but only one application per year.

Councilman Keener asked if this could be used to help subsidize new construction.

Mr. Limberg answered he doesn't see this as applying to new construction but he can clarify that language in the policy.

Councilman Keener wanted to add the language "excluding new construction."

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to approve the Water Meter Grant Policy and Water Meter Grant Application with the amendment that was discussed, limiting the eligibility to existing customers; no new construction.**

The motion passed unanimously. (4-0)

- E. Consideration and possible authorization to solicit statements of interest and qualifications for engineering services at the Elko Regional Airport, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Regional Airport currently has a Professional Services Agreement with Jviation, Inc. for engineering services at the airport. The current contract agreement will expire January 14, 2019. The FAA requires that every five (5) years the airport re-advertise for consultants to provide engineering services. JF

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, to authorize staff to solicit Statements of Interest and Qualifications for Engineering Services at the Elko Regional Airport.**

The motion passed unanimously. (4-0)

- F. Review and possible approval of a Lease Agreement with the Bureau of Land Management, for the operation and use of the Elko Interagency Fire Dispatch and Helibase, and matters related thereto. **FOR POSSIBLE ACTION**

On September 24, 1997 BLM entered into lease agreement with the Elko Regional Airport for a period of twenty years, which has expired. The annual revenue generated from this Lease Agreement will be \$11,310.00. In addition, a 2% per year escalator was included in the Lease Terms. The Lease will be for a

period of Twenty (20) years commencing upon the execution of the Agreement.
JF

Jim Foster, Airport Manager, explained this is an update to one of their long-standing leases, with the BLM for the use of the Firebase. This agreement was sent to the FAA for approval. They were fine with the terms of it and it increases the yearly rent to the airport, along with the escalator.

Councilman Keener noted there is a provision in 7A where, "during the term of this lease, Government agrees to maintain, at its own expense, any government owned improvement, fixtures, equipment, thereon, in a safe and clean condition." Do they have a maintenance schedule for micro slurry and other things on the helipad?

Mr. Foster answered they are supposed to and required to maintain their facility. It is not a requirement for us to maintain it for them.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to approve the Lease Agreement with BLM, lease No. L18PL000 for the operation of the Elko Interagency Fire Dispatch and Helibase located at the Elko Regional Airport.**

The motion passed unanimously. (4-0)

- G. Review, consideration and possible approval of an amendment to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, for sanitation service in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Sanitation Company currently provides sanitation service in the City of Elko pursuant to an agreement dated June 11, 2012, as amended. Elko Sanitation is requesting that the rate schedule be amended pursuant to Section 15.01 (CPI Based Change) of the agreement. The request is to be made in writing. Such request is to be accompanied by statement from an independent certified public account that the contractor's cost of doing business has increased at a rate at least equal to the increase in CPI. The fees or compensation may be increased every two years at an amount equal to the net percentage change in the CPI less one percent. SAW

Scott Wilkinson, Assistant City Manager, explained he sent out revised agreements this afternoon. The agreements in the packet had some errors. This is the Eighth Amendment to the Franchise Agreement. If approved, the effective date would be today.

Jerod Martin, Elko Sanitation, offered to answer questions.

Councilman Keener mentioned they have a baler to assist with the recycling program. To what extent are the regular operations having to subsidize the recycle program?

Mr. Martin answered they don't have the numbers lined out that way. When they started the program they were getting paid about \$15 a ton for recyclables that were taken to Utah. Now

they are paying upwards to \$50 a ton and up to \$55 a ton for trash that is sorted out of the recyclables. The original contract didn't provide for the costs so they have been eating those costs.

Councilman Schmidtlein asked how much they haul.

Mr. Martin answered they have been doing about 60 tons a month. Of that 60 tons, about 20 tons of it has been garbage that has been mixed in with the recycle. They do not have the equipment or manpower to sort the garbage out themselves.

Councilman Keener said he looks at this as a way to extend the life of the landfill. If it gets too expensive, maybe we need to look at suspending the program.

Councilman Rice felt the rate increase will be less expensive than buying more land for another landfill. Consumers need to understand there is a cost for doing service.

Mr. Wilkinson said the actual cost for service for Elko Sanitation is more than double what CPI was.

Bill Hance. 724 5th Street, asked what is the actual tonnage of what they are hauling to the dump vs what they are recycling.

Mr. Martin answered he didn't have the numbers with him. He stated, even if we suspended the recycling, we will still be picking up the same amount of trash to go to the dump.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt the proposed Eighth Amendment.**

The motion passed unanimously. (4-0)

- H. Review, consideration, and possible approval of an amendment, adding a service, to the Exclusive Franchise Agreement between the City of Elko and Elko Sanitation Company dated June 11, 2012, as amended, for sanitation service in the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Sanitation Company currently provides sanitation service in the City of Elko pursuant to an agreement dated June 11, 2012, as amended. Elko Sanitation is requesting that the rate schedule be amended by adding a service and additional fees as provided for under section 14.01 of the agreement. Addition of a service requires amendment to the fee schedule and approval of the proposed fees by the city council. The additional service would be a four yard front loader container for commercial accounts. The additional fees would be for the 4 yard container fees and related fees rollout fee. The proposed amendment is identified as the third amendment to the agreement. SAW

Mr. Wilkinson explained this would be the Ninth Amendment. Exhibit A is the same as was just approved in the Eighth Amendment with the addition of the 4-yard bin.

Mr. Martin said this is a front load bin. It is a safer way of operating. This will give the consumer more options for their service.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to approve the Ninth Amendment to the Franchise Agreement, dated November 13, 2018.**

The motion passed unanimously. (4-0)

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 Platt 11-18.
CL

Cathy Laughlin, City Planner, explained, based on the letter we received from NDEP, dated November 9, Council can make the decision on if they want to table this or have a hearing on it, as well as, the performance agreement in the agenda. Mr. Capps and his attorney sent an email asking for this item to be tabled after the agenda had been posted.

Mayor Johnson reviewed their options: to table, continue to table, or is there a timeframe?

Dave Stanton, City Attorney, said Council can choose to table the item again. It will be a continuation of the item. Under NRS 278.380.1A, City Council can, at the next meeting after receipt of the final map, approve it if it satisfies all of the criteria in the code. What we heard was that NDEP sent a letter that they were not approving the final map. He would interpret it that City Council does not have the authority to approve a final map that has not been approved by NDEP.

Kati McConnell, Attorney for Parrado Partners, LP, wants this tabled or no action until the developer brings it back.

Mr. Stanton said the N.R.S. states the next meeting after receipt of the final map. Maybe there is an administrative process of having the applicant come back with another final map.

Councilman Schmidtlein asked if it could be withdrawn.

Ms. McConnell said they do not want to withdraw.

There was some discussion about how to table the item. The opinion of the City Attorney was that the item needed to be tabled to the next agenda per N.R.S.

Robert Capps said he wanted to apologize for not being at the last meeting. He met with NDEP today but he didn't get the signatures on Phase 2.

Mayor Johnson thought the best thing to do today was to table this item and come back to it at the next meeting.

Ms. McConnell agreed.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidlein, to lay on table.**

The motion passed unanimously. (4-0)

V. NEW BUSINESS (Cont.)

- 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 3-3-44 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 3-3-45. 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 of the City Council's approval of the final plat. CL

Ms. Laughlin recommended tabling this item.

Mayor Johnson noted there could be some advantages of postponing this until the new subdivision code was adopted.

Kati McConnell said that is their intention. They would like this postponed and then they can work with staff on a Performance Agreement.

Mr. Wilkinson said if the final plat is tabled until the next agenda, we would like to have a draft Performance Agreement on the next agenda so they could take action if needed. They can work on a second Performance Agreement and the timing would determine which Performance Agreement is presented to Council.

Mr. Stanton said it makes sense to have them both on the same agenda.

NO ACTION

- I. Consideration and possible approval of temporary waivers of the mandatory connection to public sewer for four (4) additional building permits associated with APN 001-633-030, pursuant to City Code 3-2-3 (B)(4), and matters related thereto. **FOR POSSIBLE ACTION**

Great Basin Estates Phase 2 and Phase 3 Maps are currently pending NDEP approval. On October 9, 2013, the City Council approved one (1) waiver associated with APN 001-633-030.

Since NDEP has not yet approved the maps, "public sewerage and water supply" are technically unavailable, thereby requiring City Council approval of a waiver of the mandatory connection to public sewer requirement. Additionally, Staff believes that unless a variance is granted by the Planning Commission, only one (1) building permit can be approved per parcel. CC

Curtis Calder, City Manager, explained we don't see a mechanism within the City that would allow them to issue more than one building permit per parcel unless there is a variance through the Planning Commission. The Planning Commission hasn't even heard this item to consider a variance. There is a cease and desist order from NDEP on all construction activities on Phase 2 and 3. They received a letter today from NDEP that allows for limited construction on Phase 3 only but that would not apply to any foundation construction.

Robert Capps, Parrado Partners LP, said he was with NDEP this morning. There are some open trenches exposed that he was given permission to cover. He agreed not to move forward with anything else until this is resolved with NDEP. There was a verbal agreement with NDEP staff, pending further approval, they would be willing to remove the cease and desist order on Phase 2. He requested Council to grant the request to issue building permits conditioned upon approval from NDEP approval on their cease and desist. There is some confusion between the project engineer and NDEP of what was approved. He also has a letter from City of Elko that he handed out that stated he had approval to install the sewer main for Phase 2. This was part of the confusion with NDEP; he was under the impression the entire time that he had the approval. He doesn't think this would put the City or public at any further risk. It puts him in the hole further. He has been struggling to put a team together to keep up with the production demand. He finally has a good team together and he is worried he will lost his team if he doesn't get the permits. He isn't asking for Certificate of Occupancy (C of O), just building permits.

Kati McConnell, they are not asking for anything outside the NDEP lifting the cease and desist. This is similar to the waiver that was given a couple of months ago. The City Manager had said at that time that Mr. Capps could come forward and request additional waivers.

Mr. Capps added that he was told by City Staff that he could go ahead with construction in Phase 2 but not with C of O's.

Councilman Rice felt Mr. Capps' request was reasonable. His concern has been whether or not we were going to authorize anything outside of approval from NDEP. We all understand the delicacy of the housing market and the need for affordable homes. He didn't see that this was an anomaly from any other permits they have approved. We are not asking for C of O's. He will just be continuing with construction pending the pulling of the cease and desist. He felt we should grant this.

Mr. Calder said City Staff cannot find in City Code where they can issue multiple building permits to one parcel. We did anticipate additional waivers to be requested but we also had the understanding that additional processes would have to happen for that to occur.

Councilman Rice said the single parcel is a result to the delay of the map approval. We may be walking a fine line, but we have a responsibility, as a Council, to ensure that affordable housing is available in the community. Mr. Capps has done his due diligence on this.

Councilman Keener said from his perspective, all of the risk is on the developer.

Mr. Wilkinson thought a conditional approval might be appropriate but we do have a letter from NDEP that says to stop all activities.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve temporary waivers of the mandatory connection of public sewer for four additional building permits associated with APN: 001-633-030, pursuant to City Code 3-2-3-B4, conditioned upon NDEP lifting of the cease and desist order on Phase 2, with a 90-day sunset.**

The motion passed. (3-1 Mayor Johnson voted against.)

After the motion and before the vote, Mayor Johnson asked what are we gaining without NDEP approval.

Mr. Capps answered they are gaining the approval to move forward with the construction of the homes in Phase 2. In the meantime, working with NDEP to get approval on both Phase 2 and Phase 3.

Mr. Wilkinson said if the cease and desist order is not lifted, we gain nothing. If it is lifted, then the building permits could be issued.

Council voted on the motion.

- D. Review, consideration, and possible approval to accept Mr. Knight's repudiation of the previous sale of APN 001-066-005, consisting of city-owned property at the intersection of Eighth and Elm Streets, pursuant to NRS 268.061(e)(1)(II), and to proceed with the statutory process required to sell the parcel pursuant to NRS 268.062, and matters related thereto. **FOR POSSIBLE ACTION**

Staff has received a request from Mr. Don Knight to purchase a parcel of city owned property adjacent to his residence located at 772 Elm Street. The City of Elko Land Inventory was updated May 9, 2017 to list this APN for disposal. City

Council at their May 23, 2017 meeting determined that the property was not economically viable and approved selling the property directly to Mr. Knight. One of the conditions was that Mr. Knight merge both parcels. Mr. Knight has since communicated to City Staff that he will not merge the parcels and will therefore not satisfy the Council's condition. As a result, Mr. Knight has repudiated the sale of the parcel to him pursuant to NRS 268.061(e)(1)(II).

NRS 268.062 allows for the sale of any real property at auction after adopting a resolution declaring its intention to sell the property at auction. CL

Cathy Laughlin, City Planner, explained when Mr. Knight purchased the property, his realtor told him he owned all of the property in the fenced area. That was not true because it is a City owned parcel. It is 40 foot wide by 100 feet deep. Mr. Knight filled out an application to ask to purchase the property from the City of Elko. We took this to Planning Commission and we changed the status of the land inventory from Storm Drain Retention to For Sale so we could sell this to Mr. Knight. It was determined the property could be directly sold to Mr. Knight with the condition that it be merged with Mr. Knight's parcel. The parcel map change would trigger the need for public improvements (curb, gutter and sidewalk) but they felt it was unfair to make Mr. Knight do those improvements. The City of Elko did the improvements for over \$10,000. Once that was done, she reached out to Mr. Knight to get the parcel map started. At that time, Mr. Knight didn't want to merge the parcels. It is staff's opinion and recommendation that they continue with the sale of the property but it be done under public auction. \$17,500 was the appraised value.

Mr. Knight, 772 Elm Street, said the Reed Family had been in possession of this property for eighty years. There was a garden on this parcel during that time. The whole thing was fenced off and it appeared to be one unit. The realtor he bought it from said it was all part of the property. It wasn't until he came in, looking into fencing and whatnot, that he found out that was not his property. He wanted to purchase that parcel from the City. After the curb and sidewalk was done that was great. If this is auctioned then whoever would purchase it would own it as a separate property. He wanted the same consideration. If that is not acceptable, he would like to move forward with what was agreed with at the last meeting.

Mayor Johnson said if the City auctions the property then he takes the risk of not being able to purchase the property or paying more for it. He is in a position right now to purchase the property for a low amount and it is his. He will be taking a risk by going to auction.

Mr. Knight said he would prefer that this be a separate parcel.

Mayor Johnson said the only way the City can move forward is to do this at public auction.

Mr. Knight said he would move forward and take the risk.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to accept Mr. Knight's repudiation of the sale of the parcel and authorize staff obtain the required appraisal for the proposed sale of APN: 001-066-005, and proceed with the statutory process of selling the parcel pursuant to NRS 268.061 and/or 268.062, subject to the Council accepting the appraisal.**

The motion passed unanimously. (4-0)

VI. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 834, an amendment to the City Zoning Ordinance, specifically Title 3, Chapter 3, of the Elko City Code entitled "Subdivisions", specifically a repeal and replacement of the chapter, and matters related thereto.
FOR POSSIBLE ACTION

Planning Commission at their May 1, 2018 meeting, initiated an amendment to the City Zoning Ordinance, Section 3-3. It was further discussed at the August 7, 2018 meeting. A motion was made to have a special meeting with City Council and Planning Commission on September 18, 2018. From that meeting a special working group was formed and they held two meetings, October 4th and 17th, 2018 to finalize the changes to the code. Planning Commission took action at their November 6, 2018 meeting to recommend to City Council to adopt Ordinance 834. CL

Ms. Laughlin explained this has been a very long process and it is a long amendment. The entire purpose in doing the repeal and replace was due to the many changes. She went over the proposed changes.

Councilman Schmidtlein said he thought a majority of the developers were in favor of this. There was a lot of hard work put into this. All parties worked extremely hard to make this happen.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, to conduct first reading of Ordinance No. 834, and direct staff to set the matter for Public Hearing, Second Reading and possible Adoption.**

The motion passed unanimously. (4-0)

- B. First reading of Ordinance No. 836, an amendment to the City Zoning Ordinance, specifically an amendment to Title 3, Chapter 4, Section 2 of the Elko City Code entitled "Planning Commission", and matters related thereto. **FOR POSSIBLE ACTION**

After the September 6, 2018 Planning Commission meeting, it was discovered that the existing Elko City Code 3-4-2 and Resolution 1-95 had conflicting information regarding the quorum for official action. This change will bring the Elko City Code into conformance with Resolution 1-95. Planning Commission took action at their November 6, 2018 meeting to recommend to City Council to adopt Ordinance 836. CL

Ms. Laughlin explained the proposed changes.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to conduct first reading of Ordinance No. 836, and direct staff to set the matter for Public Hearing, Second Reading and possible Adoption.**

The motion passed unanimously. (4-0)

- C. Review and approval of the Elko City Election held November 6, 2018 and its results, including the adoption of Resolution No 28-18, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to Nevada Revised Statutes 293C.387, the election returns from a general city election must be filed with the City Clerk. No person may handle, inspect or in any manner interfere with the returns until they are canvassed by the Mayor and the governing body of the City. The canvass must be completed on or before the sixth working day following the election (November 14, 2018). After the canvass is completed, the governing body of the City and Mayor shall declare the result or the canvass. KW

Kelly Wooldridge, City Clerk, explained this will certify the canvass of the election. She went over the results effective January 7th, 2019.

Curtis Calder, City Manager, asked if there was clarification on the January 7th date vs. January 1st date.

Ms. Wooldridge answered she was not able to get the clarification yet but according to State Law they don't take office until January 7th but the outgoing councilmembers are out December 31st. They are trying to find out if they can do the oath of office on January 1st or 2nd.

Dave Stanton, City Attorney, said he would have to research the issue.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Keener, to adopt Resolution No. 28-18.**

The motion passed unanimously. (4-0)

- D. Review, discussion, and consideration for a possible donation of two (2) Elko Police Department used patrol vehicles to Nevada Peace Officers Standards and Training (POST), and matters related thereto. **FOR POSSIBLE ACTION**

Elko PD has been approved to purchase two new patrol vehicles for School Resource Officer use in FY 18/19. Anticipated delivery of new cars is early spring 2019. Upon delivery of the new vehicles, the current vehicles will be relegated to backup use, allowing two (2) older Ford Crown Victoria's to be removed from city fleet. The vehicles have approximately 181,000 and 111,000 miles on them, respectively, and have reached useful service limits for Elko Police Department; however, can be utilized in a training function.

Nevada POST relies upon donated vehicles from agencies for their fleet of vehicles utilized in teaching the Emergency Vehicle Operations Course (EVOC). POST recently requested vehicles, as their fleet has become unserviceable due to age and use. Chief Reed sits on the POST Commission and was made aware of this need. If donated, these two (2) units will serve cadets in POST academy classes, including Elko Police Department cadets and would assist in fulfilling the

needs of POST. Elko Police Department is asking to donate the vehicles to POST, transferring ownership to them. BR

Ben Reed, Jr., Police Chief, explained normally what happens is the old vehicles are stripped and auctioned off. Looking back over time, the high end would be \$2000 or the low end could be \$200 back to the general fund. These two would be set for auction. They can be used for the academy. The resolution is attached to the packet. We need to declare that the vehicles have reached the end of their useful life as far as our purpose.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Resolution No. 29-18.**

The motion passed unanimously. (4-0)

VII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review, consideration, and possible action to accept a petition for the vacation of a portion of the D Street and Cedar Street Right-of-Way consisting of an area approximately 2, 467.89 sq. ft., filed by A.M. Engineering and processed as Vacation No. 2.18, and matters related thereto. **FOR POSSIBLE ACTION**

The existing non-conforming parking is within the City of Elko Right-of Way. The property has been vacant for more than 12 months and has lost all legal non-conforming status. Without the vacation, the use of the property would be severely compromised. CL

Cathy Laughlin, City Planner, explained the vacation request. The parking is currently half in and half out of the parcel.

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to accept a petition for vacation and direct staff to commence the vacation process by referring the matter to the Planning Commission.**

The motion passed unanimously. (4-0)

- B. Ratification of the Police Chief issuing a 30-day temporary Retail Liquor License and possible issuance of a Regular Retail Liquor License to Jurine Armstrong, dba Hunter Ray's, located at 245 3rd Street, Elko, NV 89801, and matters related thereto. **FOR POSSIBLE ACTION**

See attached memo from Police Chief Ben Reed, Jr. BR

Chief Reed explained the applicant was present. This is a restaurant next to the Post Office. There is a small bar area in the restaurant. He recommended approval.

**** A motion was made by Councilman Rice, seconded by Councilman Schmidtlein, to ratify the Police Chief issuance of a 30-day temporary Retain Liquor License and issue a regular Retail Liquor License to Jurine Armstrong, dba Hunter Ray's, at 245 3rd Street.**

The motion passed unanimously. (4-0)

III. APPROPRIATIONS

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

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to approve the general warrants.**

The motion passed unanimously. (4-0)

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

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to approve the Print 'N Copy warrants.**

The motion passed. (3-0 Councilman Keener abstained.)

- C. Review and possible approval of Great Basin Engineering Contractors Warrants, and matters related thereto. **FOR POSSIBLE ACTION**

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve the Great Basin Engineering Contractors warrants.**

The motion passed. (3-0 Councilman Schmidtlein abstained.)

VIII. REPORTS

- A. Mayor and City Council

Councilman Keener said it was nice to attend a parade and not be in it. He got his signs down and he would like to talk to Cathy Laughlin about signage requirements. He looks forward to assuming the center seat in January and working with all of the appointed officials and department heads. He asked that they write down their goals and challenges they are dealing with that they would like him to know about.

Mayor Johnson said he has some chocolate from Ukraine and a flag. He met with some people from there and it was very interesting. He was invited to a Webelo Pack meeting where he was given an introduction he will never forget.

Councilman Schmidtlein congratulated the newly elected officials. He looks forward to working with them.

Councilman Rice congratulated them too. He also congratulated Kelly Wooldridge on going through her first election cycle.

Councilman Keener said he has had another request from a broadband provider and wanted to know if Dave could meet with them. Dave Stanton answered yes.

B. City Manager

Curtis Calder said there is a going away shindig for Mayor Johnson and Councilman Rice on December 1st. There will be invitations. Then the Christmas Party is the 7th at the Western Folklife Center. Regarding the incoming elected officials, he will be sending out information to help them hit the ground running. He asked Bill Hance to wait to resign from the Elko Central Dispatch Board until after the Operating Engineer's Contract is buttoned-up. Councilman Keener asked about the radio ads for recruitment and if they are successful. Curtis thought it worked.

C. Assistant City Manager

Scott Wilkinson congratulated the newly elected officials.

D. Utilities Director

Ryan Limberg congratulated the newly elected officials. Water and sewer are wrapping up their capital projects.

E. Public Works

Dennis Strickland congratulated the newly elected officials. Chris and John will be missed. The landfill had their fall free dump day and he went over the numbers.

F. Airport Manager

G. City Attorney

H. Fire Chief

I. Police Chief

Chief Reed reported there is one bar they are working on investigating for serving underage minors. He gave an update on the Elko Combined Narcotics Unit and he passed out some end-of-year statistics (Exhibit "A"). They had a great year. There was a big wreck at E. Jennings and Idaho last night around midnight. Major injuries to the driver and he was flown out.

J. City Clerk

Kelly Wooldridge reported they moved forward with the Business Impact Statement for the brothel changes. The Proposed Rule has been published in the paper for a week and comments are due by November 23rd. We are hoping to have on the next agenda for public hearing and first reading of the ordinance.

K. City Planner

L. Development Manager

M. Administrative Services Director

N. Parks and Recreation Director

James Wiley congratulated the new councilmembers. He reported on the Sports Complex progress. Councilman Keener asked about the swimming pool structural issue. James said they are close to getting a proposal on possible repairs. At this time they are hoping it isn't major.

O. Civil Engineer

P. Building Official

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 Chris Johnson adjourned the meeting.

Mayor Chris Johnson

Kelly Wooldridge, City Clerk

**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: **November 27, 2018**
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.**
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

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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:

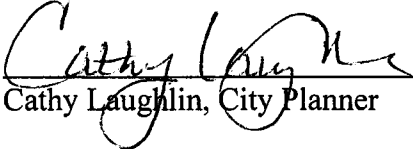
1. **The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time 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.

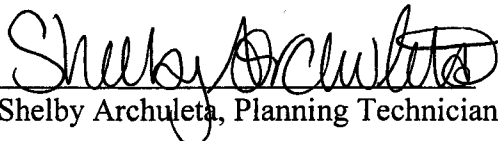
10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.

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

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

CITY OF ELKO STAFF REPORT

DATE:	August 23, 2018
PLANNING COMMISSION DATE:	September 6, 2018
AGENDA ITEM NUMBER:	I.B.2
APPLICATION NUMBER:	Final Plat 11-18
APPLICANT:	Parrado Partners, LP
PROJECT DESCRIPTION:	Great Basin Estates, Phase 3

A Final Map for the division of approximately 9.650 acres into 38 lots for single family residential development within an R (Single Family and Multiple Family Residential) Zoning District and one remaining lot.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE this item subject to findings of fact and conditions.

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 programed 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.



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.

RECEIVED

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

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

38 Lots x 25 \$950 + 750 =
\$1700

**Elko City Council
Agenda Action Sheet**

1. Title: **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**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Elko City Code 3-3-44 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 3-3-45. 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

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: **Copy of Agreement to Install Improvements and Performance/Maintenance Guarantees**
9. Recommended Motion: **Approve the Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Great Basin Estates Phase 3 subdivision. The subdivider shall enter into the agreement within 30 days.**
10. Prepared By: **Scott A. Wilkinson, Assistant City Manager**
11. Committee/Other Agency Review: **Dave Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Robert Capps**
 robertcapps@cappshomes.com

**AGREEMENT TO INSTALL IMPROVEMENTS
AND PERFORMANCE/MAINTENANCE GUARANTEES**

THIS AGREEMENT made and entered into this ____ day of _____, 2018, by and between the **CITY OF ELKO**, a municipal corporation organized and existing under the laws of the State of Nevada, hereinafter referred to as the "**City**," and **Parrado Partners LP**, a California Limited Partnership, hereinafter referred to as "**Developer**."

RECITALS

- A. WHEREAS, Developer** is subdividing certain property within the **City**, the subdivision being generally known as **Great Basin Estates, Phase 3**, into thirty-eight (38) separate parcels by means of a subdivision map, identified by the **City** as Subdivision Map No. 11-18;
- B. WHEREAS**, Elko City Code, Title 3, Chapter 3, requires that a developer of a subdivision (as that term is used in NRS 278.320, as amended) enter into an Agreement to Install Improvements and file with the City Clerk of the **City** a financial guaranty of performance to complete the required public improvements (hereinafter referred to as the "Performance Guaranty") prior to certification of the final plat;
- C. WHEREAS**, the Performance Guaranty is to be in an amount deemed sufficient by the City of Elko to cover the full cost of required site improvements and public improvements, engineering inspections, incidental expenses and replacement or repair of any existing streets and utilities or other improvements required by the Elko City Code, which are to be completed within a period of twenty-four (24) months from the date of the approval of the Final Plat by the **City**;
- D. WHEREAS**, the **City** has determined from the Engineer's Cost Estimate for the required site and public improvements (set forth in **Exhibit A** and made a part hereof) that the cost of the required public improvements are expected to be in the amount of **Seven Hundred Seventy-Six Thousand, Three Hundred Sixty-Nine Dollars and Twenty-Five Cents (\$776,329.25)**, which amount provides the basis for calculating the amount of the Performance Guaranty;
- E. WHEREAS**, the Performance Guaranty shall be in the form of a deposit of cash in accordance with Elko City Code Subsection 3-3-45(A)(2) and shall be used to ensure the completion of all required subdivision improvements, to include public improvements and correction of defects of the required public improvements discovered after certification of the Final Plat.
- F. WHEREAS**, the **City** approved the Final Plat on _____;
- G. WHEREAS**, pursuant to Elko City Code Section 3-3-45(C), in addition to the Performance Guaranty, the **Developer** shall file with the Clerk of the City a financial Guaranty for a one (1) year maintenance bond in the amount of **Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Two Cents (\$77,636.92)** (hereinafter referred to as the "Maintenance Guaranty");
- H. WHEREAS**, in the event the **Developer** fails to complete all the required public improvements and site improvements in accordance with the terms of this Agreement, the **Developer** shall be

in default of this Agreement and the **City** shall be entitled to pursue all available legal remedies, including, without limitation, access to and use of the Performance Guaranty; and

- I. **WHEREAS**, the **Developer** has agreed to complete the required public improvements within a period of twenty-four (24) months from the date of the Final Plat being approved and in accordance with the latest edition of the Standard Specifications for Public Works Construction as published by the Regional Transportation Commission of Washoe County, Carson City, Churchill County, City of Reno, City of Sparks, City of Yerington and Washoe County, hereinafter referred to as the "Orange Book."

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions on the part of the respective parties to be performed, the parties hereby agree as follows:

1) **REQUIRED IMPROVEMENTS, GUARANTEES AND APPROVALS**

A. COMPLETION OF WORK; PERFORMANCE AND MAINTENANCE GUARANTEES. **Developer** agrees to complete the improvements described in the Site Improvement and Public Improvement Plans attached as **Exhibit B** hereto in the manner set forth in this Agreement and in conformity with Elko City Code 3-3-43 (hereinafter the "**Work**") within twenty-four (24) months of the Effective Date, unless otherwise extended in accordance herewith, and **Developer** shall pay or cause to be paid all claims for labor and materials used to perform the **Work** and, further, **Developer** has provided a Performance Guaranty in the form of a cash deposit in the amount of XXXXXXXX (xxxxxx), representing the full cost of required improvements, engineering, inspections, incidental expenses, and replacement and repair of any existing streets and utilities, or other improvements which may be damaged during construction of required improvements in the amount of **Seven Hundred Seventy-Six Thousand, Three Hundred Sixty-Nine Dollars and Twenty-Five Cents (\$776,329.25)** less a reduction in the performance guaranty in the amount of **XXXXX (XXXX)** for work certified as complete, as determined by City Staff based on the engineer's certificate for work completed through November 27, 2018, as shown in **Exhibit A**, plus **Seventy-Seven Thousand, Six Hundred Thirty Six Dollars and Ninety-Two Cents (\$77,636.92)** for the required Maintenance Guaranty, the total cash deposit being for the purpose of guaranteeing compliance with the requirements of this Agreement.

B. Reduction in Performance Guaranty. Notwithstanding any other provision contained in this Agreement, progress payments may be made to the **Developer** from any cash deposit which the **Developer** may have made upon written request by the **Developer** for **Work** completed, as follows:

- 1) **Written Requests for Progress Payments.** The **Developer** must submit a written request to the Elko City Clerk for any progress payment.
- 2) **Limitation on Amount of Reduction of Performance Guaranty.** The cumulative reduction in the amount of the Performance Guaranty shall not exceed ninety percent (90%) of the value of the improvements completed and approved, as determined by the **City**.

- 3) **Certification of Improvements.** Prior to a determination by the **City** of the value of the improvements completed, the **Developer's** Engineer shall provide the **City** with a Certificate of Improvements attesting to the adequacy of the **Work** and compliance with all requirements set forth in this Agreement, the construction specifications and the Elko City Code (including model codes adopted therein). The **City** shall review the Certification of Improvements prior to approving a request for a progress payment. The **City** shall not make a progress payment to the **Developer** unless a complete Certification of Improvements has been submitted in accordance with this paragraph.
- 4) **Amounts of Individual Progress Payments.** Except for the final progress payment following completion of the **Work**, any individual request for a progress payment shall be for at least twenty percent (20%) of the original Performance Guaranty and shall be submitted at least thirty (30) days after submittal of the previous request for a progress payment.
- 5) **Form of Requests for Progress Payments.** Requests for progress payments shall include a spreadsheet containing a detail of costs for each line item in the engineering cost estimate at **Exhibit A**, together with the original estimate amount, the total progress payments paid to date, the total value of the improvements completed and approved less ten percent (10%), and remaining amount of the Performance Guaranty following payment of the requested progress payment.
- 6) **Timing of Progress Payments.** The **City** shall pay approved progress payments to the **Developer** within thirty (30) calendar days of the date the request for progress payment is submitted to the **City**.

- C. CERTIFICATION AND SUBMISSION OF WORK.** The **Work** shall be certified by the **Developer's** Engineer (who shall be a registered engineer, licensed in the State of Nevada) and submitted to the **City** for possible acceptance before the **City** conducts the subdivision final inspection and no later than twenty-four (24) months after the Effective Date. Upon certification, **Developer's** Engineer shall provide the **City** with a certificate attesting to the adequacy of the **Work** and compliance with all requirements set forth in this Agreement, to include, without limitation, the construction specifications, codes and standards set forth in the Orange Book.
- D. MAINTENANCE PERIOD.** The maintenance period shall commence on the date the **City** accepts the **Work** and shall continue thereafter for a period of twelve (12) months. In satisfaction of its requirement to provide a Maintenance Guaranty, **Developer** shall, prior to approval of the **Work**, provide the **City** with a maintenance bond, irrevocable letter of credit or cash deposit in the amount of **Seventy-Seven Thousand, Six Hundred Thirty-Six Dollars and Ninety-Two Cents (\$77,636.92)**, which amount is not less than ten percent (10%) of the total cost of the required public improvements. If maintenance is required during the maintenance period, the **City** will provide fifteen (15) calendar days written notice of the required maintenance work to the **Developer** and the **Developer** must thereafter complete the required maintenance work. If the **Developer** fails to complete the maintenance work within the fifteen (15) calendar day period, without limiting any other rights or remedies

available, the **City** may complete or have the maintenance work completed and use the Maintenance Guaranty to satisfy the costs thereof.

E. CERTIFICATION OF FINAL PLAT. The **City** will not certify the Final Plat until

- 1) The Agreement has been approved by the City Council in conjunction with Final Plat approval.
- 2) The Agreement has been fully executed and filed with the City Clerk's office.
- 3) The **Developer** has filed with the Elko City Clerk the Performance Guaranty calculated in the manner set forth herein and otherwise meeting the requirements of this Agreement and the Elko City Code;
- 4) The **Developer** has provided the required engineering plans for all **Work**;
- 5) The required engineering plans for the **Work** have been approved by the **City**;
- 6) All other Final Plat requirements set forth in the Nevada Revised Statutes and the Elko City Code have been met.

F. EFFECTIVE DATE. The Effective Date of this Agreement shall be November 27, 2018, which is the date the **City** approved the Final Plat, and this Agreement shall operate retroactively to that date.

G. TERM. The Term of this Agreement shall be twenty-four (24) months from the Effective Date, unless the **Work** is completed and accepted by the **City** prior to the expiration of the twenty-four (24) month period, in which event the Term shall expire on the date the **Work** is accepted by the **City**. Notwithstanding the foregoing, the **City** may, upon a written request and showing by the **Developer** of good cause, grant an extension of time to complete the **Work** for an additional twelve (12) months thereafter (with a corresponding extension of the Term); **provided**, no such extension shall be effective unless and until the Performance Guaranty and Maintenance Guaranty have been provided to the Elko City Clerk in sufficient amounts to satisfy the **Developer's** obligations pursuant to this Agreement; **further provided**, if at such time the **City** has certified that at least eighty percent (80%) of the **Work** has been completed, the **City** may, in its sole discretion, reduce the amount of the Performance Guaranty in a manner consistent with Elko City Code Sections 3-3-44 and 3-3-45 during the term of any extension so granted. Notwithstanding the foregoing, in no event shall the amount of the Performance Guaranty be reduced to an amount less than the anticipated full cost of the remaining required improvements, engineering inspections, incidental expenses, and the replacement and repair of any existing streets and utilities and other improvements which may be damaged during construction of requirement improvements.

H. DESCRIPTION OF WORK AND CONDITIONS. In addition to any other requirements contained herein, the **Work** shall not be accepted by the **City** unless the **Developer** fully satisfies the following requirements:

- (1) **COMPLIANCE WITH CITY CODE.** Developer shall perform the **Work** in a manner that fully complies with the Elko City Code.
- (2) **STANDARDS.** The **Work** shall be completed in accordance with the plans, specifications and conditions approved by the **City** and in accordance with requirements otherwise set forth in this Agreement, to include requirements incorporated by reference.
- (3) **PRECONSTRUCTION CONFERENCE.** Prior to the initiation of the construction of any roadway, drainage, water or sewer improvements included in the **Work**, the **Developer** shall schedule and participate in a preconstruction conference with **Developer's** contractor(s) and the City Development Manager or his designee(s).
- (4) **AS-BUILT PLANS.** **Developer** shall provide complete as-built plans of all street, water, sewer and drainage improvements to the **City** prior to the subdivision final inspection.
- (5) **SUBDIVISION CONDITIONS.** **Developer** shall satisfy all subdivision approval conditions established by or at the direction of the City Council and the City Planning Commission.
- (6) **ENGINEER'S CERTIFICATE.** Before the subdivision final inspection, **Developer's** engineer (who shall be a registered engineer, licensed in the State of Nevada) shall provide the **City** with a certificate certifying the adequacy of the **Work** and compliance with all requirements set forth in this Agreement, to include, without limitation, **City** standard construction specifications, codes and standards.
- I. **FINAL COMPLETION AND ACCEPTANCE OF WORK.** Approval of the final completion and acceptance of the **Work** shall be at the discretion of the **City** and shall satisfy the requirements of this Agreement, to include the conditions set forth in Section 1 (REQUIRED IMPROVEMENTS, GUARANTEES AND APPROVALS). **Developer** shall request that the **City** inspect the **Work** no later than thirty (30) days prior to the end of the Term. The **City** shall have the authority to suspend the **Work**, in whole or in part, for such period as it may deem necessary due to unsuitable weather or other unfavorable conditions or the failure of **Developer** to comply with this Agreement, to include the standard construction specifications of the **City**.
- J. **DEFAULT, NOTICE AND OPPORTUNITY TO CURE.** In the event **Developer** fails to complete the **Work** during the Term of this Agreement or any extension hereof, the **Developer** shall be considered in **Default**. The **City** shall first serve upon the **Developer** written notice of such **Default**. **Developer** shall then have fifteen (15) days from the date of mailing of said notice to cure the **Default**. In the event of a **Default**, the **City** shall have the right to use the Performance Guaranty to complete the **Work**, to include, without limitation, payment of all third-party claims for labor and material.
- K. **MAINTENANCE GUARANTY AS CONDITION OF FINAL PLAT CERTIFICATION.** The certification of the Final Plat is, without limitation, conditioned upon **Developer** providing

the Maintenance Guaranty, which may be used by the **City**, in its discretion, for the maintenance of all completed **Work** for a period of twelve (12) months after the aforementioned certification by **Developer's** Engineer

- L. DEVELOPER RESPONSIBLE FOR COST OF WORK OVER ESTIMATE.** The amount of the Performance Guaranty is based upon the estimated cost of the improvements called for in the Engineer's Estimate. In the event the actual cost of improvements exceeds that amount, in the event of a **Default**, the **Developer** shall promptly pay to the **City** any additional amount over the amount of the Performance Guaranty, *provided*, the **City** may not recover from **Developer** any amount for which the **City** has been compensated from the **Developer**, to include amounts drawn by the **City** from the Performance Guaranty.

2. GENERAL TERMS AND CONDITIONS.

- A. WARRANTY.** **Developer** warrants to the **City** that the **Work**, upon completion, will be free of defects and in conformity with all applicable standards, to include requirements of the City Code and any plans approved by the City pertaining to the **Work**. **Developer** will, promptly upon completion of the **Work**, provide the **City** with "as-built" drawings documenting compliance with the warranty set forth in the preceding sentence and with the approved Public Improvement Plans.
- B. TERMINATION, BINDING EFFECT, DELEGATION AND OTHER MATTERS.** This Agreement may not be amended, modified or terminated except by an agreement in writing and approved by the **Developer** and the Elko City Council. This Agreement and all of the covenants, terms, conditions and/or provisions herein contained shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Notwithstanding any other provision contained in this Agreement, neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any party without the prior written consent of the other party. This Agreement is not intended to confer any rights or benefits to any entity other than to the **City** and to **Developer**; accordingly, there are no third-party beneficiaries to this Agreement.
- C. CONSTRUCTION OF AGREEMENT.** This Agreement constitutes a contract under and shall be construed in accordance with the laws of the State of Nevada. The parties agree that the normal rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement.
- D. COUNTERPARTS.** This Agreement may be executed in one or more counterparts, each of which shall have the force and effect of an original, and all of which shall constitute but one document.
- E. NOTICES.** All notices required to be given under this Agreement shall be deemed given upon the earlier of the actual receipt or two (2) days after being mailed by registered or certified mail, return receipt requested, addressed as follows: if to **City**, to c/o Jeremy Draper, (or the then-current) Development Manager, 1751 College Avenue, Elko, Nevada 89801; if to **Developer**, to: Parrado Partners LP, 1910 Idaho St. 102-603, Elko, NV 89801.
- F. CITY'S AUTHORITY.** This Agreement is not intended to supersede the authority granted by law to the **City**. Therefore, nothing in this Agreement shall be construed or implied to require the **City's** planning or other regulatory boards or departments (however designated) to

approve any plans, permits, maps or other documents pertaining to any aspect of the **Work** or other action described in this Agreement.

- G. TIME OF THE ESSENCE.** Time is of the essence and a material provision of this Agreement.
- H. INDEMNIFICATION.** **Developer** hereby agrees to hold harmless, indemnify and defend the **City** (including, without limitation, the **City's** officers, agents and employees) against and to all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) that are claimed to have resulted from the acts or omissions of **Developer** (including without limitation its agents, employees and/or contractors) in any manner pertaining to the **Work**.
- I. JURISDICTION AND VENUE.** The District Court for the Fourth Judicial District, in and for the County of Elko, State of Nevada, shall have jurisdiction and venue over all disputes arising from or in relation to this Agreement.
- J. INTEGRATION.** This Agreement represents and contains the entire Agreement and understanding among the parties with respect to the subject matter of this Agreement and supersedes and replaces all prior oral and written agreements and understandings with respect to the subject matter of this Agreement, and no representation, warranty, condition, understanding or agreement of any kind with respect to the subject matter hereof shall be relied upon by the parties unless incorporated herein. This Agreement shall be construed as a complete novation of any prior agreements relating to the subject matter of this Agreement.
- K. DOCUMENTS PROVIDED TO CITY ARE PUBLIC.** This Agreement, together with any documents associated with the **Work**, may be recorded in any public system of records, to include the records of the Elko County Recorder. Under no circumstances shall **Developer** assert a right to confidentiality or an intellectual property interest in documents or other information provided to the **City** in relation to the **Work**.
- L. ATTORNEY FEES.** In the event the **City** is required to pursue any action to enforce any term or condition in this Agreement, it shall be entitled to reasonable attorney's fees and court costs.
- M. SEVERABILITY.** In the event one or more of the provisions, or portions thereof, of this Agreement is determined to be illegal or unenforceable, the remainder of the Agreement shall not be affected thereby and each remaining provision or portion thereof shall continue to be valid and effective and shall be enforceable to the fullest extent permitted by law.
- N. HEADINGS.** The headings of sections and subsections of this Agreement are inserted for convenience only and shall not be deemed to constitute part of this Agreement or to affect the construction hereof.
- O. NO AGENCY, PARTNERSHIP OR JOINT VENTURE.** Nothing herein contained shall be construed to create an agency, partnership or joint venture between the parties.
- P. REMEDIES NOT EXCLUSIVE.** No remedy provided by this Agreement, to include the right to make a claim against a bond or other guaranty, shall be exclusive. The **City** shall have the right to pursue any remedies provided under this Agreement, or by law or equity, simultaneously or in sequence at its sole discretion.

IN WITNESS WHEREOF, the parties have executed this Agreement in duplicate the day and year first above written.

CITY - THE CITY OF ELKO,
a municipal corporation

DEVELOPER - _____

By: _____
CHRIS J. JOHNSON, Mayor

By: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

EXHIBIT A

EXHIBIT "A"**PROJECT: Great Basin Estates - ELKO, NEVADA - Phase 3****Robert Capps****ENGINEER: SUMMIT ENGINEERING CORP.**PREPARED BY: **NIB**DATE: **10/18/2018**

ZONING: Residential

- STREETS -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
3" AC PAVEMENT FOR STREETS	72,405	SF	\$2.35	\$170,151.75
9" BASE FOR STREETS	2,010	CY	\$36.00	\$72,360.00
AC SAWCUT	1	LS	\$520.00	\$520.00

- GRADING -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
SITE GRADING	1	LS	\$15,000.00	\$15,000.00
CLEARING & GRUBING	1	LS	\$2,500.00	\$2,500.00

- CONCRETE -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
TYPE I CURB AND GUTTER WITH Base & Subgrade prep. (Compacted)	2,892	LF	\$18.00	\$52,056.00
4" SIDEWALK WITH BASE (Compacted) & Subgrade prep.	11,568	SF	\$4.50	\$52,056.00
ADA RAMPS W/ DETECTABLE MARKERS WITH Base & Subgrade prep. (Compacted)	7	EA	\$2,750.00	\$19,250.00
VG & SPANDREL W/ #4 REBAR WITH Base & Subgrade prep. (Compacted)	1,587	SF	\$6.50	\$10,315.50

- SANITARY SEWER -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
4" DIAMETER SEWER SERVICE LATERAL	1,190	LF	\$22.00	\$26,180.00
48" DIA SSMH	5	EA	\$3,000.00	\$15,000.00
8" DIA. SS MAIN	635	EA	\$34.00	\$21,590.00

- STORM DRAIN -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
TYPR 4R DROP INLETS	2	EA	\$2,750.00	\$5,500.00
18" SD PIPE	240	LF	\$46.00	\$11,040.00
12" SD PIPE	40	LF	\$36.00	\$1,440.00
48" DIA. SDMH	1	EA	\$3,000.00	\$3,000.00
RIP RAP 12" DIA.	1	LS	\$750.00	\$750.00

- WATER -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
WATER VALVE CONCRETE COLLARS	12	EA	\$650.00	\$7,800.00
6" GATE VALVES	6	EA	\$1,100.00	\$6,600.00
8" GATE VALVES	5	EA	\$1,250.00	\$6,250.00
10" GATE VALVES	1	EA	\$1,500.00	\$1,500.00
8" DIA. WATER MAIN	1,350	LF	\$38.00	\$51,300.00
10" DIA WATER MAIN	385	LF	\$44.00	\$16,940.00
10" ENDCAP W. THRUST BLOCK	1	EA	\$850.00	\$850.00
10" X 6" TEE	1	EA	\$1,750.00	\$1,750.00
8" X 6" TEE	3	EA	\$1,250.00	\$3,750.00
8" X 10" TEE	1	EA	\$1,450.00	\$1,450.00

8" X 8" TEE	2	EA	\$1,250.00	\$2,500.00
90 DEG BEND	1	EA	\$1,450.00	\$1,450.00
45 DEG. BEND	1	EA	\$1,450.00	\$1,450.00
EX. MAIN CONNECT	1	LS	\$1,600.00	\$1,600.00
FIRE HYDRANT ASSEMBLY W/ THRUST BLOCKS	6	EA	\$4,100.00	\$24,600.00
8" X 6" REDUCER	2	EA	\$1,200.00	\$2,400.00
1" POLY PIPE	650	LF	\$34.00	\$22,100.00

- MISCELLANEOUS -

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
GAS SERVICE	1	LS	\$4,000.00	\$16,920.00
POWER, PHONE & CABLE SERVICE	1	LS	\$65,400.00	\$65,400.00
N36 BOXES	1	LS	\$7,200.00	\$7,200.00
STREET SIGNS	5	EA	\$1,200.00	\$6,000.00
STREET MONUMENTS	7	EA	\$850.00	\$5,950.00
QA / QC - TESTING AND INSPECTION	1	LS	\$23,500.00	\$23,500.00
CONSTRUCTION STAKING	1	LS	\$18,400.00	\$18,400.00

Total on-site Improvements

\$776,369.25

EXHIBIT B

GREAT BASIN ESTATES SINGLE FAMILY RESIDENTIAL SUBDIVISION SITE IMPROVEMENT CONSTRUCTION PLANS

LEGEND

EXISTING SANITARY SEWER MAINLINE	EXISTING FIRE HYDRANT
EXISTING SANITARY SEWER LINE	ABANDONED WATER LINE
EXISTING ABANDONED SANITARY SEWER MAINLINE	PROPOSED WATER LINE
EXISTING ABANDONED SANITARY SEWER LINE	PROPOSED WATER VALVE
PROPOSED SANITARY SEWER MAINLINE	PROPOSED FIRE HYDRANT
PROPOSED STORM DRAIN SEWER MAINLINE	PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
PROPOSED STORM DRAIN	PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER
PROPOSED DROP PILE	EXISTING GROUND CONTOUR
EXISTING WATER LINE	FINISH GRADE CONTOUR
EXISTING WATER VALVE	SPOT ELEVATION
	PERCENT OF SLOPE
	GRADE BREAK LINE

PROJECT SPECIFICATIONS

- PROJECT STANDARD SPECIFICATIONS.** ALL WORK RELATED TO THESE CIVIL IMPROVEMENTS SHALL BE EXCLUDED AND COMPLETED IN ACCORDANCE WITH THE "STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, 2012 EDITION," SPOKESMAN AND DISTRIBUTED BY THE REGIONAL TRANSPORTATION COMMISSION OF WASHOE COUNTY AND ADOPTED BY THE CITY OF ELKO. NEVADA FOR PUBLIC WORKS CONSTRUCTION. ALL CIVIL WORK SHALL COMPLY WITH THE APPLICABLE EDITIONS OF THESE SPECIFICATIONS UNLESS SPECIFIED OTHERWISE IN THE WRITTEN CONTRACT WITH THE CONTRACTOR. THESE SPECIFICATIONS SHALL BE READER REFERRED TO AS THE PROJECT "STANDARD SPECIFICATIONS." CONSTRUCTION DETAILS SHALL COMPLY WITH THE CONSTRUCTION DETAILS SHOWN IN THESE PLANS. CONSTRUCTION DETAILS NOT SHOWN SHALL BE IN ACCORDANCE WITH THE STANDARD DETAILS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION, AS ADOPTED AND DISTRIBUTED BY THE CITY OF ELKO.
- CLEARING & GRUBBING AND REMOVAL OF MATERIALS.** CLEARING & GRUBBING SHALL CONSIST OF REMOVING ALL BRUSH, GRASS, TOPSOIL, MATERIALS AND OTHER NATURAL OR OBJECTS FROM THE CONSTRUCTION LIMITS PRIOR TO SUBGRADE PREPARATION. CLEARING & GRUBBING SHALL BE PERFORMED IN ACCORDANCE WITH SECTION 308 CLEARING & GRUBBING OF THE REFERENCED STANDARD SPECIFICATIONS.
- STORMWATER AND EROSION CONTROL.** THE CONTRACTOR SHALL MAINTAIN EROSION CONTROL PROGRAM ON SITE AT ALL TIMES THAT MEETS OR EXCEEDS THE CITY OF ELKO AND THE STATE OF NEVADA REQUIREMENTS. THIS SHALL INCLUDE THE PLACEMENT OF Silt Fence AROUND THE PERIMETER OF THE SITE AND VEHICLE BARRIERS TO PREVENT EROSION OF THE SITE AND TO PREVENT EROSION OF THE SITE. THE CONTRACTOR SHALL MAINTAIN AND CONDUCT PROCEEDING FOR REMOVAL OF BRUSH OR EXCAVATED MATERIAL OR TRUCK OUT ON ALL ADJACENT STREETS. THE CONTRACTOR SHALL DESIGNATE A LOCATION ON SITE TO CONSTRUCT A CONCRETE WASHOUT PIT FOR EACH MAIN CONCRETE CLEANUP. AT THE COMPLETION OF WORK, THIS CONCRETE CLEANUP PIT SHALL BE REMOVED FROM THE SITE. A CLEAN ASBESTOS SHALL BE MAINTAINED BY THE CONTRACTOR. A STORM WATER CATCHMENT BASIN SHALL BE PROVIDED FOR THE STATE OF NEVADA AND CITY OF ELKO. IS REQUIRED ON ALL CONSTRUCTION WORK. THE EXISTING STORMS IN SITE. THE WORK SET FOR THIS PROJECT IS AS SHOWN.
- SOIL CONTROL PROGRAM.** THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A SOIL CONTROL PROGRAM ON SITE AT ALL TIMES TO INCLUDE WATERING OF OPEN AREAS. THE PROGRAM SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE, COUNTY AND CITY CODES. THE CONTRACTOR SHALL TAKE ALL REASONABLE PRECAUTIONS TO PREVENT EROSION AND TO PREVENT EROSION. ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 30 DAYS SHALL BE STABILIZED BY THE APPLICATION OF A SOIL STABILIZER. ALL AREAS DISTURBED AND LEFT UNDEVELOPED FOR A PERIOD OF MORE THAN 30 DAYS SHALL BE STABILIZED WITH AN APPROVED SEED MIX AND TOPSOIL AND SHALL BE REGRADED UNTIL IT IS ESTABLISHED AS APPROVED BY THE CITY OF ELKO.
- UNDERGROUND UTILITIES.** ALL CITY UTILITIES SHALL CONFORM TO THE CITY OF ELKO AND CITY OF ELKO SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING UNDERGROUND UTILITIES AT ALL TIMES DURING CONSTRUCTION. THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THE PROJECT DRAWINGS ARE APPROXIMATE AND BASED ON EXISTING RECORDS AND FIELD SURVEY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE ENCOUNTERED DURING CONSTRUCTION. THE CONTRACTOR SHALL CALL 800.222.8888 (CALL BEFORE YOU DIG) FOR UTILITY FIELD LOCATION PRIOR TO COMMENCING EXCAVATION ON SITE. THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE FOLLOWING UTILITY COMPANIES:
ELECTRIC POWER: NV ENERGY
NATURAL GAS: GAS CORPORATION
TELEPHONE: FRONTIER TELEPHONE COMPANY
FIBER OPTIC COMMUNICATIONS: AT&T, US BROADBAND, KODAK COMMUNICATIONS AND OTHER FIBER OPTIC OPERATORS
CABLE TV: SATELLITE BROADCAST COMPANY
- REMOVAL OF EXISTING IMPROVEMENTS.** REMOVAL OF EXISTING IMPROVEMENTS: CONCRETE SIDEWALKS, CURBS & GUTTERS SHALL BE IN ACCORDANCE WITH SECTION 307 REMOVAL OF EXISTING IMPROVEMENTS OF THE PROJECT STANDARD SPECIFICATIONS. THE CONTRACTOR SHALL DEMOLISH ALL PAVEMENT AND CONCRETE AT THE LOCATIONS SHOWN ON THE PROJECT PLANS PRIOR TO REMOVAL.
- WATER DISTRIBUTION PIPE MATERIALS.** ALL WATER PIPE, INSTALLED SHALL BE IN ACCORDANCE WITH CITY OF ELKO STANDARD AND SHALL MEET THE REQUIREMENTS OF SECTION 302.01 NON-PRESSURE AND PRESSURE PIPE OF THE REFERENCED PROJECT STANDARD SPECIFICATIONS. AS ACCEPTED FOR PUBLIC WORKS CONSTRUCTION BY THE CITY OF ELKO. NEVADA. INSTALLATION OF BURIED WATER PIPE MATERIALS SHALL BE DONE AS SPECIFIED IN SECTION 307 DOMESTIC WATER AND IRRIGATION SYSTEMS OF THE PROJECT STANDARD SPECIFICATIONS. UNDERGROUND WATER SHALL ALSO COMPLY WITH THE LATEST ADOPTED EDITION OF THE UNIFORM PLUMBING CODE. THE PUBLIC WORKS ENGINEER SHALL BE ADVISED OF ANY CHANGES TO THE WATER SERVICE PIPE. WATER SERVICE PIPE SHALL BE POLYETHYLENE WATER SERVICE PIPE (PEW) PIPE, WITH A MINIMUM WORKING PRESSURE OF 150 PSI. CONSTRUCTION OF BURIED WATER SERVICE PIPE SHALL BE DONE IN ACCORDANCE WITH THE CITY OF ELKO STANDARD SPECIFICATIONS. VERTICAL AND HORIZONTAL WATER SERVICE PIPE OF ALL WATER AND SEWER (SANITARY OR STORM) UTILITIES SHALL BE MAINTAINED PER SECTION 304.01 - SECTION 304.04 WATER LINES SHALL BE INSTALLED A MINIMUM OF 42" BENEATH THE FINISH GRADE TO TOP OF THE PIPE. THE CITY OF ELKO WATER DEPARTMENT SHALL BE CONTACTED TO PERFORM ALL TAPS INTO CITY OF ELKO UTILITIES. THE CITY OF ELKO SHALL BE CONTACTED FOR AUTHORIZATION TO REPLACE AND NEW WATER SYSTEMS, EXTENSION, REPLACEMENTS IN EXISTING SYSTEMS AND VALUED SECTIONS WITH SERVICE FOR TESTING ON FINAL ACCEPTANCE. NO USE SHALL BE MADE BY ANY AND ALL OTHERS. ACCEPTED BY THE CITY OF ELKO. ANY NEW WATER SYSTEMS, EXTENSIONS, REPLACEMENTS IN EXISTING SYSTEMS AND VALUED SECTIONS SHALL BE DESIGNED IN ACCORDANCE WITH ASHRAE 90.1 (2005) WATER MAINS AND THE PRESSURE TESTED IN ACCORDANCE WITH ASHRAE 90.1 (2005) (a) and (b).
- SANITARY SEWER PIPE AND STORM DRAIN.** ALL SANITARY SEWER AND STORM DRAIN PIPE MATERIALS INSTALLED SHALL BE IN ACCORDANCE WITH CITY OF ELKO STANDARD AND SHALL MEET THE REQUIREMENTS OF SECTION 302.01 NON-PRESSURE AND PRESSURE PIPE OF THE REFERENCED PROJECT STANDARD SPECIFICATIONS. AS ACCEPTED FOR PUBLIC WORKS CONSTRUCTION BY THE CITY OF ELKO. NEVADA. INSTALLATION OF BURIED SANITARY SEWER PIPE AND STORM DRAIN MATERIALS SHALL BE DONE AS SPECIFIED IN SECTION 307 DOMESTIC WATER AND IRRIGATION SYSTEMS OF THE PROJECT STANDARD SPECIFICATIONS. UNDERGROUND WATER SHALL ALSO COMPLY WITH THE LATEST ADOPTED EDITION OF THE UNIFORM PLUMBING CODE. SANITARY SEWER PIPE SHALL BE 12" OR 15" OR 18" OR 24" OR 30" OR 36" OR 42" OR 48" OR 54" OR 60" OR 66" OR 72" OR 78" OR 84" OR 90" OR 96" OR 102" OR 108" OR 114" OR 120" OR 126" OR 132" OR 138" OR 144" OR 150" OR 156" OR 162" OR 168" OR 174" OR 180" OR 186" OR 192" OR 198" OR 204" OR 210" OR 216" OR 222" OR 228" OR 234" OR 240" OR 246" OR 252" OR 258" OR 264" OR 270" OR 276" OR 282" OR 288" OR 294" OR 300" OR 306" OR 312" OR 318" OR 324" OR 330" OR 336" OR 342" OR 348" OR 354" OR 360" OR 366" OR 372" OR 378" OR 384" OR 390" OR 396" OR 402" OR 408" OR 414" OR 420" OR 426" OR 432" OR 438" OR 444" OR 450" OR 456" OR 462" OR 468" OR 474" OR 480" OR 486" OR 492" OR 498" OR 504" OR 510" OR 516" OR 522" OR 528" OR 534" OR 540" OR 546" OR 552" OR 558" OR 564" OR 570" OR 576" OR 582" OR 588" OR 594" OR 600" OR 606" OR 612" OR 618" OR 624" OR 630" OR 636" OR 642" OR 648" OR 654" OR 660" OR 666" OR 672" OR 678" OR 684" OR 690" OR 696" OR 702" OR 708" OR 714" OR 720" OR 726" OR 732" OR 738" OR 744" OR 750" OR 756" OR 762" OR 768" OR 774" OR 780" OR 786" OR 792" OR 798" OR 804" OR 810" OR 816" OR 822" OR 828" OR 834" OR 840" OR 846" OR 852" OR 858" OR 864" OR 870" OR 876" OR 882" OR 888" OR 894" OR 900" OR 906" OR 912" OR 918" OR 924" OR 930" OR 936" OR 942" OR 948" OR 954" OR 960" OR 966" OR 972" OR 978" OR 984" OR 990" OR 996" OR 1002" OR 1008" OR 1014" OR 1020" OR 1026" OR 1032" OR 1038" OR 1044" OR 1050" OR 1056" OR 1062" OR 1068" OR 1074" OR 1080" OR 1086" OR 1092" OR 1098" OR 1104" OR 1110" OR 1116" OR 1122" OR 1128" OR 1134" OR 1140" OR 1146" OR 1152" OR 1158" OR 1164" OR 1170" OR 1176" OR 1182" OR 1188" OR 1194" OR 1200" OR 1206" OR 1212" OR 1218" OR 1224" OR 1230" OR 1236" OR 1242" OR 1248" OR 1254" OR 1260" OR 1266" OR 1272" OR 1278" OR 1284" OR 1290" OR 1296" OR 1302" OR 1308" OR 1314" OR 1320" OR 1326" OR 1332" OR 1338" OR 1344" OR 1350" OR 1356" OR 1362" OR 1368" OR 1374" OR 1380" OR 1386" OR 1392" OR 1398" OR 1404" OR 1410" OR 1416" OR 1422" OR 1428" OR 1434" OR 1440" OR 1446" OR 1452" OR 1458" OR 1464" OR 1470" OR 1476" OR 1482" OR 1488" OR 1494" OR 1500" OR 1506" OR 1512" OR 1518" OR 1524" OR 1530" OR 1536" OR 1542" OR 1548" OR 1554" OR 1560" OR 1566" OR 1572" OR 1578" OR 1584" OR 1590" OR 1596" OR 1602" OR 1608" OR 1614" OR 1620" OR 1626" OR 1632" OR 1638" OR 1644" OR 1650" OR 1656" OR 1662" OR 1668" OR 1674" OR 1680" OR 1686" OR 1692" OR 1698" OR 1704" OR 1710" OR 1716" OR 1722" OR 1728" OR 1734" OR 1740" OR 1746" OR 1752" OR 1758" OR 1764" OR 1770" OR 1776" OR 1782" OR 1788" OR 1794" OR 1800" OR 1806" OR 1812" OR 1818" OR 1824" OR 1830" OR 1836" OR 1842" OR 1848" OR 1854" OR 1860" OR 1866" OR 1872" OR 1878" OR 1884" OR 1890" OR 1896" OR 1902" OR 1908" OR 1914" OR 1920" OR 1926" OR 1932" OR 1938" OR 1944" OR 1950" OR 1956" OR 1962" OR 1968" OR 1974" OR 1980" OR 1986" OR 1992" OR 1998" OR 2004" OR 2010" OR 2016" OR 2022" OR 2028" OR 2034" OR 2040" OR 2046" OR 2052" OR 2058" OR 2064" OR 2070" OR 2076" OR 2082" OR 2088" OR 2094" OR 2100" OR 2106" OR 2112" OR 2118" OR 2124" OR 2130" OR 2136" OR 2142" OR 2148" OR 2154" OR 2160" OR 2166" OR 2172" OR 2178" OR 2184" OR 2190" OR 2196" OR 2202" OR 2208" OR 2214" OR 2220" OR 2226" OR 2232" OR 2238" OR 2244" OR 2250" OR 2256" OR 2262" OR 2268" OR 2274" OR 2280" OR 2286" OR 2292" OR 2298" OR 2304" OR 2310" OR 2316" OR 2322" OR 2328" OR 2334" OR 2340" OR 2346" OR 2352" OR 2358" OR 2364" OR 2370" OR 2376" OR 2382" OR 2388" OR 2394" OR 2400" OR 2406" OR 2412" OR 2418" OR 2424" OR 2430" OR 2436" OR 2442" OR 2448" OR 2454" OR 2460" OR 2466" OR 2472" OR 2478" OR 2484" OR 2490" OR 2496" OR 2502" OR 2508" OR 2514" OR 2520" OR 2526" OR 2532" OR 2538" OR 2544" OR 2550" OR 2556" OR 2562" OR 2568" OR 2574" OR 2580" OR 2586" OR 2592" OR 2598" OR 2604" OR 2610" OR 2616" OR 2622" OR 2628" OR 2634" OR 2640" OR 2646" OR 2652" OR 2658" OR 2664" OR 2670" OR 2676" OR 2682" OR 2688" OR 2694" OR 2700" OR 2706" OR 2712" OR 2718" OR 2724" OR 2730" OR 2736" OR 2742" OR 2748" OR 2754" OR 2760" OR 2766" OR 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3438" OR 3444" OR 3450" OR 3456" OR 3462" OR 3468" OR 3474" OR 3480" OR 3486" OR 3492" OR 3498" OR 3504" OR 3510" OR 3516" OR 3522" OR 3528" OR 3534" OR 3540" OR 3546" OR 3552" OR 3558" OR 3564" OR 3570" OR 3576" OR 3582" OR 3588" OR 3594" OR 3600" OR 3606" OR 3612" OR 3618" OR 3624" OR 3630" OR 3636" OR 3642" OR 3648" OR 3654" OR 3660" OR 3666" OR 3672" OR 3678" OR 3684" OR 3690" OR 3696" OR 3702" OR 3708" OR 3714" OR 3720" OR 3726" OR 3732" OR 3738" OR 3744" OR 3750" OR 3756" OR 3762" OR 3768" OR 3774" OR 3780" OR 3786" OR 3792" OR 3798" OR 3804" OR 3810" OR 3816" OR 3822" OR 3828" OR 3834" OR 3840" OR 3846" OR 3852" OR 3858" OR 3864" OR 3870" OR 3876" OR 3882" OR 3888" OR 3894" OR 3900" OR 3906" OR 3912" OR 3918" OR 3924" OR 3930" OR 3936" OR 3942" OR 3948" OR 3954" OR 3960" OR 3966" OR 3972" OR 3978" OR 3984" OR 3990" OR 3996" OR 4002" OR 4008" OR 4014" OR 4020" OR 4026" OR 4032" OR 4038" OR 4044" OR 4050" OR 4056" OR 4062" OR 4068" OR 4074" OR 4080" OR 4086" OR 4092" OR 4098" OR 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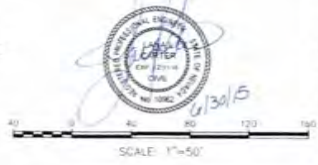


LEGEND

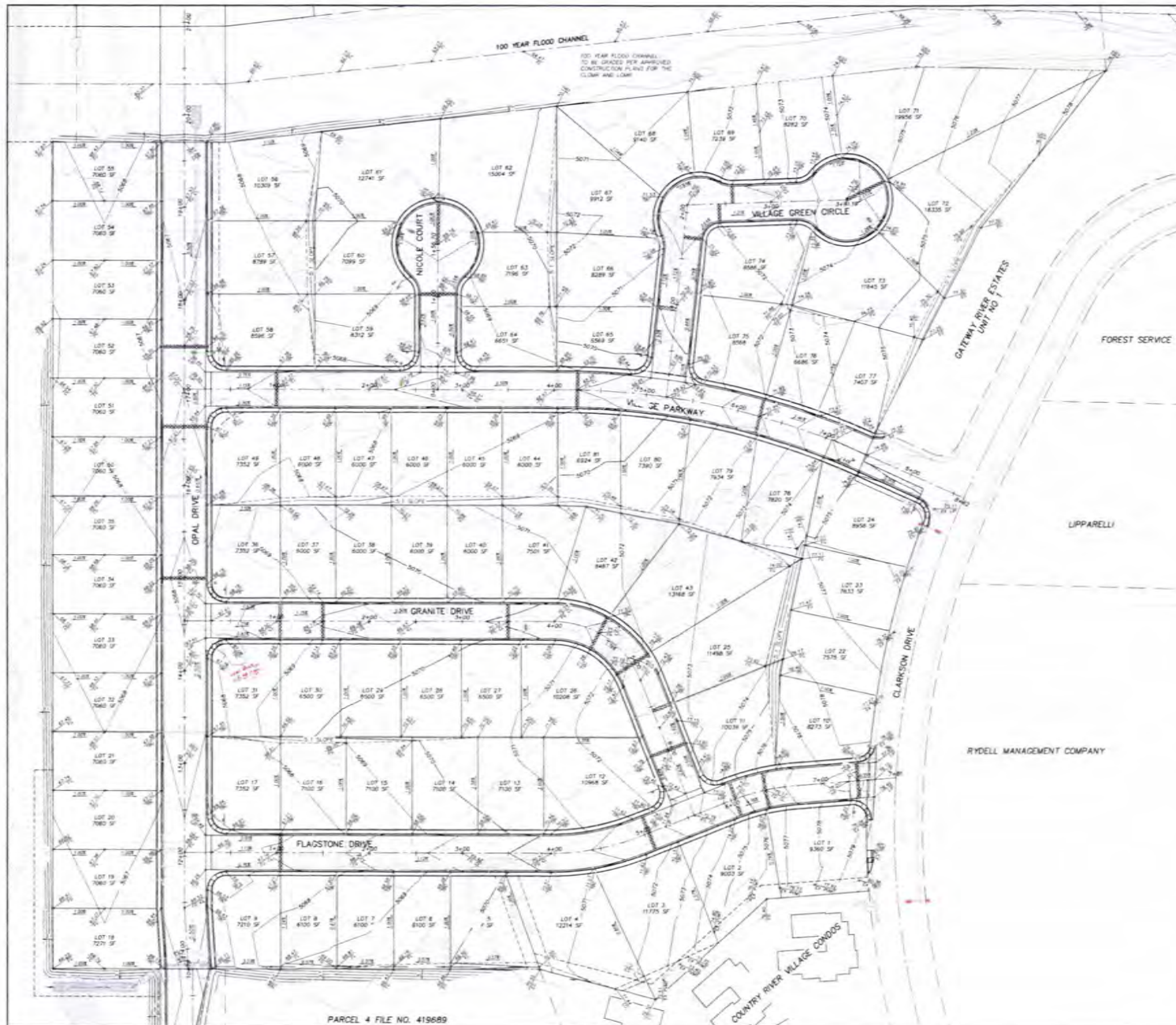
- EXISTING ABANDONED SANITARY SEWER
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- EXISTING ABANDONED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN SEWER MANHOLE
- PROPOSED STORM DRAIN
- PROPOSED DRAIN INLET
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER

NOTES:

1. ALL P.C. CURB, GUTTER, SIDEWALK, AND FINISHED CONCRETE AND ALL CONCRETE RETAINING SHALL BE A MINIMUM OF 8" THICK OR CLEAR PER CURB, GUTTER, SIDEWALK, AND FINISHED CONCRETE SHALL HAVE WEAR AND TEAR JOINTS EVERY 10' AND EXPANSION JOINTS EVERY 30'.
2. ALL CONCRETE CURB & GUTTER SHALL HAVE WEAR AND TEAR JOINTS EVERY 10' AND EXPANSION JOINTS EVERY 30'.
3. EXPANSION JOINTS 12" WIDE SHALL BE LOCATED IN CURBS & GUTTERS AT EACH END OF STRUCTURES, AT ENDS OF ALL CURBS BE TURNED, ADJUSTING HARDENED IN PLACE CURB & GUTTER AND EVERY 30'.
4. EXPANSION JOINTS IN SIDEWALKS SHALL BE PLACED AT ALL TANGENT POINTS, CURB RETURNING AND AT EVERY 30' FEET.
5. JOINT FILLER MATERIAL SHALL CONFORM TO SECTION 22.01.
6. AGGREGATE BASE UNDER CONCRETE AND PAVEMENT SHALL CONFORM TO THE SPECIFICATIONS IN THE CLASS II AGGREGATE BASE AND COMPACTED TO A MINIMUM 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
7. SUBGRADE SHALL BE COMPACTED TO A MINIMUM 95% COMPACTION OR NOT LESS THAN 30" FOR A MINIMUM DEPTH OF 18" IN ACCORDANCE WITH TEST PROCEDURE 5.6.10 (ASTM D 1557).
8. ALL ROADWAYS SHALL CONFORM TO THE MINIMUM ON-UP CURB TRAFFIC CONTROL DEVICES.
9. ALL PAVEMENT BARRIERS SHALL MEET STANDARD PLANS AND SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 2012 EDITION, SECTIONS 214 AND 215.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING UNDERGROUND SERVICE RECORDS FROM ALL UTILITIES AND LOCATING ALL UTILITIES PRIOR TO CONSTRUCTION.
11. DIMENSIONS ARE TO TOP BACK OF CURB.
12. IN THE DESIGNATED DEMOLITION AREAS THE EXISTING CONCRETE OR PAVEMENT AND AGGREGATE BASE SHALL BE REMOVED TO SUBGRADE FOR THE INSTALLATION OF THE PROPOSED IMPROVEMENTS.
13. ALL DEMOLITION SHALL BE PER SECTION 20.01 OF THE STANDARD SPECIFICATION FOR PUBLIC WORKS CONSTRUCTION, 2012 EDITION.
14. LOT DIMENSIONS, STREET MONUMENT PLACEMENT, LINE DISTANCES AND BEARINGS FOR FINAL MAP THOSE SHOWN HERE ARE FOR REFERENCE ONLY.
15. ALL CURB RETURNS SHALL HAVE A RADIUS OF 20' MEASURED FROM TOP BACK OF CURB.
16. SEE SHEET C13 FOR DETAILS ON CURB AND GUTTER, STREET SECTIONS, SIDEWALK, APPROACH VALLEY GUTTER, STREET AND STOP SIGN, STREET MONUMENT, ACCESSIBLE CURB RAMP, SANITARY AND STORM DRAIN REPLACEMENT.
17. ALL CURB RETURNS SHALL HAVE A CURB RAMP MEETING CURRENT AASHTO SPECIFICATIONS.



<p>DESCRIPTION</p> <p>CITY OF ELKO PLANNING & UTILITIES DIVISION</p>	
DATE	06/30/15
REV	1
<p>Carter Engineering, LLC</p> <p>Civil Engineering</p> <p>P.O. Box 794</p> <p>Elko, Nevada 89803</p> <p>775-397-2531</p>	
<p>THE CAPPS GROUP, INC.</p> <p>SITE PLAN</p> <p>GREAT BASIN ESTATES</p> <p>ELKO, NEVADA</p>	
DESIGN BY	LLC
DRAWN BY	LLC
CHECKED BY	LLC
DATE	04/14/15
JOB NO.	06/2015
REVISED	06/20/15
SCALE	1"=50'
HORIZ.	N/A
VERT.	N/A
SHEET	C2
OF	17



ABBREVIATIONS FOR SPOT ELEVATIONS

CL	CENTER LINE
EG	EXISTING GROUND
EX	EXISTING
FG	FINISH GRADE
FL	FLOODLINE
HP	HIGH POINT
PPVT	FINISH GRADE PAVEMENT
TBC	TOP BACK OF CURB

LEGEND

EXISTING SANITARY SEWER MANHOLE
EXISTING SANITARY SEWER LINE
EXISTING ABANDONED SANITARY SEWER MANHOLE
EXISTING ABANDONED SANITARY SEWER LINE
PROPOSED SANITARY SEWER MANHOLE
PROPOSED SANITARY SEWER LINE
PROPOSED STORM DRAIN SEWER MANHOLE
PROPOSED STORM DRAIN
PROPOSED DRAIN INLET
EXISTING WATER LINE
EXISTING WATER VALVE
EXISTING FIRE HYDRANT
ABANDONED WATER LINE
PROPOSED WATER LINE
PROPOSED WATER VALVE
PROPOSED FIRE HYDRANT
PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
PROPOSED DOUBLE 1" WATER SERVICE DOUBLE METER
EXISTING GROUND CONTOUR
FINISH GRADE CONTOUR
SPOT ELEVATION
PERCENT OF SLOPE
GRADE BREAK LINE

NOTES:

1. GRADING SHALL MEET THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION SECTIONS 302, 302.02 AND 304.
2. THE TOTAL LAND DISTURBANCE AREA IS 124 ACRES. THEREFORE A STORM WATER GENERAL PERMIT AND COVER IS REQUIRED AND A SURPLUS AREA DISTURBANCE PERMIT IS REQUIRED. THE CONTRACTOR SHALL USE CARE AND IMPLEMENT BEST MANAGEMENT PRACTICES DURING CONSTRUCTION.
3. 40% 600 FEET TO SPOT ELEVATIONS.
4. THE ESTIMATED EARTHWORK QUANTITIES ARE AS FOLLOWS:
10,430 CUBIC YARDS OF CUT AND CLASSIFIED EXCAVATIONS
83,807 CUBIC YARDS OF FILL UNCLASSIFIED EMBANKMENT
THE ABOVE QUANTITIES ARE BASED ON THE ASSUMPTIONS WITHIN THIS ALLOWANCE FOR SHRINK, SWELL OR CLEANING AND EMBANKING.



DESIGN BY: LLC

DRAWN BY: LLC

CHECKED BY: LLC

DATE: 04/15/15

JOB NO: 06/2014

DWG NO: 2015-01

DESCRIPTION: CITY OF ELKO PLAN CHECK LETTER DATED 03/15/15

DATE: 03/15/15

REV: 1

Carter Engineering, LLC
Civil Engineering
P.O. Box 794
Elko, Nevada 89603
775-397-2541

THE CAPPS GROUP, INC.
GRADING PLAN
GREAT BASIN ESTATES
ELKO, NEVADA

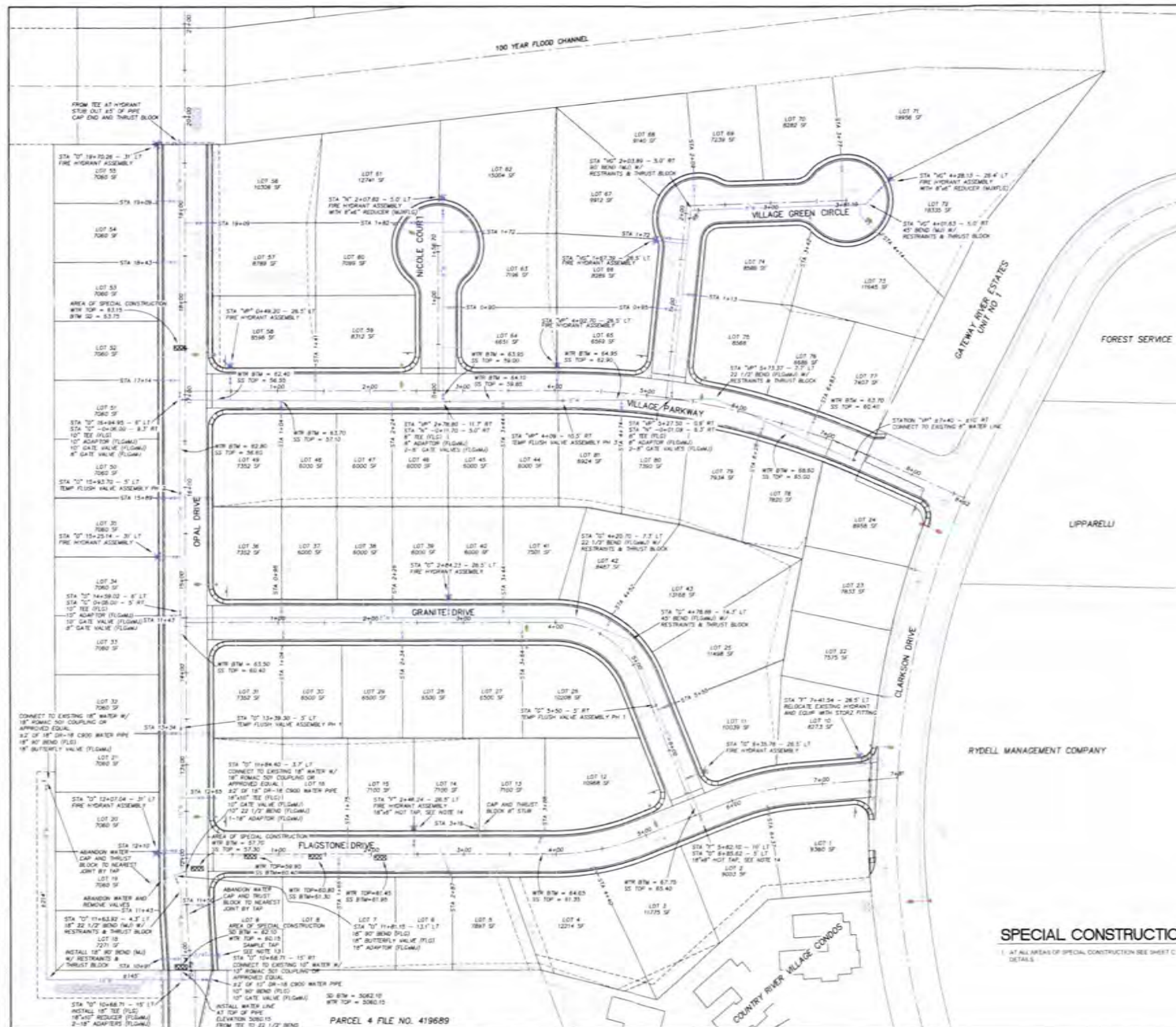
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HORIZ: 1"=50'

VERT: N/A

SHEET C3

OF 17



NOTES:

1. ALL WATER MAINS SHALL BE 40" DIA. OR 18" WATER PIPE.
2. ALL WATER SERVICE LINES SHALL BE 1" IPS (SINGLE WATER) AND 2" IPS (DOUBLE WATER) JOE PPS POLYETHYLENE.
3. ALL WATER LINE FITTINGS SHALL BE CAST IRON.
4. ALL WATER LINES SHALL BE PLACED WITHIN 4" OF MINIMUM COVER.
5. SEE SHEET C4 FOR DETAILS ON FIRE HYDRANT VALVE, THRUST BLOCKS, WATER METER, WATER SERVICE CONNECTION AND TRENCH DETAILS.
6. ALL METERS SHALL BE 1" INCH.
7. ALL NEW FIRE HYDRANTS WILL BE EQUIPPED WITH STORAGE TANKS.
8. A MINIMUM OF 1' FOOT SEPARATION WILL BE ALLOWED BETWEEN WATER TAPS AND HYDRANT TAPS.
9. WATER AND SEWER MATERIALS SHALL BE PLACED IN SEPARATE TRENCHES AND LOCATED AT LEAST 4' APART MEASURED FROM OUTSIDE CURBWAYS.
10. WATER LATERAL CONNECTIONS IN CLARKSON DRIVE WILL REQUIRE SANITARY AND PATCH BACK PER DETAILS ON SHEET C4.
11. WATER LINE WILL BE INSTALLED APPROXIMATELY 10' FEET BEYOND PHASE BOUNDARIES AND ENDED WITH A TEMPORARY FLUSH VALVE ASSEMBLY.
12. ALL TAPS SHALL BE PERMANENTLY BY THE CITY OF ELKO UTILITIES DEPARTMENT. THE CONTRACTOR SHALL SUPPLY TRENCH AND MATERIALS FOR THE HOT TAP. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COORDINATE THIS WORK WITH THE CITY OF ELKO.
13. FOR SPECIAL CROSSINGS SEE NOTES AND DETAILS ON SHEET C4.
14. EXISTING WATER LINE AT ALL SPECIAL CROSSING LOCATIONS AND CALL ENGINEER 775-837-2531 FOR ELEVATION VERIFICATION PRIOR TO ANY SANITARY SEWER OR STORM DRAIN CONSTRUCTION.

LEGEND

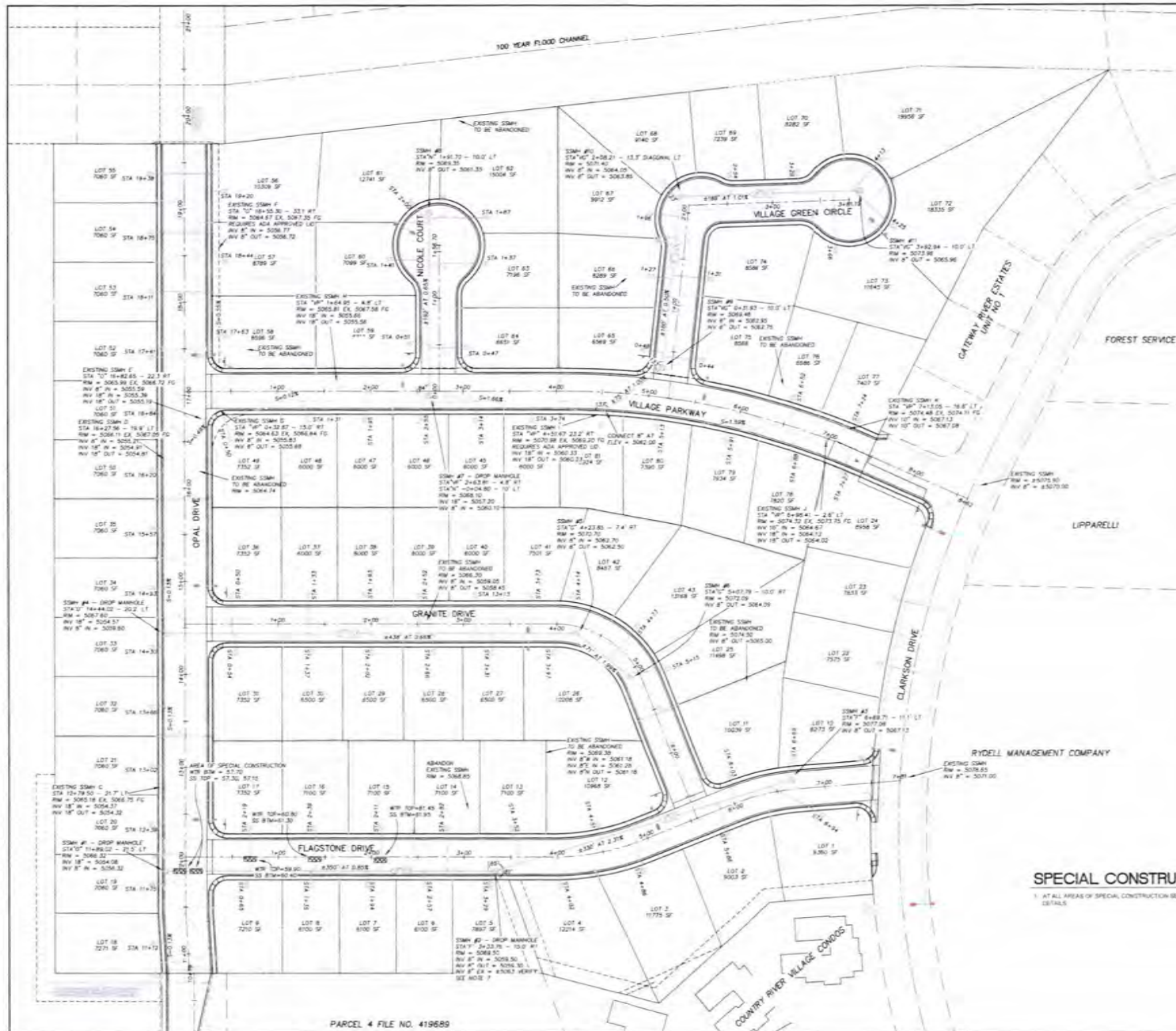
- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- EXISTING ABANDONED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN SEWER MANHOLE
- PROPOSED STORM DRAIN
- PROPOSED DRAIN PILE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER

SPECIAL CONSTRUCTION

1. AT ALL AREAS OF SPECIAL CONSTRUCTION SEE SHEET C4 FOR NOTES AND DETAILS.



THE CAPPS GROUP, INC. WATER PLAN GREAT BASIN ESTATES ELKO, NEVADA		DESIGN BY: LLC DRAWN BY: LLC CHECKED BY: LLC DATE: 04/14/15 JOB NO: 04/20/14 DWG NO: 2015-07	SCALE: HORIZ: 1"=50' VERT: N/A	SHEET C4 OF 17
Carter Engineering, LLC Civil Engineering P.O. Box 794 Elko, Nevada 89803 775-397-2531		DESCRIPTION: CITY OF ELKO SANITARY CHECK LETTER DATED 8.13.15	DATE: 4/28/15	SCALE: 1"=50'



SANITARY SEWER NOTES:

1. ALL SEWER LINES SHALL BE 15" DIA.
2. SEE SHEET C5 FOR DETAILS OF SANITARY SEWER MANHOLE, LATERAL CONNECTIONS AND THEREON DETAIL TOP SURVEYING.
3. IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON THE TOP OF THE PIPE.
4. 4" REVER LATERALS SHALL HAVE A MINIMUM SLOPE OF 2% FOR 150 FEET.
5. THE SANITARY SEWER SHALL BE INSTALLED TO THE NEXT UP STREAM MANHOLE AT PHASE BOUNDARIES.
6. SEWER LATERAL CONNECTIONS IN CLARKSON DRIVE WILL REQUIRE 150' CULVERT PATCH BACK FOR DETAILS ON SHEET C5.
7. ELEVATION OF EXISTING SEWER AT SEWER MANHOLE 40 IS UNKNOWN AND WILL NEED TO BE VERIFIED AT THIS LOCATION PRIOR TO ANY INSTALLATION OF THE SANITARY SEWER. ONCE EXPOSED THE CONTRACTOR WILL CALL THE ENGINEER FOR VERIFICATION OF THIS ELEVATION. THE FLOW FROM THIS SEWER MUST BE DIVERTED INTO THE PROPOSED SEWER IN FLAGSTONE DRIVE. IT IS ANTICIPATED THIS EXISTING SEWER IS HIGHER THAN THE PROPOSED SEWER AND WILL REQUIRE A DROP MANHOLE.

LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- EXISTING ABANDONED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN
- PROPOSED STORM DRAIN SEWER MANHOLE
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 1" WATER SERVICE DOUBLE METER

SPECIAL CONSTRUCTION

1. AT ALL AREAS OF SPECIAL CONSTRUCTION SEE SHEET C10 FOR NOTES AND DETAILS.



PARCEL 4 FILE NO. 419685

DESIGNATION
CITY OF ELKO SANITARY SEWER

REV. DATE
1. 6-26-15

Carter Engineering, LLC
Civil Engineering
P.O. Box 714
Elna, Nevada 69603
775-397-2531

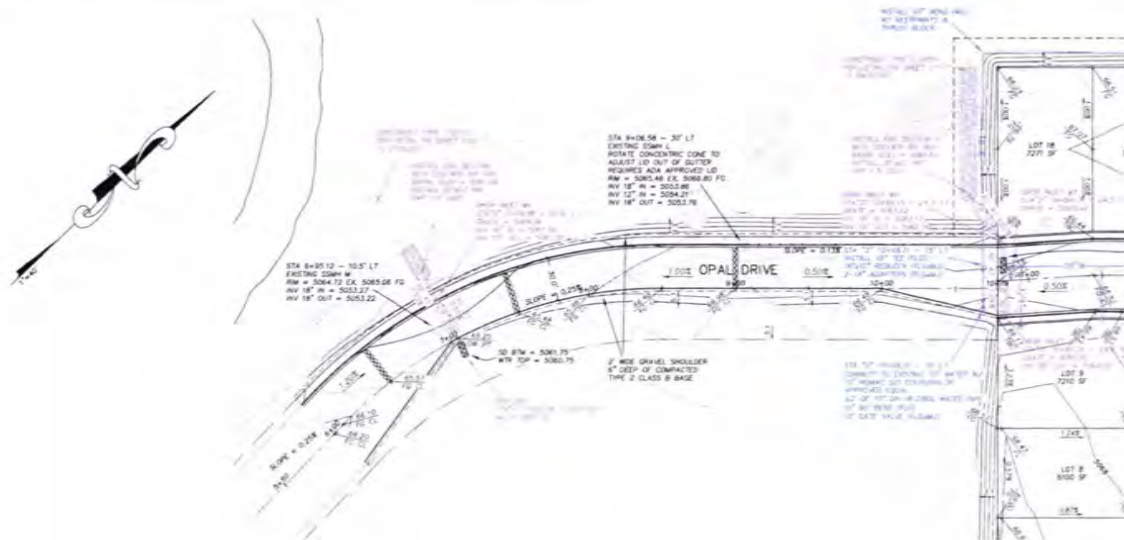
THE CAPPS GROUP, INC.
SANITARY SEWER PLAN
GREAT BASIN ESTATES
ELKO, NEVADA

DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 04-14-15
JOB NO: 08-22-14
UNWS NO: 2015-07

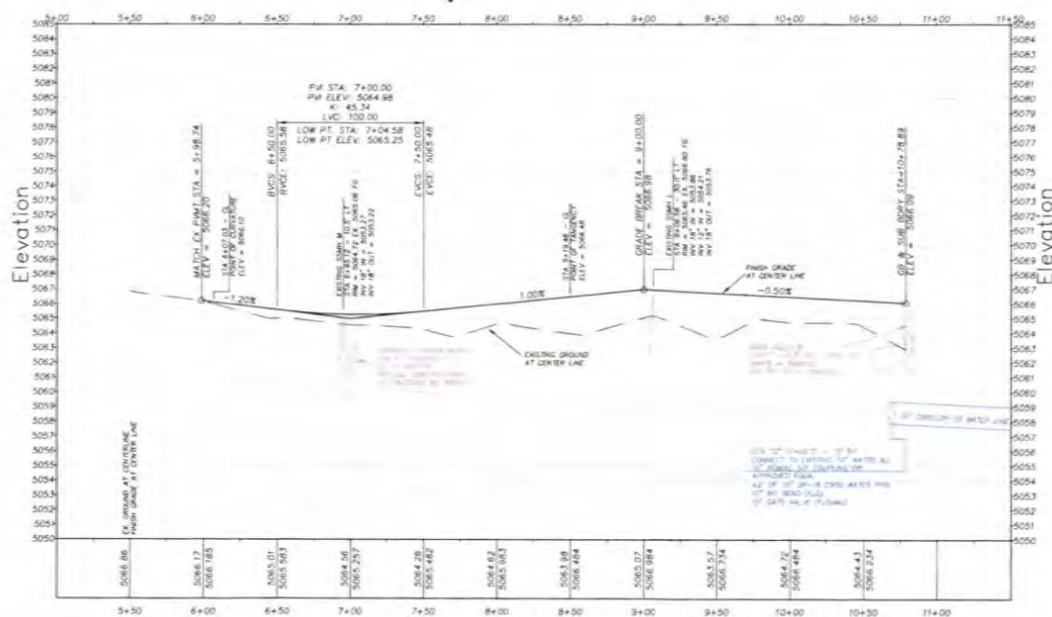
SCALE
HORIZ: 1"=50'
VERT: N/A

SHEET
C5
OF 17





OPAL DRIVE OFF SITE - PLAN & PROFILE



LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- EXISTING ABANDONED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED STORM DRAIN
- PROPOSED DROP INLET
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER
- EXISTING GROUND CONTOUR
- FINISH GRADE CONTOUR
- SPOT ELEVATION
- PERCENT OF SLOPE
- GRADE BREAK LINE

SANITARY SEWER NOTES:

1. ALL SEWER LINES SHALL BE 30" R.P.P.C.
2. SEE SHEET C10 FOR DETAILS OF SANITARY SEWER MANHOLE, LATERAL CONNECTION AND TRENCH DETAIL FOR SEWER PIPE.
3. IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON THE TOP OF THE PIPE.
4. 4" SEWER LATERALS SHALL HAVE A MINIMUM SLOPE OF 2% FOR 100 FEET.
5. THE SANITARY SEWER SHALL BE INSTALLED TO THE NEXT UPSTREAM MANHOLE AT PHASE BOUNDARIES.
6. SEWER LATERAL CONNECTIONS IN CLARKSON DRIVE WILL REQUIRE SAW CUT AND PATCH BACK FOR DETAILS ON SHEET C10.
7. ELEVATION OF EXISTING SEWER AT SEWER MANHOLE IS 40' IN APPROXIMATION AND WILL NEED TO BE VERIFIED AT THIS LOCATION PRIOR TO ANY INSTALLATION OF THE SANITARY SEWER. ONCE EXPOSED THE CONTRACTOR WILL CALL THE ENGINEER FOR VERIFICATION OF THIS ELEVATION. THE ELEVATION FROM THIS SEWER MUST BE CONVERTED INTO THE PROPOSED SEWER IN FLAGSTONE DRIVE. IT IS ANTICIPATED THIS EXISTING SEWER IS HIGHER THAN THE PROPOSED SEWER AND WILL REQUIRE A DROP MANHOLE.

WATER NOTES:

1. ALL 18" WATER LINES SHALL BE THICKWALL CLASS 50 OR PRESSURE CLASS 250 DUCTILE IRON WATER PIPE WITH POLY WRAP. ALL 4" THROUGH 12" WATER LINES SHALL BE HDPE 100 OR 150 R.P.P.C.
2. ALL WATER SERVICE LINES SHALL BE 4" IPS 200 PSI POLYETHYLENE.
3. ALL WATER LINE FITTINGS SHALL BE CAST IRON.
4. ALL WATER LINES SHALL BE PLACED WITH 42" OF MINIMUM COVER.
5. SEE SHEET C10 FOR DETAILS ON FIRE HYDRANT VALVE, THURST BLOCKS, WATER METER, WATER SERVICE CONNECTION AND TRENCH DETAILS.
6. ALL WATER SERVICES TO THE METER AND THE METERS SHALL BE 1 INCH.
7. ALL NEW FIRE HYDRANTS WILL BE EQUIPPED WITH STOKER FITTINGS.
8. A MINIMUM OF 1 FOOT SEPARATION WILL BE ALLOWED BETWEEN WATER TAPS AND HYDRANT TAPS.
9. A MINIMUM OF 2 FOOT SEPARATION WILL BE ALLOWED BETWEEN WATER TAPS AND HYDRANT TAPS.
10. WATER AND SEWER LATERALS WILL BE PLACED IN SEPARATE TRENCHES AND LOCATED AT LEAST 4' APART MEASURED FROM OUTSIDE DIAMETERS.
11. WATER LATERAL CONNECTIONS IN CLARKSON DRIVE WILL REQUIRE SAW CUT AND PATCH BACK FOR DETAILS ON SHEET C10.
12. WATER LINE WILL BE INSTALLED APPROXIMATELY 10 FEET BEYOND PHASE BOUNDARIES AND ENDED WITH A TEMPORARY FLOOD VALVE ASSEMBLY.
13. INITIAL SAMPLE STATION AT STATION 10+50. THE SAMPLING STATION SHALL BE A RIVERVIEW MODEL ENTRY (DET) ABOVE GRADE WITH GREEN ENCLOSURE AND 40" RUPY DEPTH.

STORM DRAIN NOTES:

1. ALL STORM DRAIN LINES SHALL BE 42" R.P.P.C. OR APPROVED EQUAL.
2. SEE SHEET C10 FOR DETAILS FOR TRENCH, TROUGH INLET AND MANHOLES.

SPECIAL CONSTRUCTION

1. AT ALL AREAS OF SPECIAL CONSTRUCTION SEE SHEET C10 FOR NOTES AND DETAILS.

NOTES:

1. ALL P.C.C. CURBS, GUTTER, SIDEWALK, REINFORCED CONCRETE PAVEMENT AND CONCRETE IN MANHOLES SHALL BE A MINIMUM OF 6" THICK CONCRETE PER CURB, GUTTER, SIDEWALK AND PAVEMENT. ALL 4" THROUGH 12" CONCRETE MANHOLE RINGS SHALL BE 12" R.P.P.C. MANHOLE RINGS.
2. ALL CONCRETE CURBS AND GUTTER SHALL HAVE REINFORCED PLANT JOINTS EVERY 10' AND SIDEWALK SHALL HAVE REINFORCED PLANT JOINTS EVERY 5'.
3. EXPANSION JOINTS 12" REEL SHALL BE LOCATED IN CURBS & GUTTERS AT EACH SIDE OF STRUCTURES. AT ENDS OF ALL CURBS & GUTTERS, ADJUTING HARDENED IN PLACE CURBS & GUTTERS AND 1 EVERY 40'.
4. EXPANSION JOINTS IN SIDEWALKS SHALL BE PLACED AT ALL TANGENT POINTS. CURB RETURNS AND AT EVERY 30 FEET.
5. JOINT FILLER MATERIAL SHALL CONFORM TO SECTION 202.10.
6. AGGREGATE BASE UNDER CONCRETE AND PAVEMENT SHALL CONFORM TO THE SPECIFICATIONS FOR TYPE 2, CLASS B AGGREGATE BASE AND COMPACTED TO A MINIMUM 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557.
7. SUBGRADE SHALL BE COMPACTED TO A RELATIVE COMPACTION OF NOT LESS THAN 90% FOR A MINIMUM DEPTH OF 6" IN ACCORDANCE WITH TEST PROCEDURES SET FORTH IN ASTM D 1557.
8. ALL SPRINKLE SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
9. ALL PAVEMENT MARKING SHALL MEET STANDARD PLANS AND SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 2012 EDITION, SECTIONS 214 AND 206.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CALLING UNDERGROUND SERVICES, VERIFY LUNA CDS AT 1-800-221-2262 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION.
11. DIMENSIONS ARE TO TOP BACK OF CURB.
12. IN THE DESIGNATED DEMOLITION AREAS THE EXISTING CONCRETE ON PAVEMENT AND AGGREGATE BASE SHALL BE REMOVED TO SUBGRADE FOR THE INSTALLATION OF THE PROPOSED IMPROVEMENTS.
13. ALL DEMOLITION SHALL BE PER SECTION 801 OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION 2012 EDITION.
14. LOT DIMENSIONS, STREET MONUMENT PLACEMENT, LINE DISTANCES AND BEARINGS FOR FINAL MAP THESE DATA ARE FOR REFERENCE ONLY.
15. ALL CURB RETURNS SHALL HAVE A RADIUS OF 20' MEASURED FROM TOP BACK OF CURB.
16. SEE SHEET C10 FOR DETAILS ON CURB AND GUTTER, STREET SECTIONS, SIDEWALK, APPROACH VALLEY GUTTER, STREET AND STOP SIGN, SURVEY MONUMENT, ACCESSIBLE CURB RAMP, SAW CUT AND PAVEMENT REPLACEMENT.



DESIGN BY: L.L.C.

DRAWN BY: L.L.C.

CHECKED BY: L.L.C.

DATE: 06/14/15

JOB NO: 775-397-2531

DWG NO: 2015-07

SCALE

HORIZ: 1"=40'

VERT: 1"=4'

SHEET

C7

OF 17

THE CAPPS GROUP, INC.

OPAL DR. OFF SITE - PLAN & PROFILE

GREAT BASIN ESTATES

ELKO, NEVADA

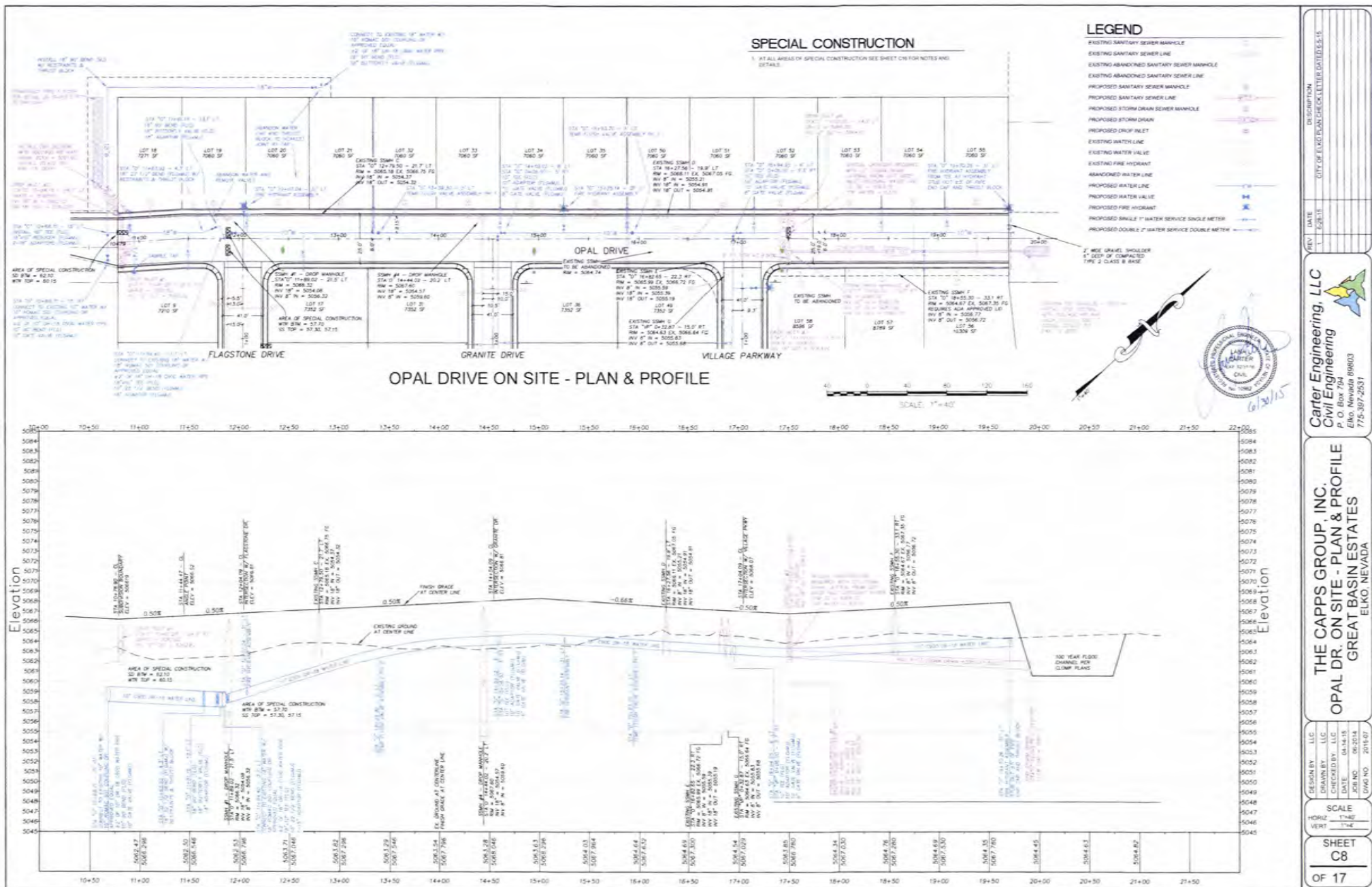
Carter Engineering, LLC

Civil Engineering

P.O. Box 794

Elko, Nevada 89803

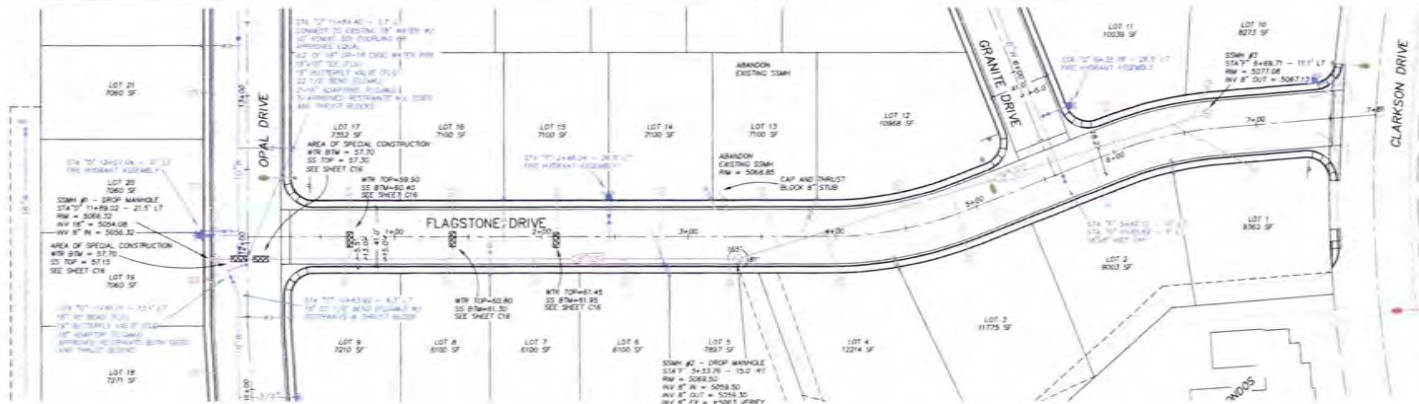
775-397-2531



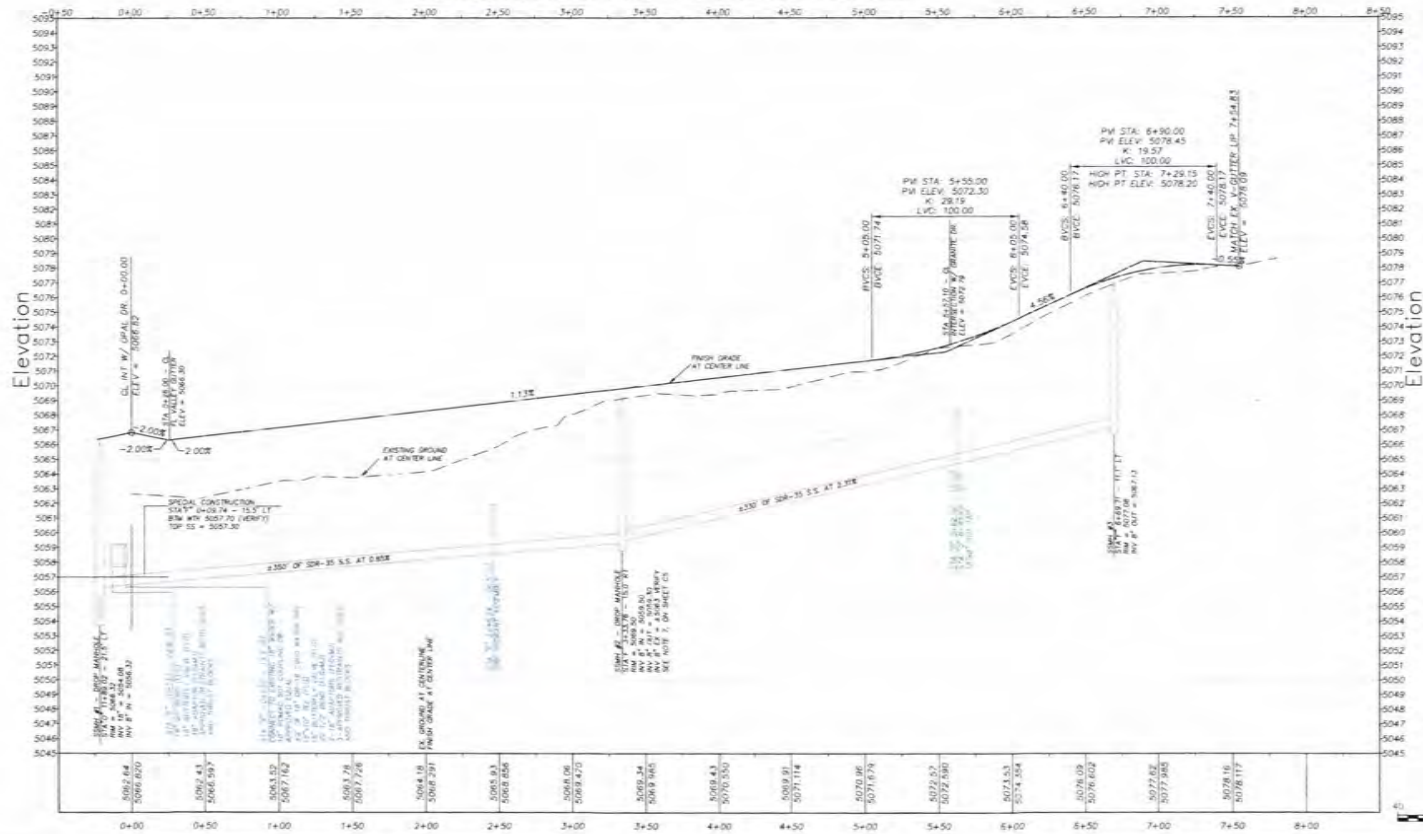
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DRAWN BY	LLC	OPAL DR. ON SITE - PLAN & PROFILE
CHECKED BY	LLC	GREAT BASIN ESTATES
DATE	04-14-15	ELKO, NEVADA
JOB NO.	06-2014	775-397-2531
DATE	06-2014	
SCALE	1" = 40'	
HORIZ.	1" = 40'	
VERT.	1" = 4'	
SHEET	C8	
OF 17		

Cartier Engineering, LLC
Civil Engineering
P.O. Box 704
Elko, Nevada 89803
775-397-2531

THE CAPPS GROUP, INC.
OPAL DR. ON SITE - PLAN & PROFILE
GREAT BASIN ESTATES
ELKO, NEVADA



FLAGSTONE DRIVE - PLAN AND PROFILE



LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- EXISTING ABANDONED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED STORM DRAIN SEWER MANHOLE
- PROPOSED STORM DRAIN
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 1" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER

SPECIAL CONSTRUCTION

1. AT ALL AREAS OF SPECIAL CONSTRUCTION SEE SHEET C-10 FOR NOTES AND DETAILS.



REVISION	DATE	DESCRIPTION
1	8-20-15	CITY OF ELKO PLAN CHECK/DATE/REVISION

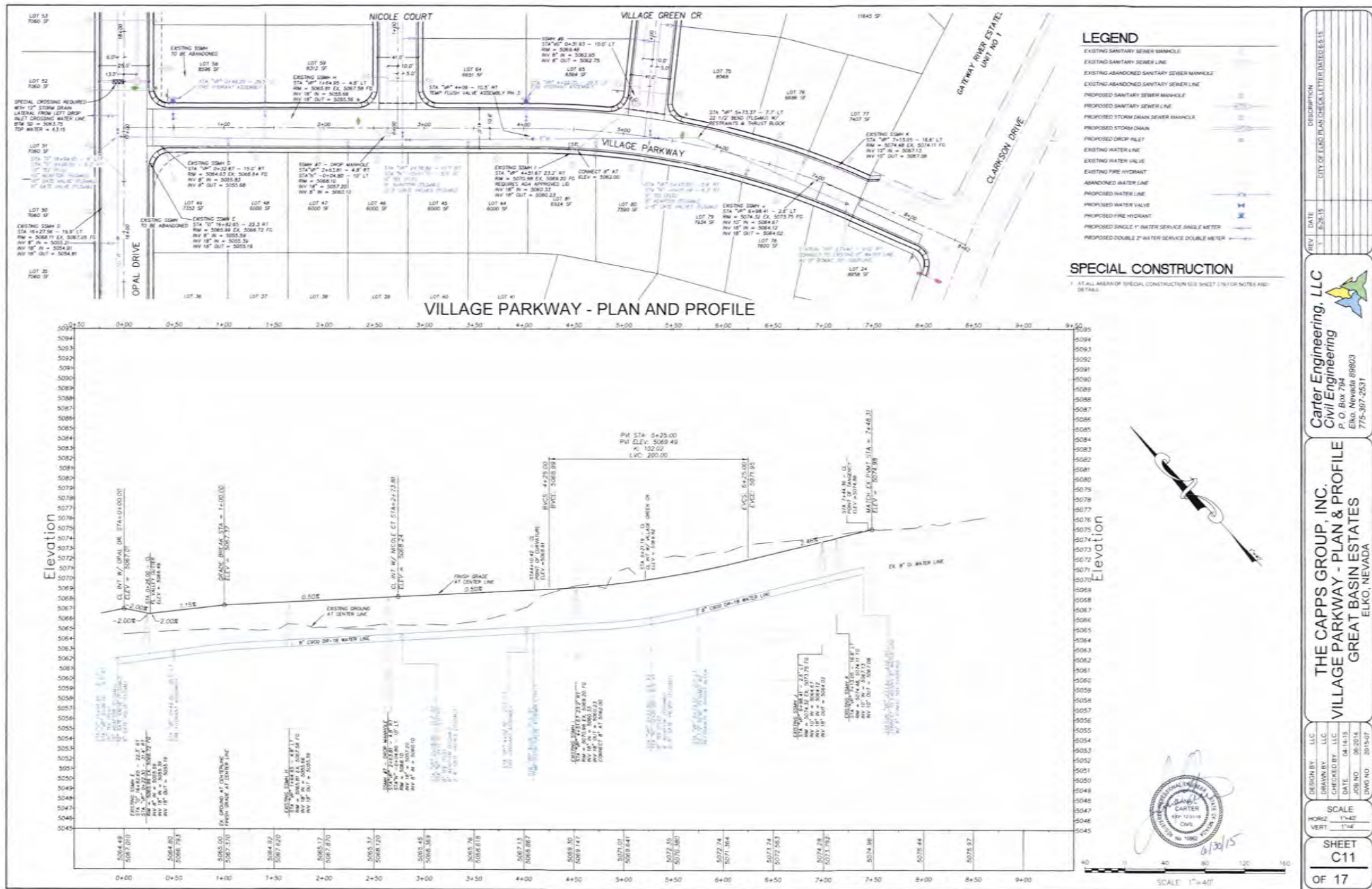
DESIGN BY	LLC
DRAWN BY	LLC
CHECKED BY	LLC
DATE	04/14/15
JOB NO.	06-2014
CIVIL NO.	2015-07

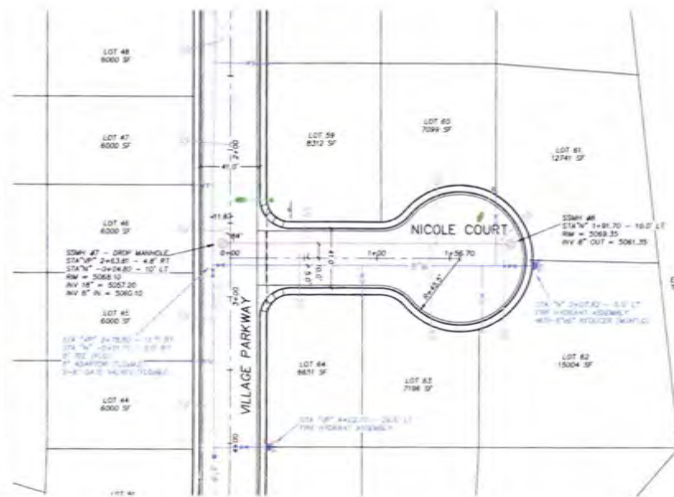
THE CAPPS GROUP, INC.
 FLAGSTONE DRIVE PLAN & PROFILE
 GREAT BASIN ESTATES
 ELKO, NEVADA

Carter Engineering, LLC
 Civil Engineering
 P. O. Box 724
 Elko, Nevada 89803
 775-397-2531

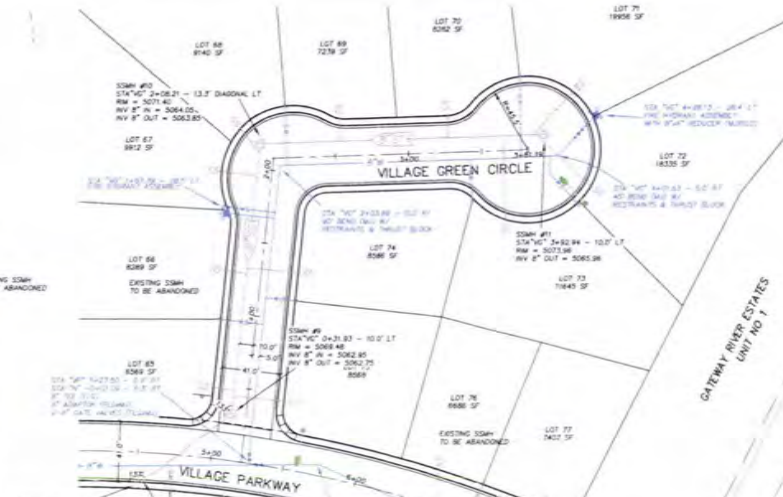
SCALE
 HORIZ 1"=40'
 VERT 1"=4'

SHEET
 C9
 OF 17





NICOLE COURT - PLAN AND PROFILE



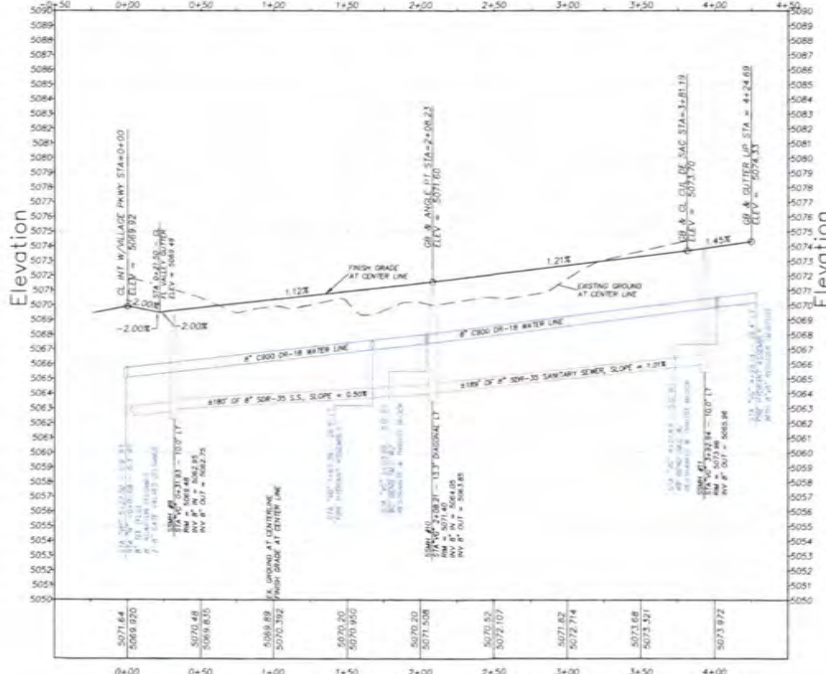
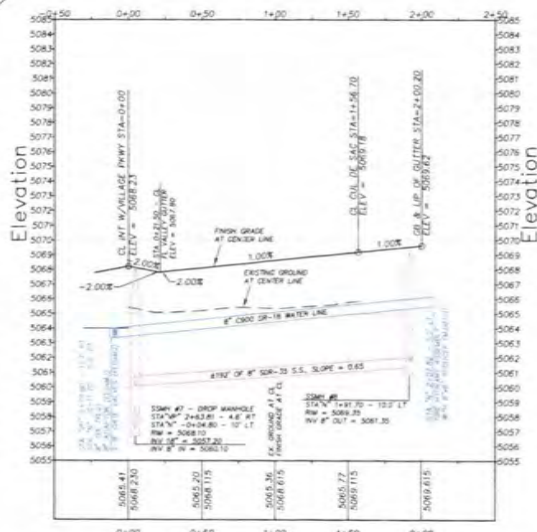
VILLAGE GREEN CIRCLE PLAN AND PROFILE

LEGEND

- EXISTING SANITARY SEWER MANHOLE
- EXISTING SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER LINE
- EXISTING ABANDONED SANITARY SEWER MANHOLE
- PROPOSED SANITARY SEWER LINE
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED STORM DRAIN
- PROPOSED STORM DRAIN INLET
- EXISTING WATER LINE
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- ABANDONED WATER LINE
- PROPOSED WATER VALVE
- PROPOSED FIRE HYDRANT
- PROPOSED SINGLE 2" WATER SERVICE SINGLE METER
- PROPOSED DOUBLE 2" WATER SERVICE DOUBLE METER

SPECIAL CONSTRUCTION

1. AT ALL AREAS OF SPECIAL CONSTRUCTION SEE SHEET C15 FOR NOTES AND DETAILS.



DESIGN BY	LLC	DATE	8.28.15
DRAWN BY	LLC		
CHECKED BY	LLC		
DATE	04.14.15		
JOB NO.	06.2014		
UWS NO.	2015.07		

SCALE
HORIZ 1"=40'
VERT 1"=8'

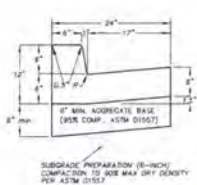
SHEET
C12

OF 17

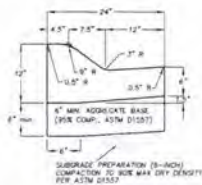
DESCRIPTION
CITY OF ELKO PLAN CHECK, LETTER DATED 8.8.15

Carter Engineering, LLC
Civil Engineering
P.O. Box 794
Elko, Nevada 89803
775-397-2531

THE CAPPS GROUP, INC.
NICOLE CT & VILLAGE GREEN CR. - P&P
GREAT BASIN ESTATES
ELKO, NEVADA



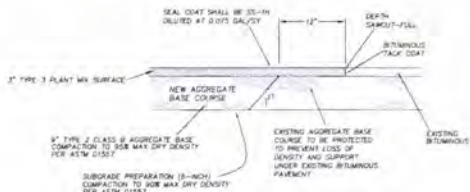
TYPE 1 CURB AND GUTTER



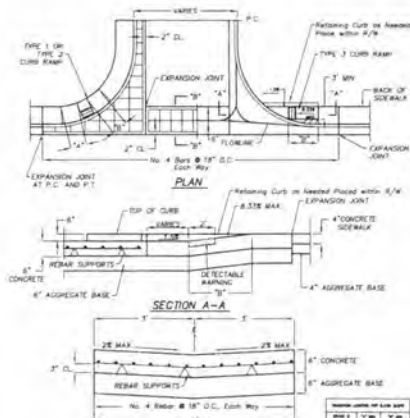
TYPE 2 CURB AND GUTTER

CURB AND GUTTER NOTES:

1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 317.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND SHALL BE A CITY OF ELKO APPROVED MIX DESIGN.
2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTIONS 302 & 303 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
3. ALL CONCRETE CURB AND GUTTER SHALL HAVE 1" EXPANSION JOINTS EVERY 30 FEET AND AT ALL CURB RETURNS. WEARWORN PLANE JOINTS SHALL BE EVERY 10 FEET.
4. PLANTER BITUMINOUS SURFACE SHALL BE 1" TO 2" ABOVE TOP OF GUTTER PAN.



PAVEMENT SAW CUT AND JOIN

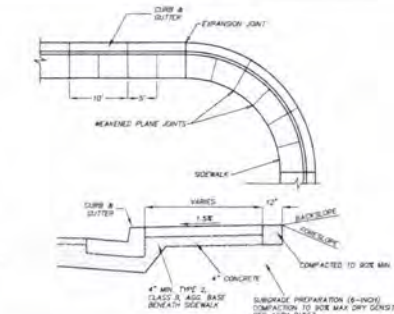


SECTION A-A

SECTION B-B

* SEE NOTES - VALLEY GUTTER WITH APRON

P.C.C. VALLEY GUTTER WITH APRON
TYPE 3 CURB RAMP



SIDEWALK NOTES:

1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 317.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND SHALL BE A CITY OF ELKO APPROVED MIX DESIGN.
2. ALL CONCRETE SIDEWALK SHALL HAVE 1" EXPANSION JOINTS EVERY 30 FEET AND AT ALL CURB RETURNS. WEARWORN PLANE JOINTS SHALL BE EVERY 10 FEET AND CONCRETE SHALL BE COMPACTED TO SIDE WALK.
3. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 302 & 303 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
4. CROSS SLOPE OF SIDEWALK SHALL NOT EXCEED 2%.

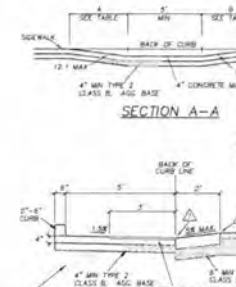
P.C.C. SIDEWALK



P.C.C. JOINTING DETAILS

GRADE	MINIMUM	MAXIMUM
1.00	1.00	1.00
1.25	1.25	1.25
1.50	1.50	1.50
1.75	1.75	1.75
2.00	2.00	2.00
2.25	2.25	2.25
2.50	2.50	2.50
2.75	2.75	2.75
3.00	3.00	3.00
3.25	3.25	3.25
3.50	3.50	3.50
3.75	3.75	3.75
4.00	4.00	4.00
4.25	4.25	4.25
4.50	4.50	4.50
4.75	4.75	4.75
5.00	5.00	5.00

TRANSITION LENGTH TABLE
FOR 12:1 SIDE SLOPE



TRUNCATED DOMES DETAIL



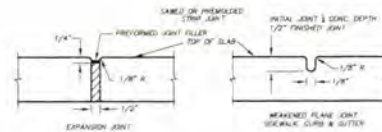
SECTION B-B

ACCESSIBLE CURB RAMP

NOTES:

1. FERRUGINOUS METAL OVER MOUNTING FOR RECOVERY BY DIP NEEDLE OR MAGNETIC ROBERT IN CAP.
2. 2" MIN. NONFERRUGINOUS CAP WITH PROFESSIONAL LAND SURVEYOR NO. PERMANENTLY ATTACHED PRIOR TO PLACEMENT.
3. 5/8" METALLIC SHAFT (SMOOTH SHAFTS TO BE DEFORCED).
4. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 317.10 & 318 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.

CLASS A MONUMENT



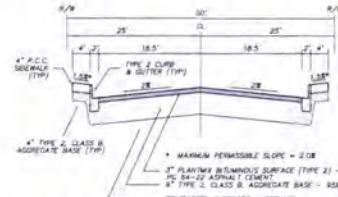
P.C.C. JOINTING DETAILS



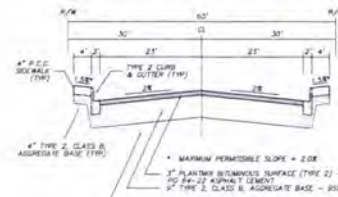
NOTES:

1. SIGN MATERIALS AND CONSTRUCTION SHALL BE IN CONFORMANCE WITH THE LATEST EDITION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. STREET NAME SIGN SHALL BE AS SPECIFIED BY THE GOVERNING AGENCY AND MOUNTED WITH HORIZONTAL - PROPER HANDWRITING.
3. ON STREETS WHERE CURBING DOES NOT EXIST, SET SIGN 4" MINIMUM FROM PAVEMENT EDGE.

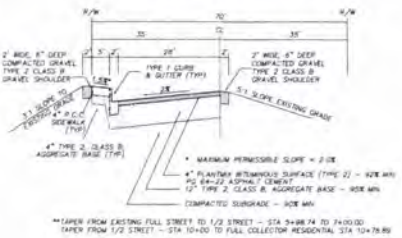
TYPE 2 STREET SIGN



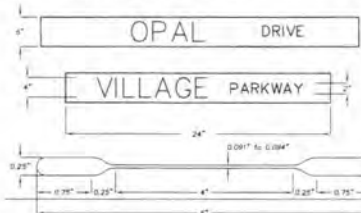
TYPICAL SECTION - LOCAL RESIDENTIAL



TYPICAL SECTION - COLLECTOR RESIDENTIAL



TYPICAL SECTION - COLLECTOR 1/2 STREET



NOTES:

1. SIGN SHALL MEET THE REQUIREMENTS OF SECTION 312 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION AND THE LATEST EDITION OF THE M.U.T.C.D.
2. SIGN PANELS SHALL BE MOUNTED ON EXTRUDED ALUMINUM SIGN BARS-75. WITH A MINIMUM THICKNESS OF 0.08".
3. MATERIALS TO BE USED FOR SIGNING SHALL BE DRAINAGE GRADE HP METRO-REFLECTIVE SHEETING.

STREET NAME SIGN



DESIGNER	LLC
DRAWN BY	LLC
CHECKED BY	LLC
DATE	04-14-15
JOB NO.	08-2014
DWG NO.	2015-07

REV	DATE	DESCRIPTION
1	6-25-15	CITY OF ELKO PLAN CHECK LETTER DATED 6-15-15

Carter Engineering, LLC
Civil Engineering
P.O. Box 794
Elko, Nevada 89803
775-397-2531

THE CAPPS GROUP, INC.
IMPROVEMENT DETAILS
GREAT BASIN ESTATES
ELKO, NEVADA

DESIGNER	LLC
DRAWN BY	LLC
CHECKED BY	LLC
DATE	04-14-15
JOB NO.	08-2014
DWG NO.	2015-07

SCALE	N/A
HORIZ	N/A
VERT	N/A
SHEET	C13
OF 17	

Type of Fitting	90° Bend	45° Bend	10-1/4" or 22-1/2" Bend	Tee or Bend End
Typical Installation				

THRUST BLOCK BEARING AREA (SQ. FT.)

Type of Fitting	90° Bend	45° Bend	10-1/4" or 22-1/2" Bend	Tee or Bend End	Tee with Plug	Cross with Plug
1/4"	2	1	1	2	2	2
1/2"	4	2	2	4	4	4
3/4"	7	4	2	5	7	7
1"	10	6	3	8	10	10
1 1/4"	15	10	5	12	15	15
1 1/2"	20	13	7	16	20	20

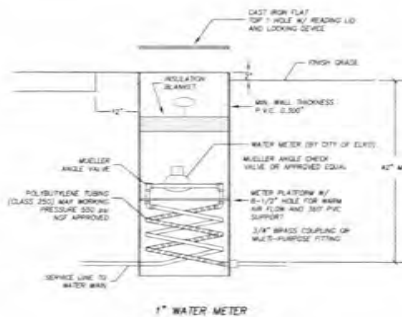
Type of Fitting	Cross with Plug	Tee with Plug
Typical Installation		

NOTES

1. Thrust blocks to be constructed of Class "C" concrete.
2. Areas given are for Class 150 pipe at test pressure of 150 psi, with 2000 psi bearing capacity. Installation using different pipe, test pressures, and/or soil types should adjust areas accordingly, subject to approval of the Engineer.
3. Thrust blocks to be poured against undisturbed soil.
4. Joints are face of plugs to be kept clear of concrete.

THRUST BLOCKS

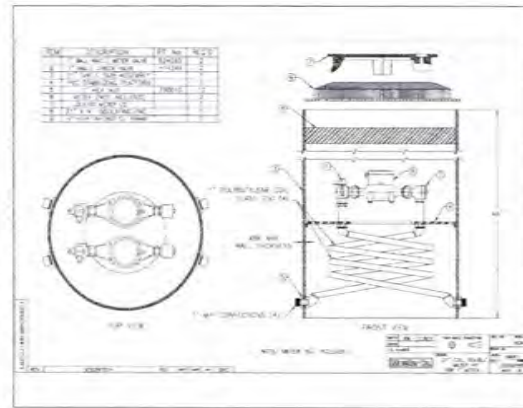
N.T.S.



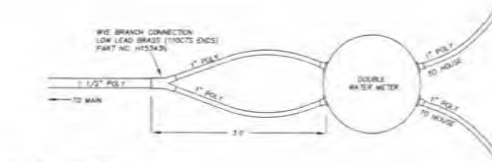
1" WATER METER

NOTES

1. 1" WATER METER BOX SHALL BE MULLER / MULLER/JOHN/THOMAS-COLE METER BOX.
2. NO MORE THAN ONE EXTENSION ALLOWED.
3. LOCATE WATER METER 1 FT. BEHIND BACK OF SIDEWALK.

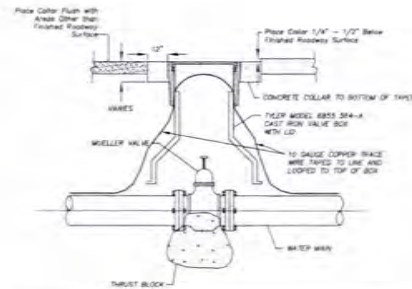


1" DOUBLE WATER METER



WATER METER

N.T.S.

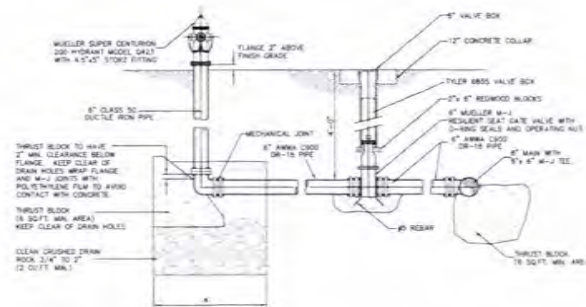


NOTES

1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 307.10 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, UNLESS OTHERWISE SPECIFIED.
2. VALVE COLLAR SHALL BE SET 1" TO 2" BELOW FINISHED CONCRETE OR BITUMINOUS SURFACE. VALVE COLLARS IN ALL OTHER AREAS SHALL BE SET FLUSH WITH FINISHED GRADE, UNLESS OTHERWISE SPECIFIED.
3. CONCRETE COLLAR REQUIRED WHEN VALVE IS NOT LOCATED IN CONCRETE OR BITUMINOUS SURFACE.

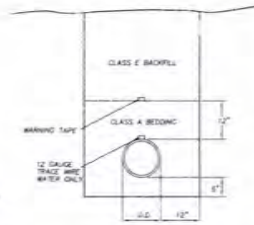
VALVE AND BOX

N.T.S.



FIRE HYDRANT ASSEMBLY

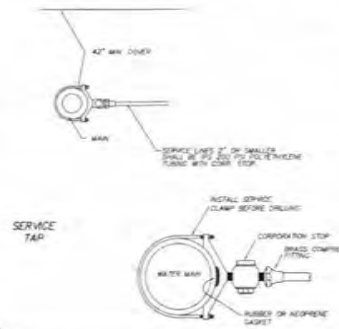
N.T.S.



1. WATER DERIVED BACKFILL AND TUNNELING SHALL NOT BE ALLOWED.
2. BACKFILL SHALL MEET THE REQUIREMENTS FOR CLASS "E" BACKFILL WITH NO ROCKS OVER 4" COMPACTED IN 6" MAXIMUM LIFTS TO MINIMUM SIDE OF MINIMUM GRY JOINTS.
3. BEDDING MATERIAL SHALL MEET REQUIREMENTS FOR CLASS "A" BACKFILL AS SHOWN IN SUBSECTION 305.02 OF STANDARD SPECIFICATIONS AND COMPACTED TO AT LEAST 90% OF MAXIMUM DRY DENSITY.
4. PLACE METALLIC LOCATION TAPE (1/4" GAUGE TAPE) 1" FOOT ABOVE WATER, SEWER AND STORM DRAIN PIPE.
5. HAUNCHING SHALL BE SET TO SPRING LINE OF PIPE.

TRENCH DETAIL

N.T.S. FOR WATER, SEWER AND STORM DRAIN

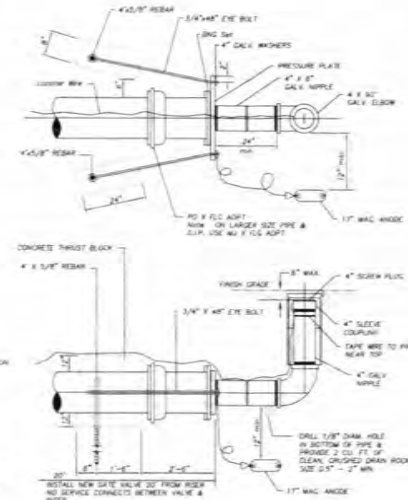


NOTES

1. CORPORATION STOP, CURB STOP, (GATE VALVE 4" OR LARGER) AND SERVICE LINE TO BE SAME SIZE.
2. SERVICE CLAMPS SHALL BE DOUBLE STRAP FOR ALL SERVICE TAP SIZES, EXCEPT WHERE SIZE OF TAP EXCEEDS MANUFACTURER'S RECOMMENDED LIMIT FOR SIZE OF MAIN.
3. TAPS SHALL BE STAGGERED AND PLACED A MINIMUM OF 18" APART FOR DUCTILE IRON PIPE. TAPS SHALL BE STAGGERED AND PLACED A MINIMUM OF 18" APART FOR CEM. NO TAPS SHALL BE CLOSER THAN 2 FEET FROM THE ENDS OF PIPE.
4. ALL JOINT FITTINGS SHALL BE OF BRASS COMPRESSION TYPE.

WATER SERVICE CONNECTION

N.T.S.



TEMPORARY FLUSH ASSEMBLY

N.T.S.



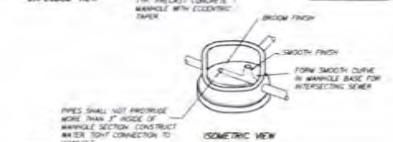
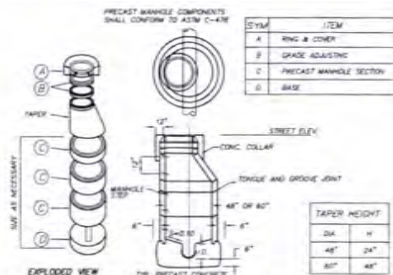
DESIGN BY	DATE	DESCRIPTION
ELCO	6-30-15	CITY OF ELKO CHECK LETTER DATES 6-30-15

DESIGN BY	DATE	DESCRIPTION
ELCO	6-30-15	CITY OF ELKO CHECK LETTER DATES 6-30-15

Carter Engineering, LLC
Civil Engineering
P.O. Box 794
Elko, Nevada 89803
775-397-2531

THE CAPPS GROUP, INC.
WATER DETAILS
GREAT BASIN ESTATES
ELKO, NEVADA

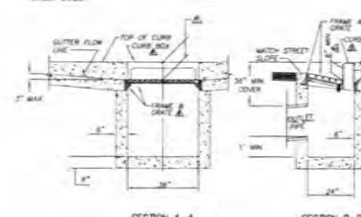
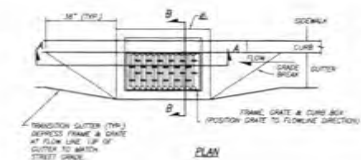
DESIGN BY	DATE	DESCRIPTION
ELCO	6-30-15	CITY OF ELKO CHECK LETTER DATES 6-30-15
SCALE	N/A	
SHEET	C14	
OF 17		



- NOTES:**
1. PIPE SECTION LENGTHS ARRANGED TO FIT DEPTH.
 2. PRECAST BASE MAY BE USED IF APPROVED BY GOVERNING AGENCY.
 3. MANHOLE STEPS SHALL BE POLYETHYLENE COATED.
 4. REFER TO DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.

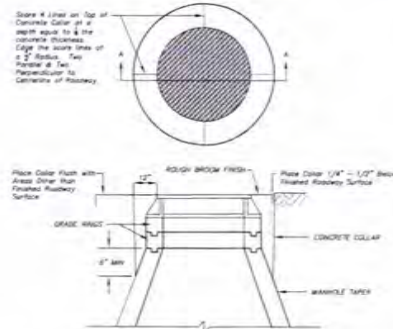
TYPE 1 MANHOLE

N.T.S. FOR MANHOLE BELL AND STORM DRAIN



TYPE 4-R CATCH BASIN

USE CONCENTRIC CONE



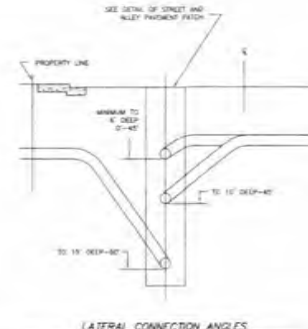
- NOTES:**
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 307.01 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
 2. MANHOLE COLLAR SHALL BE SET TO 1/4" - 1/2" BELOW FINISHED CONCRETE OF MANHOLE SURFACE. MANHOLE COLLAR IN ALL OTHER AREAS SHALL BE SET TOUGH AND FINISHED GRADE, UNLESS OTHERWISE SPECIFIED.
 3. CONCRETE COLLAR IS REQUIRED WHEN MANHOLE IS NOT LOCATED IN CONCRETE OR BRICKMAINT SURFACE.
 4. REFER TO DETAIL SHEET (MANHOLE - GENERAL NOTES) FOR ADDITIONAL INFORMATION.

MANHOLE COLLAR

N.T.S.

NOTES:

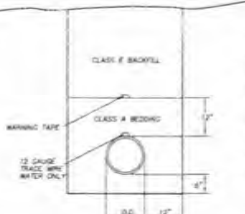
1. CONCRETE SHALL MEET THE REQUIREMENTS OF SECTION 307.01 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
2. AGGREGATE BASE MATERIAL SHALL MEET THE REQUIREMENTS OF SECTION 302.01 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. USE STRUCTURAL BACKFILL FOR BASE BELOW IN DROP INLET FLOOR AND BACKFILLING OF DROP INLET AND SHALL BE COMPACTED TO A RELATIVE COMPACTION OF 90%.
3. REINFORCING STEEL SHALL MEET THE REQUIREMENTS OF SECTION 302.01 OF THE LATEST EDITION OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION. REINFORCING STEEL TO HAVE A MINIMUM OF 2 INCH CLEARANCES.
4. FRAME SHALL BE NEARBY R-3204, R-3205 OR R-3067 SINGLE CURB UNIT WITH A TYPE 1 "WAVE GRATE" FOR SINGLE FLOW AND CURB BOX SOLOIN BAY TYPICAL HAVE GRATE 18" X 18" OR APPROX. EQUAL. INSTALLED WITH PROPER FLOW DIRECTION OR A TYPE 1 "T" GRATE FOR DUAL FLOW.
5. FLY FRAME & GRATE AS REQUIRED TO ATTAIN 6" MIN. FLOW OPENING & INSTALL DURABLE SLATS BETWEEN THE CURB BOX & FRAME AS REQUIRED TO MATCH CURB BOX TO TOP OF CURB AND FACE OF CURB.
6. IF NO SIDEWALK IS PRESENT, POUR 6" CONCRETE CURB STRUCTURE BEHIND GRATE AND TIE BEAM INTO BOX.
7. DROP INLET MAY BE A CAST-IN-PLACE CONCRETE UNIT WITH PROOF APPROVAL FROM THE CITY OF ELKO.
8. DROP INLET SHALL BE TRAFFIC-RATED & LOCATED AT THE LOW POINTS OR PER APPROVED PLANS.
9. ALL STORM DRAIN INLETS SHALL HAVE A CAST IRON HOOD WITH THE FOLLOWING LANGUAGE STAMPED INTO THE HOOD "NO DUMPING GRANTS TO WATERWAYS".
10. INLET PIPE INVERT ELEVATION SHALL BE 10.1 FEET ABOVE OUTLINE PIPE INVERT ELEVATION.
11. FRAMES AND GRATES SHALL BE WATCHED TO ACHIEVE A CLOSE TOLERANCE FIT, WITH MINIMAL GAPS, AS APPROVED BY THE CITY OF ELKO.
12. STORM DRAIN PIPE ENTERING OR EXITING DROP INLET SHALL BE HIGH DENSITY POLYETHYLENE PIPE (HDPE) OR REINFORCED CONCRETE PIPE (RCP). USE OF ANY OTHER PIPE WILL REQUIRE PIPE APPROVAL FROM THE CITY OF ELKO. PIPE'S MINIMUM AND MAXIMUM SHALL BE AS PER MANUFACTURER'S RECOMMENDATION.



LATERAL CONNECTION ANGLES

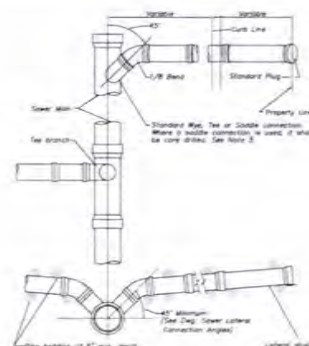
SEWER LATERAL CONNECTION

N.T.S.



TRENCH DETAIL

N.T.S. FOR WATER, SEWER AND STORM DRAIN



NOTES:

1. IN NO CASE SHALL A LATERAL CONNECT TO THE SEWER MAIN DIRECTLY ON TOP OR MATCH THE FLOWLINE OF THE PIPE.
2. SEWER LATERALS SHALL HAVE A MINIMUM SLOPE OF 2%.
3. ALL JOINTS ON SEWER LATERAL PIPE WITHIN THE RIGHT-OF-WAY SHALL BE COMPRESSION JOINTS.
4. LATERAL SHALL EXTEND TO PROPERTY LINE UNLESS OTHERWISE SHOWN ON PLANS.
5. SADDLE CONNECTION SHALL BE PVC SADDLE WITH STAINLESS STEEL STRAPS.
6. ANY UNWARRANTED SEWER LATERAL IS THE RESPONSIBILITY OF THE CUSTOMER AND SHALL BE CUT AND CAPPED OR PLUGGED WITHIN 6 FEET OF THE SEWER MAIN AND SUBJECT TO THE CITY OF ELKO APPROVAL.
7. SEWER MANHOLE CONNECTIONS SHALL MEET THE REQUIREMENTS OF NAC 446.

SDP 35 GASKETED BELL GRAVITY APPLICATIONS

- A. EQUIVALENT DURELL END ACCEPTS PIPE WITH SDP 35 ASTM D3504 OR EQUIVALENT D.S. SPECIFICATION IN 12", 18", 24", 30", 36", 42", 48", 54", 60", 66", 72", 78", 84", 90", 96", 102", 108", 114", 120", 126", 132", 138", 144", 150", 156", 162", 168", 174", 180", 186", 192", 198", 204", 210", 216", 222", 228", 234", 240", 246", 252", 258", 264", 270", 276", 282", 288", 294", 300", 306", 312", 318", 324", 330", 336", 342", 348", 354", 360", 366", 372", 378", 384", 390", 396", 402", 408", 414", 420", 426", 432", 438", 444", 450", 456", 462", 468", 474", 480", 486", 492", 498", 504, 510, 516, 522, 528, 534, 540, 546, 552, 558, 564, 570, 576, 582, 588, 594, 600, 606, 612, 618, 624, 630, 636, 642, 648, 654, 660, 666, 672, 678, 684, 690, 696, 702, 708, 714, 720, 726, 732, 738, 744, 750, 756, 762, 768, 774, 780, 786, 792, 798, 804, 810, 816, 822, 828, 834, 840, 846, 852, 858, 864, 870, 876, 882, 888, 894, 900, 906, 912, 918, 924, 930, 936, 942, 948, 954, 960, 966, 972, 978, 984, 990, 996, 1002, 1008, 1014, 1020, 1026, 1032, 1038, 1044, 1050, 1056, 1062, 1068, 1074, 1080, 1086, 1092, 1098, 1104, 1110, 1116, 1122, 1128, 1134, 1140, 1146, 1152, 1158, 1164, 1170, 1176, 1182, 1188, 1194, 1200, 1206, 1212, 1218, 1224, 1230, 1236, 1242, 1248, 1254, 1260, 1266, 1272, 1278, 1284, 1290, 1296, 1302, 1308, 1314, 1320, 1326, 1332, 1338, 1344, 1350, 1356, 1362, 1368, 1374, 1380, 1386, 1392, 1398, 1404, 1410, 1416, 1422, 1428, 1434, 1440, 1446, 1452, 1458, 1464, 1470, 1476, 1482, 1488, 1494, 1500, 1506, 1512, 1518, 1524, 1530, 1536, 1542, 1548, 1554, 1560, 1566, 1572, 1578, 1584, 1590, 1596, 1602, 1608, 1614, 1620, 1626, 1632, 1638, 1644, 1650, 1656, 1662, 1668, 1674, 1680, 1686, 1692, 1698, 1704, 1710, 1716, 1722, 1728, 1734, 1740, 1746, 1752, 1758, 1764, 1770, 1776, 1782, 1788, 1794, 1800, 1806, 1812, 1818, 1824, 1830, 1836, 1842, 1848, 1854, 1860, 1866, 1872, 1878, 1884, 1890, 1896, 1902, 1908, 1914, 1920, 1926, 1932, 1938, 1944, 1950, 1956, 1962, 1968, 1974, 1980, 1986, 1992, 1998, 2004, 2010, 2016, 2022, 2028, 2034, 2040, 2046, 2052, 2058, 2064, 2070, 2076, 2082, 2088, 2094, 2100, 2106, 2112, 2118, 2124, 2130, 2136, 2142, 2148, 2154, 2160, 2166, 2172, 2178, 2184, 2190, 2196, 2202, 2208, 2214, 2220, 2226, 2232, 2238, 2244, 2250, 2256, 2262, 2268, 2274, 2280, 2286, 2292, 2298, 2304, 2310, 2316, 2322, 2328, 2334, 2340, 2346, 2352, 2358, 2364, 2370, 2376, 2382, 2388, 2394, 2400, 2406, 2412, 2418, 2424, 2430, 2436, 2442, 2448, 2454, 2460, 2466, 2472, 2478, 2484, 2490, 2496, 2502, 2508, 2514, 2520, 2526, 2532, 2538, 2544, 2550, 2556, 2562, 2568, 2574, 2580, 2586, 2592, 2598, 2604, 2610, 2616, 2622, 2628, 2634, 2640, 2646, 2652, 2658, 2664, 2670, 2676, 2682, 2688, 2694, 2700, 2706, 2712, 2718, 2724, 2730, 2736, 2742, 2748, 2754, 2760, 2766, 2772, 2778, 2784, 2790, 2796, 2802, 2808, 2814, 2820, 2826, 2832, 2838, 2844, 2850, 2856, 2862, 2868, 2874, 2880, 2886, 2892, 2898, 2904, 2910, 2916, 2922, 2928, 2934, 2940, 2946, 2952, 2958, 2964, 2970, 2976, 2982, 2988, 2994, 3000, 3006, 3012, 3018, 3024, 3030, 3036, 3042, 3048, 3054, 3060, 3066, 3072, 3078, 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[illegible]

- Eine beliebige Menge M heißt **endliche Menge**, falls M eine **endliche** Anzahl von Elementen enthält. Eine Menge, die nicht endlich ist, heißt **unendliche Menge**.

2. 在下列各题中，指出下列命题的真假，并说明理由。

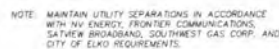
- $\text{Pr}(X_1 = 1, X_2 = 1, X_3 = 1) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 1, X_2 = 1, X_3 = 0) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 1, X_2 = 0, X_3 = 1) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 1, X_2 = 0, X_3 = 0) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 0, X_2 = 1, X_3 = 1) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 0, X_2 = 1, X_3 = 0) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 0, X_2 = 0, X_3 = 1) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$
- $\text{Pr}(X_1 = 0, X_2 = 0, X_3 = 0) = \frac{1}{2} \times \frac{1}{2} \times \frac{1}{2} = \frac{1}{8}$

- [illegible]

- 2017 年 12 月 1 日起, 增值税一般纳税人购进国内旅客运输服务取得增值税电子普通发票的, 可凭发票上注明的税额, 从销项税额中抵扣, 进项税额=发票上注明的税额。

- [illegible]

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**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible acceptance of a Deed of Dedication offered by Sierra Pacific Power Company, a Nevada Corporation, d/b/a NV Energy for a permanent non-exclusive Right-of-Way for a public street and utilities associated with a segment Statice Street, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **Staff has been working with property owners to convert portions of Statice Street of record as easements to non-exclusive Right-of-Way for a public street and utility uses. NV Energy has offered the segment of roadway on its property for dedication of Right-of-Way. Council approved a Deed of Dedication at its meeting on August 28, 2018. Subsequent to that approval, NV Energy determined the document required a review by its legal department. The document was revised and resubmitted to the City for possible acceptance. SAW**
6. Budget Information:

Appropriation Required: **None**
Budget amount available:
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Deed of Dedication**
9. Recommended Motion: **Move to accept of a Deed of Dedication offered by Sierra Pacific Power Company, a Nevada Corporation, d/b/a NV Energy for a permanent non-exclusive Right-of-Way for a public street and utilities associated with a segment Statice Street.**
10. Prepared by: **Scott Wilkinson, Assistant City Manager**
11. Committee/Other Agency Review: **Legal**
12. Council Action:
13. Council Agenda Distribution: **Kathy Lambert; KLambert@nvenergy.com**

APN 001-860-112

When Recorded, Mail To:
City of Elko
1751 College Avenue
Elko, NV 89801

DEED OF DEDICATION

THIS INDENTURE, made and entered into between **SIERRA PACIFIC POWER COMPANY**, a Nevada Corporation, *d/b/a* NV Energy, Grantor, and the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada, Grantee.

WITNESSETH:

That the Grantor, for valuable consideration, the receipt of which is hereby acknowledged, does hereby dedicate, grant and convey to the Grantee all of that certain real property situate within the City of Elko, County of Elko, State of Nevada, set forth in the description attached hereto at **Exhibit A** and depicted on the map attached hereto at **Exhibit B**, for a public street and right-of-way, and to construct, operate, add to, modify, maintain, and remove public utilities, including sewer and water distribution systems, telecommunication facilities and electric line systems for the distribution of electricity.

TO HAVE AND TO HOLD, the above described and granted premises unto the said City, its successors in interest and assigns forever.

IN WITNESS WHEREOF, the Grantor has caused this indenture to be executed this day 20th of October 2018.

///
///
///

**SIERRA PACIFIC POWER
COMPANY,
A NEVADA CORPORATION
DBA NV ENERGY**

STATE OF NEVADA)
) ss
COUNTY OF Clark)

 **L. SACHI MIRANDA**
Notary Public State of Nevada
No. 96-2471-1
My appt. exp. May 12, 2020

L. Jack Miranda
NOTARY PUBLIC

**City of Elko
1751 College Avenue
Elko, Nevada 89801**

Exhibit A
LEGAL DESCRIPTION

An area of land within the northwest quarter of Section 1, Township 34 North, Range 55 East, M.D.B. & M., which is a portion of Parcel No. 3, of An Amended Plat of Parcel No. 3 as Shown on the Parcel Map by Ablah Elko, LLC, File No. 595974, for Ablah Elko, LLC, recorded in the office of the Elko County Recorder as file no. 611780, on April 24, 2009. Said portion of Parcel No. 3 is further described as follows;

Beginning at the northwest corner of said Parcel No. 3, which lies along the northern boundary of said Section 1, Township 34 North, Range 55 East, and bears South 89°40'59" East, a distance of 30.00 feet from the northwest corner of said Section 1, Township 34 North, Range 55 East;

Thence, continuing along said northern boundary of said Section 1, Township 34 North, Range 55 East, South 89°40'59" East, a distance of 419.11 feet;

Thence, South 21°17'19" West, a distance of 66.40 feet;

Thence, North 89°40'59" West, a distance of 402.58 feet;

Thence, North 6°58'19" East, a distance of 62.42 feet, more or less, to the point of beginning.

This area of land contains a total of ±25,472 square feet.

The Basis of bearings for this description is An Amended Plat of Parcel No. 3 as Shown on the Parcel Map by Ablah Elko, LLC, File No. 595974, for Ablah Elko, LLC, recorded in the office of the Elko County Recorder as file no. 611780, on April 24, 2009.

Description prepared by:

Robert Thibault, PE, PLS

Civil Engineer for the City of Elko

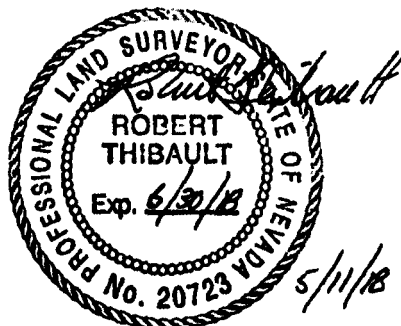
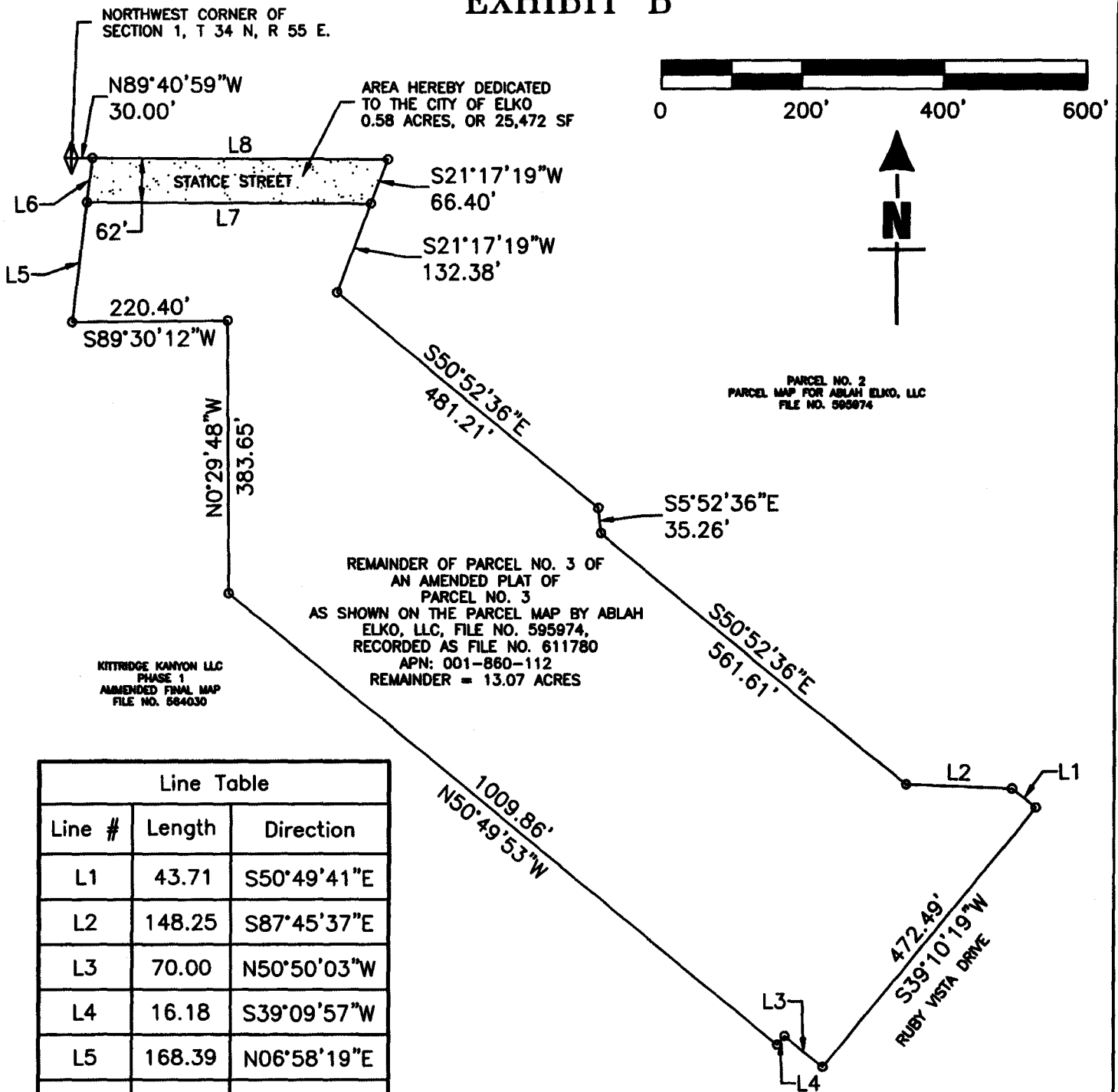


EXHIBIT B



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

SCALE

HORZ 1" = 200'

VERT _____

MAP TO ACCOMPANY
DEED OF DEDICATION
TO THE CITY OF ELKO, NV
IN SECTION 1, T 34 N, R 55 E

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration and possible recommendation to City Council for Revocable Permit No. 4-18, filed by Kraus Enterprises, LLC to occupy a portion of Silver Street Right-of-Way to accommodate landscaping, ADA ramp and patio, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **10 Minutes**
5. Background Information: **Kraus Enterprises LLC recently purchased the building located at 336 Silver Street. The ADA accessibility into the front door was not compliant and they would like to add landscaping with a patio to the front of the building. CL**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **License Agreement, Staff Report and Application**
8. Recommended Motion: **Recommend to City Council to Approve Revocable Permit 4-18 for landscaping, ADA ramps and patio in Silver Street Right-of-Way subject to execution of a Standard License Agreement between the Applicant and the City of Elko**
9. Findings:
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Legal Council**
12. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballer@frontiernet.net**

**Kraus Enterprises, LLC.
1207 Water Street
Elko, NV 89801
julie@wspropane.com**

REVOCABLE LICENSE AGREEMENT FOR OCCUPANCY OF RIGHT-OF-WAY

THIS REVOCABLE LICENSE AGREEMENT FOR OCCUPANCY OF RIGHT-OF-WAY (hereinafter the "License Agreement") is made this ____ day of _____, 2018 (hereinafter the "Effective Date"), by and between the **CITY OF ELKO**, a municipal corporation and political subdivision of the State of Nevada, hereinafter called the "**City of Elko**," and **KRAUS ENTERPRISES, LLC.**, a Nevada limited-liability company, hereinafter called the "**Licensee**."

RECITALS

- A. **Licensee** owns property located generally at 336 Silver Street, Elko, Nevada; and
- B. **Licensee** desires to place landscaping, ADA ramps and a patio in approximately 185 square feet of the Silver Street right-of-way, located generally on the south side of Silver Street between 3rd and 4th Street, more particularly described in the legal description attached hereto as Exhibit A, hereinafter called the "Right-of-Way," for parking associated with its operations; and,
- C. **Licensee** seeks from the **City of Elko** a revocable license to use portions of the Right-of-Way for landscaping, ADA ramps and patio as shown on the site plan attached hereto as Exhibit B.

NOW, THEREFORE, in consideration of the rights and obligations contained herein, it is agreed as follows:

The **City of Elko** shall, subject to the terms and conditions contained herein, permit **Licensee** to use the Right-of-Way for the purposes set forth in this License Agreement.

The parties hereto further covenant and agree as follows:

1. **TERM**: The term of this License Agreement shall be one (1) month, commencing on the Effective Date, which shall be the date of execution by the **City of Elko**. The **City of Elko** may, upon request by the **Licensee** and at its sole discretion, extend the term of this License Agreement from month-to-month thereafter. Notwithstanding the foregoing, the

City of Elko may revoke this License Agreement for any reason permitted hereunder prior to the expiration of the term or any extension thereof.

In the event of the termination of the license granted hereunder by the expiration of the term or an extension thereof, or upon notice for any other reason permitted hereunder, **Licensee** shall promptly, peaceably and quietly leave, surrender and yield to the **City of Elko** the Right-of-Way in good order, condition and repair.

2. **WAIVER:** Waiver by the **City of Elko** of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such term, condition or covenant or any subsequent breach of the same, or any other term, condition or covenant herein contained.

3. **NOTICE:** Any and all notices or demands by or from the **City of Elko** to **Licensee**, or from the **Licensee** to the **City of Elko** shall be in writing. They shall be served either personally or by certified mail, return receipt requested. If served by certified mail, return receipt requested, the service shall be conclusively deemed made forty-eight (48) hours after the deposit thereof in the United States mail, postage prepaid, addressed to the party to whom such notice or demand is to be given and the issuance of a receipt thereof. Any notice or demand to the **City of Elko** may be given to the City of Elko at 1751 College Avenue, Elko, Nevada 89801, or at such other place or places as shall be designated by the **City of Elko** from time to time. Any notice or demand to **Licensee** shall be given to: VFW, PO Box 1266, Elko, Nevada 89803.

4. **IMPROVEMENTS, REPAIRS, MAINTENANCE AND USE OF THE PROPERTY:**

(a) **Licensee** shall have the license to enter upon and occupy the Right-of-Way to develop landscaping, ADA ramp, patio and related improvements, at its own expense, according to the approved site plan attached hereto as Exhibit B, *provided*, **Licensee** must receive the prior consent of the **City of Elko** before entering upon the Right-of-Way and must thereafter act in accordance with its directions.

(b) **Licensee** shall be responsible for maintaining the landscaping and related improvements in a clean and orderly manner at all times.

(c) **Licensee** shall secure any permits required in connection with the activities authorized hereunder and shall comply with all applicable federal, state and local laws, ordinances, resolutions or regulations.

(d) The failure of the **Licensee** to comply with any directions given by the **City of Elko** in relation to the use or occupancy of the Right-of-Way, or the failure of the **Licensee** to comply with all federal, state and local laws, ordinances, resolutions or regulations which apply to the Right-of-Way, or the **Licensee's** failure to comply with this License Agreement, shall be grounds for termination of this Licensee Agreement by the **City of Elko**. Any improvements which have been installed by the **Licensee** in the Right-of-Way shall be promptly removed by **Licensee**, at its own expense and in a workmanlike manner, upon request by the **City of Elko** following revocation or termination hereof.

5. **RIGHT OF ENTRY:** The **City of Elko** specifically reserves the right of entry upon the Right-of-Way by any authorized officer, engineer, employee, agent or contractor of the **City of Elko** at any time and for any and all purposes.

6. **INDEMNIFICATION:** Notwithstanding any other provision contained herein, **Licensee** hereby agrees to hold harmless, indemnify and defend the **City of Elko**, including, without limitation, the **City of Elko's** agents, employees and contractors, against any and all claims, demands, actions, suits, liability, cost and expense, including defense expenses, (to include, without limitation, suits for damages and injuries to persons or property) arising out of **Licensee's** acts or omissions in connection with the activities contemplated by this License Agreement.

7. **TERMINATION:** The **City of Elko** reserves the right to terminate the permission hereby given at any time upon reasonable notice, which shall not be required to exceed thirty (30) days.

8. **GENERAL COVENANTS:**

(a) This License Agreement shall constitute the entire contract between the parties hereto concerning the subject matter hereof.

(b) All covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators, and assigns, as the case may be, of the

respective parties, ***provided***, under no circumstances shall **Licensee** assign its rights or obligations hereunder without the prior written consent of the **City of Elko**.

(c) As used herein, the terms the **City of Elko** and **Licensee** shall include the plural as well as the singular, and the feminine as well as the masculine and the neuter.

(d) The provisions of this license may only be altered, changed or amended by mutual written consent of the parties hereto, in accordance with the provisions and procedures herein contained.

(e) Any claim made by **Licensee** arising out of any act or omission by any officer, agent or employee of the **City of Elko** in the execution or performance of this License Agreement will be made against **City of Elko** and not against the officer, agent or employee.

(f) **Licensee** shall require each contractor or subcontractor retained to perform work in the Right-of-Way to agree in its individual contract with **Licensee** not to make any claim against the **City of Elko**, its agents or employees by reason of that contract.

(g) Nothing in this License Agreement shall be construed to give any person, other than the **City of Elko** and **Licensee**, any legal or equitable right, remedy or claim under this Agreement, but it shall be held to be for the sole and exclusive benefit of City and Consultant.

(h) This License Agreement shall be governed by the laws of the State of Nevada and jurisdiction and venue for any legal action shall be the Fourth Judicial District Court in and for Elko County, Nevada.

(i) In the event of any litigation between the parties hereto arising out of this License Agreement, or if one party seeks to judicially enforce the terms of this License Agreement, the prevailing party shall be entitled to an award of all reasonable fees and costs, including, but not limited to, reasonable attorney's fees.

(j) **Licensee** may not assign any of its rights or obligations under this License Agreement.

(k) This License Agreement shall be binding not only upon the parties hereto but also upon their respective heirs, personal representatives, assigns (subject to the limitation on assignment) and other successors in interest.

(l) In the event that any date specified in this License Agreements falls on a Saturday, Sunday or a public holiday, such date shall be deemed to be the succeeding day on which the public agencies and major banks are open for business.

(m) Time is of the essence.

IN WITNESS WHEREOF, the parties hereto have executed this license the day and year first above written.

KRAUS ENTERPRISES, LLC.:

CITY OF ELKO:

By: _____

By: _____

CHRIS J. JOHNSON, Mayor

Title: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

NOV 15 2018

EXHIBIT A

LEGAL DESCRIPTION TO ACCOMPANY APPLICATION FOR
REVOCABLE PERMIT TO OCCUPY CITY OF ELKO PROPERTY
FOR KRAUS ENTERPRISES, LLC
November 8, 2018

A Parcel of land located in Section 15, Township 34 North, Range 55 East, M.D.B.& M., Elko, Nevada, being a portion of Silver Street, more particularly described as follows:

Beginning at the most Westerly Corner of Lot 9, Block U, as shown on the Map of the Town, now City of Elko, on file in the Office of the Elko County Recorder, Elko, Nevada, being Corner No. 1, a point being on the Southeasterly Right of Way of said Silver Street, the True Point of Beginning;

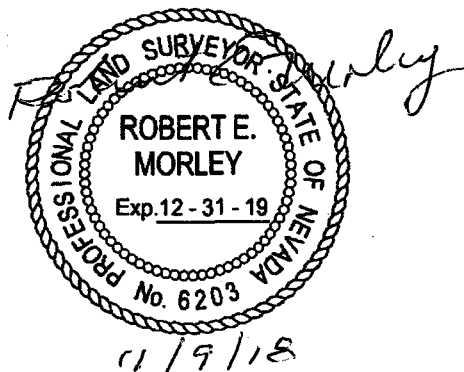
Thence N 48° 01' 24" W, 6.60 feet to Corner No. 2;

Thence N 41° 58' 36" E, 27.97 feet to Corner No. 3;

Thence S 48° 01' 24" E, 6.60 feet to Corner No. 4, a point being on the said Southeasterly Right of Way of Silver Street and also being on the Northwesterly Line of Lot 8, Block U, as shown on said Map of the Town, now City of Elko;

Thence S 41° 58' 36" W, 27.97 feet along the Northwesterly Lines of Lot 8 and Lot 9 of said Block U, also being the said Southeasterly Right of Way of Silver Street to Corner No.1, the point of beginning, containing 185 square feet more or less.

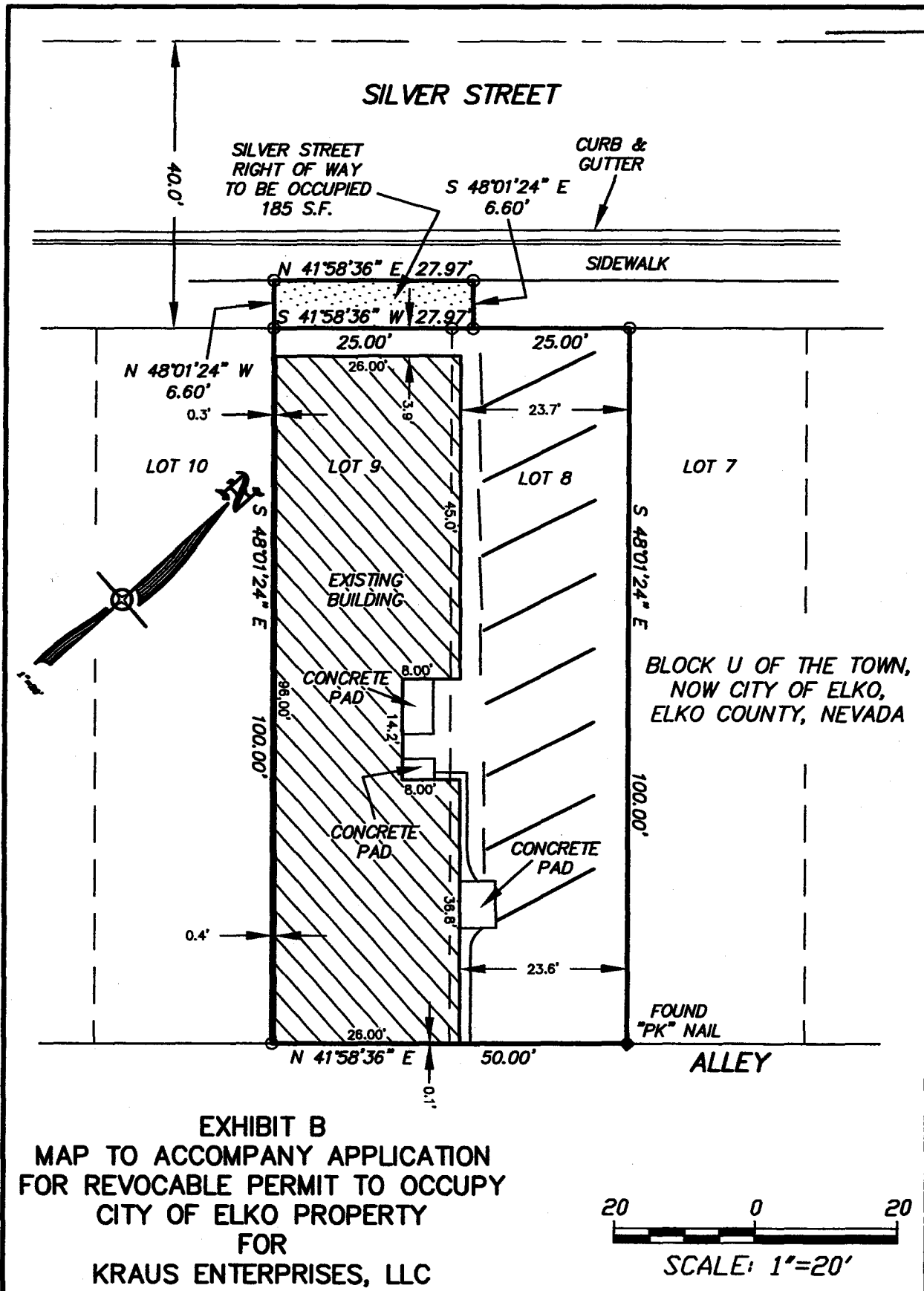
Reference is hereby made to Exhibit B, Map to Accompany Application for Revocable Permit to Occupy City of Elko Property for Kraus Enterprises, LLC, attached hereto and made a part hereof.



Prepared by Robert E. Morley
640 Idaho Street

High Desert Engineering
Elko, NV 89801

NOV 15 2018





CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR REVOCABLE PERMIT TO OCCUPY CITY OF ELKO PROPERTY

APPLICANT(s): KRAUS Enterprises, LLC
MAILING ADDRESS: 1307 Water St, Elko, NV 89801
PHONE NO (Home) 775-753-5950 (Business) _____
NAME OF PROPERTY OWNER (If different): Same
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: 1307 Water St. Elko, NV 89801
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary): _____
ASSESSOR'S PARCEL NO.: 001-344-002
Address 336 Silver St. Elko NV 89801
APPLICANT'S REPRESENTATIVE OR ENGINEER: SURVEYOR - Robert Morley

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed.

Fee: A \$400.00 non-refundable filing fee.

Legal Description: A certified metes and bounds legal description of the boundary of the area to be used by the applicant must be provided.

Plot Plan: A plot plan provided by a properly licensed surveyor drawn to scale showing the proposed boundary lines, proposed structures, signs, landscaping, etc.

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 the request.

RECEIVED

NOV 15 2018

Describe the proposed use of the property:

Install a patio and
landscaping in the
front of the building.

(Dimensions)

--

feet X

--

feet (Attach Plot Plan)

(Use additional pages if necessary to address the question)

This area intentionally left blank,

THE APPLICANT HEREBY AGREES TO COMPLY WITH THE FOLLOWING:

1. That if this permit is granted, the applicant agrees that the property involved shall be subject to any utility easements affecting said area, including all existing utility mains, pipelines, laterals, sewer lines, water lines, gas lines, telephone lines, cables, television cables, electrical lines and wires, gas wires, drains and other pipes, wires and cables, and lines now located on, over, under or within said property area, strip or any portion thereof.
2. That if this permit is granted, the applicant hereby agrees that their use of said area shall be only for landscaping, driveways, fences, carports, signs, and any other such similar uses involving non-permanent structures.
3. That the applicant understands and agrees that said permit, if granted, is revocable by the City of Elko, should the City of Elko determine said right-of-way is needed for public use. Revocation of the permit to occupy the right-of-way shall be 30 days from the date of certified mailing to the permit holder, notifying permittee of the City's intent to revoke.
4. That the applicant hereby agrees that the removal and/or relocation of the permittee's improvements, desired to be retained and salvaged by the permittee, shall be the responsibility of the permittee and at the permittee's expense. Any improvements remaining after the 30 day notification period shall be removed by the City of Elko to accomplish the City's plan for public use of said area.
5. That the applicant further agrees to comply with all applicable codes and ordinances pertaining to the applicant's use of said right-of-way.

Applicant / Agent

Julie A. Kraus

(Please print or type)

Mailing Address

1207 Water St.

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

Phone Number:

775-753-5950

Email address:

julie@uspropane.com

SIGNATURE:

Julie A. Kraus

FOR OFFICE USE ONLY

File No.: 4-18 **Date Filed:** 11/15/18 **Fee Paid:** \$400 **ck#** 1305

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval to grant a Utility Easement to Sierra Pacific Power Company, a Nevada Corporation, d/b/a NV Energy across property owned by the City of Elko, identified as APN 006-080-013, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **NV Energy is requesting the City grant an easement for the extension of power to Mr. Victor Heredia's property. City Staff supports this request. 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: **Grant of Easement Document**
9. Recommended Motion: **Move to approve granting an easement to NV Energy across the parcel of land identified as APN 006-080-013 owned by the City, as described in the Grant of Easement Document.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution: **Land Resources
NV Energy
P.O. Box 10100 MS S4B20
Reno, NV 89520**

APN(s): 006-080-013

The undersigned hereby affirms that this document, including any exhibits hereby submitted for recording does not contain the personal information of any person or persons (Per NRS 239B.030)

**RECORDING REQUESTED BY:
WHEN RECORDED MAIL TO:**

Land Resources
NV Energy
P.O. Box 10100 MS S4B20
Reno, NV 89520

GRANT OF EASEMENT

THE CITY OF ELKO, ("Grantor"), for One Dollar (\$1.00) and other good and valuable consideration – receipt of which is hereby acknowledged – and on behalf of itself and its successors and assigns, grants and conveys to Sierra Pacific Power Company, a Nevada corporation, d/b/a NV Energy ("Grantee") and its successors and assigns a perpetual right and easement:

1. to construct, operate, add to, modify, maintain and remove aboveground and/or underground communication facilities and electric line systems for the distribution and transmission of electricity, consisting of poles, other structures, wires, cables, conduit, duct banks, manholes, vaults, transformers, service boxes/meter panels, cabinets, bollards, anchors, guys, and other equipment, fixtures, apparatus, and improvements ("Utility Facilities") upon, over, under and through the property legally described in Exhibit A attached hereto and by this reference made a part of this Grant of Easement ("Easement Area");
2. for ingress and egress to, from, over and across the Easement Area for the allowed purposes defined in numbered paragraph 1 above and for all other activities permitted by this agreement;
3. to remove, clear, cut or trim any obstruction or material (including trees, other vegetation and structures) from the surface or subsurface of the Easement Area as Grantee may deem necessary or advisable for the safe and proper use and maintenance of the Utility Facilities in the Easement Area.

Grantee will be responsible for any damages, proximately caused by Grantee negligently constructing, operating, adding to, maintaining, or removing the Utility Facilities, to any tangible, personal property or improvements owned by Grantor and located on the Easement Area on the date Grantor signs the Grant of Easement. However, this paragraph does not apply to, and Grantee is not responsible for, any damages caused when Grantee exercises its rights under numbered paragraph 3 above.

APN(s): 006-080-013
RW# 1118-2018
Proj. # 3002966055
Project Name: E-5855 MEDICINE BOW ST-RES-E-HEREDIA
GOE (Rev. 2017)

Grantor covenants for the benefit of Grantee, its successors and assigns, that no building, structure or other real property improvements will be constructed or placed on or within the Easement Area without the prior written consent of Grantee, such structures and improvements to include, but not be limited to, drainage, trees, bridges, signage, roads, fencing, storage facilities, parking canopies, and other covered facilities. Grantee and Grantor must document Grantee's consent by both signing Grantee's standard, recordable use agreement. Grantor retains, for its benefit, the right to maintain, use and otherwise landscape the Easement Area for its own purposes; provided, however, that all such purposes and uses do not interfere with Grantee's rights herein and are in all respects consistent with the Grantee's rights herein, Grantee's electrical practices, and the National Electrical Safety Code.

To the fullest extent permitted by law, Grantor and Grantee waive any right each may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this Grant of Easement. Grantor and Grantee further waive any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

[signature page follows]

APN(s): 006-080-013
RW# 1118-2018
Proj. # 3002966055
Project Name: E-5855 MEDICINE BOW ST-RES-E-HEREDIA
GOE (Rev. 2017)

THE CITY OF ELKO

By: _____
PRINT NAME

Title: _____

STATE OF _____)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on _____, 20____ by _____ as _____ of THE CITY OF ELKO.

Signature of Notarial Officer

Notary Seal Area →

APN(s): 006-080-013
RW# 1118-2018
Proj. # 3002966055
Project Name: E-5855 MEDICINE BOW ST-RES-E-HEREDIA
GOE (Rev. 2017)



W.O. 3002966055
City of Elko
APN 006-080-13

EXHIBIT "A"
EASEMENT

A portion of the northeast quarter of Section 6, Township 33 North, Range 55 East, M.D.M., Elko County, Nevada

An easement, 15 feet in width, lying 7.5 feet on each side of the following described centerline:

COMMENCING at the southwest corner of Lot 14, Block 16 of Tract Map for Meadow Valley Ranchos Unit No. 9 by Meadow Valley Ranchos Inc., recorded as File Number 26830 on September 13, 1966 in the Official Records of Elko County, Nevada.

THENCE South 85°52'45" East, 160.06 feet along the south line of said lot

THENCE South 46°21'43" East, 47.15 feet to the **POINT OF BEGINNING**;

THENCE South 46°21'43" East, 112.34 feet to the **TERMINUS OF THIS DESCRIPTION**.

The sidelines of said easement are to be extended or truncated to terminate on the south line of Twenty Sixth Street (Medicine Bow Dr.) as shown on said Tract Map.

Above Easement contains 1,685 square feet more or less.

See Exhibit "A-1" attached hereto and made a part thereof.

The Basis of Bearings for this Easement is the south line of said Lot 14 which bears South 85°52'45" East.

Prepared by Doug Larson, P.L.S.

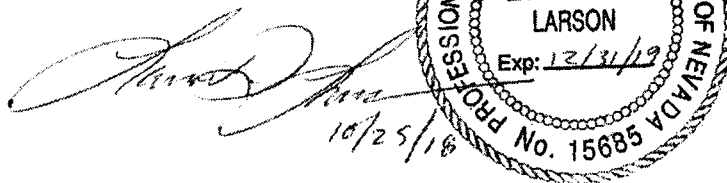
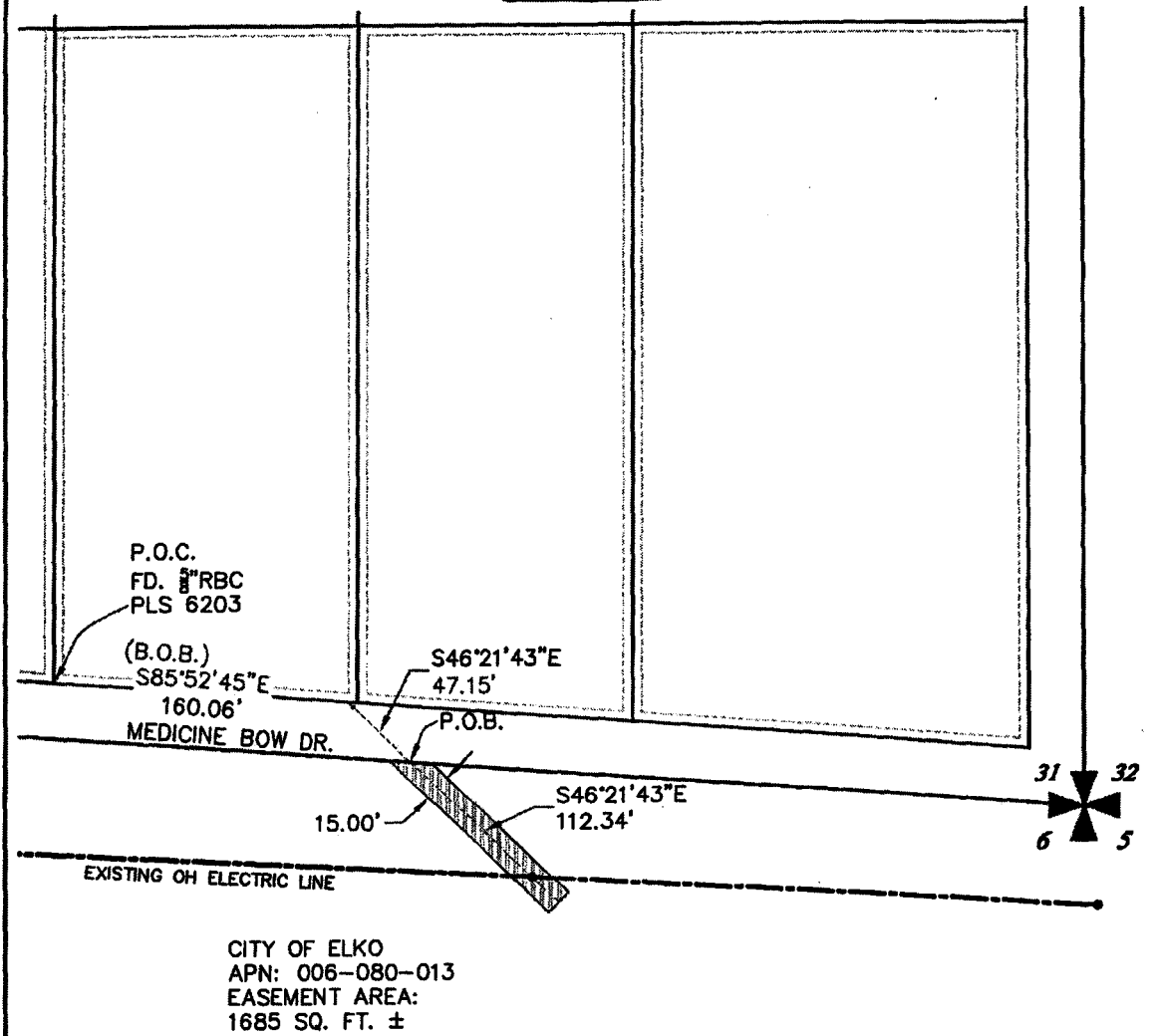


EXHIBIT A-1



N



SCALE: 1" = 100'

K:\Survey\CSE\Cae_Cod\3002986055 Medicine Bow.dwg
Medicine Bow.dwg cdl20502> 25Oct18-12:25



6100 NEIL RD.
RENO, NV 89511
775-834-4011

EXHIBIT MAP
EASEMENT

CITY OF ELKO
APN# 006-080-13

TWP. 33N., RNG. 55E., SEC. 6 M.D.M.
ELKO COUNTY NEVADA

10-2018

1 OF 1

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, discussion, and possible direction to Staff to create a draft lease agreement to be used for dark fiber leasing, pending future approval by Council, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **At the September 25, 2018 City Council meeting, Staff was directed to work with legal counsel and prepare documents to allow the lease of City property. During this process, it was determined that that the City needs to create a pricing structure, assess fiber maintenance issues, and determine terms for the possible lease of dark fiber assets owned by the City. Based upon Staff's research, we recommend a five-year, month-to-month lease with specific terms to be placed on any carrier accessing the dark fiber. The IS department is looking for approval to create a draft lease agreement to be considered by the Council at a future date. Further, the IS department is looking for clarification if Staff should pursue an auction of the dark fiber asset, or if direct leasing is appropriate under an economic development exception. Fiber maintenance costs should be considered before agreeing to a lease. Four contractors were given the option of ballpark quoting an SLA for maintenance of our current fiber plant. After no response from three contractors and a large quote from one, IS would recommend the City purchase appropriate equipment to perform maintenance in-house. TP**
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:
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Troy Poncin, IT Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration and possible approval of a request from the Elko Downtown Business Association (DBA) for a change to the closures for the 2018 Snowflake Festival to be held on December 8, 2018, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **The DBA is requesting a change to the street closures for the annual Snowflake Festival held on December 8th. This change requires City Council approval. KW**
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**
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: **Elko DBA – elkodba@gmail.com**

ELKO SPECIAL EVENT/VENDOR APPLICATION
(When the Event Includes a Closure of City Property)

(A)

Pursuant to Elko City Code 8-16-1 to 8-16-8, the undersigned hereby applies for a Special Event/Vendor License.

Name of Event: Snowflake Festival

Sponsor of Event: Downtown Business Assoc.

Location of Event: Downtown Corridor 5th - 7th St.

Date of Event: 12/8/12

Time of Event: 1:00 - 8:00 pm

If you are requesting a closure indicate the dates, time and place of the closure: Close parking

Friday @ 8:00 am, Close street Saturday @ 8:00 am

Number of Vendors _____ x \$34.50 per vendors on City Property
_____ x \$6.00 per day per vendor on Private Property

**No fee shall be charged to businesses physically located within the City of Elko with a current Elko City Business License. No charge to non-profit vendors.

Please list all vendors (including those that will not be charged) on next page.

The City prefers a primary contact person to deal with regarding the issues concerning the event. Although the primary contact person may have others assisting with the safety, security, traffic and parking of the event, the primary contact person will be the only person the City will contact regarding the event. If at any time the primary contact person changes, they must submit a letter stating who will become the main contact. Please list all numbers in which the primary contact person will be available.

Primary Contact Person: Natasha Benoit

24 Hour Phone/Cellular: (775) 299-7444

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.

Applicant Name: Downtown Business Assoc. (Please print)

Polianne Lam
Signature of Applicant

PO BOX 2409, 89803
Mailing Address

Date: 12/8/12

Phone Number: 775-299-7444

Type of verification from Nevada Taxation

Nevada State Health Dept. (food vendors)
1020 Ruby Vista Dr. Ste. 103
775-753-1138

EVENT VENDOR LIST

NAME

ADDRESS

PRODUCT SOLD

CITY LICENSE #

1. Will provide closer to event

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

11. _____

12. _____

13. _____

14. _____

15. _____

16. _____

17. _____

18. _____

19. _____

20. _____

21. _____

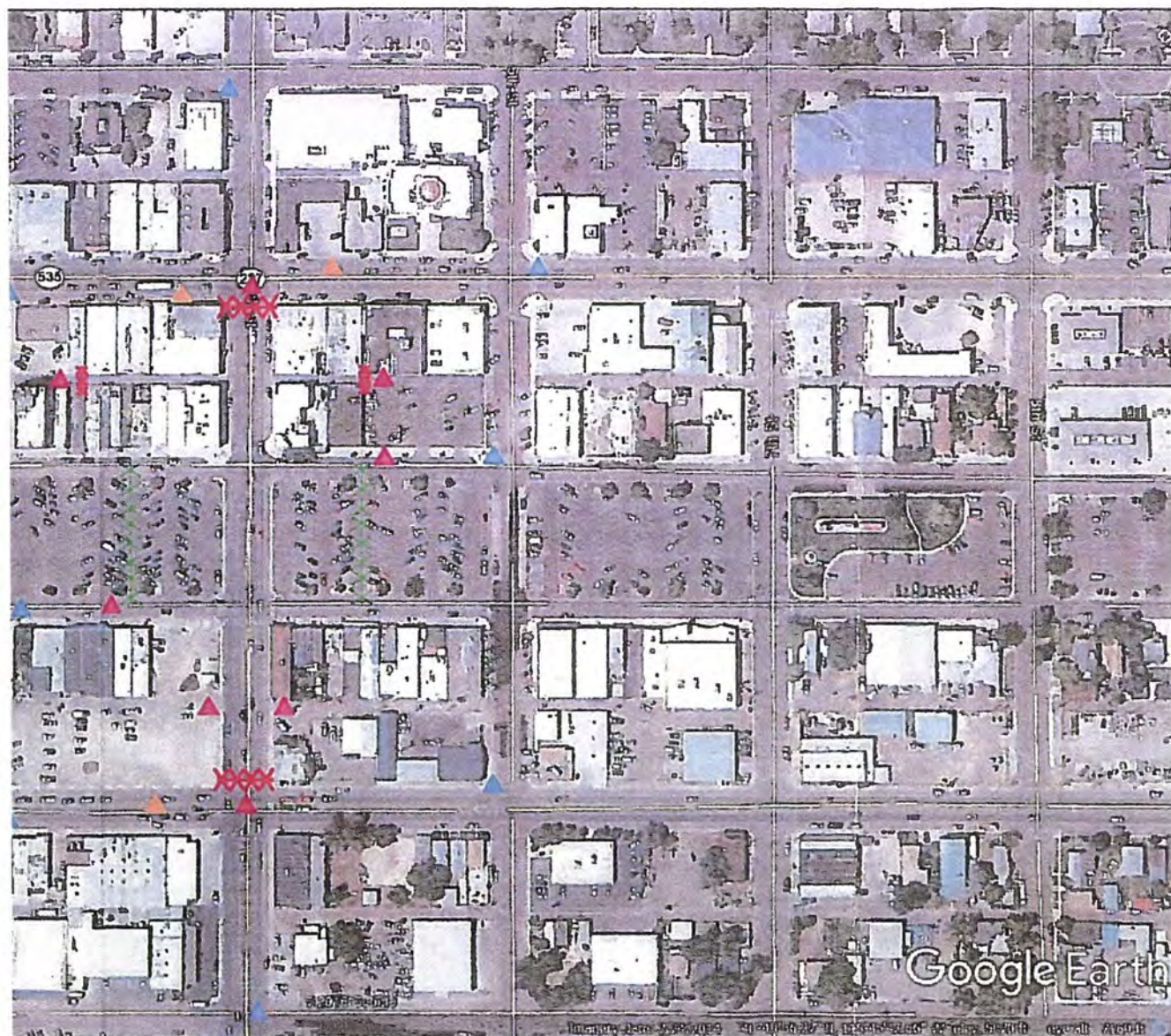
22. _____

23. _____

24. _____

25. _____

Attach additional sheets if necessary.



SNOWFLAKE FESTIVAL TRAFFIC CONTROL

*** TYPE II BARRICADE

*** TYPE III BARRICADE

▲ ROAD CLOSED AHEAD

▲ ROAD CLOSED

▲ LANE CLOSED

Northbound Silver St - Left Lane Closed

Northbound Idaho St - Right Lane Closed

Southbound Idaho St - Left Lane Closed

Closed: December 8th 2017, 6 pm

Open December 9th 2017, 9 pm

■ LANE CLC

● 42" TRAF





CITY OF ELKO
FACILITY/EQUIPMENT USE FEES PERMIT

(B)

This application includes fees for special events held within the City of Elko on property under the ownership and/or control of the City of Elko. The sponsor of such event must complete this form and include all fees necessary for the event. The sponsor will be responsible for any other City fees incurred during the event and not listed on this form.

Name of Event: SnowHake Festival

Sponsor of Event: DBA

Date of Event: 12/8/18 Time of Event: 1:00pm

If you are requesting a closure indicate the dates, times and place of the closure: _____

1/4 corridor on 5th, 1/2 corridor on 7th (near tower)

Facility Use Fees:

Street Closures: \$100 per lineal block	_____ blocks @ \$100	Amount _____
Parking Corridor Closures:	_____ corridors @ \$200	Amount _____
\$200 per corridor, or \$50.00 per quarter	<u>X</u> 1/4 corridor @ \$50	Amount <u>150</u>
corridor (A parking corridor is a full block of parking between Railroad and Commercial Streets)		
Barricades: \$5 each	<u>24</u> barricades @ \$5	Amount _____
Electrical Fees: \$50 per service panel	_____ panels @ \$50	Amount _____
\$10 per distribution box	_____ boxes @ \$10	Amount _____
Cones: no charge	_____	Amount _____

Total Amount Due: _____

All consumption fees based on power used throughout the event will be the responsibility of the sponsor.

Public Safety Fees: All fees associated with the Elko Fire Department assessed pursuant to Elko City Code Title 6, Chapter 5.

The special event organizer shall pay for additional law enforcement services where warranted. This fee shall be negotiated in advance of the event, and shall be specifically approved by the City Council as part of their approval of the closure of the street or parking corridor.

The following list of equipment must be reserved and paid through the Elko City Parks/Recreation Department at 723 Railroad Street.

Picnic Tables
Serving Tables
Trash Cans
Bleachers
Stages

CITY OF ELKO STAFF FLOW SHEET

(C. 2 of 2)

The sponsor of the event shall present their entire application to each of the departments below for their comments and approval. The comments made by City Personnel are intended to assist in the approval process only, by signing they are acknowledging and agreeing to the requirements of their department should the event take place. Denials by any of the Departments may result in denial of the event.

Please call to arrange an appointment with each department.

NAME OF EVENT: Snowflake Festival

For Official Use Only

Police Department, 1448 Silver St.: † ☒ Approved † Denied Date _____

Phone: 775-777-7310

Comments/Conditions: _____

Signature: _____

Fire Department, 911 W. Idaho St.: † ☒ Approved † Denied Date 12/20/18

Phone: 775-777-7345

Comments/Conditions: PENDING - BURN BARRIERS AND

FIRE INSPECTION OF TENTS AND
AREA.

Signature: [Signature]

Street Department, 232 S. 10th St.: † ☒ Approved † Denied Date 11-20-18

Phone: 775-777-7241

Comments/Conditions: 24 WOODEN BARRICADES FOR CORRIDOR

CLOSURE

Signature: [Signature]

Parks & Recreation Dept., 723 Railroad St.: † ☐ Approved † Denied Date _____

Phone: 775-777-7261

Comments/Conditions: _____

Signature: _____

Nevada Department of Transportation (if applicable), 1951 Idaho St.: † ☐ Approved † Denied Date _____

Phone: 775-777-2725

Comments/Conditions: _____

Signature: _____

Attach additional sheets if necessary

Please read and sign

**Chapter 16
EVENTS ON CITY PROPERTY**

8-16-1: DEFINITIONS:

As used in this chapter:

DOWNTOWN CORRIDOR: That area bounded by the northern right of way along Railroad Street and the southern right of way along Commercial Street from 3rd Street to 11th Street.

FACILITY USE FEE: A fee as payment for the use or rental of a city facility or real property.

ORGANIZER/SPONSOR: Means, but not limited to, any individual, firm, organization, club, partnership, corporation, or nonprofit that is responsible for the organization of a public event.

SPECIAL EVENT: Any planned gathering of persons, show, entertainment, celebration, or similar activity of temporary duration open to the general public which occupies any part of a street or other city property (excluding city owned public park areas when the event does not include street closures), and which hinders the general public in the ordinary and usual use of such street or public property, and includes at least one of the following features:

A. Vendors;

B. The event is being held in the downtown corridor, or the event requires closure of any city street, sidewalk, alley, right of way or public property which is owned or controlled by the city. "Special events" do not include parades or any prior contractual agreements made with the city for the use of city property.

VENDOR: Any individual, firm, organization, club, partnership, corporation or nonprofit offering goods and/or services for sale to the public. (Ord. 592, 12-10-2002)

8-16-2: PERMIT REQUIRED:

A special event will only be permitted on or upon any city street, sidewalk, alley, park which includes street closures, right of way, or public property which is owned or controlled by the city after submission of a complete application and approved by the city council as outlined in section 8-16-5 of this chapter. Determination of the completeness of the application shall be made by the city manager or authorized designee. (Ord. 699, 9-23-2008)

8-16-3: ALCOHOLIC BEVERAGES:

A. Sale Or Consumption Permitted: The sale or consumption of alcoholic beverages in conjunction with a special event may be permitted, provided any procedures or criteria adopted by ordinance or resolution of the city council are adhered to. An application for the sale or consumption of alcoholic beverages must be filed with an application for a special event permit and follow all procedures set forth.

B. Application Procedure: An application for the sale or consumption of alcoholic beverages shall follow the procedures set forth in section 4-5-4 of this code.

C. Fees: All license fees applicable, as set by resolution by the city council, to the sale of alcoholic beverages must be paid in addition to any special event fees.

D. Glass Containers Prohibited: It shall be unlawful to serve alcoholic and nonalcoholic beverages in glass containers within an area designated for a special event. (Ord. 592, 12-10-2002)

8-16-4: APPLICATION FOR PERMIT:

A. Filing: The application for a permit under this chapter to conduct or engage in any special event which involves the use of city streets, parks which include street closures, rights of way, alleys, sidewalks, or other public property owned or controlled by the city, shall be filed with the city clerk or authorized designee. Such application shall be filed at least thirty (30) days prior to the date that the permit is to become effective. Each application shall be accompanied by the established fees set forth by resolution by the city council.

B. Consideration of Application Filed Later: The city manager or authorized designee shall have the authority, in their discretion, to consider any application for a permit which is filed later than the time prescribed in this section.

C. Information Required: Every organizer/sponsor of a special event in the city must file an application which is furnished by the city for the event. The application must include, at least the following where applicable, as determined by the city:

1. Event application which includes the following:

- a. Name of the event;
- b. The name, address and telephone number of the organizer/sponsor conducting the proposed event;
- c. The date or dates and the specific times the property is to be utilized;
- d. The streets or other property and the specific area or areas which will be utilized in connection with the proposed use, event or activity; and
- e. Signature of an authorized representative from the Nevada department of taxation.

2. Application to reserve city properties, indicating the area to be used and the services being requested by the city.

3. Events contacts and sign off:

- a. Name, address, telephone number and cellular number of the person or persons responsible for coordinating or conducting the event;
- b. Name, address, telephone number and cellular number of the contact person or persons responsible for safety;
- c. Name, address, telephone number and cellular number of the contact person or persons responsible for security;
- d. Name, address, telephone number and cellular number of the contact person or persons responsible for traffic and parking; and
- e. Approval signatures must be obtained from the police, fire, street and park departments after the completion of the previous forms have been completed in their entirety. The applicant will be required to contact each department for preapproval if the event is being proposed to be held on any city property.

4. Proof of a liability insurance policy in the amount deemed appropriate by the city council with the city named as additional insured.

5. Special events vendor business license pursuant to section 4-1-16 of this code. The city recognizes that the organizer/sponsor of a special event has all control and authority over the decision to allow or refuse participation by any individual vendor.

6. Area mapping must be completed to include:

- a. Location of event;
- b. All proposed road and property closures;
- c. Traffic control plan;
- d. Emergency access plans to include traffic patterns and parking;
- e. A detailed plan, including, but not limited to, the location of all bandstands, bleachers, additional garbage disposal, electrical connections, tables, barricades; and
- f. Any additional information which the city deems reasonably necessary to a fair determination of the application.

D. Use of State Right Of Way: Every organizer/sponsor of a special event in the city who is proposing the use of any state right of way in conjunction with the city property for the event must file an application with the state department of transportation with a copy to be furnished to the city along with the application. (Ord. 592, 12-10-2002)

8-16-5: APPROVAL, DENIAL OR REVOCATION OF PERMIT:

- A. Approval Required: All special events requiring the closure of a street or right of way shall receive initial approval from the city council prior to the event being held. Subsequent requests for the same special event may be approved administratively after completion of the required application and process as outlined in section 8-16-4 of this chapter.
- B. Terms and Conditions of Permit: In addition to the requirements of this code or other applicable laws or rules or regulations, each permit shall contain such terms and conditions regarding the time, place and manner of utilizing the city streets or other property which are necessary and appropriate under the circumstances as set forth by the city council.
- C. Sanitation and Disposal Needs: It is the responsibility of the event organizer/sponsor to provide for the sanitation and disposal needs as identified through the application process to ensure the health and safety of the participants and citizens.
- D. Committee Established: A committee made up of the mayor, or mayor pro tem in his absence, one city council member, the fire chief and the police chief may revoke any permit if the committee determines that the organizer/sponsor, applicant, agent, employee or associate of any such applicant cannot meet the criteria set forth by the city council or has violated any of the provisions of this chapter, or the provisions of any other applicable law, rule or regulation. Any permit issued under this chapter may be revoked in this manner to protect the safety of persons or property. If a special event is in progress when any such revocation occurs, the committee shall have the authority to take actions to protect city property and/or rights of way. (Ord. 699, 9-23-2008)

8-16-6: PERMIT FEES:

Except as otherwise provided, the applicant shall be required to pay all applicable fees as established by the city council through resolution for the use of city streets or other city owned or city controlled real and personal property, including all city owned park and other equipment. The total amount of fees due for the entire permit period must be paid to the city at least two (2) working days prior to the date on which the permit becomes effective. (Ord. 606, 7-22-2002)

8-16-7: INSURANCE:

- A. Each permit shall expressly provide that the permittee agrees to defend, protect, indemnify and hold the city, its officers, employees and agents free and harmless from and against any and all claims, damages, expenses, loss or liability of any kind or nature whatsoever arising out of or resulting from, the alleged acts or omissions of permittee, its officers, agents, employees and invitees in connection with the permitted event or activity; and the permit shall expressly provide that the permittee shall, at permittee's own cost, risk and expense, pay for the defense of any and all claims or legal actions that may be commenced or filed against the city, its officers, agents or employees, and that permittee shall pay any settlement entered into and shall satisfy any judgment that may be rendered against the city, its officers, agents or employees as a result of the alleged acts or omissions of permittee or permittee's officers, agents, employees and invitees in connection with the uses, events or activities under the permit.
- B. Concurrent with the issuance of a permit under this chapter, and as a condition precedent to the effectiveness of the permit, the permittee shall procure and maintain in full force and effect during the term of the permit a policy of insurance from a reliable insurance company authorized to do business in the state, which policy includes the city, its boards, officers, agents and employees, as named insured or additional named insured and which provides the coverage that the city council determines to be necessary and adequate under the circumstances, and proof of insurance shall be submitted with the application. Said insurance policy must provide liability coverage for the activities of entertainers and vendors participating in a special event.
- C. It is the responsibility of the organizer/sponsor to maintain the condition of all city property being utilized in the event. The event organizer/sponsor will be responsible for any and all repairs needed as a result of the event. All expenses for repairs will be reimbursed at the actual cost of the repairs by the event organizer/sponsor. (Ord. 618, 4-27-2004)

8-16-8: GLASS CONTAINERS PROHIBITED:

It shall be unlawful for any person to use or physically possess any container for liquids made of glass, or a mixture of glass, to be used for personal consumption within an area designated for a special event. This section does not apply to persons within an operating casino, hotel, bar or restaurant.

- A. Confiscation: The police department may confiscate any container in violation of this chapter.

B. Penalty: Any violation of the provisions of this chapter is an infraction and shall be punished as set forth in section 1-3-1 of this code. (Ord. 592, 12-10-2002)

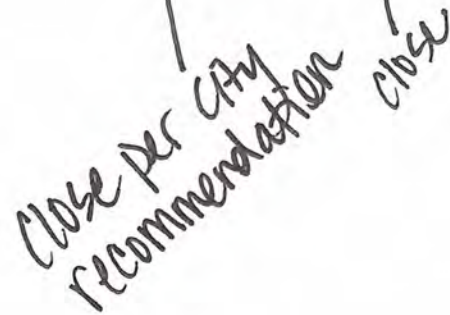
By signing below the applicant understands and agrees to comply with all provisions as set forth in the Elko City Code 8-16-1 to 8-16-8, as amended, and provided above in order to hold the requested special event on city property.

BuAnne Clark

Event Sponsor

12/8/18

Date



ELKO CITY SPECIAL EVENT CHECKLIST & INSTRUCTIONS
(When the Event Includes a Closure of City Property)

Please read the instructions carefully and check off when each item has been completed.

An incomplete application may result in denial or delay in approval of the event.

☐ **1. Special Event/Vendor Application (A)**

This application must list the name of the sponsor, name of the event, time, date and place of the event. If vendors will be present, please complete that portion of the application. If there will be vendors the sponsor is responsible for contacting the Department of Taxation in Reno to ensure compliance with their regulations. The Taxation Department can be contacted via their website at www.tax.state.nv.us, via email at renoevents@tax.state.nv.us, fax at 775-688-1303 or by phone at 866-962-3707. The City must receive verification that the sponsor has complied with Taxation. This verification may be provided in writing, via fax, email or phone from the Department of Taxation. A permit will not be issued until verification has been received. The applicant must also obtain the signature on the line below from the Nevada State Health Department for food vendors. The fee is \$34.50 per vendor if the vendors are located on City property and \$6.00 a day per vendor per day if on private property. If the vendor has an Elko City Business License for a business physically located in the City, there is no charge. There will also be no charge for non-profit organization vendors. **The payment of the vendor fees can be coordinated at the completion of the application.**

☐ **2. Facility Equipment Use Fees Permit (B)**

This application lists the fees for the closures and use of any city equipment.

☐ **3. Special Events Applicant Questionnaire & Staff Flow Sheet (C. 1 & 2)**

The purpose of these forms is to insure that any affected City Departments are aware of the event and the requirements from their department. Please answer each question in detail. The sponsor must meet with each department shown for comments and signatures.

☐ **4. Area Mapping**

An area map must be completed to include:

- location of event
- road closures showing number and placement of barricades
- emergency access plans to include traffic patterns and parking
- location of all bandstands, bleachers, additional garbage cans, electrical hookups, tables and barricades
- any other activities related to the event

☐ **5. If the sponsor of the event is proposing the use of any State of Nevada right-of-way in conjunction with the city property for the event, they must file an application with the Nevada Department of Transportation and provide a copy to the city along with signed approval shown on the Staff Flow Sheet.**

☐ **6. Events on City Property Municipal Code**

All Special Events sponsors must understand and agree to comply with all provisions as set forth in Elko City Code 8-16-1 to 8-16-8 for any event on city property and must sign stating as such on the enclosed copy of the code.

☐ **7. The sponsor is required to submit a liability insurance policy in the amount of \$1,000,000 with the city named as additional insured.**

☐ **8. The sponsor of the event shall submit a list of businesses and residential properties which may be affected by the event along with signatures of acknowledgement from each affected business or resident.**

PLEASE NOTE: IF LIQUOR WILL BE SOLD OR SERVED DURING THE EVENT, THE SPONSOR MUST APPLY FOR A SPECIAL EVENT LIQUOR OR BEER/WINE LICENSE.

****It is the responsibility of the event organizer/sponsor to provide for the sanitation and disposal needs as identified through the application process.**

****There will be no overnight camping allowed on city property unless preapproved by the City Council. Per Elko City Code no camping is allowed in the Downtown Corridor.**

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept a petition for the vacation of approximately 751.83 feet of the westerly portion of P & H Drive Right-of-Way, filed by Joy Global Surface Mining Inc. and processed as Vacation No. 3-18, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **10 Minutes**
5. Background Information: **The applicant proposes to merge all of the parcels by parcel map application consolidating them into one parcel. By vacating the proposed portion of P & H Drive, it would allow them to facilitate the use of their property without a dedicated right-of-way bisecting their property. 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: **Michael McClanahan**
 Joy Global Surfacing Mining Inc.
 4400 West National Avenue
 Milwaukee, WI 53214
 michael.mcclanahan@mining.komatsu

 Legend Engineering
 Lonny Reed
 52 West 100 North
 Heber City, UT 84032
 lonny@legendengineering.com

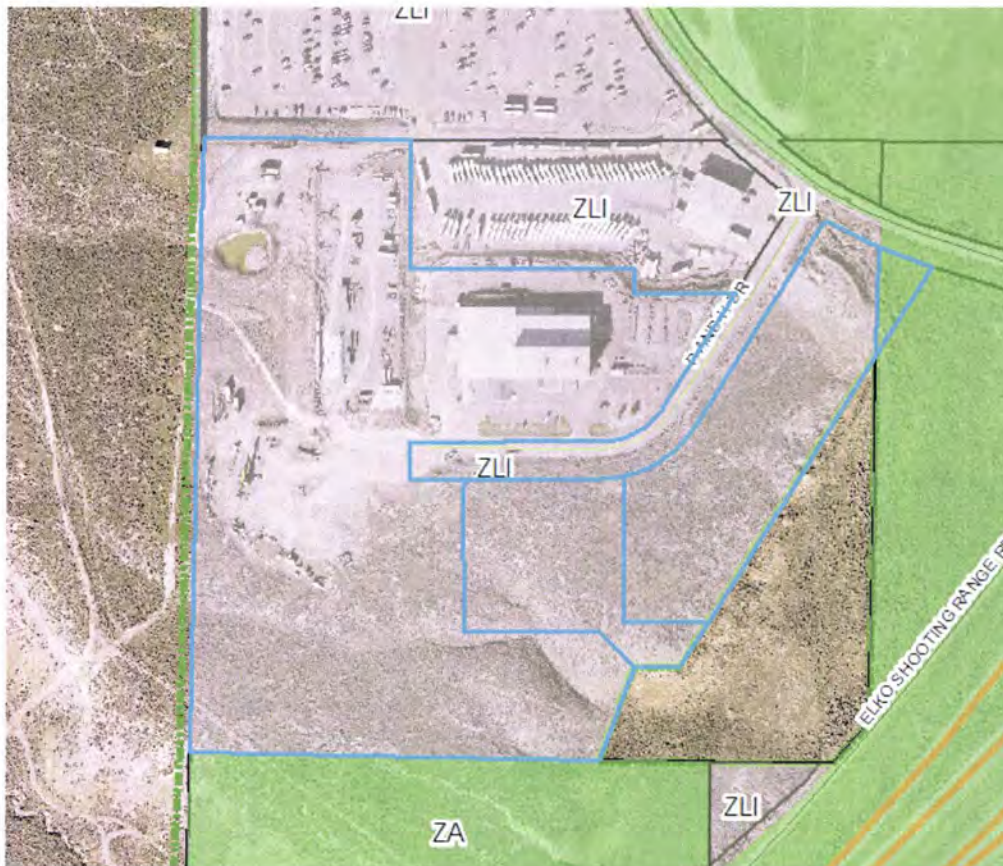


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

CITY COUNCIL PETITION DATE:	November 27, 2018
PLANNING COMMISSION DATE:	December 4, 2018
APPLICATION NUMBER:	Vacation 3-18
APPLICANT:	Joy Global Surface Mining Inc.
PROJECT DESCRIPTION:	4450 P & H Drive

Vacation of a portion P & H Drive in conjunction with a parcel map to combine parcels.



STAFF RECOMMENDATION:

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

PROJECT INFORMATION

PARCEL NUMBER: 001-679-014, 001-679-016 & 001-679-015

PARCEL SIZE: 30.857 acres.

EXISTING ZONING: (LI) Light Industrial

MASTER PLAN DESIGNATION: (IND-BS PARK) Industrial Business Park

EXISTING LAND USE: Developed on 001-679-014 and proposed development on 001-679-016 & 001-679-015 is in the permitting process with the City of Elko

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:
North: Light Industrial / Developed
East: General Agriculture / Undeveloped
South: General Agriculture / Undeveloped
West: Elko County Property / Undeveloped

PROPERTY CHARACTERISTICS:

The property is partially developed on APN 001-679-014 and undeveloped on 001-679-015 & 016.
The property can be accessed from P & H Drive as well as West Idaho Street.

MASTER PLAN AND CITY CODE SECTIONS:

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 3-2-12 Light Industrial Zoning District
City of Elko Code – Section 8-7 Street Vacation Procedures

BACKGROUND:

1. All three parcels were annexed into the City of Elko by Ordinance 830 on May 8, 2018.
2. Joy Global Surface Mining parent company, Harnischfeger Corporation, purchased APN 001-679-014 on December 6, 1999.
3. APN's 001-679-015 & 016 were purchased by Komatsu Equipment Company on September 28, 2018. They are in the process of deeding the property to the parent company, Harnischfeger Corporation, in order to merge the parcels.
4. All three parcels were rezoned to Light Industrial concurrent with the annexation.
5. APN 001-679-014 has always been developed as an industrial use.
6. A new industrial use facility is proposed and currently being permitted for APN 001-679-015 & 016.

7. With the merger of the parcels, the property use is limited with a dedicated right-of-way through the property.
8. The property owner has presented a deed of dedication to the City of Elko for the cul-de-sac turnaround proposed at the end of the dedicated right-of-way for proper vehicular circulation.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows the area as Industrial Business Park.
2. Supporting zone districts for Industrial Business Park are Industrial Business Park, Light Industrial and Industrial Commercial.
3. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.
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 will be accessed from West Idaho Street and P & H Drive.
2. West Idaho Street is classified as a Minor Collector.
3. P & H Drive is not classified but functions as a Commercial / Industrial Collector.
4. The area is near the Exit 298 and I-80 interchange.
5. The property owner is proposing a vehicular turnaround at the end of P & H Drive. This will require 2 areas of the circular cul-de-sac to be dedicated to the City of Elko.

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

REDEVELOPMENT PLAN

- The area is located outside the Redevelopment Area.

FINDINGS

- The proposed vacation is in conformance with the 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.
- The proposed vacation is in conformance with City Code 3-2-12(A) and 8-7

STAFF RECOMMENDATION:

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



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): Joy Global Surface Mining Inc.

MAILING ADDRESS: 4400 West National Avenue, Milwaukee, WI 53214

PHONE NO (office) (414) 670-8915

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.: _____ **Address**

Lot(s), Block(s), & Subdivision

Or Parcel(s) & File No. 001-679-014, 001-679-015, 001-679-016, & 001-679-005

RECEIVED

NOV 09 2018

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.

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

Joy Global Surface Mining Inc., 440 W. National Ave., Milwaukee WI 53214

(Name)

(Address)

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

(Name)

(Address)

1. Describe the nature of the request: We have the common ownership of parcels: 001-679-014, 001-679-015, 001-679-016, and 001-679-005, and are currently in process consolidating them into one parcel, and after said consolidation this/our parcel will both abut and surround much of the current P&H Drive ROW. We propose that the westerly 751.83 feet of P&H Drive be vacated to the surrounding ownership. This would facilitate the use of our property rather than have a public ROW running thru the middle of it.
2. Describe any utilities currently located in the area proposed for vacation, and if any are present how they will be addressed: The current power and telephone facilities that serve our current facilities lay outside ROW area. New water, sewer, drainage, power, and communication utilities will be constructed as part of our proposed project, which is currently under review for construction approval.

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 Michael McClanahan
(Please print or type)

Mailing Address 4400 W. National Ave.
Street Address or P.O. Box

Milwaukee, WI 53214
City, State, Zip Code

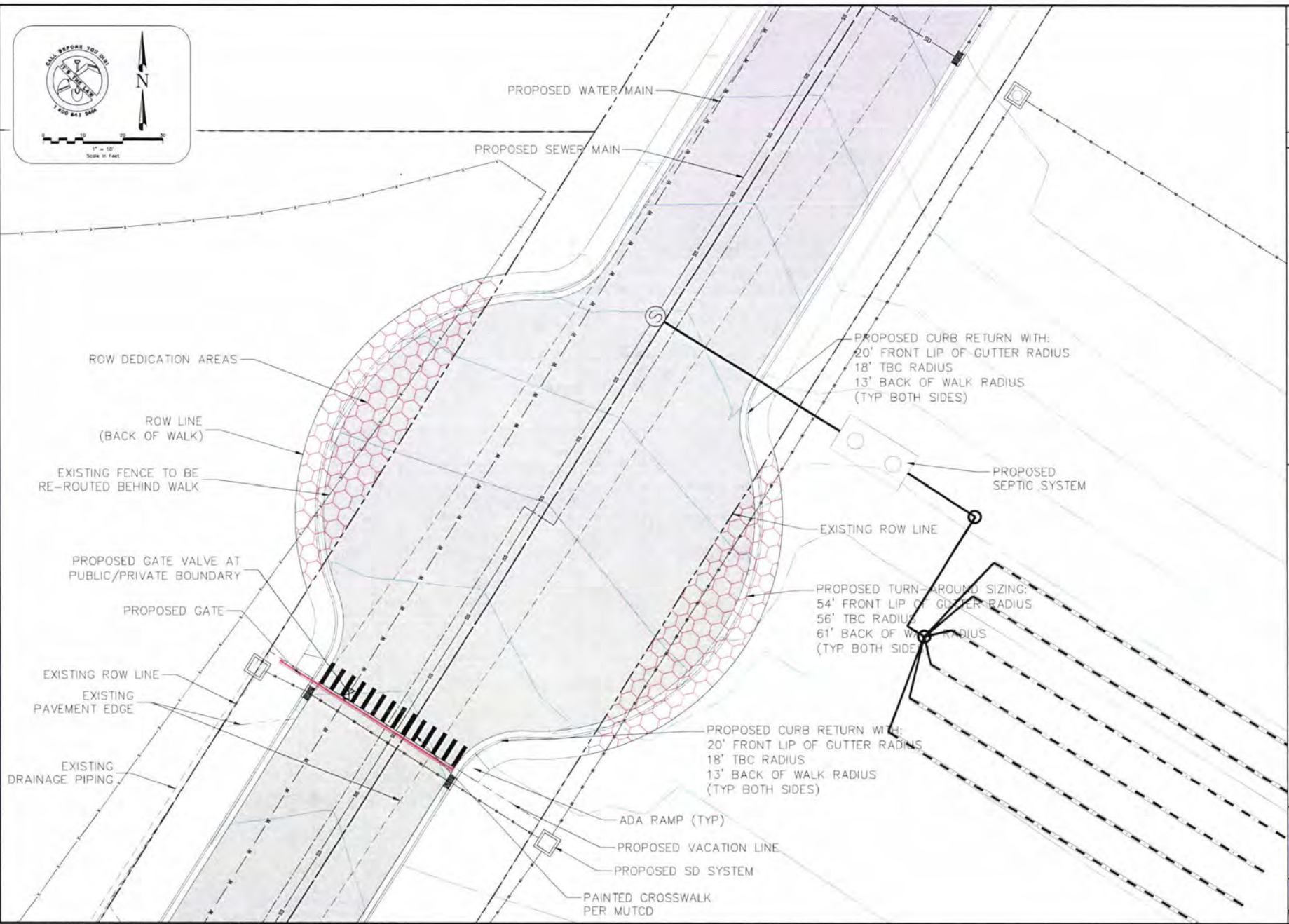
Phone Number: (414) 670-8915

Email address: michael.mcclanahan@mining.komatsu

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 3-18 **Date Filed:** 11/9/18 **Fee Paid:** _____



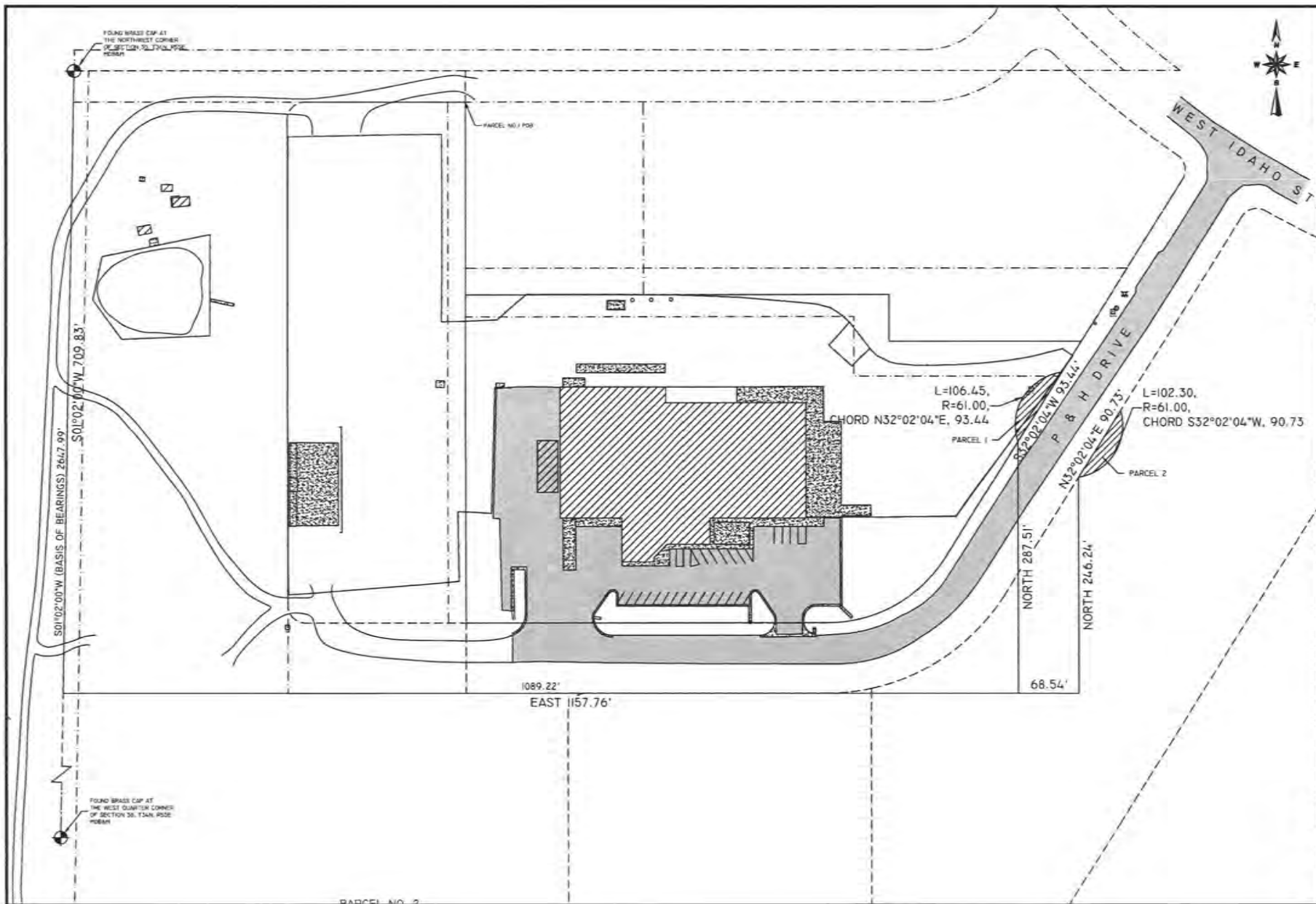
NO.	REVISIONS	BY	DATE

LEGEND ENGINEERING
55 WEST 100 NORTH
BEND, UT 84501
PHONE: 435.639.1234
WWW.LEGENDENGINEERING.COM



KOMATSU EQUIPMENT
PROPOSED IMPROVEMENTS
WITH VACATION AND DEDICATION

SHEET:
EXHIBIT 1
DATE: Nov 16, 2018



ELEMENT
LAND SURVEYING
WWW.ELEMENTSURVEYING.COM 2296 SOUTH 276 EAST, HERRICK CITY, UT 84032
(801) 532-5975

DEDICATION EXHIBIT
WASATCH COUNTY

LEGEND ENGINEERING

CUL-DE-SAC DEDICATION

PREPARED FOR

PROJECT NO.
17-09-208

SHEET
1 OF 1



PORTION OF P&H DRIVE VACATION

A PARCEL OF LAND SITUATED IN SECTION 30, TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.B.&M., ELKO COUNTY, STATE OF NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 709.83 FEET S01°02'00"W ALONG THE SECTION LINE AND 459.48 FEET EAST FROM THE NORTHWEST CORNER OF SECTION 30, TOWNSHIP 34 NORTH, RANGE 55 EAST, MOUNT DIABLO BASE AND MERIDIAN, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF P&H DRIVE AS DEDICATED BY PARCEL MAP FILE NO. 452341; AND RUNNING THENCE N00°01'38"W ALONG THE WESTERLY RIGHT-OF-WAY OF SAID P&H DRIVE 80.00 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID P&H DRIVE; THENCE ALONG SAID NORTHERLY AND NORTHWESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE (3) COURSES; (1) N89°58'22"E 411.50 FEET TO A POINT ON A 160.00 FOOT RADIUS CURVE TO THE LEFT; (2) THENCE ALONG SAID CURVE 161.80 FEET (CHORD BEARS N61°00'19"E 154.99 FEET); (3) THENCE N32°02'04"E 138.43 FEET; THENCE LEAVING SAID RIGHT-OF-WAY S57°57'56"E 80.00 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID P&H DRIVE; THENCE ALONG SAID SOUTHEASTERLY AND SOUTHERLY RIGHT OF WAY THE FOLLOWING THREE (3) COURSES: (1) S32°02'04"W 138.43 FEET TO A POINT ON A 240.00 FOOT RADIUS CURVE TO THE RIGHT; (2) THENCE ALONG SAID CURVE 242.69 FEET (CHORD BEARS S61°00'14"W 232.48 FEET); (3) THENCE S89°58'22"W 411.50 FEET TO THE POINT OF BEGINNING.

**Elko City Council
Agenda Action Sheet**

1. Title: **Second reading, public hearing, and possible adoption of Ordinance No. 834, an ordinance amending Title 3, Chapter 3, of the Elko City Code entitled "Subdivisions", filed and processed as Zoning Ordinance Amendment No. 2-18, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission held a public hearing on November 6, 2018, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning ordinance amendment. City Council held the first reading of Ordinance No. 836 on November 13, 2018 and set the matter for second reading and public hearing. 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: **Ordinance and P.C. Action Report**
9. Recommended Motion: **Conduct second reading, public hearing and adopt Ordinance No. 834**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, City Attorney**
12. Council Action:
13. Agenda Distribution:



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

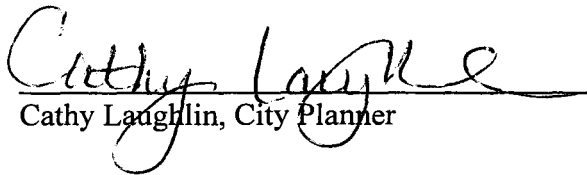
PLANNING COMMISSION ACTION REPORT

Regular Meeting of November 6, 2018

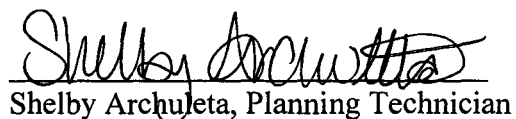
WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on November 6, 2018 under Public Hearing format, in accordance with notification requirements contained in Section 3-2-21(B)(1) of the City Code:

Zoning Ordinance Amendment 2-18, Ordinance No. 834, an amendment to the City Zoning Ordinance, specifically Title 3, Chapter 3, of the Elko City Code entitled "Subdivisions", specifically a repeal and replacement of the chapter, and matters related thereto.

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 an ordinance, which approves Zoning Ordinance Amendment No. 2-18.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk

**CITY OF ELKO
ORDINANCE NO. 834**

**AN ORDINANCE AMENDING TITLE 3, CHAPTER 3, OF THE ELKO CITY CODE
ENTITLED "SUBDIVISIONS" BY REPEAL AND REPLACING CHAPTER 3
ENTIRELY, AND MATTERS RELATED THERETO.**

WHEREAS, the City of Elko desires to amend the City Code to provide clarification within the Title 3 Zoning Regulations, Chapter 3 Subdivisions;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO,
NEVADA**

For amendment purposes, words which are in bold and underlined are additions to the Ordinance, and words which are lined through and bold are deleted from the Ordinance.

Section 1: Title 3, Chapter 3 is hereby amended to read as follows:

**Chapter 3
SUBDIVISIONS**

3-3-1: PURPOSE AND INTENT:

3-3-2: DEFINITIONS:

3-3-3: OUTLINE OF PROCEDURES:

3-3-4: PREAPPLICATION (CONFERENCE) STAGE (STAGE I):

3-3-5: PRELIMINARY PLAT STAGE (STAGE II):

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

3-3-7: INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMISSION:

3-3-8: INFORMATION REQUIRED FOR FINAL PLAT SUBMISSION:

3-3-20: GENERAL PROVISIONS FOR SUBDIVISION DESIGN:

3-3-21: STREET LOCATION AND ARRANGEMENT:

3-3-22: STREET DESIGN:

3-3-23: BLOCK DESIGN:

3-3-24: LOT PLANNING:

3-3-25: EASEMENT PLANNING:

3-3-26: STREET NAMING:

3-3-27: STREET LIGHTING DESIGN STANDARDS:

3-3-40: RESPONSIBILITY FOR IMPROVEMENTS:

3-3-41: ENGINEERING PLANS:

3-3-42: CONSTRUCTION AND INSPECTION:

3-3-43: REQUIRED IMPROVEMENTS:

3-3-44: AGREEMENT TO INSTALL IMPROVEMENTS:

3-3-45: PERFORMANCE GUARANTEE:

3-3-50: PARK LAND DEDICATIONS:

3-3-60: PARCEL MAPS:

3-3-70: MODIFICATION OF STANDARDS:

3-3-75: REVERSIONS TO ACREAGE:

3-3-80: PROHIBITION AGAINST SALE IN VIOLATION:

3-3-85: MERGERS AND RESUBDIVISION OF LAND:

3-3-90: VIOLATIONS AND PENALTIES:

3-3-1: PURPOSE AND INTENT:

The purpose of this chapter is to provide for the orderly growth and harmonious development of the city; to ensure adequate traffic circulation through coordinated subdivision street system with relation to major thoroughfares, adjoining subdivisions, and public facilities to achieve individual property lots of optimum utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to facilitate reservation of adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose; safeguard the public health, safety and general welfare; and to ensure development in conformance with the city master plan. In its interpretation and application, the provisions of this chapter are intended to provide a common ground of understanding and a sound and equitable working relationship between public and private interests to the end that both independent and mutual objectives can be achieved in the subdivision of the land. (Ord. 624, 10-26-2004)

3-3-2: DEFINITIONS:

For purposes of this chapter, certain words, terms and phrases are defined as follows:

BLOCK: A piece or parcel of land, or group of lots, entirely surrounded by public rights of way, streams, railroads or parks, or a combination thereof.

BUILDING LINE: A line between which and the street right of way line no building or structure or portion thereof, shall be erected, constructed, or otherwise established.

CITY COUNCIL: The city council of the city of Elko.

COMMISSION: The city of Elko planning commission.

CONDITIONAL APPROVAL: An affirmative action by the commission or city council indicating the approval of preliminary plat will be forthcoming upon compliance with certain specified stipulations.

DEVELOPMENT MASTER PLAN: A preliminary map showing the tentative layout of streets and arrangements of land uses, including the location of schools, recreation areas and other community facilities for the entirety of a large landholding of which a portion is to be submitted as a preliminary plat; a map meeting the requirements of section 3-3-4 of this chapter.

EASEMENT: A grant by the owner of the use of a strip of land by the public, a corporation, or persons for specific and designated uses and purposes.

ENGINEERING PLANS: Plans, profiles, cross sections and other required details for the construction of public improvements, prepared in conjunction with the plat and in compliance with standards of design and construction approved by the city council.

EXCEPTIONS: Any parcel of land located within the perimeter of the subdivision but which is not included in the plat.

FINAL APPROVAL: Unconditional approval of the final plat by the city council as evidenced by certification on the plat by the mayor of the city of Elko. Final approval constitutes authorization to record the plat.

FULL FRONTAGE: All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right of way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

LAND DISTURBANCE: The removal of the vegetative cover from the surface of any land, parcel, lot or construction site that exceeds one acre of disturbed surface area and, most probably, is a result of grading activity associated with new construction.

LOT: A distinct part or parcel of land separated from other pieces or parcels by description, as in a subdivision or on a record survey map, or by metes and bounds, with the intention or for the purpose of sale, lease, separate use or for the purpose of building.

A. Corner Lot: A lot abutting on two (2) or more intersecting streets.

B. Double Frontage Lot: A lot abutting two (2) parallel or approximately parallel streets.

C. Interior Lot: A lot having but one side abutting on a street.

D. Key Lot: An interior lot, one side of which is contiguous to the rear line of a corner lot.

LOT DEPTH: The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

LOT LINE: A line bounding a lot.

A. Front Lot Line: The lot line coinciding with the street line; or, in the case of a corner lot, the shortest of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.

B. Rear Lot Line: The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.

C. Side Lot Line: Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line; all other side lot lines are designated as interior side lot lines.

LOT WIDTH: A. In the case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord.

B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.

MASTER PLAN: The adopted plan or parts thereof, providing for the future growth and improvement of the city of Elko and for the general location and coordination of streets and highways, schools and recreation areas, public building sites, and other physical development which shall have been duly adopted by the planning commission and city

council.

NEIGHBORHOOD PLAN: A plan prepared by the city to guide the platting of remaining undeveloped parcels in a partially built up neighborhood so as to make reasonable use of all land, correlate street patterns, and achieve the best possible land use relationships.

OFFICIAL STREET CLASSIFICATION AND HIGHWAY PLAN COMPONENT OF THE MASTER PLAN: A plan adopted by the planning commission and city council which provides for development of a system of major streets and highways.

OWNER: The person or persons holding title by deed to land, or holding title as vendees under land contract, or holding any other title or record.

PARCEL MAP: As defined in the Nevada Revised Statutes.

PEDESTRIANWAY: A public or private walk through a block from street to street or from a street to a school, park, recreation area or other public facility.

PLAT: A map of a subdivision; the same as "map" as defined in the Nevada Revised Statutes.

A. **Final Plat:** A plat of all or part of a subdivision essentially conforming to an approved preliminary plat, prepared in accordance with provisions of section 3-3-8 of this chapter.

B. **Preliminary Plat:** A preliminary tentative map, including supporting data, indicating a proposed subdivision development, prepared in accordance with section 3-3-7 of this chapter.

C. **Recorded Plat:** A final plat bearing all of the certificates of approval required by this chapter and duly recorded in the Elko County recorder's office.

PRELIMINARY APPROVAL: Approval of a preliminary plat by the planning commission. Preliminary approval constitutes authorization to proceed with preparation of engineering plans and final plat.

PUBLIC IMPROVEMENT STANDARDS: A set of standards approved by the city council regulating the design and construction of public improvements in the city of Elko. These standards are the "Standard Specifications For Public Works Construction", latest edition, as distributed to the cities and counties of northern Nevada by the regional transportation commission of Washoe County.

PUBLIC UTILITIES: Underground, aboveground or overhead facilities furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, flood control, irrigation or refuse disposal, owned and operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations. "Public utilities", as used herein, may also refer to such persons, firms, corporation, departments or boards, as the context indicates.

STREET: Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access; or, a street shown in a plat heretofore approved pursuant to law; or, a street in a plat duly filed and recorded in the county recorder's office. A street includes all land within the street right of way, whether

~~improved or unimproved, and includes such improvements as pavement, shoulder, curbs, gutters, sidewalks, parking space, bridges, viaducts, lawns and trees.~~

~~A. Alley: A public way providing secondary vehicular access and service to properties which also abut a street.~~

~~B. Arterial And Minor Arterial Streets: A general term describing large major streets, including freeways, expressways and interstate roadways, and state and/or county highways having city and regional continuity.~~

~~C. Collector Residential And Local Residential Streets: City streets serving the primary function of providing access to abutting property:~~

~~1. Cul-De-Sac Street: A short collector residential and local residential street having one end permanently terminating in and including a vehicular turning area.~~

~~2. Marginal Access Street: A collector residential and local residential street parallel to and abutting an arterial street which provides access to abutting property, intercepts other collector residential and local residential streets, and controls access to the arterial street.~~

~~D. Collector Street: A street generally with limited continuity serving the primary function of moving traffic between arterial streets and local residential streets, and the secondary function of providing access to abutting properties.~~

~~E. Private Street: A nondedicated, privately owned right of way or limited public way that affords the principal means of emergency and limited vehicular access and connection from the public street system to properties created through the division or subdivision of land.~~

~~F. Public Street: A dedicated public right of way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.~~

~~G. Street Line: A line describing the limits of a street right of way.~~

~~SUBDIVIDER: The person, firm, corporation, partnership, association, syndicate, trust, or other legal entity that files application and initiates proceedings for the subdivision of land in accordance with the provisions of this chapter; provided, that an individual serving as agent for such legal entity shall not be deemed the subdivider.~~

~~SUBDIVISION: As defined in the Nevada Revised Statutes.~~

~~SUBDIVISION REVIEW COMMITTEE: A committee consisting of the city engineer, city planner, public works director, fire chief or fire marshal, and planning commission chair or vice chair formed for the purpose of conducting a subdivision preapplication (stage I) review prior to preliminary plat submittal. (Ord. 739, 8-9-2011)~~

~~3-3-3: OUTLINE OF PROCEDURES:~~

~~The preparation, submission, review and official action concerning all subdivision plats located within the city shall proceed through the following progressive stages:~~

~~A. Stage I -- preapplication (conference) stage;~~

~~B. Stage II -- preliminary plat stage;~~

~~C. Stage III -- final plat stage. (Ord. 548, 11-28-2000)~~

3-3-4: PREAPPLICATION (CONFERENCE) STAGE (STAGE I):

~~The preapplication stage of subdivision planning comprises an investigatory period preceding actual preparation of the preliminary plat by the subdivider. During this stage, the subdivider shall make known his intentions to the subdivision review committee and be advised of specific public objectives related to the subject tract and other details regarding platting procedures and requirements. During this stage, it shall be determined whether a change in zoning will be required for the subject tract or any part thereof, and, if such change is required, the subdivider shall initiate the necessary application for zoning amendment in conjunction with submission of the preliminary plat. In carrying out the purposes of the preapplication stage, the subdivider and the subdivision review committee shall be responsible for the following sections:~~

~~A. Actions By Subdivider: The subdivider shall meet with the subdivision review committee and present a general outline of his proposal, including, but not limited to:~~

~~1. Sketch plans and ideas regarding land use, street and lot arrangement, and tentative lot sizes.~~

~~2. Tentative proposals regarding water supply, sewage disposal, storm drainage and street improvements, and any additional information required by this code and the subdivision review committee.~~

~~B. Actions By Subdivision Review Committee: The subdivision review committee may advise the subdivider of procedural steps, design and improvement standards, and general plat requirements. The subdivision review committee may then proceed with the following investigations, and report its recommendations in writing to the subdivider, planning commission and city council:~~

~~1. Check existing zoning of the tract and of abutting properties, and determine whether a zoning amendment is necessary or desirable.~~

~~2. Examine the adequacy of parks and other public facilities.~~

~~3. Determine the relationship of the site to major streets, utility systems and adjacent land uses, and determine whether there are any potential problems related to topography, utilities, drainage or flooding.~~

~~4. Determine whether a development master plan shall be prepared and approved prior to preparation and consideration of a preliminary plat.~~

C. Development Master Plan: Whenever, in the opinion of the planning commission, the proposed subdivision is sufficiently large to comprise a major part of a future neighborhood, or, the tract initially proposed for platting is only a part of a larger land area the development of which is complicated by unusual topographic, utility, land use, land ownership problems or other conditions, the subdivider shall be required to prepare a development master plan for the larger area which must be submitted to the commission for approval and must be filed with the city engineer at least fifteen (15) days prior to the meeting date at which the commission will be reviewing the plan.

1. Preparation: The plan shall be prepared on a sheet twenty four inches by thirty six inches (24" x 36"), shall be accurate commensurate with its purpose, and shall include:

a. General street pattern with particular attention to the location and general alignment of collector streets and to convenient circulation throughout the neighborhood.

b. General location and size of school, park and other public facility sites.

c. Location of shopping center, multi-family residential and other proposed land uses.

d. Methods proposed for sewage disposal, water supply and storm drainage.

2. Approval: When the plan has been approved by the planning commission, it shall constitute the general design approach to be followed in the preparation of all preliminary plats within its limits. If development is proposed to take place in several stages, the plan shall be submitted as supporting data for each preliminary plat. The plan shall be kept up to date by the subdivider as modifications occur or become necessary. (Ord. 624, 10-26-2004)

3-3-5: PRELIMINARY PLAT STAGE (STAGE II):

The preliminary plat stage includes preparation, submission, review and planning commission action on the preliminary plat. Processing of the preliminary plat will be expedited by submission of all information essential to determining the intended character and general acceptability of the proposal.

A. Zoning Amendments: The preliminary plat shall be designed to meet the specific requirements of the zoning district in which it is located; however, in the event that an amendment of zoning is necessary, an application for such amendment shall be submitted and processed in conjunction with the preliminary plat. The planning commission shall not proceed with processing of the plat unless and until said application is submitted. The application for zoning amendment should be heard by the planning commission at the same meeting as the preliminary plat, but shall be acted upon separately. When a preliminary plat constitutes only one unit of a larger development intended for progressive platting, zoning amendment shall usually be limited to the area contained in and abutting the initial plat. In any event, any required zoning amendment shall have been approved by the planning commission prior to the preliminary plat approval. Zoning amendments must conform with the master plan, adopted by the planning commission and city council.

B. Sanitary Sewerage, Water Supply, Storm Drainage And Garbage Disposal: As a prerequisite of preliminary plat review by the planning commission, the subdivider shall have informed the commission, health department and the city engineer of the tentative

~~plans and shall provide adequate information to determine the general requirements for sewage disposal, water supply, storm drainage, garbage disposal and other public utilities as applied to the subject tract.~~

C. Preliminary Plat Submission:

- ~~1. Documents; Scheduling: Eighteen (18) copies of the preliminary plat and any required supporting data, prepared in accordance with the requirements of this chapter, shall be filed with the planning department at least twenty one (21) days prior to the planning commission meeting at which the subdivider desires to be heard. Scheduling of the case for planning commission hearing shall be dependent upon submission of adequate data and completion of processing. If additional copies of the submittal are needed for proper review of the proposal, they shall be furnished by the subdivider.~~
- ~~2. Submittal To Be Checked: The submittal shall be checked by the subdivision review committee for completeness, and, if it meets with all requirements of section 3-3-7 of this chapter, it shall be assigned a file number; if incomplete, it shall be rejected and the subdivider notified as to its deficiencies.~~
- ~~3. Filing Fee: The subdivider shall, at the time of filing, pay to the city a filing fee based upon the number of lots in the plat. If preliminary approval subsequently expires prior to application for final approval, the plat shall be resubmitted for preliminary approval as a new case, and the subdivider shall pay the required fee in accordance with the adopted schedule. The filing fee shall be set by resolution by the city council.~~

D. Preliminary Plat Review:

- ~~1. Copy Distribution: The subdivider shall provide additional copies of the preliminary plat to the city for distribution to:~~
 - ~~a. The city engineer;~~
 - ~~b. School district superintendent, board of trustees of Elko County;~~
 - ~~c. Utility companies;~~
 - ~~d. Division of water resources, department of conservation and natural resources;~~
 - ~~e. Division of environmental protection, department of conservation and natural resources; and~~
 - ~~f. Health department, department of human resources.~~
- ~~2. Commission Shall Review: The planning commission shall review the preliminary plat submitted for compliance with the provisions of this chapter and the zoning requirements, and shall consult with and seek the advice of appropriate city departments and agencies on any matters of design or improvement. It shall be the responsibility of the subdivider to provide any necessary data.~~
- ~~3. Public Hearing Required: In reviewing and considering preliminary plats, the planning commission shall first hold a public hearing prior to taking any action on a preliminary plat. Upon the filing of an application for preliminary plat, the city staff shall set the~~

~~matter for hearing not later than forty five (45) days thereafter. After the time and place have been established by the city staff, notice of the hearing shall be sent by mail at least ten (10) days before the hearing to all property owners adjoining or adjacent to the area proposed to be subdivided as shown by the latest assessment rolls of the city. Notice by mail to the last known address of the real property owners as shown by the assessor's records shall be sufficient. Legal notice shall be placed in a newspaper of general circulation within the city at least ten (10) days prior to the date of the public hearing.~~

- ~~4. Modifications: In the event the planning commission requires modifications of the plat as submitted, the commission shall so inform the subdivider and may provide him advice in overcoming deficiencies prior to the commission hearing. A recommendation for modification or change may be sufficiently important to warrant postponement of the commission hearing until the matter has been resolved with the subdivider.~~

E. Preliminary Plat Approval:

- ~~1. The planning commission shall consider the preliminary plat within forty five (45) days after the plat has been filed. The commission shall report to the city council within thirty (30) days after review of the preliminary plat. The report shall approve or disapprove the map or maps of the subdivision. If conditionally approved or disapproved, the report shall state the conditions under which the map would have been approved or that approval was withheld because the land proposed to be subdivided was not suitable for such development. If approval is withheld, the report shall state the reasons why the land was not considered suitable. The city council shall approve or disapprove a tentative map within forty five (45) days after receipt of the planning commission's recommendations, after first holding a public hearing as set forth in subsection D3 of this section.~~
- ~~2. Before approving a tentative plat, the planning commission and city council shall make such findings as are not inconsistent with the provisions of Nevada Revised Statutes sections 278.010 through 278.630, inclusive, or local ordinances adopted pursuant thereto, including, but not limited to, findings that the subdivision:~~
 - ~~a. Will not result in undue water or air pollution. In making this determination it shall consider:~~
 - ~~(1) The topography of the land and its relation to the floodplains or areas subject to flooding or water damage;~~
 - ~~(2) The nature of soils and subsoils and their ability adequately to support waste disposal;~~
 - ~~(3) The slope of the land and its effect on effluents;~~
 - ~~(4) The effectiveness of sewerage plans and solid waste disposal; and~~
 - ~~(5) The applicable environmental and health laws and regulations.~~
 - ~~b. Has sufficient water meeting applicable health standards for the reasonably foreseeable needs of the subdivision.~~

- ~~c. Will not cause an unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.~~
- ~~d. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.~~
- ~~e. Will not cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways existing or proposed and addresses for the new streets or highways to serve the subdivisions.~~
- ~~f. Is in conformance with the duly adopted master plan and zoning ordinances, except in cases of inconsistency between the two, the zoning ordinance takes precedence. No provision of this chapter shall be constructed to prevent a governing body from disapproving a tentative map if such disapproval is in the best interests of the public health, safety or welfare, and such disapproval is made by a majority vote of its members and made within the time limit provided.~~
- ~~g. Availability and accessibility of utilities.~~
- ~~h. Availability and accessibility of public services, such as schools, police and fire protection, recreation and parks.~~

~~3. If satisfied that the preliminary plat meets all requirements of this chapter, the planning commission may grant preliminary approval, whereupon the secretary shall note such approval on three (3) copies of the plat, return one copy to the subdivider, retain one copy in the permanent commission file, and give one copy to the city engineer.~~

~~4. If the plat is generally acceptable but requires minor revision, the planning commission may find conditional approval, and the required conditions and revisions shall be noted in the meeting minutes. Thereafter, at the discretion of the commission, the plat may be given preliminary approval when it has been satisfactorily revised in accordance with the commission's stated conditions.~~

~~5. If the plat is disapproved by the planning commission, any new filing of a plat for the same tract, or any part thereof, shall follow the aforesaid procedure and be subject to payment of a new filing fee. The subdivider may appeal the planning commission's decision to the governing body within fifteen (15) days. The city council may overrule any ruling of the planning commission in regard to the tentative plat.~~

~~6. Upon preliminary approval, the planning department shall notify the utility companies of such approval.~~

~~F. Significance Of Preliminary Approval: Preliminary approval constitutes authorization for a subdivider to proceed with preparation of the final plat and engineering plans. Preliminary approval is based upon the following terms:~~

~~1. Basic conditions under which preliminary approval is granted shall not be changed prior to expiration date.~~

~~2. Unless the time is extended consistent with the requirements of Nevada Revised Statutes 278.360, the subdivider shall present to the planning commission within four (4) years:~~

~~a. A final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or~~

~~b. One of a series of final maps, each covering a portion of the approved tentative map.~~

~~3. If the subdivider fails to record a final map for any portion of the tentative map within four (4) years after the date of approval of the tentative map by the city council, or within two (2) years after the date of approval by the city council of the most recently recorded final map, all proceedings concerning the subdivision are terminated.~~

~~4. The city council, after referral to the planning commission for review and comment, may grant an extension of not more than two (2) years for the presentation of the next final map in a series of final maps covering a portion of the approved tentative map after the two (2) year period for presenting the entire final map or next successive final map has expired.~~

~~5. Preliminary approval does not constitute an authorization to proceed with site improvements prior to approval by the city engineer of engineering plans.~~

~~G. Expiration Of Preliminary Approval: If preliminary approval expires prior to filing of a request for an extension or the time given in an extension expires, the preliminary plat, if resubmitted, shall be processed as a new case, and a new fee paid. If planning commission review of a resubmitted plat reveals no significant change from the previously approved preliminary plat and conditions under which previous approval was granted have not changed, the filing fee shall be as set by the city council and the resubmitted plat scheduled for hearing by the commission at its first regular scheduled meeting thereafter. (Ord. 785, 7-8-2014)~~

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

The final plat stage includes the final design and engineering of the subdivision, and the preparation, submission, review and action on the final plat and engineering plans.

A. Presubmission Requirements:

~~1. Zoning: The final plat shall meet all requirements of the zoning district in which located, and any necessary zoning amendments shall have been adopted by the city council prior to filing of the final plat.~~

~~2. Preparation Of Final Plat: The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of this chapter.~~

~~3. Easements: 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.~~

B. Final Plat Submission:

~~1. The planning commission shall review the final plat for conformity with the preliminary plat and conformity with the engineer's approval of final plat and construction drawings.~~

2. ~~The subdivider shall file with the city clerk the final plat and four (4) true copies thereof, together with the recordation fee, at least fifteen (15) days prior to the city council meeting date at which the subdivider desires to be heard.~~

C. Final Plat Review:

1. ~~Upon receipt of the final plat submittal, the city clerk shall record receipt and date of filing, and transmit all copies of the final plat to the city engineer for checking the submittal for completeness. If incomplete, the filing dated shall be voided and the subdivider so notified. If complete, and if the final plat substantially conforms to the approved preliminary plat, the city engineer shall transmit copies of the submittal to the Nevada highway department, where applicable, who shall make known their recommendations in writing addressed to the city engineer.~~
2. ~~The city engineer shall assemble the recommendations of the various reviewing offices, including the planning commission findings and recommendations, and submit same to the city council.~~
3. ~~In the event that the city engineer finds that the final plat does not substantially conform to the approved preliminary plat, as approved by the planning commission, then the final plat shall be submitted to the commission for review and recommendations prior to consideration by the city council.~~

D. Final Plat Approval And Recordation:

1. ~~Upon notification from the city engineer that the plat is in order, the city clerk shall place the case on the agenda of the next regular meeting, at which time the city council shall approve or deny the plat.~~
2. ~~If the city council denies approval of the plat for any reason whatever, such reasons shall be recorded in the minutes and the subdivider so notified. If the city council gives final approval of the plat, the city clerk shall transcribe upon the plat a certificate of approval signed by the mayor and the city clerk, first making sure that all other required certifications have been duly signed, and that engineering plans have been approved by the city engineer.~~
3. ~~The subdivider shall then cause signed prints of the plat to be provided to the city engineer, the county recorder, the county assessor and the planning commission, all at the expense of the subdivider.~~
4. ~~The subdivider shall then record the plat in the county recorder's office and pay the recordation fee. (Ord. 548, 11-28-2000)~~

3-3-7: INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMISSION:

- A. Form And Scale:** ~~Preliminary plat information hereinafter required shall be shown graphically on one or more plan sheets with written data either entered directly thereon or attached thereto. All mapped data for the same plat shall be drawn at the same standard engineering scale, such scale having not more than one hundred feet (100') to the inch. Whenever practicable, the plan scale shall be selected to produce an overall sheet measuring twenty four inches by thirty six inches (24" x 36").~~

B. Identification Data:

1. Proposed subdivision name, location and section, township and range; reference by dimension and bearing to a section corner or quarter-section corner.
2. Name, address and phone number of subdivider(s).
3. Name, address and phone number of engineer or surveyor preparing plat, together with the registration number issued to such engineer or surveyor by the Nevada registering board.
4. Scale, north point and date of preparation, including dates of any subsequent revisions.
5. A small scale location map showing the relationship of the tract to existing community facilities which serve or influence it, including: arterial streets, railroads, shopping centers, parks and playgrounds, and churches.
6. Legal description defining the boundaries of the subdivision.

C. Existing Conditions Data:

1. Topography by two foot (2') contour intervals related to the city current coordinate system shown on the same map as the proposed subdivision layout. Topographic data shall be adequate to show the character and drainage of the land.
2. Location of water wells, streams, private ditches, washes and other water features, including direction of flow; location and extent of areas subject to frequent periodic or occasional inundation.
3. The location of designated flood zones and/or special flood hazard areas.
4. Within or adjacent to the tract, the location, widths and names of all platted streets, railroads, utility rights of way of public record, public areas, permanent structures to remain, and municipal corporation lines.
5. Name, book and page numbers of all recorded plats abutting the tract or across a boundary street from the tract.
6. Existing zoning classification of the tract and adjacent properties.
7. Dimensions of all tract boundaries; gross and net acreage of tract.

D. Proposed Conditions Data:

1. Street layout, including location and width of streets, alleys, pedestrianways and easements, including connections to adjoining platted subdivisions and through unsubdivided tracts, proposed names of all streets and approximate grade of all rights of way. A traffic impact analysis may be required where additional traffic in the area may exceed city roadway capacities and warrant traffic signal improvements, additional travel lanes or impact state highways.

- ~~2. Lot layout, including dimensions of typical lots; and the dimensions of all corner lots and lots on street curves; each lot numbered consecutively; total number of lots.~~
- ~~3. Location, width and proposed use of easements.~~
- ~~4. Location, extent and proposed use of all land to be dedicated or reserved for public use, including school sites or parks.~~
- ~~5. Location and boundary of all proposed zoning districts.~~
- ~~6. Draft of proposed deed restrictions.~~
- ~~7. The subdivider and/or subdivision engineer shall provide a preliminary or conceptual grading plan; including conceptual depiction of areas proposed for cut and fill; estimated quality of material to be graded; estimated finished grades adequate to establish general grading trend; proposed methods of erosion control; general location and specifications of any manufactured (cut or fill) slopes.~~
- ~~8. The subdivider shall comply with all applicable provisions of the city national pollutant discharge elimination system general permit for discharges from small municipal separate storm sewer systems, permit no. NV040000.~~

E. Proposed Utility Methods:

- ~~1. Sewage Disposal: It shall be the responsibility of the subdivider to furnish information as to design for sewage disposal connecting to the city system.~~
- ~~2. Water Supply: Evidence of adequate volume and quality satisfactory to the city engineer from the city system.~~
- ~~3. Storm Drainage: Preliminary drainage calculations and layout of proposed storm drainage system, including locations of outlets, shall be submitted. Storm drainage shall comply with the city of NPDES permit requirements and current regulations.~~
- ~~4. Telephone, Power, Gas, Television: Design and location shall be shown.~~
- ~~5. Will Serve Letters: The engineering department shall provide a water, sewer and solid waste disposal "will serve" letter to the applicable state agencies. (Ord. 624, 10-26-2004)~~

3-3-8: INFORMATION REQUIRED FOR FINAL PLAT SUBMISSION:

- ~~A. Form And Content: The final map shall be clearly and legibly drawn with black, waterproof India ink upon good tracing cloth or Mylar, including affidavits, certificates and acknowledgments. Each sheet shall be twenty four inches by thirty six inches (24" x 36") in size. A marginal line shall be drawn completely around each sheet showing an entirely black margin of one inch (1") at bottom, top and right edge, and two inches (2") on the left edge on the twenty four inch (24") dimension. The scale of the map shall be not less than one inch equals one hundred feet (1" = 100'). The particular number of the sheet and the total number of sheets comprising the map shall be so stated on each of the sheets and the number in relation to each adjoining sheet shall be clearly shown. The title sheet shall~~

~~contain the location of the property being divided with references to maps which have been previously recorded or by reference to the plat of the United States survey. Copies of the final plat shall be reproduced in the form of blue line or black line prints on the white background.~~

B. Identification Data:

- ~~1. Name of subdivision and location by section, township, range and county.~~
- ~~2. Name, address and registration number of the registered land surveyor preparing the plat. The land surveyor preparing the plat must be registered in the state of Nevada.~~
- ~~3. Scale, north point and date of plat preparation.~~

C. Survey Data (Required):

- ~~1. Boundaries of the tract fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field; all dimensions expressed in feet and decimals thereof.~~
- ~~2. Any exceptions within the plat boundaries located by bearings and distances expressed in feet and decimals thereof, determined by an accurate survey in the field.~~
- ~~3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the plat shall be referenced; the subdivision traverse shall be tied by course and distance to a section corner or quarter-section corners.~~
- ~~4. Location and description of all physical encroachments upon the boundaries of the tract.~~

D. Descriptive Data:

- ~~1. Name, right of way lines, courses, lengths and widths of all streets, alleys, pedestrianways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; radii of all rounded street line intersections.~~
- ~~2. All drainageways, designated as such.~~
- ~~3. All utility and public service easements, including designation whether for public access or utilities.~~
- ~~4. Location and dimensions of all lots, parcels and exceptions.~~
- ~~5. All residential lots shall be numbered consecutively throughout blocks.~~
- ~~6. Location, dimensions, bearings, radii, arcs, and central angles of boundaries of all sites to be dedicated to the public, including designation of proposed use.~~
- ~~7. Location of all adjoining subdivisions with name, date, book and page number of recordation noted, or if unrecorded, so noted, along with names of adjoining landowners of unsubdivided property.~~

- ~~8. Any private deed restrictions to be imposed upon the plat, or any part hereof, written on or attached to the plat and each copy thereof.~~

E. Dedication And Acknowledgment:

- ~~1. Statement of dedication of all streets, alleys, pedestrianways, and easements for public purposes by the person holding title of record, by persons holding title as vendees under land contract, and by wives of such persons. If lands to be dedicated are mortgaged, the mortgagee shall also sign the plat. Dedication shall include a written description by section, township and range of the tract. If the plat contains private streets, public utilities shall be reserved the right to install and maintain utilities in such street rights of way.~~
- ~~2. Execution of dedication acknowledged and certified by a notary public.~~

F. Additional Information:

- ~~1. Where the centerline has been established for any street, highway, alley or public way within an adjoining subdivision, all monuments along said street, highway, alley or public way within the proposed subdivision shall be located with reference to that centerline which shall be shown on the map.~~
- ~~2. The centerline of each highway, street, alley or way within the proposed subdivision and width on each side of the centerline, and showing the width to be dedicated and there shall be designated on all centerlines the bearing thereof and length of each radius, central angle and length of each curve within the proposed subdivision.~~
- ~~3. The location of monuments or other evidence formed upon the ground and used in determining the boundaries of the subdivision. If other subdivisions adjoin, the map shall show sufficient corners of such adjoining subdivisions, sufficiently identified to locate precisely the limits of the proposed subdivision.~~
- ~~4. The length and bearing of each block line, lot line and boundary line; the length, radius and central angle of each curve or the length of curve and that portion of the central angle lying within each lot. Such data shall be shown in a manner satisfactory to the city engineer.~~
- ~~5. Each city boundary line crossing or adjoining the subdivision with adequate ties to monuments set or found within the subdivision.~~
- ~~6. Section lines, one-quarter ($\frac{1}{4}$) section lines and one-sixteenth ($\frac{1}{16}$) section lines crossing or adjoining the subdivision boundaries.~~

G. City Engineer To Check:

- ~~1. The city engineer shall check said final map as to accuracy of dimensions, the placing of monuments, the establishment of survey records shown on said map, and the conformance of said map with the preliminary map. The final map shall be accompanied by:
 - ~~a. A worksheet showing the closure of the exterior boundaries of the proposed subdivision and of the closure of lots and blocks therein;~~~~

~~b. A complete set of construction plans are required by the city engineer showing typical street sections, centerline and curb grades, sanitary sewer and storm drain locations and invert grades and elevations. The construction drawings must be stamped and dated by a civil engineer registered in the state;~~

~~c. Construction plans for manholes, catch basins and other appurtenant structure;~~
and

~~d. An estimate of quantities required to complete the improvements.~~

~~2. The minimum allowable error of closure shall be one-ten thousandth ($1/10,000$).
Temperature and tension correction shall be applied to all measured distances in conformance with the standard adopted by the federal board of surveys and maps in May, 1925.~~

H. Required Certifications: The following certifications shall appear on the final map:

- ~~1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map. A lien for state, county, municipal or local taxes and for special assessments or beneficial interest under trust deeds or trust interests under bond indentures shall not be deemed to be an interest in land for the purpose of this section. Any map including territory originally patented by the United States or the state, under patent reserving interest to either or both of the entities, may be recorded under the provisions of Nevada Revised Statutes sections 278.010 through 278.730 inclusive, without the consent of the United States or the state thereto, or to dedications made thereon. Signatures required by this section of parties owning rights of way, easements or reversions which, by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value, and which signatures it is impossible or impracticable to obtain, may be omitted if the names of such parties and the nature of their interest is endorsed on the map, together with a reasonable statement of the circumstances preventing the procurement of such signatures.~~
- ~~2. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which the parties desire so to dedicate. The certificate may state that any certain parcel or parcels are not offered for dedication; but a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use, except those parcels other than streets intended for the exclusive use of the lot owners in such subdivision, their licensees, visitors, tenants and servants.~~
- ~~3. A certificate for execution by the clerk of each approving governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.~~
- ~~4. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the map, together with a statement approving such easements, signed by each public utility company or agency in whose favor the~~

easements are created or whose utility services are to be required for the platted parcels.

5. A certificate by the engineer or surveyor responsible for the survey and final map, which certificate must be in the following form:

SURVEYOR'S CERTIFICATE

~~I (name of surveyor), a registered land surveyor in the state of Nevada, certify that:~~

- ~~1. This is a true and accurate representation of the lands surveyed under my supervision at the instance of (owner, trustee, etc.);~~
- ~~2. The lands surveyed lie within (sections, township, range, meridian, and, if required by the governing body, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less) and the survey was completed on (date);~~
- ~~3. This plat complies with the applicable state statutes and any local ordinances;~~
- ~~4. The monuments are of the character shown and occupy the positions indicated by (a day certain) and that an appropriate performance bond has been or will be posted with the governing body to assure their installation.~~

~~(date, name of surveyor, registration number and seal)~~

6. A certificate by the city engineer or city surveyor stating that he has examined the final map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of Nevada Revised Statutes sections 270.010 through 278.630, inclusive, and of any local ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct and that the monuments as shown are of the character and occupy the positions indicated or that the monuments have not been set and that a proper performance bond has been deposited guaranteeing their setting on or before a day certain. The certificate shall be dated and signed and certified by a registered land surveyor or a registered civil engineer.

7. A certificate by the state health division reading:

~~This final map is approved by the health division of the department of human resources concerning sewage disposal, water pollution, water quality and water supply facilities in accordance with the Nevada Revised Statutes. This approval predicates (community, individual) water supply and (community, individual) sewage disposal.~~

8. A copy of the review by the state engineer required by subsection H7 of this section shall be furnished to the subdivider who in turn shall provide a copy of such review to each purchaser of land prior to the time the sale is completed. No statement of approval or review as required in subsection H7 of this section is a warranty or representation in favor of any person as to the safety or quantity of such water.

9. The final subdivision map shall contain the following certificate:

~~—Division of Water Resource Certificate: This final map is approved by the division of water resources of the department of conservation and natural resources concerning water quantity subject to the review of approval on file in this office.~~

10. ~~The city council shall not approve any final map for a subdivision served by the city water system unless the subdivider has submitted plans which provide for the installation of water meters or other devices which will measure water delivered to each water user in the subdivision. (Ord. 624, 10-26-2004)~~

3-3-20: GENERAL PROVISIONS FOR SUBDIVISION DESIGN:

A. ~~Conformance With Master Plan:~~ ~~Every subdivision shall conform to requirements and objectives of the city master plan, to the city zoning ordinance, to other ordinances and regulations of the city and to the statutes of the state, except as otherwise provided in this chapter.~~

B. ~~Provision Of Public Facility Sites:~~ ~~Whenever the statutes of the state permit the dedication of school sites or parks, the city council may require the subdivider to dedicate such sites.~~

C. ~~Land Unsuitability:~~ ~~No land shall be subdivided which is determined by the planning commission to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The planning commission, in applying the provisions of this section, shall state the particular facts upon which its conclusions are based, and shall also define the conditions under which the land may, in its opinion, become suitable for the proposed development. Land located within any floodway as designated on the city flood insurance rate maps shall be deemed unsuitable for development by local, state and federal regulation. Any subdivider proposing development of such land shall have the right to present evidence to the city council contesting such determination of unsuitability, whereupon the city council may affirm, modify or withdraw the restriction. (Ord. 768, 1-22-2013)~~

3-3-21: STREET LOCATION AND ARRANGEMENT:

A. ~~Conformance With Plan:~~ ~~Whenever a tract to be subdivided embraces part of a street designated in a city official street and highway plan, such street shall be platted in conformance therewith.~~

B. ~~Layout:~~ ~~Street layout shall provide for the continuation of such streets as the planning commission may designate.~~

C. ~~Neighborhood Plan:~~ ~~Whenever the tract is located within an area for which a neighborhood plan has been approved by the planning commission, the street arrangement shall conform to such plan.~~

D. ~~Extensions:~~ ~~Certain proposed streets, as designated by the planning commission, shall be extended to the tract boundary to provide future connection with adjoining unplatted~~

lands. Such extensions shall generally not be farther apart than the maximum permitted length of a block, as hereinafter provided.

E. Arrangement Of Residential Streets: Residential streets shall be so arranged as to discourage their use by traffic originating outside the immediate neighborhood.

F. Protection Of Residential Properties: Lots intended for single-family residential use shall not normally front or have access from arterial streets. Where a proposed subdivision abuts an existing or proposed arterial street, the planning commission may require marginal access streets or reverse property frontage with nonaccess easements abutting the arterial street, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and for protection of the traffic function of the arterial street.

G. Parallel Streets: Where a residential subdivision abuts the right of way of a railroad, a limited access highway, or a commercial or industrial land use, the planning commission may require location of a street approximately parallel to such right of way or use at a distance being determined with due regard for approach grades, drainage, bridges and future grade separation.

H. Topography: Streets shall be so arranged in relation to topography as to produce desirable lots or maximum utility and streets of reasonable gradient, and to facilitate adequate surface drainage.

I. Alleys: Where alleys are platted, their alignment and arrangement shall be such as to minimize backtracking and single tier service by trash collection forces and to avoid the facing of residences directly into alley openings.

J. Half Streets: Half streets shall be prohibited unless approved by the planning commission, and conditions which will be considered for approval are: where necessary to provide right of way indicated on the official street and highway plan, to complete a street pattern already begun, or to ensure reasonable development of an adjoining unplatted parcel. Where a platted half street exists abutting to residential lots, the remaining half street shall be platted within the tract.

K. Dead End Streets: Dead end streets in excess of six hundred eighty feet (680') in length shall be prohibited unless a modification is granted by the planning commission in locations designated by the commission as necessary for future street connection to adjacent unplatted lands. This shall include cul-de-sacs.

L. Intersection Design: Whenever any street or highway is proposed requiring a separation of grades or requiring any special form of intersection design at its intersection with any street, highway or railway, the subdivision shall be so designed to conform to any plan adopted by the city for the intersection design and all lots within the subdivision shall, when necessary, be provided with suitable access from another public way. Any street or highway intersecting with other street or highway shall intersect it at any angle as nearly a right angle as shall be practicable. (Ord. 548, 11-28-2000)

3-3-22: STREET DESIGN:

A. Required Right Of Way Widths:

1. Arterial Streets: One hundred feet (100').

2. Minor Arterial Streets: Eighty feet (80').

3. Collector Streets: Seventy feet (70').

4. Collector Residential Streets: Sixty feet (60').

5. Local Residential Streets: Fifty feet (50').

6. Collector Rural Residential Streets: Seventy feet (70').

7. Local Rural Residential Streets: Sixty feet (60').

8. Hillside Rural Residential Streets: Sixty feet (60').

9. Rural Streets And Roads: All rural streets and roads shall conform with the following provisions:

a. All rural road standards shall include a minimum ten foot (10') wide public utility easement and slope easement on one or both sides of the street right of way. The city engineer shall have the ability to increase the width of the easement in special circumstances and when warranted.

b. Rural roads which are projected by traffic study or analysis to serve more than six hundred (600) average daily vehicle trips shall utilize the collector rural residential street design standard.

c. Sidewalks or pathways associated with rural roads may be constructed of concrete, cement, asphalt or comparable material subject to the approval of the city engineer.

d. On street parking on rural roads shall be prohibited except for temporary/emergency purposes and shall be appropriately signed.

e. To minimize excessive culvert installation and associated maintenance, access approaches for rural roads shall be limited to one driveway, not to exceed thirty feet (30') in width or two (2) separated driveways, each of which is not to exceed twenty feet (20') in width.

10. Private Streets: Development and use of private streets is limited to local type streets with a local street classification, function and characteristics. Private streets are intended to serve self-contained projects, and shall access the public street system at an intersection subject to the review and approval of the city engineer. All private streets shall conform with the following provisions:

a. Minimum total width for private streets: Fifty feet (50').

b. Minimum total width for private streets accessing four (4) or fewer lots: Thirty two feet (32').

c. Minimum paved section for private streets: Forty feet (40').

- ~~d. Minimum paved section for private streets accessing four (4) or fewer lots: Twenty six feet (26').~~
 - ~~e. All residential private streets accessing twenty (20) or fewer lots shall have a four foot (4') wide sidewalk on at least one side of the street.~~
 - ~~f. All residential private streets accessing more than twenty (20) lots shall have a four foot (4') wide sidewalk on both sides of the street.~~
 - ~~g. All commercial and industrial private streets accessing four (4) or fewer lots shall have a five foot (5') wide sidewalk on at least one side of the street, or as otherwise determined as part of an approved concept development plan.~~
 - ~~h. All commercial and industrial private streets accessing more than four (4) lots shall have a five foot (5') wide sidewalk on both sides of the street, or as otherwise determined as part of an approved concept development plan.~~
 - ~~i. All private streets shall provide for adequate storm drainage and employ use of curb and gutter sections to convey runoff subject to the review and approval of the city engineer.~~
 - ~~j. Parking spaces, inclusive of back up area, as required by section 3-2-17 of this title, shall not be located within a private street, or as otherwise waived or determined as part of an approved concept development plan.~~
 - ~~k. Design and construction of improvements associated with private streets shall be subject to a standard guarantee of performance to ensure completion of required improvements and a maintenance agreement to ensure that improvements are maintained to an acceptable standard over time as set forth in sections 3-3-44 and 3-3-45 of this chapter.~~
- ~~11. Cul-De-Sacs: Cul-de-sac streets shall terminate in a circular right of way not less than fifty feet (50') in radius with an improved turning circle at least forty five feet (45') in radius. The planning commission may approve an equally convenient form of turning space where justified by unusual conditions. Maximum length of cul-de-sac streets, as measured along the centerline of the street and between the centerline of the intersecting street and the center point of the cul-de-sac, shall not exceed six hundred eighty feet (680').~~
- ~~a. Length For Rural Roads: Maximum cul-de-sac length for rural roads may be increased in dimension to serve no more than twenty (20) residential dwelling units, but under no circumstance shall exceed a length of one thousand three hundred sixty feet (1,360').~~
 - ~~b. Marginal Access Streets: As required by adopted current city standards.~~
- ~~12. Alleys: Where permitted or required, twenty feet (20') where there is residential property on both sides, and twenty feet (20') where abutting commercial or industrial property.~~

~~a. Alley intersections and sharp changes in alignment shall be avoided, but, where necessary, corners shall be cut off ten feet (10') on each side to permit safe vehicular movement.~~

~~b. Dead end alleys shall be prohibited.~~

~~c. "Half" alleys shall be prohibited.~~

~~13. Dead End Streets: Where permitted, a dead end street shall provide by easements, a temporary turning circle with a fifty foot (50') radius or other approved and acceptable design to accomplish the same purpose.~~

~~14. All Streets: The design and construction of all streets, including private streets, within the city shall conform to the public improvement standards established by the city engineer and approved by the city council as set forth in section 3-3-40 of this chapter.~~

~~15. Fire Code: All streets shall conform to current adopted fire codes.~~

B. Street Grades:

1. Maximum Grades:

~~a. Arterial and minor arterial streets: As determined by the city engineer.~~

~~b. Collector streets: Seven percent (7%).~~

~~c. Collector residential and local residential streets: Nine percent (9%).~~

~~2. Minimum Grades: Asphalt streets with concrete gutters shall have a minimum longitudinal slope of 0.50%.~~

~~3. Exceptions: Where rigid adherence to these standards causes unreasonable or unwarranted hardship in design or cost without commensurate public benefit, exceptions may be made by the planning commission.~~

C. Vertical Curves:

~~1. Arterial and minor arterial streets: As determined by the city engineer.~~

~~2. Collection and local streets: Minimum length, one hundred feet (100').~~

D. Horizontal Alignment:

~~1. Arterial and minor arterial streets shall be as determined by the city engineer.~~

~~2. When tangent centerlines deflect from each other by more than ten degrees (10°) and less than ninety degrees (90°), they shall be connected by a curve having a minimum centerline radius of two hundred feet (200') for collector streets, or one hundred feet (100') for collector residential and local residential streets.~~

3. ~~Between reverse curves, there shall be a tangent section of centerline not less than one hundred feet (100') long.~~
4. ~~Streets intersecting an arterial street shall do so at a ninety degree (90°) angle. Intersecting collector streets, collector residential streets and local residential streets shall typically intersect at ninety degree (90°) angles, but in no case at less than seventy five degree (75°) angles.~~
5. ~~Street jogs shall be avoided, except where justified by unusual existing conditions, and approved by the city engineer.~~
6. ~~Local residential streets or collector residential streets intersecting a collector street or arterial street shall have a tangent section of centerline at least one hundred fifty feet (150') in length measured from the right of way line of the more major street, except that no such tangent shall be required when the local residential or collector residential street curve has a centerline radius greater than four hundred feet (400') measured from a center located on the more major street right of way line.~~
7. ~~Street intersections with more than four (4) legs, and Y-type intersections with legs meeting at acute angles, shall be prohibited.~~
8. ~~Intersections of street lines shall be rounded by a circular arc having a minimum tangent length of fifteen feet (15'). (Ord. 624, 10-26-2004)~~

3-3-23: BLOCK DESIGN:

- A. ~~Maximum Length Of Blocks: Within the following maximums, blocks shall be as long as reasonably possible, in order to achieve all possible street economy and to reduce the expense and safety hazard arising from excessive street intersections. Maximum block length, measured along the centerline of the street and between intersecting street centerlines, shall not exceed one thousand three hundred sixty feet (1,360').~~
- B. ~~Pedestrianways: Pedestrianways with a right of way width of eight feet (8') may be required where, in the opinion of the planning commission, they are essential for pedestrian circulation within the subdivision or access to schools, playgrounds or other community facilities. Pedestrianways may be used for utility purposes. (Ord. 624, 10-26-2004)~~

3-3-24: LOT PLANNING:

- A. ~~Lot Width, Depth And Area: Lot width, depth and area shall comply with requirements of the zoning requirements appropriate for the location and character of development proposed, and for the type and extent of urban street and utility improvements being installed. "Urban improvements" is interpreted to mean paved and curb streets, sidewalks, local storm drainage system, public water supply and public sanitary sewage. However, where steep topography, unusual soil conditions or drainage problems exist or prevail, the planning commission may require increased lot width, depth and/or area exceeding the minimum requirements of the particular zoning district.~~
- B. ~~Lot Depth: Generally, lot depths shall be at least one hundred feet (100') and widths at least sixty feet (60'); provided, however, that the planning commission may allow narrower widths on cul-de-sacs.~~

C. Building Setback: ~~Minimum front and exterior side building setbacks shall conform to the applicable provisions of this code.~~

D. Side Lot Lines: ~~Side lot lines shall be substantially at right angles or radial to street lines, except where, in the opinion of the planning commission, other alignment may be justified.~~

E. Accessibility: ~~Every lot shall abut a public street or private street connecting with the public street system.~~

F. Prohibitions: ~~Double frontage lots intended for single-family residences shall be prohibited; provided, that, subject to the approval of the planning commission, such lots may be platted abutting an arterial street so long as dwellings front on local or collector streets and all access from the arterial street is prohibited. (Ord. 557, 2-13-2004)~~

3-3-25: EASEMENT PLANNING:

~~Utilities shall be placed underground unless a modification is approved to permit overhead utilities by the planning commission and only where overhead utilities are determined acceptable by the commission:~~

A. Utility Easements:

~~1. Where alleys are platted, utility easements four feet (4') wide on each side of alley for aerial overhang shall be provided by dedication. Where alleys are not platted, utility easements six feet (6') wide on each side of rear lot lines shall be provided and delineated on the plat. In addition, guy and anchor easements shall be provided one foot (1') wide on each side of a side lot line and thirty five feet (35') in length measured from the rear lot line, in locations selected by the utility committee, or as required by the utility company.~~

~~2. Along side lot lines where required for distribution facilities, utility easements five feet (5') wide on each side of side lot lines; where service to street lighting is required: one foot (1') on each side of such lot lines, or as required by the utility company.~~

B. Underground Utilities: Where all utilities are underground:

~~1. Rear Lot Lines: Where alleys are platted, easements as required by serving utilities.~~

~~2. Side Lot Lines: All utility service lines, including gas, electric, telephone and street lighting, shall be channeled in easements four feet (4') wide on each side of the lot line separating pairs of lots, as required by the utilities for service.~~

C. Lots Facing Curvilinear Streets: ~~For lots facing on curvilinear streets, alleys and easements for overhead utilities shall usually consist of a series of straight lines with points of deflection not less than one hundred twenty feet (120') apart, such points of deflection always occurring at the junction of side and rear lot lines on the side of the exterior angle; however, curvilinear easements or alleys may be employed, providing that the minimum radii of centerlines shall be not less than eight hundred feet (800').~~

D. Public Drainage Easement: ~~Where a stream or major surface drainage course abuts or crosses the tract, dedication of a public drainage easement which is sufficient to permit~~

widening, deepening, relocating or protecting such drainage course shall be required. Information shall be prepared by subdivider's engineer.

E. Land Not Considered Minimum Lot Area: Land within a public street or drainage easement, or land within a utility easement for major power transmission lines or pipelines, shall not be considered a part of the minimum required lot area; provided, however, that this provision shall not be applicable to land included in utility easements to be used for distribution or service purposes.

F. Lots Backing Onto Arterial Streets: Lots arranged to back of arterial streets, railroads, canals or commercial or industrial districts, as provided in this chapter, shall have a minimum depth of one hundred ten feet (110'), the rear one foot (1') of which shall be recorded as a nonaccess private easement.

G. Water And Sewer Utility Lines: Municipal water and sewer utility line shall be installed within the city street right of way at all times, unless otherwise approved by the planning commission and/or city council. (Ord. 624, 10-26-2004)

3-3-26: STREET NAMING:

At the preliminary plat stage, the subdivider shall propose names for all streets, which names shall be subject to be approved by the planning commission. (Ord. 226, 12-9-1975)

3-3-27: STREET LIGHTING DESIGN STANDARDS:

A. Requirements: Street lighting shall be installed within any division/development of land project in accordance with the following requirements:

1. The subdivider, developer or property owner is responsible for complying with the requirement to install street lighting and shall make all necessary arrangements with the utility company involved for the installation of streetlights and bear all costs relating to the purchase and placement of streetlights. Installation of street lighting materials shall be performed by a state licensed contractor also having a city business license prior to commencing any work.
2. Street lighting plans are to be prepared by the utility company involved and shall be submitted by the subdivider, developer or property owner with the improvement plans to the city for review. Such plans shall show the location of each light, power source and size of luminaries in watts or lumens.
3. All street lighting within each construction phase shall be complete and operational prior to acceptance of subdivision public improvements or an issuance of any certificate of occupancy.
4. Requests for street lighting in previously developed areas must be approved by the city engineer for location and installation prior to being submitted to the utility company for design engineering.
5. Once the street lighting has been installed and operational, approval by the city engineer will constitute acceptance of the street lighting and the city will then be responsible for the energy costs and maintenance thereafter.

B. Design Standards: All streetlight installations shall be designed in accordance with the following minimum design standards:

1. All luminaries shall be a minimum of one hundred (100) watt high pressure sodium for residential areas and minimum two hundred (200) watt high pressure sodium for commercial/industrial areas or approved equal.
2. A streetlight shall be placed at each street intersection and shall be situated to properly illuminate the intersection.
3. A streetlight shall be placed at any proposed U.S. postal service gang box location.
4. Streetlights shall be placed between intersections at midblock locations such that a minimum spacing of three hundred fifty feet (350') and maximum of five hundred feet (500') is maintained between all lights.
5. A streetlight shall be placed at the end of each cul-de-sac. (Ord. 624, 10-26-2004)

3-3-40: RESPONSIBILITY FOR IMPROVEMENTS:

The design, construction and financing of all required grading, sidewalks, curbs, streetlights, gutters, pavements, sanitary sewers, storm sewers, water mains, fire hydrants, drainage structures and monuments shall be the responsibility of the subdivider and shall conform to public improvement standards established by the city engineer and approved by the city council; provided, however, that the subdivider may meet such requirements by participation in an improvement district approved by the city. (Ord. 624, 10-26-2004)

3-3-41: ENGINEERING PLANS:

It shall be the responsibility of the subdivider to have prepared by an engineer registered in the state, a complete set of engineering plans, satisfactory to the city engineer, for construction of all required street and utility improvements. Such plans shall be based on and be prepared in conjunction with the final plat. Engineering plans shall have been approved by the city engineer prior to recordation of the final plat. (Ord. 226, 12-9-1975)

3-3-42: CONSTRUCTION AND INSPECTION:

A. Permits Required: All improvements in the public right of way shall be constructed under the inspection and approval of the city engineer. Construction shall not be commenced until all federal, state, and local permits have been issued for such construction, and if work has been discontinued for any reason, it shall not be resumed until after notifying in advance the department having jurisdiction.

B. Underground Utilities: All underground utilities to be installed in streets shall be constructed prior to the surfacing of such streets. Service stubs to platted lots within the subdivision for underground utilities shall be placed to such length as to avoid disturbance of street improvements when service connections are made. (Ord. 624, 10-26-2004)

3-3-43: REQUIRED IMPROVEMENTS:

A. Streets And Alleys: All streets and alleys within the subdivision shall be graded, drained and surfaced to cross sections, grades and standards, and profile approved by the city

~~engineer. Where there are existing streets adjacent to the subdivision, proposed streets shall be fully improved to the intercepting paving line of such existing streets. Temporary dead end streets serving more than four (4) lots shall be provided a graded asphalt surfaced, temporary turning circle. Construct adequate permanent culverts and bridges at all points within the subdivision where watercourses are crossed by streets or alleys, said construction to be in conformity with the specifications of the city engineer for such structures, and said structures shall be constructed to the full width of the dedicated street or alley.~~

B. Curbs: ~~Curbs shall be portland cement concrete. Curbs and gutters and valley gutters shall be constructed as designated by the city engineer.~~

C. Sidewalks: ~~Four feet (4') wide in residential areas and five feet (5') wide in commercial zoned areas shall be constructed on both sides of streets with fifty foot (50') pavement width. In subdivisions where lots average one-half ($\frac{1}{2}$) acre or more, the planning commission may waive this requirement.~~

D. Pedestrianways: ~~Portland cement concrete or approved paving of walks shall be constructed to a width, line and grade approved by the city engineer. Fencing on both sides with a four foot (4'), maintenance free fence with posts set in concrete may be required.~~

E. Street Name Signs: ~~Street name signs shall have been installed at all street intersections by the time the street pavement is ready for use. Design, construction, location and installation shall conform to approved city standards.~~

F. Storm Drainage: ~~The design and construction of public streets and alleys, and the grading of private properties shall provide for adequate disposal of stormwaters. Existing major drainage courses shall be maintained and dedicated as public drainageways. The type, extent, location and capacity of drainage facilities shall be planned by subdivider's engineer and approved by city engineer. Install to the grade and in the locations and to the depth and of the materials shown on plans and specifications approved by the city engineer, storm and surface water drain pipes and mains, together with catch basins and to provide discharge from the same in a manner and at a place to be approved by the city engineer.~~

G. Sanitary Sewerage:

~~1. Public sanitary sewers shall be installed in all subdivisions which are accessible to an existing or planned and programmed public sewer system, as determined by the city engineer. Sewers shall be constructed to plans, profiles, and specifications approved by the health department and city engineer. The subdivider shall install to the grade and in the locations and to the depth and of the material shown on the plans and specifications approved by the city engineer, sanitary sewer mains with connections therefrom to each lot in said subdivision, said mains to be connected to the sewer system of the city at a point to be specified by the city engineer.~~

~~2. Install all necessary manholes in connection with the installation of sanitary sewer mains, said manholes to be installed at the points and in the manner and according to the specifications approved by the city engineer.~~

H. Water Supply:

1. ~~Each lot shall be supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection, in accordance with approved city standards. The subdivider shall install to grade all water mains and lines of the materials shown on plans and specifications approved by the city engineer, connections from said mains and lines to be installed to each lot in said subdivision. Maps and plats shall show location of shutoff valves to each block and lot. All proposed water systems shall connect to the city system.~~

2. ~~Water meter boxes and water meters shall be installed on all lots in conformance with adopted city specifications and subject to the review and approval of the city engineering department.~~

I. ~~Fire Hydrants: Fire hydrants shall be installed in all subdivisions in accordance with approved city standards as set by the fire department, and current adopted fire codes and standards.~~

J. ~~Power, Communications And Gas Utilities: Subdivision required improvements shall include electric power, natural gas, telephone and cable television. These utilities shall be installed in all subdivisions. All electric distribution facilities shall be installed underground, except in unusual situations involving short extensions of overhead facilities existing on abutting subdivisions wherein such extensions may be approved by the city council. All such underground electric distribution lines and telephone lines shall be installed in accordance with general order no. 9 as issued by the public service commission of the state.~~

K. ~~Survey Monuments: Permanent monuments shall be installed in accordance with approved city standards at all corners, angle points, points of curve, and at all street intersections. After all improvements have been installed, the subdivider shall have a registered land surveyor check the location of monuments and certify their accuracy. Monuments shall be at or near boundary corners. Monuments shall be set at intermediate points of approximately one thousand feet (1,000') or at such lesser distances as may be necessary by reason of topography or culture to ensure accuracy in the reestablishment of any point or line without unreasonable difficulty. All monuments shall be permanently and visibly marked with the registration or license number of the registered land surveyor under whose supervision the survey was made, and a description of such monument shall be shown on the final map. The subdivider shall set monuments at street intersections and at the beginning and ending of each curve, unless the intersection of tangents of said centerline falls within the street right of way in which event the city engineer may permit the subdivider to establish a monument at such intersection in lieu of monuments at said beginning and end of curve.~~

L. ~~Lot Corner Staking: Five-eighths inch ($\frac{5}{8}$ ") reinforcing steel shall be set at all corners, angle points and points of curve for each subdivision lot prior to final acceptance of the subdivision. The cost for lot corner staking, under the direction of a professional land surveyor, shall be included as part of the public improvements and shall be a line item on the "engineer's estimate of the costs of the public improvements".~~

M. ~~Street Lighting: Street lighting shall be required on all streets within the subdivision as required in section 3-3-27 of this chapter and shall be placed at locations designated by the city engineer and to the specifications with respect to materials, design and construction as set forth by the city engineer. The subdivider will bear all costs relating to the purchase and placement of the streetlights; provided, however, if the city and the~~

~~power company can reach an agreement whereby the city is reimbursed for costs, the city may participate in the installation of the lights.~~

~~N. Stormwater Discharge And Land Disturbance: All construction activities that may create a land disturbance of greater than one acre shall comply with state construction site stormwater general permit requirements and the city national pollutant discharge elimination system general permit for discharges from small municipal separate storm sewer systems. This requires developers and/or contractors to obtain a state stormwater discharge permit and city grading permit for these projects. Construction site stormwater erosion protection shall be provided on all projects. Permanent stormwater erosion measures meeting the minimum requirements of the city stormwater management plan will be enforced.~~

~~O. Full Frontage: Public utility construction and installation is required across the full frontage of property at time of development. (Ord. 739, 8-9-2011)~~

3-3-44: AGREEMENT TO INSTALL IMPROVEMENTS:

~~A. Provisions Of Agreement: Prior to certification of final plat approval by the mayor, the subdivider shall have executed and filed an agreement between himself and the city providing that:~~

- ~~1. All required subdivision improvements will be completed within a specified period of time to the satisfaction of the city. The specified period of time shall not exceed two (2) years.~~
- ~~2. In the event that such improvements are not completed within the specified period, the city may, at their option, complete or cause to be completed such work and recover from the subdivider full cost and expenses therefor.~~
- ~~3. The subdivider/developer shall provide engineering plans for all improvements.~~
- ~~4. The engineering plans and all required improvements shall be approved by the city engineering department.~~

~~B. Additional Provisions: The aforesaid agreement may also provide for:~~

- ~~1. Construction of improvements in predetermined stages.~~
- ~~2. The testing of materials and the inspection of improvements to ensure these improvements meet the city construction standards. The cost of inspection testing and quality control shall be paid by the developer.~~
- ~~3. An extension of construction period under certain specified conditions.~~
- ~~4. Progress payments to the subdivider from any deposit which the subdivider may have made, or reduction in bonds, not exceeding ninety percent (90%) of the value of improvements completed and approved, as determined by the city engineer.~~

~~C. Modifications, Extensions: At the written request of the subdivider, terms, provisions and time frames associated with an executed agreement to install required subdivision improvements may be modified or extended by the city council upon demonstration of~~

~~just cause pursuant to applicable policies as adopted by resolution of the city council. The subdivider shall, at the time of filing the written request, pay a filing fee to the city in an amount established by resolution of the city council.~~

D. Inspection Costs: ~~The subdivider is responsible for providing and paying the cost of inspection, testing and surveying of subdivision improvements. If it is determined that the subdivider is not providing adequate inspection and testing through a qualified engineer licensed to work in the state, then the city shall have the right to stop work and/or hire a qualified engineer or firm to provide adequate inspection and testing. The subdivider shall be responsible for reimbursing the city for these costs upon demand and prior to final acceptance of subdivision improvements.~~

E. As Built Drawings: ~~The subdivider, or the subdivider's engineer, shall provide as built drawings of all subdivision improvements to the city engineering department. The as built drawings shall be in both digital and mylar form. All mylars shall be "wet stamped" by the subdivision engineer, or surveyor, prior to being submitted to the city.~~

F. Qualified Contractors: ~~All public improvements shall be constructed by licensed contractors qualified to construct the work. Contractors shall be licensed in the state. (Ord. 624, 10-26-2004)~~

3-3-45: PERFORMANCE GUARANTEE:

A. Forms Of Guarantee: ~~Prior to certification of final plat approval by the mayor, the subdivider shall have provided the city a financial guarantee of performance for the completion of required subdivision improvements, in one or a combination of the following forms as determined by the city:~~

1. Performance Bond: ~~Performance or surety bond in an amount deemed sufficient by the city engineer to cover, but in no case be less than, the full cost of required improvements, engineering inspections, incidental expenses and replacement and repair of any existing streets and utilities or other improvements which may be damaged during construction of required improvements. Such bond shall be executed by a surety company authorized to do business in the state, must be approved by the city attorney as to form, and have a length of term not exceeding twenty four (24) months from the date of final plat recordation.~~

2. Deposit Of Funds: ~~Deposit of cash, certified check or negotiable bonds, made payable to the city finance director, or to a responsible escrow agent or trust company approved by the city attorney, in the same amount and for the same purpose as heretofore provided for a performance bond.~~

3. Irrevocable Letter Of Credit: ~~Irrevocable letter of credit issued by a financial institution insured under the federal deposit insurance corporation (FDIC) establishing funds for the construction of the subdivision improvements from which the city may draw. An agreement to install public improvements as required in section 3-3-44 of this chapter shall be executed by the city, the developer and the financial institution prior to the city's acceptance of an irrevocable letter of credit as a form of security. The irrevocable letter of credit shall be in the same amount and for the same purpose as heretofore provided for the performance bond.~~

4. Improvement District Financing: In cases where all properties abutting a public street within any given block are not under the control of the subdivider, and the street abutting such properties is not fully improved in accordance with the requirements of this chapter, the subdivider may petition the city to construct the required improvements and to assess the cost thereof against abutting properties in accordance with local practice pertaining to special assessments; provided, however, that the subdivider shall be responsible for any differences between the cost of such improvements and the amount which can be legally assessed by the city against the property to be subdivided, and shall furnish any necessary waivers to permit assessment of the entire cost of such improvements. Any such agreement shall be in a form approved by the city attorney.

B. Penalty In Case Of Default: In the event that the subdivider fails to complete all required subdivision improvements in accordance with terms of his agreement with the city, the city may have such work completed and, in order to reimburse itself for the cost and expense thereof, may appropriate the deposit of cash, funds established by an irrevocable letter of credit or negotiable bonds, or take such steps as may be necessary to secure performance under the bond.

C. One Year Maintenance: The subdivider shall guarantee the adequacy of street and utility improvements for a period of not less than one year.

1. Payments: No job progress payments from cash, funds established by an irrevocable letter of credit or negotiable bond deposits, nor any release of performance bonds, shall be made by the city except upon certification by the city engineer and approval by the city council.

2. Amount: The subdivider shall provide the city with a maintenance bond, funds established by an irrevocable letter of credit or a deposit of funds in an amount not less than ten percent (10%) of the total cost of the required public improvements as a one year maintenance guarantee. (Ord. 745, 4-24-2012)

3-3-50: PARK LAND DEDICATIONS:

In accordance with the statutes of the state to provide for the acquisition and development of park, playground and recreational facilities as are reasonably necessary to serve the residents of new subdivisions and development within the jurisdiction of the city, the planning commission and city council may require the dedication of land, payment in lieu of dedication, or residential tax, in accordance with the recreation and open space element of the duly adopted general plan of the city. (Ord. 226, 12-9-1975)

3-3-60: PARCEL MAPS:

A. Required: A person who proposes to divide any land into four (4) or fewer lots, shall file a parcel map in the office of the county recorder, unless this requirement is waived. No survey may be required if the requirement of a parcel map is waived.

B. Lot Design: For parcel maps, the governing body may require such street grading and drainage provisions as are reasonably necessary for lot access and drainage needs. It may also require such lot design as is reasonably necessary and such off site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within six hundred sixty feet (660') of the proposed parcel.

~~If the proposed parcels are less than one acre, the governing body may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed.~~

~~C. Second Or Subsequent Parcel Maps: When considering whether to approve, conditionally approve or disapprove a second or subsequent parcel map involving land that has been divided by a parcel map which was recorded within the five (5) years immediately preceding the acceptance of the second or subsequent parcel map as a complete application, the following criteria shall be considered:~~

- ~~1. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;~~
- ~~2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;~~
- ~~3. The availability and accessibility of utilities;~~
- ~~4. The availability and accessibility of public services, such as schools, police protection, transportation, recreation and parks;~~
- ~~5. Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;~~
- ~~6. General conformity with the governing body's master plan of streets and highways;~~
- ~~7. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;~~
- ~~8. Physical characteristics of the land such as floodplain, slope and soil;~~
- ~~9. The recommendations and comments of those entities reviewing the tentative map pursuant to Nevada Revised Statutes sections 278.330 through 278.348, inclusive; and~~
- ~~10. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.~~

~~For any other second or subsequent parcel map, any reasonable public improvement may be required, but not more than would be required if the parcel were a subdivision. See section 3-3-43 of this chapter, required public improvements.~~

~~D. Review:~~

- ~~1. The city council may give the city planning personnel the authority to approve a parcel map, or waive the requirement of a parcel map or survey for a parcel map, without further action by the planning commission or city council, unless the parcel map includes an offer of dedication of street right of way to the city or is associated with the request to modify subdivision ordinance standards or regulations. The planning~~

personnel shall review the parcel map, if required, and within forty five (45) days after filing, shall approve, conditionally approve or disapprove such map.

2. A parcel map which includes an offer of dedication of street right of way to the city or a modification of subdivision ordinance standards or regulations shall be referred to the planning commission and the city council for review, consideration and formal acceptance of the offer of dedication and/or any modification of standards or regulations. The commission shall consider the parcel map within forty five (45) days after filing. The city council shall consider the parcel map no later than thirty (30) days after action by the planning commission.

E. Appeal: If the applicant disagrees with any decision of the planning personnel concerning the parcel map, or if the parcel map is disapproved, the applicant has thirty (30) days in which to file an appeal with the planning commission. The planning commission shall make a determination within forty five (45) days from the date the appeal was filed. If the planning commission denies the appeal, the applicant may appeal to the city council within thirty (30) days of such denial and the city council shall render its decision within forty five (45) days after the filing of this appeal with the city clerk.

F. Exceptions: A parcel map is not required when the land division is for the express purpose of:

1. Creation or realignment of a public right of way by a public agency;
2. Creation or realignment of an easement;
3. Adjustment of the boundary line or the transfer of land between two (2) adjacent property owners which does not result in the creation of any additional parcels;
4. Purchase, transfer or development of space within an apartment building or an industrial or commercial building;
5. An order of any court dividing land as a result of an operation of law;
6. Creation of a lien, mortgage, deed, trust or any other security instrument;
7. Creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
8. Convey an interest in oil, gas, minerals or building materials which are severed from surface ownership of real property;
9. Filing a certificate of amendment for the correction of an error or omission on a plat, survey or map, or if the correction does not change the location of a survey monument or property line.

G. Survey Not Required: If a survey is not required for the preparation of a parcel map, the map must be prepared by a registered land surveyor, but his certificate upon the map may include substantially the following:

~~—This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of~~

~~monuments or corrections of other information shown on or copied from any such prior document.~~

H. Fee: The applicant shall, at the time of filing the parcel map, 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.

I. Information Required: The parcel map should contain the following information and meet the following requirements:

1. The parcel map shall be legibly drawn in black, waterproof India ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet shall be twenty four inches by thirty two inches (24" x 32"). A marginal line shall be completely drawn around each sheet leaving an entirely blank margin of one inch (1") at the top, bottom and right edges, and of two inches (2") at the left edge along the twenty four inch (24") dimension.

2. A parcel map shall indicate the owner of any adjoining land or right of way if owned by the person dividing the land.

3. If a survey is required, the parcel map shall also show:

a. All monuments found, set, reset, replaced or removed, describing the claim, size and location and other data relating thereto;

b. Bearing or witness monuments, basis of bearings, bearing and length of line and scale of map;

c. Name and legal description of tract or grant in which the survey is located and ties to adjoining tracts;

d. Memorandum of oaths;

e. Signature of surveyor;

f. Date of survey;

g. Signature of the owner or owners of the land to be divided;

h. Any easements granted or dedications made;

i. Any other data necessary for the intelligent interpretation of various items in the location of the points, lines and areas shown; and

j. Provision and date for installation of all required improvements.

4. The following certificates shall appear on a parcel map before it can be recorded:

a. A certificate for execution by the clerk of each approving governing body stating that the body approved the map;

~~b. A certificate by the surveyor responsible for the parcel map giving the date of the survey on which the map is based and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. The certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions at such time as agreed upon under the provisions of Nevada Revised Statutes chapter 278. The certificate shall also state that monuments are or will be sufficient to enable the survey to be retraced;~~

~~c. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utilities installations and access, as designated on the map;~~

~~d. A statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the platted parcel;~~

~~e. It shall be the responsibility of the applicant to obtain approval of serving utility companies as to the location of any utility easements which are to be shown on the parcel map.~~

~~5. The following data shall accompany a parcel map at the time it is submitted:~~

~~a. Name, address and telephone number of the persons requesting approval of the parcel map and the owner or owners of the land;~~

~~b. Name, address and telephone number of the person who prepared the map;~~

~~c. Legal description of the original parcel. It shall be sufficient to give recorders book and page of deed and assessor's parcel number;~~

~~d. Proposed use of each parcel;~~

~~e. Source of water supply and proposed method of sewage disposal for each parcel;~~

~~f. A copy of all survey computations shall accompany the parcel map;~~

~~g. A vicinity map.~~

~~6. The subdivider shall file six (6) copies of the parcel map with the city at the time of filing. (Ord. 293, 8-26-1980)~~

~~J. Recording: A parcel map approved pursuant to this section and section 3-3-70 of this chapter, shall be recorded in the office of the county recorder within two (2) years after the date when the map was approved or deemed approved. (Ord. 624, 10-26-2004)~~

3-3-70: MODIFICATION OF STANDARDS:

A. Permitted: Where, in the opinion of the planning commission, there exists extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in this chapter, the city council may modify the provisions

of this chapter, or any other provision in this code, in such manner and to the minimum extent necessary to carry out the intent of this chapter.

B. Complete Neighborhood Plan: In the case of a plan and program for a complete neighborhood, the city council may modify the provisions of this chapter in such manner as it deems necessary and desirable to provide adequate space and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, and may require such legal provisions as may be necessary to assure conformity to and achievement of such plan.

C. Additional Necessary Requirements: In modifying the standards or requirements of this chapter, as outlined heretofore, the city council may make such additional requirements as are necessary in its judgment to secure substantially the objectives of the standards or requirements so modified. (Ord. 768, 1-22-2013)

3-3-75: REVERSIONS TO ACREAGE:

A. Application: Except as otherwise provided in Nevada Revised Statutes section 278.4925, an owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof, to acreage or to revert the map or portion thereof, or to revert more than one map recorded under the same tentative map if the parcels to be reverted are contiguous, shall submit a written application accompanied by a map of the proposed reversion which contains the same survey dimensions as the recorded maps or maps to the planning department. The application must describe the requested change.

B. Review: At its next meeting, or within a period of not more than thirty (30) days after the filing of the map of reversion, whichever occurs later, the city council shall review the map of reversion and approve, conditionally approve or disapprove the map.

C. Applicability Of Fees: Except for the provisions of this section, Nevada Revised Statutes sections 278.4955, 278.496 and 278.4965, and any provision or local ordinance relating to the payment of fees in conjunction with filing, recordation or checking of a map of the kind offered, no other provision of Nevada Revised Statutes sections 278.010 through 278.630, inclusive, applies to a map made solely for the purpose of reversion of a former map or for reversion of any division of land to acreage.

D. Recording: Upon approval of the map of reversion, it must be recorded in the office of the county recorder. The county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

E. Street Or Easement Included: Requirement for submitting a map of reversion and for presenting a map of reversion for recording must conform with provisions of Nevada Revised Statutes sections 278.4955, 278.496 and 278.4965. If the map included the reversion of any street or easement owned by a city, a county or the state, the provisions of Nevada Revised Statutes section 279.480 must be followed before approval of the map.

F. Fee: The owner shall, at the time of filing the map of reversion, pay a filing fee to the city in an amount established by resolution of the city council. (Ord. 548, 11-28-2000)

3-3-80: PROHIBITION AGAINST SALE IN VIOLATION:

~~No person, firm, corporation or other legal entity shall hereafter sell or offer for sale any lot, piece or parcel of land which is within a "subdivision", as defined in this chapter, until after a plat thereof has been recorded in accordance with provisions of this chapter. (Ord. 226, 12-9-1975)~~

3-3-85: MERGERS AND RESUBDIVISION OF LAND:

~~A. Permitted: An owner or governing body that owns two (2) or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to Nevada Revised Statutes section 278.490.~~

~~B. Recording Required: Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with Nevada Revised Statutes sections 278.320 through 278.4725, inclusive, and any applicable local ordinances. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.~~

~~C. Street Easements And Utility Easements: With respect to a merger and resubdivision of parcels pursuant to this section, the owner or governing body conducting the merger and resubdivision shall ensure that street easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.~~

~~D. Security Credit: If a governing body required an owner or governing body to post security to secure the completion of improvements to two (2) or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision, conducted pursuant to this section, the governing body shall credit on a pro rata basis the security posted by the owner or governing body toward the same purposes with respect to the parcels as merged and resubdivided. (Ord. 548, 11-28-2000)~~

3-3-90: VIOLATIONS AND PENALTIES:

~~Any person, firm, corporation or other legal entity who violates any of the provisions of this chapter shall, upon conviction therefor, be punished as provided in title 1, chapter 3 of this code. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such hereunder. The imposition of any sentence shall not exempt the offender from compliance with all requirements of this chapter. (Ord. 261, 6-27-1978)~~

Chapter 3 **DIVISIONS OF LAND**

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3-3-1: PURPOSE AND INTENT:

The purpose of this Chapter is to provide for the orderly growth and harmonious development of the City; to ensure adequate traffic circulation through coordinated subdivision street systems in relation to major thoroughfares, adjoining subdivisions, and public facilities to achieve individual property lots of optimum utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to facilitate reservation of adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose; safeguard the public health, safety and general welfare; and to ensure development in conformance with the City master plan. In its interpretation and application, this Chapter is intended to provide a common understanding and a sound and equitable working relationship between public and private interests so that both independent and mutual objectives can be achieved in the division of the land.

3-3-2: DEFINITIONS:

All terms defined in NRS Chapter 278, to include NRS 278.010 through 278.0195, are incorporated herein by this reference unless the terms are otherwise defined in this Chapter.

The following words and phrases when used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section 3-3-2, unless their context clearly indicates that they are intended to have some other meaning.

Words used in the present tense include the future; the plural includes the singular; the word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision; and the words "used" or "occupied" shall be considered to be followed by the words "or intended, arranged, or designed to be used or occupied."

AGREEMENT TO INSTALL IMPROVEMENTS: An agreement that satisfies the requirements of Sections 3-3-21 and other applicable provisions of this Chapter, typically requiring a subdivider to install public improvements, dedicate rights-of-way and perform other acts for the benefit and protection of the City and the public in relation to a subdivision.

ALLEY: A passage or way, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for the general traffic circulation.

BLOCK: A piece or parcel of land, or group of lots, entirely surrounded by natural or artificial barriers, such as public rights-of-way, streams or watercourses, railroads, parks, or a combination thereof.

BUILDING: Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.

BUILDING LINE: A line demarcating the area between a building or other structure and the street right-of-way line beyond which no building or structure or portion thereof shall be erected, constructed, or otherwise established.

CITY COUNCIL: The City Council of the City of Elko.

CODE: The Elko City Code.

COMMISSION: The City of Elko Planning Commission.

COMMUNICATION LINES: Conduit, cables, fiber and/or other apparatus for the distribution and provision of telecommunications and/or broadband communications.

COMMUNICATION SERVICE LINES: Communication lines.

CONDITIONAL APPROVAL: A decision by the Planning Commission or City Council to approve a tentative map, provided certain specified conditions are satisfied.

CONSTRUCTION PLANS: Plans, profiles, cross-sections and other drawings showing required details for the construction of subdivision improvements, prepared in conjunction with the final map, and submitted by a properly licensed engineer in compliance with standards of design and construction approved by the City.

CUL-DE-SAC: A street opening at one end and having a turnaround at the other end.

DEDICATION: The deliberate appropriation of land by its owner for any general or public use, reserving unto himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been appropriated.

DENSITY: A number, represented in units of lots per acre, calculated by dividing the number of lots in the subdivision by the total acreage of the subdivision.

DEVELOPER: A real property owner who divides land into two or more parcels for transfer or development.

DEVELOPMENT MASTER PLAN: A comprehensive long-term strategic planning document for a subdivision prepared in accordance with Section 3-3-4 of this Chapter.

EASEMENT: An interest in land that confers a right of use for a special purpose.

ENGINEER'S ESTIMATE: An estimate of the total cost of public improvements prepared by the subdivider's engineer and provided to the City.

EXCEPTION: Any parcel of land that is located within the exterior boundaries of a subdivision but which is not included in the tentative or final map.

FINAL MAP: A map prepared in accordance with the provisions of NRS 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955 and any applicable provisions of this Code, which, after approval and certification by the City, is recorded with the office of the Elko County Recorder.

FINAL MAP APPROVAL: Final or conditional authorization by the City Council to obtain final map certification; provided, all applicable requirements of this Chapter, to include City Code Sections 3-3-21 and 3-3-22, must be satisfied prior to final map certification; further provided, if final map approval is conditional, all conditions imposed by the City Council in conjunction with the approval must be satisfied prior to final map certification.

FINAL MAP CERTIFICATION: Unconditional approval of the final map by the City Council as evidenced by certification on the map by the Mayor of the City of Elko. Final map certification constitutes authorization to record the map with the Elko County Recorder.

FULL FRONTAGE: All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right of way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

GRADING: The removal of the vegetative cover from the surface of any land, and is a result of activity associated with new construction.

LED: Light-emitting diode.

LOT: A distinct part or parcel of land which has been divided, including the following:

A. Corner Lot: A lot abutting on two (2) or more intersecting streets.

B. Double Frontage Lot: A lot abutting two (2) parallel or approximately parallel streets.

C. Interior Lot: A lot having but one side abutting on a street.

D. Key Lot: An interior lot, one (1) side of which is contiguous to the rear line of a lot.

LOT DEPTH: The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

LOT LINE: A line bounding a lot, including the following types of lot lines:

- A. Front Lot Line:** The lot line coinciding with the street line; or, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.
- B. Rear Lot Line:** The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.
- C. Side Lot Line:** Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line; all other side lot lines are designated as interior side lot lines.

LOT WIDTH:

- A. In the case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord.**
- B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.**

MASTER PLAN: A comprehensive, long-term general plan for the physical development of the City prepared in accordance with NRS 278.150, et seq.

OWNER: Any person who holds title to land or who is contractually obligated to purchase land.

PARCEL MAP: A map required for the division of land for transfer or development into four (4) lots or less in the manner set forth in NRS 278.461, 278.462, 278.463, 278.464 or 278.466, and this Code.

PEDESTRIANWAY: A public or private walk through a block from street to street or from a street to a school, park, recreation area or other public facility.

PERFORMANCE AGREEMENT: An agreement to install improvements.

PERFORMANCE GUARANTY: The financial security required to guarantee the construction of public improvements and other matters as set forth in Section 3-3-22 of this Chapter.

PERSON: A natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

PUBLIC IMPROVEMENT: Street work, utilities and other improvements to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

PUBLIC IMPROVEMENT STANDARDS: A set of standards adopted by the City Council regulating the design and construction of public improvements. These standards are contained in the latest edition of the "Standard Specifications For Public Works Construction" also known as the "Orange Book," which is distributed to the cities and counties of northern Nevada by the Regional Transportation Commission of Washoe County.

PUBLIC UTILITIES: Underground, aboveground or overhead facilities furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, flood control, irrigation or refuse disposal, owned and operated by any person, firm, corporation, municipal department or board duly authorized by state or municipal regulations. The term "public utilities," as used herein, may also refer to such persons, firms, corporation, departments or boards, as the context indicates.

REQUIRED IMPROVEMENTS: Enhancements to land to make the land more usable for public and/or private purposes, as more specifically set forth in Section 3-3-20 of this Chapter.

RIGHTS-OF-WAY: All public and private rights-of-way and all areas required for public use in accordance with any master plan or parts thereof.

SETBACK LINE: Building line.

STREET: Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access; or, a street shown in a map heretofore approved pursuant to law; or, a street in a map duly filed and recorded in the county recorder's office. A street includes all land within the street right of way, whether improved or unimproved, and includes such improvements as pavement, shoulder, curbs, gutters, sidewalks, parking space, bridges, viaducts, lawns and trees. For purposes of this Chapter, the following definitions apply to specific types of streets:

A. Alley: A public way providing secondary vehicular access and service to properties which also abut a street.

B. Arterial And Minor Arterial Streets: A general term describing large major streets, including freeways, expressways and interstate roadways, and state and/or county highways having city and regional continuity.

C. Collector Residential And Local Residential Streets: City streets serving the primary function of providing access to abutting property:

1. Cul-De-Sac Street: A short collector residential and local residential street having one end permanently terminating in and including a vehicular turning area.

2. Marginal Access Street: A collector residential and local residential street parallel to and abutting an arterial street which provides access to abutting property, intercepts other collector residential and local residential streets, and controls access to the arterial street.

D. Collector Street: A street generally with limited continuity serving the primary function of moving traffic between arterial streets and local residential streets, and the secondary function of providing access to abutting properties.

STREET, PRIVATE: A nondedicated, privately owned right-of-way or limited public way that affords the principal means of emergency and limited vehicular access and connection to and from the public street system to properties created through the division of land.

STREET, PUBLIC: A dedicated public right-of-way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.

STREET LINE: A line demarcating the limits of a street right-of-way.

SUBDIVIDER: A developer who commences or is engaged in the process required by NRS Chapter 278 and this Chapter for dividing land into parcels or creating a subdivision.

SUBDIVIDER'S ENGINEER: A professional engineer, properly licensed by the State of Nevada and retained, contracted or employed by the subdivider for the purpose of satisfying the requirements of Sections 3-3-21, and to oversee and certify the subdivision in the manner required by this Chapter.

SUBDIVISION: Any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by NRS 278.320 or any other applicable statute.

SUBDIVISION IMPROVEMENT: An improvement to land that a subdivider is required to construct and complete at its own expense, pursuant to the requirements of this Chapter and an agreement to install improvements.

SUBDIVISION REVIEW COMMITTEE: A committee consisting of representatives of the City Manager's Office, the City Engineering Department, the City Utility Department, the City Planning department, the City Development Department, the City Public Works Department, the City Fire Department, and the Planning Commission Chair or Vice Chair.

TENTATIVE MAP: A map made to show the design of a proposed subdivision and the existing conditions in and around it.

TENTATIVE MAP APPROVAL: Approval of a tentative map by the City Council. Tentative map approval constitutes authorization to proceed with preparation of construction plans and the final map.

TRACT: An area of land proposed to be divided pursuant to this Chapter.

TRANSPORTATION COMPONENT OF THE MASTER PLAN: A plan adopted by the Planning Commission and City Council which provides for development of a system of major streets and highways.

3-3-3: STAGES OF SUBDIVISION PLANNING AND APPROVAL:

Any person who divides or proposes to divide land into five (5) or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted under Chapter 278 of the Nevada Revised Statutes or this Code, must follow the three-stage approval process outlined in this Chapter. These stages, among other things, set forth specific requirements pertaining to the preparation, submission and review of, and official action on, maps and other documents.

These stages are as follows:

- A. Stage I - Preapplication Stage. During Stage I, the subdivider provides preliminary information about the proposed subdivision to the City, some of which is provided to City staff in a conference held to discuss land use, street and lot arrangement, lot sizes, buildable lot areas, conformity with the master plan, easements, the provision of utilities, storm drainage, street improvements and other issues pertinent to the proposed development.
- B. Stage II - Tentative Map Stage: Stage II includes preparation, submission, revision, and Planning Commission and City Council action on the tentative map. During this stage, the City will review the tentative map submittal to ensure that it conforms to all applicable requirements. At the conclusion of this stage, the City Council determines whether to approve, conditionally approve or disapprove the tentative map. The City uses the tentative map submittal to evaluate the subdivision. Approval of the tentative map permits the subdivider to proceed with Stage III, but does not authorize the subdivider to commence construction activities.
- C. Stage III - Final Map Stage. Stage III includes the final design and engineering of the subdivision, official action on the construction plans, and official action on the final map. During this stage, except as otherwise permitted in this Chapter, the subdivider must post security for completion and maintenance of public improvements, and the subdivider and the City must enter into a performance agreement.

3-3-4: PREAPPLICATION STAGE (STAGE I):

- A. Overview and General Requirements: The preapplication stage of subdivision planning (Stage I) includes an investigatory period that takes place prior to submittal of the tentative map by the subdivider. During this stage, the subdivider must meet with the City to discuss and provide general information about the proposed subdivision, and the City will provide the subdivider with general information about City subdivision requirements. During this stage, the City will also determine whether a change in zoning will be required for the proposed subdivision. If the City determines that a zoning change is required for the proposed subdivision, the subdivider must initiate the necessary application for a change of zoning district boundaries. This process must be commenced prior to the submission of the tentative map (Stage II). In addition, during Stage I the subdivider and the City shall satisfy the following requirements:
- B. Conference: During Stage I, the subdivider shall schedule and attend a conference with the Subdivision Review Committee for the purpose of discussing the proposed subdivision. At least five (5) business days prior to the conference, the subdivider shall provide the City with plans, sketches and other documentation showing proposed land uses, street and lot configuration, proposed lot sizes and the proposed density of the development. At the meeting, the subdivider and/or his/her authorized representative shall present the Subdivision Review Committee with tentative proposals regarding water supply, sewage disposal, storm drainage, street improvements and any potential changes to zoning district boundaries.
- C. During the conference with the Subdivision Review Committee, the City will provide general information to the subdivider regarding the requirements of this Chapter, to include required procedures, design and improvement standards, and tentative and final map requirements, together with the following:

1. Check existing zoning of the location of the proposed subdivision and of abutting properties, and determine whether a change of zoning district boundaries is necessary or desirable.
2. Determine conformance of the proposed subdivision to the Land Use component of the Master Plan.
3. Examine the adequacy of parks and other public facilities.
4. Determine the relationship of the site to major streets, utility systems and adjacent land uses, and determine whether there are any potential problems related to topography, utilities, drainage or flooding.
5. Determine Fire Department access and suppression requirements.
6. Determine whether a Development Master Plan must be approved by the City prior to consideration of a tentative map.

D. Development Master Plan: The Planning Commission may, in its discretion, determine that the proposed subdivision has certain characteristics that necessitate the preparation of a Development Master Plan. These characteristics may include size, impact on neighborhoods, density, topography, utilities, and/or existing and potential future land uses. If a Development Master Plan is required, it must be submitted to the Planning Commission for review and possible approval at least twenty-one (21) days prior to the Planning Commission meeting at which the Development Master Plan will be reviewed.

1. Preparation: The Development Master Plan shall be prepared on a sheet twenty-four inches by thirty-six inches (24" x 36"), shall be accurate in accordance with industry standards, and shall clearly indicate:

- a. General street patterns, with particular attention to the location and general alignment of collector streets and to the maximization of convenient circulation throughout the neighborhood.
- b. General locations and sizes of schools, parks and other public facility sites.
- c. Locations of shopping centers, multi-family residential units and other proposed land uses.
- d. Methods proposed for sewage disposal, water supply and storm drainage.

2. Approval: A tentative map must be consistent with a Development Master Plan that encompasses its territorial limits. The Development Master Plan shall establish the general approach to the subdivision design in the tentative map. Accordingly, the subdivision must be compatible with and not frustrate the goals and policies set forth in the approved Master Plan. If development of a subdivision is proposed to take place in several stages, the Development Master Plan shall be submitted as supporting data for each tentative map. The Development Master Plan shall be kept up to date by the subdivider as modifications occur or become necessary.

3-3-5: TENTATIVE MAP STAGE (STAGE II):

The tentative map stage (Stage II) includes preparation, submission, review, and Planning Commission and City Council action on the tentative map. The subdivider can help expedite processing of the tentative map by submitting all information needed to determine consistency with the City Code and the Elko Master Plan.

A. Zoning Amendments: The tentative map shall be designed to meet the specific requirements of the zoning district in which it is located. However, in the event a change of zoning district boundaries is necessary, an application for a change in zoning consistent with Section 3-2-21 of the City Code shall be submitted and processed in conjunction with the tentative map. If a change in zoning district boundaries is required, the City will not continue processing the tentative map until the application for change of zoning district boundaries is submitted.

The application for change of zoning district boundaries shall be heard by the Planning Commission at the same meeting as the tentative map is considered, but shall be acted upon as a separate item. The application for change of zoning district boundaries shall be heard prior to the action item for possible approval of the tentative map. When a tentative map constitutes only one unit of a larger development intended for progressive maps, the change of zoning district boundaries may be limited to the area contained in the tentative map application. Any required change of zoning district boundaries shall have been approved by the City Council prior to tentative map approval. A change of zoning district boundaries required under this Section must, without limitation, conform to all applicable master plan(s) adopted by the City.

B. Sanitary Sewerage, Water Supply, Storm Drainage and Solid Waste Disposal: As a prerequisite to tentative map review by the Planning Commission, the subdivider shall provide adequate information to enable the City to determine whether it conforms to the City Code, to include, without limitation, all applicable requirements for public improvements, such as grading, installation of a sanitary sewer and sewerage disposal, water supply, storm drainage, solid waste disposal and the provision of other public utilities to the proposed subdivision.

C. Tentative Map Submittal: The following requirements apply to submission of the tentative map for review and filing of the tentative map:

1. Tentative Map Submittal; Application: Three (3) copies of the tentative map and any required supporting information and/or data in readable pdf format (unless otherwise requested by the City), prepared in accordance with the requirements of this Chapter, together with any required filing fee (collectively referred to as the "tentative map submittal"), shall be filed with the City planning department at least forty-two(42) calendar days prior to the Planning Commission meeting at which the recommendation to approve, conditionally approve or disapprove the tentative map will be considered. Upon receipt of the tentative map submittal, the City planning department will record the date of receipt and filing. The tentative map submittal shall be deemed the subdivider's application for approval of the tentative map.

2. Initial Review of Tentative Map Submittal for Completeness Upon Filing: Upon filing, the City will perform an initial review of the tentative map submittal to determine if it is complete and satisfies the requirements of the Nevada Revised Statutes, the Nevada Administrative Code and Section 3-3-6 of this Chapter. The tentative map submittal must be consistent with the information provided by the subdivider to the City at the preapplication stage (Stage I) meeting. The Planning Commission will

not consider the application for tentative map approval unless adequate information has been submitted to permit the City to determine that the tentative map complies with the City Code. Upon request by the City, the subdivider shall furnish additional copies of any documents required by the City to perform its review.

3. Information Required Under Nevada Administrative Code for Review of Tentative Map: In addition to any other requirements set forth in the Elko City Code, without limitation, a subdivider shall submit the following documents or other information to the City:

- a. A map showing the topographic features of the subdivision, including contours at intervals of 2 feet for slopes of 10 percent or less and intervals of 5 feet for slopes of over 10 percent.**
- b. Two copies of the map showing the tentative design of the subdivision, including the arrangement of lots, the alignment of roads and easements.**
- c. A statement of the type of water system to be used and the water source, for example, private wells or a public water system.**
- d. Unless water for the subdivision is to be supplied from an existing public water system, a report of the analyses, performed pursuant to NAC 278.390, of four samples taken in or adjacent to the subdivision from different wells. The analyses must show that the water meets the standards prescribed in NAC 445A.450 to 445A.492, inclusive.**
- e. A map of the 100-year floodplain for the applicable area. The map must have been prepared by recognized methods or by an appropriate governmental agency for those areas subject to flooding.**
- f. A description of the subdivision in terms of 40-acre parts of a designated section, township and range, or any other description which provides a positive identification of the location of the subdivision.**
- g. A map of the vicinity of the subdivision, showing the location of the proposed subdivision relative to the City of Elko or a major highway.**
- h. The names and addresses of the owners and developers of the subdivision.**
- i. A master plan showing the future development and intended use of all land under the ownership or control of the developer in the vicinity of the proposed subdivision.**

4. Filing; Acceptance or Rejection: If, following the initial review, the tentative map submittal is determined to conform to the foregoing requirements, the City will accept the tentative map submittal for filing and will assign it a file number. Otherwise, the City will reject the tentative map submittal and inform the subdivider of the deficiencies that resulted in the rejection. If the subdivider does not correct an incomplete tentative map submittal within ninety (90) calendar days from the date of filing with the City, the tentative map submittal will automatically expire and may not be re-filed without payment of a new filing fee.

5. Filing Fee: The subdivider shall, at the time of filing a tentative map submittal, pay to the City a filing fee based upon the number of lots shown on the tentative map. The filing fee shall be set by resolution by the City Council.

D. Tentative Map Review by Departments: Upon filing, the tentative map will be distributed and reviewed as follows:

1. Departmental Review of Tentative Map Submittals: Unless the tentative map submittal is rejected in accordance with Section 3-3-5(C)(2), above, following the initial review, the planning department will transmit copies of the tentative map submittal to the City engineering, utility, public works, fire and development departments for their respective reviews. In reviewing the tentative map submittal, these departments will each make a determination as to the completeness and adequacy of the tentative map submittal and its conformity to the requirements of the City Code, to include any standardized codes adopted by reference. If any reviewing department determines that a tentative map submittal is incomplete, inadequate or noncompliant with the City Code, the application will be rejected and the subdivider will be notified of the deficiencies that resulted in the rejection.

2. Distribution of Tentative Map Submittals to Other Governmental Entities, Irrigation Ditch Owners and Utilities: If, following the foregoing departmental review, the City determines that the tentative map submittal is complete, adequate and in conformity with the requirements of the City Code and the Stage I submittal, the City planning department will transmit copies of the tentative map submittal for review to the following, if required by NRS Chapter 278 or this Code: (a) the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources; (b) the district board of health acting for the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections; (c) if the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada; (d) the board of trustees for the Elko County School District; (e) the board of trustees for any general improvement district or irrigation district in which the subdivision is located; (f) the owner of an irrigation ditch located within the proposed subdivision to the extent required under NRS 278.3485; (g) the Nevada Department of Transportation, if the subdivision encompasses or is adjacent to any State roads, highways or rights-of-way; (h) Elko County, if the proposed subdivision is adjacent to property located outside the Elko City municipal boundaries; (i) any public utilities that are reasonably likely to provide service to the subdivision. All comments received in response to the foregoing distributions will be provided to the Planning Commission and the City Council at the respective meetings during which the application is considered.

3. Planning Commission Review: The Planning Commission shall review the tentative map submittal for compliance with applicable provisions of the Nevada Revised Statutes, the Nevada Administrative Code and the City Code, to include this Chapter and Title 3 (Zoning Regulations), and shall consider the recommendations of City departments, non-City governmental agencies and others that have reviewed the tentative map submittal pursuant to this Chapter. It shall be the responsibility of the subdivider to provide any necessary data and any other information necessary for the Planning Commission to conduct a comprehensive review of the proposed subdivision.

4. Public Hearing; Notices: Prior to taking any action to recommend approval, conditional approval or disapproval of a tentative map, the Planning Commission shall hold a public hearing to receive information about the proposed subdivision and to consider modifications to the tentative map. The public hearing shall be set not later than sixty (60) days from the date a complete tentative map submittal that satisfies the requirements of the City Code is filed with the City. At least ten (10) calendar days prior to the public hearing, notices of the public hearing shall be sent by mail to all property owners adjacent to the area proposed to be subdivided. The names and addresses of the adjacent property owners shall be determined by examining the latest assessment rolls of the Elko County Assessor. Notice by mail to the last known addresses of the real property owners as shown by the Elko County Assessor's records shall be sufficient for purposes of this Subsection. Legal notice shall be placed in a newspaper of general circulation within the City at least ten (10) calendar days prior to the date of the public hearing.

5. Modifications to Tentative Maps: In the event the Planning Commission requires modifications to the tentative map prior to making a recommendation of approval or conditional approval, the Planning Commission shall so inform the subdivider. The Planning Commission may, in its discretion, provide recommendations to the subdivider regarding the correction of any deficiencies in the tentative map submittal. The Planning Commission may, in its discretion, table or continue a public hearing on a tentative map for a period of time sufficient to permit the subdivider to make any required modifications to the tentative map submittal. Notwithstanding the foregoing, in the event the Planning Commission requests that a subdivider make modifications to a tentative map submittal, the subdivider must present to the Planning Commission a modified tentative map submittal that complies with the Planning Commission's request no more than sixty (60) calendar days from the date of the request. Notwithstanding any other provision in this Chapter, the failure of a subdivider to present a properly modified tentative map submittal to the Planning Commission in accordance with the preceding sentence shall result in the automatic expiration of the application for tentative map approval and the subdivider shall not be entitled to any refund or credit of the filing fee.

E. Action on Tentative Map by Planning Commission and City Council: Upon review by City and other agencies and entities as set forth in the preceding Subsection, the Planning Commission and City Council will take action on the tentative map as follows:

1. Planning Commission Recommendation: Unless modifications to the tentative map are required pursuant to Section 3-3-5(D), after accepting a tentative map submittal as a complete application, the Planning Commission shall, within sixty (60) days of the date the tentative map submittal is filed, recommend approval, conditional approval or disapproval of the tentative map in a written report filed with the City Council. Notwithstanding the foregoing, unless a longer time is provided in a development agreement entered into pursuant to NRS 278.0201, the time limit for acting and reporting on a tentative map may be extended by mutual consent of the subdivider and the Planning Commission; provided, if no action is taken within the time limits set forth in NRS 278.010 to 278.630, inclusive (subject to any permitted extensions), a tentative map as filed shall be deemed to be approved without conditions, and the Planning Commission shall certify the tentative map as approved. If the Planning Commission recommends conditional approval or disapproval of a tentative map, the Planning Commission's report to the City Council shall either state the conditions under which the tentative map would have been approved or state that approval was withheld because the land proposed to

be subdivided is not suitable for the proposed development, stating the reasons why the land was not considered suitable.

2. Action by City Council to Approve, Conditionally Approve or Disapprove Tentative Map; Factors Considered: Except as otherwise provided in NRS Chapter 278 and this Chapter, the City Council shall approve, conditionally approve or disapprove a tentative map within sixty (60) days from the date of receipt of the Planning Commission's recommendations. Before approving a tentative map, the City Council shall make such findings as are not inconsistent with the provisions of Nevada Revised Statutes Sections 278.010 through 278.630, inclusive, or the City Code, which findings shall include consideration of the following factors:

- a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- c. The availability and accessibility of utilities;
- d. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- e. Conformity with the zoning ordinances and the City's master plan, except that if any existing zoning ordinance is inconsistent with the City's master plan, the zoning ordinance takes precedence;
- f. General conformity with the City's master plan of streets and highways;
- g. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- h. Physical characteristics of the land, such as floodplain, slope and soil;
- i. The recommendations and comments of those entities and persons reviewing the tentative map pursuant to this Chapter and NRS 278.330 to 278.3485, inclusive;
- j. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- k. The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of Subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

3. Approval of Tentative Map Without Conditions: The City Council may approve the tentative map without conditions; provided, the approval must include findings that the tentative map meets all requirements of this Chapter and the applicable requirements set forth in the Nevada Revised Statutes and Nevada Administrative Code.

4. Approval of Tentative Map With Conditions: The City Council may approve the tentative map with conditions, in which event the City Council shall, as a requisite to final approval, require the subdivider to submit proof that the conditions have been satisfied to either or both City staff and/or the City Council at a subsequent meeting. The City Council may place a deadline on the time required to satisfy the conditions, after which, unless (a) the subdivider has submitted proof to the City that the conditions have been satisfied, (b) the subdivider and the City have entered into a development agreement pursuant to NRS 278.0201 and this Chapter that extends the time for satisfying the conditions, or (c) the City has granted an extension of time to satisfy the conditions consistent with this Chapter, the tentative map will be automatically deemed disapproved.

5. Disapproval of Tentative Map: The City Council may disapprove a tentative map, in which event the City Council shall state the reasons for the disapproval. In the event a tentative map is disapproved, any new filing of a tentative map for the same property, or any part thereof, shall follow the procedure set forth in this Chapter for a new tentative map application, to include payment of a new filing fee.

F. Limited Authorization to Proceed Upon Approval With Conditions: If the City Council approves a tentative map with conditions, the subdivider may commence preparing a final map and engineering construction plans; provided, nothing in this Subsection shall be interpreted as a waiver of any conditions imposed by the City Council or a commitment that the City will approve a final map or construction plans.

G. Intent to Serve Letters: Upon approval of a tentative map with or without conditions, the City Utility Department shall provide a water and sewer "intent to serve" letter to the applicable state agencies.

H. Construction of Subdivision Improvements: Notwithstanding any other provision contained herein, approval of a tentative map, with or without conditions, does not constitute authorization to commence any construction activities associated with the subdivision to include, without limitation, public improvements.

3-3-6: CONTENT AND FORMAT OF TENTATIVE MAP SUBMITTAL:

A. Form and Scale: The tentative map must be graphically depicted on one or more plan sheets with supporting data either placed directly on the tentative map or attached to the tentative map in drawings, spreadsheets or other documents that comply with the requirements of this Chapter and are consistent with industry standards. All maps accompanying the tentative map shall be drawn to the same standard engineering scale; provided, the scale shall not be more than one hundred (100) feet to one (1) inch. Whenever practicable, the plan scale shall result in an overall sheet measuring twenty-four inches by thirty-six inches (24" x 36").

B. Identification Data: The tentative map shall contain the following information:

1. Proposed subdivision name, location and section, township and range, with reference by dimension and bearing to a section corner or quarter-section corner.

2. Name, address, telephone number and email address of subdivider(s).

3. Name, address, telephone number, email address and Nevada State Board of Professional Engineers and Land Surveyors license number for each professional engineer or land surveyor who prepared the tentative map.

4. Scale.

5. North point.

6. Date of initial preparation and dates of any subsequent revisions.

7. A small scale location map showing the relationship of the tract to existing community facilities which serve or influence it, including: arterial streets, railroads, shopping centers, parks and playgrounds, and churches.

8. Legal description defining the boundaries of the proposed subdivision.

C. Physical Conditions: The tentative map shall contain following information about existing physical conditions:

1. Topography shown with contours at intervals of no more than or two (2) feet and corresponding to the coordinate system maintained by the City. Topographic information shall be adequate to show the character and drainage of the land.

2. Location of water wells, streams, private ditches, washes and other water features, including direction of flow, and the location and extent of areas subject to frequent periodic or occasional inundation.

3. The location of flood zones designated by the Federal Emergency Management Agency (FEMA) and/or any special flood hazard areas.

4. Within or adjacent to the proposed subdivision, the locations, widths and names of all streets, railroads, utility rights-of-way of public record, public areas, permanent structures that will remain after development of the subdivision, and municipal corporate boundaries.

5. Dimensions of all subdivision boundaries.

6. Gross and net acreage of the subdivision.

D. Recorded Map Information: The tentative map shall indicate the title or description, book and page number(s) of each recorded map for property adjacent to the proposed subdivision, to include property adjacent to boundary roads, streets and rights-of-way.

E. Existing Zoning: The tentative map shall indicate the existing zoning classification of the proposed subdivision and adjacent properties.

F. Proposed Improvements and Other Features: The tentative map shall show the following planned improvements and other features within and, where indicated, adjacent to the subdivision:

- 1. Street layout, including location and width of each street, right-of-way, alley, sidewalk, pedestrianway and easement, together with access routes to adjacent existing subdivisions (including routes through parcels that are not subdivided), the proposed names of all streets, and the approximate grades of all rights-of-way.**
- 2. Lot layout with consecutively numbered lots, indicating the dimensions and area of each lot, and the total number of lots.**
- 3. Location, width and proposed use of easements.**
- 4. Location, extent and proposed use of all land to be dedicated or reserved for public use, including school sites or parks.**
- 5. Locations and boundaries of all proposed zoning districts.**

G. Proposed Deed Restrictions: All proposed deed restrictions shall be indicated on or appended to the tentative map.

H. Preliminary Grading Plan: The subdivider shall provide to the City a preliminary grading plan indicating areas proposed for cut-and-fill, the type and estimated quantity of material to be graded, the estimated finished grades (which must be adequate to establish the general grading trend), the proposed methods of erosion control, and the general location of and specifications for any manufactured (cut or fill) slopes.

I. NPDES Permit Compliance: The subdivider shall comply with all applicable provisions of the City's National Pollutant Discharge Elimination System (NPDES) general permit for discharges from small municipal separate storm sewer systems, Permit No. NV040000.

J. Utility Methods and Requirements:

- 1. Sewage Disposal:** The subdivider shall provide the City with a proposed design for sewage disposal that connects to the City sewer system.
- 2. Water Supply:** The subdivider shall provide the City with information sufficient to demonstrate adequate volume and quality of water from the City water system.
- 3. Storm Drainage:** The subdivider shall provide the City with preliminary drainage calculations and a proposed layout of the storm drainage system, including the locations of outlets. The proposed storm drainage system shall comply with the City's NPDES permit requirements, the City Code and all applicable Federal and state laws and regulations.
- 4. Communication, Electrical and Natural Gas Lines:** The subdivider shall provide the City with a proposed layout for the locations of Communication Lines, electrical lines and natural gas lines.
- 5. Traffic Impact Study:** The City may, in its discretion, require a traffic impact study if it determines that additional traffic in the area due to the subdivision may exceed

existing roadway capacities, warrant traffic signal improvements, warrant the construction of additional travel lanes or impact state highways.

3-3-7: FINAL MAP STAGE (STAGE III):

A. Overview: The final map stage (Stage III) includes the final design and engineering of the subdivision, and the preparation, submission and review of and official action on the final map and construction plans.

B. Requirements for Presentation of Final Map or Series of Final Maps; Extensions of Time:

- 1. Unless a longer time is provided in an agreement entered into pursuant to this Chapter, or unless the time is extended by mutual agreement of the subdivider and the City Council, the subdivider shall present to the City Council within 4 years after the approval of a tentative map: (1) a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or (2) the first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the City Council on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps: (I) a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or (II) the next final map in the series of final maps covering a portion of the approved tentative map. If the subdivider fails to comply with the provisions of the preceding sentence, all proceedings concerning the subdivision are terminated.**
- 2. The City Council may grant an extension of not more than 2 years for the presentation of any final map after the 2-year period for presenting a successive final map has expired.**
- 3. Any request for an extension of time to present a final map, to include a map presented in a series of final maps, shall be submitted in writing to the City prior to the expiration of time for presenting the final map.**

C. Pre-submission Requirements: Before a final map is submitted to the City for approval, the following requirements must be satisfied:

- 1. Zoning: The final map shall meet all requirements of the zoning district in which it is located, and any necessary changes to zoning district boundaries shall have been adopted by the City Council;**
- 2. Preparation of Final Map: The subdivider shall prepare a final map that does not materially differ from the approved tentative map and conforms to all applicable requirements of the Nevada Revised Statutes, the Nevada Administrative Code and this Chapter.**

D. Utility Easements: The subdivider shall obtain a letter or letters from all public utilities with utility easements located within the proposed subdivision indicating approval of the subdivision, which approvals shall be indicated in an affidavit on the final map.

E. Proposed Agreement to Install Improvements: The City shall provide to the subdivider a proposed agreement to install improvements prepared in accordance with the requirements of this Chapter.

F. Final Map Submittal; Filing: The final map submittal shall consist of three (3) copies and a readable electronic file in pdf format of the final map and any required supporting information and/or data, and a proposed agreement to install improvements (to include exhibits thereto), prepared in accordance with the requirements of this Chapter. The final map submittal shall be filed with the City planning department at least forty-two (42) calendar days prior to the Planning Commission meeting at which the final map will be considered.

G. Review of Final Map:

1. Upon receipt of the final map submittal, the City planning department shall record the receipt and date of filing, and shall thereafter transmit copies of the final map to the City engineering, utility, public works, fire and development departments for their respective reviews. In reviewing the final map submittal, these departments shall each make a determination as to the completeness and adequacy of the final map submittal and its conformity to the requirements of the City Code, to include any standardized codes adopted by reference. If any reviewing department determines that a final map submittal is incomplete, inadequate or noncompliant with the City Code, the application will be rejected and the subdivider will be notified of the deficiencies that resulted in the rejection. If the subdivider does not correct an incomplete final map submittal within ninety (90) calendar days from the date of filing with the City, the final map submittal will automatically expire and may not be re-filed without payment of a new filing fee.

2. Distribution of Final Map Submittals to Other Governmental Entities, Irrigation Ditch Owners and Utilities: If, following the foregoing departmental review, the City determines that the final map submittal is complete, adequate and in conformity with the requirements of the City Code and the Stage II submittal, the City planning department will transmit copies of the final map submittal for review to (a) the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources; (b) if the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada; and (c) the Division of Water Resources of the State Department of Conservation and Natural Resources. All comments received in response to the foregoing distributions shall be provided to the Planning Commission and the City Council at the respective meetings during which the application is under consideration.

3. Review by Planning Commission: The Planning Commission shall review the final map for conformity with the tentative map, the City Code and the approved construction plans, and shall thereafter make a recommendation to the City Council to approve, conditionally approve or disapprove the final map.

H. Final Map Approval, Certification and Recordation:

1. Upon a recommendation by the Planning Commission to approve, conditionally approve or disapprove the final map, the City shall, within sixty (60) days, place the item on the agenda for the meeting of the City Council.

2. During the meeting at which the final map is presented to the City Council, the City Council shall approve, conditionally approve or disapprove the final map.
3. If the City Council disapproves the final map, it shall state the reasons for the disapproval and the same shall be placed in the minutes and communicated to the subdivider.
4. Prior to a decision by the City Council to approve the final map, the City Council shall (a) accept or reject on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication, (b) if applicable, it shall determine that a public street, easement or utility easement that will not remain in effect after a merger and re-subdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480, (d) find that the final map substantially complies with the tentative map and all conditions have been met; and (e) approve an the agreement to install improvements that satisfies the requirements of this Chapter.
5. Following approval of the final map by the City Council, the city clerk shall place upon the final map a certificate, signed by the mayor and the city clerk, stating that (a) the City Council approved the map; (b) the City Council accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication; (c) if applicable, the City Council determined that a public street, easement or utility easement that will not remain in effect after a merger and re-subdivision of parcels conducted pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480; (d) the final map substantially complies with the tentative map and all conditions have been met; and (e) a performance agreement is in place that satisfies the requirements of this Chapter.
6. Upon approval of a final map with or without conditions, the City Utility Department shall provide a water and sewer "intent to serve" letter to the applicable state agencies.
7. If the City Council conditionally approves a final map, the conditions shall be satisfied before the final map is certified. The City Council may, in its discretion, direct that the conditions be satisfied within a specified period of time, after which the conditional approval shall expire and the final map shall be automatically deemed disapproved.
8. The City shall not issue any building permits for a subdivision until certification and recordation of the final map.
9. Except as otherwise provided in this Subsection 3-3-7(H)(9), the City shall not issue any certificates of occupancy prior to completion, certification and acceptance by the City Council of the required improvements as shown on the construction plans and the State has authorized the City to place the subdivision utilities into service. Notwithstanding the foregoing, upon application by the subdivider, the City Council may waive or modify requirements applicable to one or more individual improvements in order to permit the earlier issuance of one or more certificates of occupancy upon a showing that completion of the improvements is delayed due to inaction on the part of a Federal or state agency and based on proof of no fault of the subdivider. Nothing herein shall be interpreted as permitting the waiver or

modification of any requirement contained in Federal statutes or regulations, the Nevada Revised Statutes or the Nevada Administrative Code.

10. Following certification, the city clerk shall cause the approved final map to be presented to the Elko County Recorder for recording.

3-3-8: CONTENT AND FORMAT OF FINAL MAP SUBMITTAL:

The final map submittal shall contain the following information and comply with the following requirements and standards:

A. Form and Content: The final map, including affidavits, certificates and acknowledgments, shall be clearly and legibly drawn with black, waterproof India ink upon Mylar of good quality. Each sheet shall be twenty-four inches by thirty-two inches (24" x 32") in size. A marginal line shall be drawn completely around each sheet showing an entirely blank margin of one inch (1") at the bottom, top and right edges, and two inches (2") on the left edge on the twenty-four inch (24") dimension. The scale of the map shall be not less than one inch to one hundred feet (1" = 100'). The sheet number and the total number of sheets comprising the map shall be so stated on each sheet, and the sheet number in relation to each adjoining sheet shall be clearly shown. The title sheet shall state the location of the property being subdivided with references to maps which have been previously recorded or by referring to the National Coordinate System or a comparable and generally recognized method of mapping managed and maintained by the National Geodetic Survey or other federal agency. Copies of the final map shall be reproduced in blue line or black line prints on a white background.

B. Identification Data and Other Information: The final map shall contain the following identifying and other information:

- 1. Name of subdivision and location by section, township, range and county.**
- 2. Name, address and license number of the professional land surveyor, licensed in the State of Nevada, who prepared the final map.**
- 3. Scale, north point and date of map preparation.**

C. Survey Data: The final map shall contain the following survey information:

- 1. Boundaries of the tract fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field, with all dimensions expressed in feet and decimals thereof.**
- 2. Any exceptions within the map boundaries located by bearings and distances expressed in feet and decimals thereof, determined by an accurate survey in the field.**
- 3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the map are referenced, and a subdivision traverse tied by course and distance to a section corner or quarter-section corner.**

4. Location and description of all physical encroachments upon the boundaries of the tract.

D. Descriptive Data: The final map shall contain the following descriptions:

- 1. Names (where applicable); right-of-way lines; courses, lengths and widths of all streets, alleys, pedestrianways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; and radii of all rounded street line intersections.**
- 2. All drainageways, which shall be designated as such.**
- 3. All utility and public service easements, including designation of whether for public access or utilities.**
- 4. Locations and dimensions of all lots, parcels and exceptions.**
- 5. All residential lots numbered consecutively throughout blocks.**
- 6. Locations, dimensions, bearings, radii, arcs, and central angles of boundaries of all sites to be dedicated to the public, including each designation of proposed use.**
- 7. Location of all adjoining subdivisions with name, date, and book and page number of recordation noted, or if unrecorded, so noted, along with the names of adjoining landowners of unsubdivided property.**
- 8. Any private deed restrictions to be imposed upon the final map, or any part hereof, written on or attached to the map and each copy thereof.**

E. Dedication and Acknowledgment: The final map shall contain the following information regarding dedications:

- 1. Statement of dedication of all streets, alleys, sidewalks, pedestrianways, and easements for public purposes by the person holding title of record, by persons holding title as vendees under land contract, and by spouses of such persons. If lands to be dedicated are mortgaged, the mortgagee shall also sign the map. Dedication shall include a written description by section, township and range of the tract. If the map contains private streets, public utilities shall be deemed to have reserved the right to install and maintain utilities in such street rights-of-way.**
- 2. Execution of a dedication acknowledged and certified by a notary public.**

F. Additional Information: The final map shall contain the following additional information:

- 1. Where the centerline has been established for any street, highway, alley or public way within an adjoining subdivision, all monuments along the portion of the street, highway, alley or public way within the proposed subdivision shall be located with reference to the foregoing centerline, which centerline and monuments shall be shown on the final map.**
- 2. The centerline of each highway, street, alley or way within the proposed subdivision and width on each side of the centerline, showing the width to be dedicated. All**

centerlines shall be shown with the corresponding bearing and length of each radius, the central angle and the length of each curve within the proposed subdivision.

3. The location of monuments or other evidence formed upon the ground and used in determining the boundaries of the subdivision. If other subdivisions adjoin the tract, the map shall show corners of such adjoining subdivisions sufficiently identified in such a manner as to locate precisely the limits of the proposed subdivision.
4. The length and bearing of each block line, lot line and boundary line; the length, radius and central angle of each curve or the length of curve and that portion of the central angle lying within each lot. The foregoing data shall be shown in a manner satisfactory to the City.
5. Each City boundary line crossing or adjoining the subdivision with adequate ties to monuments set or found within the subdivision.
6. Section lines, one-quarter ($1/4$) section lines and one-sixteenth ($1/16$) section lines crossing or adjoining the subdivision boundaries.

G. City to Check: The City will independently review and check the following information in the final map submittal:

1. The City shall check the final map for accuracy of dimensions, the placing of monuments, the existence of survey records referenced on the final map, and the conformance of the final map to the tentative map. The final map shall be accompanied by:
 - a. A worksheet showing the closure of the exterior boundaries of the proposed subdivision and of the closure of lots and blocks therein;
 - b. A complete set of construction plans showing site grading, lot grading, street sections, centerline and curb grades, water infrastructure, water meters, sanitary sewer and storm drain locations and invert grades and elevations, street lighting, and other private or public improvements required by the City. The construction drawings must be stamped and dated by a licensed professional engineer, qualified to practice the discipline of civil engineering, and so registered in the State of Nevada;
 - c. Construction plans for manholes, catch basins and other appurtenant structures; and
 - d. An engineer's estimate of quantities and costs required to complete the improvements. Labor costs shall be based on prevailing wages in accordance with the requirements of Nevada Revised Statutes Chapter 338 and local rates. The City will check the engineer's estimate and shall thereupon approve or disapprove the estimate based upon its accuracy. Upon approval by the City, the engineer's estimate shall provide the basis for the calculating the performance guaranty required under Section 3-3-22 of this Chapter.

2. The City will check the final map to determine whether it satisfies the minimum allowable error of closure of one per ten thousand ($1/10,000$).

H. Required Certifications: The following certifications shall appear on the final map:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the final map. A lien for state, county, municipal or local taxes and for special assessments or beneficial interest under deeds of trust, or trust interests under bond indentures shall not be deemed to be an interest in land for the purpose of this section.
2. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which the parties desire so to dedicate. The certificate may state that any certain parcel or parcels are not offered for dedication; but a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use, except those parcels other than streets intended for the exclusive use of the lot owners in such subdivision, and for the use of their licensees, visitors, tenants and servants.
3. A certificate for execution by the clerk of each approving governing body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.
4. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the final map, together with a statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the mapped parcels.
5. A certificate by the licensed professional land surveyor responsible for the survey and final map, which certificate must be in the following form:

SURVEYOR'S CERTIFICATE

I (name of licensed professional land surveyor), a Professional Land Surveyor licensed in _____ the State of Nevada, certify that:

1. This map represents the results of a survey conducted under my direct supervision at the instance of (Owner, Trustee, Etc.).
2. The lands surveyed lie within (sections, township, range, meridian, and, if required by the City Council, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less) and the survey was completed on (date);
3. This map complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval.

4. The monuments depicted on the map are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(OR)

4. The monuments depicted on the map will be of the character shown and occupy the positions indicated by (a day certain) and an appropriate financial guaranty will be posted with the governing body before recordation to ensure the installation of the monuments.

(Date, name of surveyor, license number and stamp)

6. A certificate by the appropriate City official stating that he or she has examined the final map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all applicable provisions of Nevada Revised Statutes Chapter 278, inclusive, and of any requirements of the City Code applicable at the time of approval of the tentative map have been complied with, that he or she is satisfied that the final map is technically correct and that the monuments as shown are of the character and occupy the positions indicated or that the monuments have not been set and that a proper performance guaranty has been deposited guaranteeing their setting on or before a day certain. The foregoing certificate shall be dated, signed and certified by a licensed professional land surveyor or a licensed professional engineer qualified by the State of Nevada to practice the discipline of civil engineering.

7. A certificate by the Division of Environmental Protection of the State Department of Conservation and Natural Resources stating as follows:

This final map is approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources and is approved concerning sewage disposal, water pollution, water quality and water supply facilities in accordance with the Nevada Revised Statutes. This approval predicates (community, individual) water supply and (community, individual) sewage disposal.

8. A copy of the review by the Division of Environmental Protection of the State Department of Conservation and Natural Resources required by Subsection H.7 of this Section shall be furnished to the subdivider who, in turn, shall provide a copy of such review to each purchaser of land prior to the time the sale is completed. No statement of approval or review as required in Subsection H.7 of this Section shall be deemed a warranty or representation by the City in favor of any person as to the safety or quantity of such water.

9. A certificate by the Division of Water Resources of the State Department of Conservation and Natural Resources as follows:

Division of Water Resource Certificate: This final map is approved by the Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity subject to the review of approval on file in this office.

10. The City Council shall not approve any final map for a subdivision served by the City municipal water system unless the subdivider has submitted plans which provide for the installation of water meters or other devices which will measure the quantity of water delivered to each water user in the subdivision.

3-3-9: GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN:

- A. Conformance With Master Plan and Other Requirements: Every subdivision shall conform to the requirements and objectives of the City master plan, the City zoning ordinance, and all other applicable ordinances and regulations of the City, together with all other applicable planning documents or plans approved or adopted by the City Council (to include, without limitation, the Airport Master Plan, Wellhead Protection Plan, Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure and Annexation Report) and together with the statutes and regulations of the State of Nevada, except as otherwise provided in this Chapter.**
- B. Provision of Public Facility Sites: Whenever the statutes of the state permit the dedication of school sites or parks, the City Council may require the subdivider to dedicate such sites.**
- C. Land Unsuitability: No land shall be subdivided which is determined by the Planning Commission to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The Planning Commission, in applying the provisions of this Section, shall state the particular facts upon which its conclusions are based, and shall also define any conditions under which the land may, in its opinion, become suitable for the proposed development. Land located within any floodway as designated on the City flood insurance rate maps shall be deemed unsuitable for development. Any subdivider proposing development of land that is deemed unsuitable for development shall have the right to present evidence to the City Council contesting such determination of unsuitability, whereupon the City Council may affirm, modify or withdraw the restriction.**

3-3-10: STREET LOCATION AND ARRANGEMENT:

- A. Conformance With Plan: Whenever a tract to be subdivided embraces part of a street designated in a street and highway plan adopted by the City, such street shall be mapped in conformance therewith.**
- B. Layout: Street layout shall provide for the continuation of such streets as necessary to provide traffic and pedestrian access throughout the community and as the Planning Commission may designate.**
- C. Extensions: Certain proposed streets, as designated by the Planning Commission, shall be extended to the tract boundary to provide future connection with adjoining unmapped lands. Such extensions shall generally not be farther apart than the maximum permitted length of a block, as hereinafter provided.**
- D. Arrangement of Residential Streets: Residential streets shall be so arranged as to discourage their use by traffic originating outside the immediate neighborhood.**
- E. Protection of Residential Properties: Lots intended for single-family residential use shall not front or have access from arterial streets, except as otherwise permitted by the City due to site-specific conditions. Where a proposed subdivision abuts an existing or proposed arterial street, the Planning Commission may require marginal access streets or reverse property frontage with nonaccess easements abutting the arterial street, or such**

other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and for protection of the traffic function of the arterial street.

F. Parallel Streets: Where a residential subdivision abuts the right-of-way of a railroad, a limited access highway, or a commercial or industrial land use, the Planning Commission may require the design and construction of a street approximately parallel to such right-of-way or use at a location and configured in such a manner as to take into account approach grades, drainage, bridges and future grade separation.

G. Topography: Streets shall be so arranged in relation to topography as to produce desirable lots, provide for maximum utility and streets of reasonable gradient, and facilitate adequate surface drainage.

H. Alleys: Alleys, if any, shall be aligned and arranged in a manner that minimizes backtracking and single-tier service by trash collection forces, and that avoids the facing of residences directly into alley openings.

I. Half-Streets: Half-streets are prohibited unless approved by the Planning Commission where necessary to provide a right-of-way in the manner indicated on the official street and highway plan, to complete a street pattern already begun, or to ensure reasonable development of an adjoining unmapped parcel. Where a mapped half-street exists in a location abutting to residential lots, the remaining half-street shall be mapped within the subdivision.

J. Dead End Streets: Dead end streets in excess of six hundred eighty feet (680') in length are prohibited unless a modification is granted by the Planning Commission in locations necessary for future street connection to adjacent unmapped lands. This foregoing qualified prohibition shall also apply to cul-de-sacs.

K. Intersection Design: Whenever any proposed street or highway requires a separation of grades or any special form of intersection design at its intersection with any street, highway or railway, the subdivision shall be designed to conform to any plan adopted by the City for the intersection design and all lots within the subdivision shall, when necessary, be provided with suitable access from another public way. Any street or highway intersecting another street or highway shall intersect it at any angle as close to a right angle as is practicable.

3-3-11: STREET DESIGN:

A. Right-of-Way Widths: Right-of-way widths for streets and roads are as follows:

1. Arterial Streets: One hundred feet (100').

2. Minor Arterial Streets: Eighty feet (80').

3. Collector Streets: Seventy feet (70').

4. Collector Residential Streets: Sixty feet (60').

5. Local Residential Streets: Fifty feet (50').

6. Collector Rural Residential Streets: Seventy feet (70').

7. Local Rural Residential Streets: Sixty feet (60').

B. Rural Roads: All rural roads shall conform to the following requirements and standards:

1. All infrastructure associated with a rural road shall be constructed at the time of road development; including but not limited to culvert installation and pedestrian way, sidewalk or pathway construction.

2. All rural roads shall include a minimum ten foot (10') wide public utility and slope easement located on one or both sides of the road right-of-way; provided, the City may, in its discretion, increase the required width of the foregoing easement if warranted under the circumstances.

3. Rural roads which are projected through a traffic study or similar analysis to serve more than six hundred (600) average daily vehicle trips shall satisfy the collector rural residential street design standard.

4. Pedestrian ways, sidewalks or pathways associated with rural roads shall be constructed of concrete or asphalt. Sidewalks or pathways shall be constructed on both sides of the road and outside of the public utility and slope easement(s).

5. On-street parking on rural roads, except for temporary or emergency parking, is prohibited, and the subdivider shall install appropriate signage to notify the public of this prohibition.

6. To minimize excessive culvert installation and associated maintenance, access approaches for rural roads shall be limited to either (a) one driveway, not to exceed thirty feet (30') in width or (b) two (2) separated driveways, each of which shall not exceed twenty feet (20') in width. Culvert installation is required at the time of roadway construction and, without limitation, shall not be deferred.

7. Rural roads are prohibited in subdivisions not meeting the criteria set forth in Section 3-2-5(A)(5)(b).

8. Rural roads are prohibited in areas within capture zones as delineated in the City's Wellhead Protection Plan.

9. Maximum cul-de-sac length for rural roads may be increased in dimension to serve no more than twenty (20) residential dwelling units; provided, under no circumstance shall such cul-de-sacs exceed a length of one thousand, three hundred sixty feet (1,360').

C. Private Streets: Private streets within a subdivision shall satisfy the requirements and standards applicable to streets with local street classifications, functions and characteristics. Private streets shall only serve an area contained entirely within the exterior boundaries of the subdivision and shall provide access the public street system at an intersection, the design of which shall be subject to the review and approval by the City. All private streets shall conform to the following requirements and standards:

1. Minimum total width for private streets accessing five (5) or more lots: Fifty feet (50').
2. Minimum total width for private streets accessing four (4) or fewer lots: Thirty-two feet (32').
3. Minimum paved section for private streets accessing five (5) or more lots: Forty feet (40').
4. Minimum paved section for private streets accessing four (4) or fewer lots: Twenty-six feet (26').
5. All residential private streets accessing twenty (20) or fewer lots shall have a four foot (4') wide sidewalk on at least one side of the street.
6. All residential private streets accessing more than twenty (20) lots shall have four-foot (4') wide sidewalks on both sides of the street.
7. All commercial and industrial private streets accessing four (4) or fewer lots shall have a five foot (5') wide sidewalk on at least one side of the street, or as otherwise determined as part of an approved concept development plan.
8. All commercial and industrial private streets accessing more than four (4) lots shall have five foot (5') wide sidewalks on both sides of the street, unless otherwise provided in a development plan entered into between the subdivider and the City.
9. All private streets shall provide for adequate storm drainage and employ the use of curb and gutter sections to convey runoff, the design of which shall be subject to the review and approval of the City.
10. Parking spaces, inclusive of back up areas as required by Section 3-2-17 of this Title, shall not be located within a private street, unless otherwise provided in a development plan entered into between the subdivider and the City.
11. All infrastructure associated with private streets shall be constructed at the time of street development.

D. Cul-De-Sacs: Cul-de-sac streets shall terminate in a circular right-of-way not less than fifty feet (50') in radius with an improved turning circle with a radius of at least forty-five feet (45'). The Planning Commission may approve a functionally equivalent form of turning space if justified by unusual conditions. The maximum length of cul-de-sac streets, as measured along the centerline of the street and between the centerline of the intersecting street and the center point of the cul-de-sac, shall not exceed six hundred eighty feet (680').

E. Marginal Access Streets: Marginal access streets shall conform to all applicable requirements and standards set forth in the City Code.

F. Alleys: Where permitted or required, alleys shall have a minimum of twenty feet (20') and shall conform to the following requirements and standards:

1. Alley intersections and sharp changes in alignment should be avoided; provided, where such features are necessary, corners shall be cut off ten feet (10') on each side to permit safe vehicular movement.

2. Dead end alleys are prohibited.

3. "Half" alleys are prohibited.

G. Dead End Streets: Dead end streets are only permitted with the approval of the City, which approval, if given, may contain conditions applicable to the subsequent development of the street; provided, if a dead end street is approved by the City, the street shall include easements permitting the subsequent construction of a temporary turning circle with a fifty foot (50') radius or a functionally equivalent design.

H. All Streets: The design and construction of all streets within the City, including both public and private streets, shall conform to the public improvement standards set forth in Section 3-3-17 of this Chapter.

I. Model Code Standards: All streets shall conform to any model codes adopted by reference in the City Code, to include the Uniform Fire Code.

J. Street Grades: Streets shall be designed and constructed subject to the following grade requirements and standards:

1. Maximum Grades:

a. Arterial and minor arterial streets: Maximum grades will be determined by the City based on site-specific conditions.

b. Collector streets: No more than seven percent (7%).

c. Collector residential and local residential streets: No more than nine percent (9%).

2. Minimum Grades: New asphalt streets with concrete gutters shall have a minimum longitudinal slope of 0.50%. Minimum grades for the rehabilitation of existing streets will be determined by the City based on site-specific conditions.

3. Exceptions: The Planning Commission may, in its discretion, grant an exception to the minimum and maximum grade requirements contained in this subsection if the cost to the subdivider substantially outweighs the public benefit.

K. Vertical Curves: Streets shall be designed and constructed subject to the following vertical curve requirements and standards:

1. Arterial and minor arterial streets: Vertical curves standards for arterial and minor arterial streets will be determined by the City based on site-specific conditions.

2. Collection and local streets: Collector and local streets will be designed and constructed with minimum k values of 30 for crests and 40 for sag curves. Vertical curves are not required when the algebraic difference between the two slopes is less than 2%

L. Horizontal Alignment: Streets shall be designed and constructed subject to the following horizontal alignment requirements and standards:

- 1. Horizontal alignment standards for arterial and minor arterial streets will be determined by the City based on site-specific conditions.**
- 2. When tangent centerlines deflect from each other by more than ten degrees (10°) and less than ninety degrees (90°), they shall be connected by a curve having a minimum centerline radius of two hundred feet (200') for collector streets, or one hundred feet (100') for collector residential and local residential streets.**
- 3. Between reverse curves, there shall be a tangent section of centerline not less than one hundred feet (100') long.**
- 4. Streets shall intersect arterial streets at ninety degree (90°) angles. Intersecting collector streets, collector residential streets and local residential streets typically intersect at ninety degree (90°) angles, but in no case shall such an angle of intersection be less than seventy five degrees (75°).**
- 5. Street jogs are prohibited unless the City grants an exception based on site-specific conditions.**
- 6. Local residential streets or collector residential streets intersecting a collector street or arterial street shall have a tangent section of centerline at least one hundred fifty feet (150') in length measured from the right of way line of the more major street, except that no such tangent shall be required when the local residential or collector residential street curve has a centerline radius greater than four hundred feet (400') measured from a center located on the more major street right of way line.**
- 7. Street intersections with more than four (4) legs and Y-type intersections with legs meeting at acute angles are prohibited.**
- 8. Intersections of street lines shall be rounded by a circular arc having a minimum tangent length of fifteen feet (15').**

3-3-12: BLOCK DESIGN:

A. Maximum Length of Blocks: Within the following maximums, blocks shall be as long as reasonably possible to achieve the greatest possible street economy, and to reduce the expense and increased safety hazard arising from excessive street intersections. Maximum block length, measured along the centerline of the street and between intersecting street centerlines, shall not exceed one thousand, three hundred sixty feet (1,360').

B. Sidewalks or Pedestrianways: Sidewalks or pedestrianways with a right-of-way width of eight feet (8') are required if the Planning Commission determines they are essential for pedestrian circulation within the subdivision or will enhance access to schools, playgrounds or other community facilities. Rights-of-way for sidewalks and pedestrianways may be used for utility purposes so long as those purposes do not unreasonably interfere with pedestrian traffic.

C. Hillside Areas: Subdivisions or portions of subdivisions with hillside areas must satisfy the applicable requirements set forth in City Code Section 3-2-28.

3-3-13: LOT PLANNING:

A. Lot Width, Depth and Area: Except as otherwise provided in this subsection, lot width, depth and area shall comply with all applicable zoning requirements, shall be appropriate for the location and character of the proposed subdivision, shall comply the provisions of any development agreement entered into pursuant to City Code Section 3-2-26, and shall be appropriate for the type and extent of public improvements being installed.

Notwithstanding the foregoing sentence, where steep topography, unusual soil conditions or drainage problems render the cost of complying with these requirements excessive in light of the benefit to the public, the Planning Commission may, in its discretion, permit a greater lot width, depth and/or area than is otherwise allowed for the zoning district or which would otherwise be required under this Subsection.

B. Lot Depth and Width: Lot depths shall be at least one hundred feet (100') and widths at least sixty feet (60'); provided, the Planning Commission may, in its discretion, permit narrower lot widths on cul-de-sacs upon a showing of good cause by the subdivider.

C. Building Setback: Minimum building setbacks shall conform to all applicable requirements set forth in the City Code.

D. Side Lot Lines: Side lot lines shall be at or near right angles or radial to street lines, unless the Planning Commission, in its discretion, permits a different alignment upon a showing of good cause by the subdivider.

E. Accessibility: Every lot shall abut a public street or private street that is connected to the public street system.

F. Prohibitions: Single-family residences are not permitted on double frontage lots, except that, subject to the approval of the Planning Commission for good cause shown, such lots may be permitted in locations abutting an arterial street so long as all dwellings front on local or collector streets and there is no access from the arterial street.

3-3-14: EASEMENT PLANNING:

Utilities shall be placed underground unless the Planning Commission approves a modification to permit overhead utilities based on unique site conditions, in which event the Planning Commission may impose conditions on the modification.

The following easement requirements shall apply to all new subdivisions:

A. Utility Easements:

- 1. Where alleys are shown on a final map, utility easements four feet (4') wide on each side of each alley shall be dedicated for aerial overhang. Where alleys are not shown on the final map, utility easements six feet (6') wide on each side of rear lot lines shall be delineated on the final map and offered for dedication. In addition, guy and anchor easements one foot (1') wide on each side of a side lot line and thirty five feet (35') in length measured from the rear lot line, in locations selected**

by the City, or as required by the serving utility, shall be shown on the final map and dedicated.

2. Utility easements five feet (5') wide adjacent to each side of side lot lines, and where service to street lighting is required, one foot (1'), on each side of such lot lines, or as required by the serving utilities, shall be shown on the final map and dedicated.

B. Underground Utilities: Where all utilities are underground:

1. Rear Lot Lines: Where alleys are shown on the final map, corresponding easements required by the serving utilities shall be shown on the final map and dedicated. Where alleys are not shown on the final map, utility easements five feet (5') wide along each side of rear lot lines shall be shown on the final map and dedicated.
2. Side Lot Lines: Easements for utilities and lot drainage on all side lot lines shall be shown on the final map and dedicated. All utility service lines, including service lines for gas, electricity, telephone, communications, and street lighting shall be channeled in easements five feet (5') wide on each side of the lot line separating pairs of lots to the extent required by the serving utilities.
3. Street Rights-of-way: Easements for utilities and lot drainage on lot lines abutting street rights-of-ways shall be shown on the final map and dedicated. All such easements shall be a minimum of seven and one-half feet (7 1/2') wide.

C. Lots Facing Curvilinear Streets: For lots with fronts facing curvilinear streets and alleys, easements for overhead utilities shall consist of either:

1. A series of straight lines with points of deflection not less than one hundred twenty feet (120') apart, such points of deflection always occurring at the junction of side and rear lot lines on the side of the exterior angle; or
2. A curvilinear easement, provided the minimum radius of the centerline shall be not less than eight hundred feet (800').

D. Public Drainage Easement: Where a stream or major surface drainage course abuts or crosses the subdivision, the subdivider shall show on the final map and dedicate a public drainage easement sufficient to permit widening, deepening, relocating or protecting the drainage course. The subdivider's engineer shall provide the City with sufficient information about the drainage to evaluate the adequacy of the easement.

E. Easement Land Not Considered and Considered in Minimum Lot Area Calculation: Land within a public street or drainage easement, or land within a utility easement for major power transmission lines or pipelines, shall not be included in the calculation of the minimum required lot area. However, land included in utility easements to be used for distribution or service purposes within the subdivision, and land included in the five foot (5') wide and seven and one-half foot (7 1/2') wide drainage easements along lot lines and street rights-of-way, shall be included the calculation of the minimum required lot area.

F. Lots Backing Onto Arterial Streets: Lots arranged to back of arterial streets, railroads, canals or commercial or industrial districts, as provided in this Chapter, shall have a minimum depth of one hundred ten feet (110'), the rear one foot (1') of which shall be recorded as a nonaccess private easement.

G. Water And Sewer Utility Lines: Municipal water and sewer utility lines shall be installed within the City street rights-of-way, unless otherwise approved by the Planning Commission and/or the City Council based on special circumstances.

3-3-15: STREET NAMING:

At the tentative map stage (Stage II), the subdivider shall propose names for all streets in the subdivision. A street name may be disapproved by the Planning Commission, in which event the subdivider must receive approval from the Planning Commission for a new street name.

3-3-16: STREET LIGHT DESIGN STANDARDS:

A. Requirements: Street lighting shall be installed in a subdivision in accordance with the following requirements:

1. The subdivider shall install street lights, shall make all necessary arrangements with the appropriate utility company for the installation of street lights, and shall bear all costs relating to the purchase and placement of street lights. Street lights shall be installed by a properly licensed contractor possessing a valid City business license.
2. Street lighting plans are prepared by the utility company providing electricity to the subdivision. Once prepared, the subdivider shall submit the street lighting plans to the City for review. Street lighting plans must show the location of each street light, the corresponding power source and the size of luminaries measured in watts or lumens.
3. The City will not accept any public improvements or issue a certificate of occupancy for any part of a subdivision until all street lighting within each construction phase is complete and fully operational.
4. Requests for street lighting in previously developed areas must be approved by the city for location and installation prior to being submitted to the utility company for design engineering.
5. Once the street lighting has been installed and operational, approval by the city will constitute acceptance of the street lighting and the city will then be responsible for the energy costs and maintenance thereafter.

B. Design Standards: All street light installations shall be designed in accordance with the following minimum design standards:

1. All luminaries shall be LED luminaires with a minimum of one hundred (100) watt equivalent LED for residential areas and a minimum of two hundred (200) watt equivalent LED for commercial/industrial areas or approved equal.
2. A street light shall be placed at each street intersection and shall be situated to properly illuminate the intersection.
3. A street light shall be placed at each proposed U.S. Postal Service gang box location.

4. Street lights shall be placed between intersections at midblock locations with a minimum spacing of three hundred fifty feet (350') and maximum of five hundred feet (500') between all lights.

5. A street light shall be placed at the end of each cul-de-sac.

3-3-17: RESPONSIBILITY FOR PUBLIC IMPROVEMENTS:

The design, construction and financing of all public improvements, such as but not limited to, grading, sidewalks, curbs, streetlights, gutters, pavements, sanitary sewers, storm sewers, water mains, fire hydrants, drainage structures and monuments shall be the responsibility of the subdivider and shall conform to public improvement standards established by the City; provided, however, that the subdivider may satisfy such requirements by participating in an improvement district approved by the City.

3-3-18: CONSTRUCTION PLANS:

The subdivider shall contract with or otherwise utilize a properly licensed professional engineer to prepare a complete set of construction plans for the construction of all required subdivision improvements. The construction plans shall include (unless otherwise waived if permitted under this Chapter) all infrastructure necessary for the construction of the subdivision including, but not limited to: streets, curbs, gutters, sidewalks, drainage, water, wastewater and protection of important environmental features. The construction plans shall be based on, consistent with and prepared in conjunction with the final map. Construction plans shall not be prepared until Stage III of the subdivision planning and approval process, and must be approved by the City and all State and Federal agencies with approval authority, prior to certification and recordation of the final map.

3-3-19: CONSTRUCTION AND INSPECTION:

A. Inspections; Performance Agreement; Permits Required: The following requirements apply to improvements constructed in public rights-of-way:

1. All improvements constructed in public rights-of-way shall be subject to inspection by the City and must be approved by the City prior to certification and recordation of the final map.
2. Construction of improvements in public rights-of-way shall not commence until the subdivider has entered into a performance agreement with the City in accordance with City Code Sections 3-3-21 and 3-3-22.
3. Construction of improvements in public rights-of-way shall not commence until all federal, state, and local approvals and/permits have been issued for such construction.

B. Underground Utilities: All underground utilities to be placed in streets shall be constructed prior to the surfacing of such streets. Service stubs for underground utilities to be connected to lots shown on the final map shall be installed with sufficient length to avoid disturbing street improvements at the time service connections are made.

3-3-20: REQUIRED IMPROVEMENTS:

- A. Streets and Alleys:** All streets and alleys within the subdivision shall be graded, drained and surfaced to cross sections, grades, standards, and profile approved by the City. If there are existing streets adjacent to the subdivision, proposed streets within the subdivision shall be fully improved to the intercepting paving line of the existing streets. Temporary dead end streets serving more than four (4) lots shall be designed and constructed with a graded all-weather, temporary turning circle, subject to any additional requirements imposed by the City based upon site conditions. The subdivider shall construct adequate permanent culverts and bridges at all points within the subdivision where watercourses are crossed by streets or alleys. Culverts and bridges shall, without limitation, conform to all applicable requirements of the City Code and be constructed to the full width of the dedicated street or alley.
- B. Curbs:** Curbs shall be constructed of Portland cement concrete. The construction of curbs, gutters and valley gutters shall subject to any additional standards required by the City, which standards may be imposed based on site conditions.
- C. Sidewalks:** Sidewalks shall be four feet (4') wide in all locations adjacent to residential or local streets, and five feet (5') wide in all locations adjacent to streets classified as collector, minor arterial, arterial, or major arterial. Sidewalks shall be constructed on both sides of all streets unless the requirement is waived pursuant to a specific provision of this Code permitting such a waiver.
- D. Pedestrianways:** Pedestrianways shall be constructed of Portland cement concrete or asphalt. All pedestrianways shall be constructed to a width, line and grade approved by the City based on site conditions.
- E. Street Name Signs:** The subdivider shall install street name signs at all street intersections before the time the street pavement is ready for use. Design, construction, location and installation of street name signs shall conform to all applicable standards adopted by the City.
- F. Stormwater Drainage:** The design and construction of public streets and alleys, and the grading of private properties, shall provide for adequate disposal of stormwater. Existing major drainage courses shall be maintained and dedicated as public drainageways. The type, extent, location and capacity of drainage facilities shall be designed by the subdivider's engineer and approved by the City. The subdivider shall install stormwater drainage facilities to the grade, in the locations, to the depths and of the materials shown on plans and specifications approved by the City. Storm and surface water drain pipes and mains, together with catch basins, shall be designed and constructed to provide discharge in a manner and at a place approved by the City. The design and construction of stormwater drainage facilities shall conform to all applicable requirements of this Code, to include the requirements of Title 9, Chapter 8, entitled "Postconstruction Runoff Control and Water Quality Management."
- G. Sanitary Sewerage:**
- 1. The subdivider shall install public sanitary sewers in the subdivision. Sanitary sewers shall be connected to a public sewer system. Sewers, connections and related apparatus shall be constructed in accordance with plans, profiles, and specifications approved by the Nevada Division of Environmental Protection and the City, and in accordance with approved City standards and State of Nevada requirements. The subdivider shall install sanitary sewers to the grade, in the locations, to the depth and of the material shown on plans and specifications**

approved by the City. The subdivider shall connect each lot in the subdivision to sanitary sewer mains at locations specified by the City.

2. The subdivider shall install manholes in conjunction with the installation of sanitary sewer mains at the points, in the manner and according to specifications approved or provided by the City.

H. Water Supply:

1. The subdivider shall design and construct the water supply system in such a manner as to ensure that each lot is supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection, and that conforms to all applicable State and City standards and requirements. The subdivider shall install, to grade, all water mains and lines with the materials that are shown on plans and specifications approved by the City. Connections from said mains and lines shall be installed to each lot in said subdivision. The construction plans shall show the locations of shutoff valves to each block and lot. All proposed water systems shall connect to the City municipal water system.

2. Water meter boxes and water meters shall be installed on all lots. Water meter boxes shall conform to all applicable standards and specifications set by the City, and shall be subject to approval by the City.

- I. Fire Hydrants: Fire hydrants shall conform to all applicable standards and specifications set by the City (to include, without limitation, the Fire Code, Title 6, Chapter 1, Section 1), and shall be subject to approval by the City.

- J. Power, Communications and Gas Utilities: The subdivider shall install or arrange for the installation of the following utilities: electric power, natural gas, telephone and communication lines. These utilities shall be installed in all subdivisions. All electric distribution facilities shall be installed underground, except in unusual situations involving short extensions of overhead facilities existing on abutting subdivisions, which extensions are only permitted if approved by the City Council. All underground electric distribution lines and telephone lines shall be installed in accordance with General Order No. 9 issued by the Public Utilities Commission of Nevada.

- K. Survey Monuments: Permanent monuments shall be installed in accordance with standards set by the City at all corners, angle points, points of curve and street intersections. After all improvements in the subdivision have been installed, the subdivider shall have a registered land surveyor check the locations of monuments and certify their accuracy. Monuments shall be at or near boundary corners. Monuments shall be set at intermediate points of approximately one thousand feet (1,000') or at such lesser distances as may be necessary by reason of topography or culture to ensure accuracy in the reestablishment of any point or line without unreasonable difficulty. All monuments shall be permanently and visibly marked with the license number of the registered land surveyor under whose supervision the survey was made, and a description of such monument shall be shown on the final map. The subdivider shall set monuments at street intersections and at the beginning and ending of each curve, unless the intersection of tangents of said centerline falls within the street right of way, in which event the City may permit the subdivider to establish a monument at the intersection in lieu of monuments at the beginning and end of the curve.

L. Lot Corner Staking: Five-eighths inch ($\frac{5}{8}$ ") reinforcing steel with a cap having a mark for the exact point and stamped "PLS" followed by the number of the professional land surveyor's license shall be set at all corners, angle points and points of curve for each subdivision lot prior to final acceptance of the subdivision. The cost for lot corner staking, under the direction of a professional land surveyor, shall be included as part of the public improvements and shall be a line item on the "engineer's estimate of the costs of the public improvements."

M. Street Lighting: Street lighting shall be installed on all streets and at all locations designated by the City within the subdivision in conformity with Section 3-3-16 of this Chapter, to include City standards for materials, design and construction. The subdivider will bear all costs for the design and installation of street lights.

N. Stormwater Discharge and Land Disturbance: All construction activities that have the potential to create a land disturbance of greater than one (1) acre shall comply with state construction site stormwater general permit requirements and the City's National Pollutant Discharge Elimination System General Permit for discharges from small municipal separate storm sewer systems. This requires developers and/or contractors to obtain a state stormwater discharge permit and City grading permit for these projects. The subdivider shall provide construction site stormwater erosion protection for all construction. Permanent stormwater erosion measures meeting the minimum requirements of the city stormwater management plan will be enforced.

O. Full Frontage: The subdivider must construct and install all required public utilities across the full frontage of property at the time of development of the subdivision.

P. Site Grading: The subdivider shall:

- 1. Ensure that the subdivision is constructed with sufficient site grading for the required improvements;**
- 2. Ensure that each lot area is buildable; and**
- 3. Ensure that there is adequate site drainage control.**

3-3-21: AGREEMENTS TO INSTALL IMPROVEMENTS:

A. Provisions and Requirements of Agreement to Install Improvements: Except as otherwise provided in this Section 3-3-21, no more than thirty (30) calendar days after the later of the approval of the final map or the approval of a proposed agreement to install improvements by the City Council, prior to the commencement of construction of subdivision improvements, and prior to certification of the final map, the subdivider shall enter into and have on file with the City an agreement to install improvements, fully executed by the subdivider and the City, containing the following provisions:

- 1. That the engineer's estimate must be approved by the City;**
- 2. That the total engineer's estimate must be an amount no less than the full cost of the following improvements:**
 - a. Improvements required under Section 3-3-20 of this Code;**
 - b. Improvements shown on the construction plans prepared and approved in**

accordance with Section 3-3-18 of this Code;

- c. The cost of required inspection and testing by a properly licensed engineer to oversee the quality assurance and quality control necessary to ensure certification for the construction of the approved construction plans;
- d. The cost to replace any existing streets, utilities or other improvements that are included in the required improvements as shown on the construction plans;;
- e. The cost to prepare the as-built drawings and any associated documents; and
- f. Incidental expenses associated with the foregoing work.

3. One of the following two provisions, at the election of the subdivider:

- a. That the subdivider will complete the subdivision improvements with its own resources, subject to terms and conditions approved by the City in the agreement to install improvements; provided, during the construction of subdivision improvements, the subdivider may, at its option, guarantee performance of the remaining subdivision improvements with a performance guaranty that conforms to City Code Sections 3-3-21(A)(3)(b) and 3-3-22; or
 - b. That the subdivider will guarantee the completion of the subdivision improvements by providing to the City a performance guaranty that satisfies the requirements of City Code Section 3-3-22, and that a performance guaranty given in the form of a bond or irrevocable letter of credit shall not expire or be released by the issuer prior to completion of all required subdivision improvements and written authorization by the City permitting the performance guaranty to expire or be released.
4. That all subdivision improvements identified in the agreement to install improvements shall be completed within a specified period, not to exceed two (2) years, to the satisfaction of the City.
5. That in the event the required subdivision improvements are not completed within the specified period to the satisfaction of the City, the City may, with City Council approval, complete or cause to be completed the improvements and thereafter recover from the subdivider the full cost and expenses therefor.
6. That approved construction plans are appended to the agreement to install improvements as an exhibit.
7. That the construction plans and all required improvements shall be approved by the City, applicable State and Federal agencies prior to the commencement of construction.
8. That the subdivider shall, at its own expense, use the services of a licensed professional engineer to (a) oversee the construction of the subdivision, (b) provide to the City copies of all test results required under the specifications for the project and (c) provide the City with a stamped certification that the subdivision was

constructed in conformity with the approved construction plans.

9. That the subdivider shall pay the cost of inspection, testing and surveying all subdivision improvements and, further, that if the City determines the subdivider is not performing adequate surveying, inspection and/or testing through the use of a properly licensed professional engineer or land surveyor (as appropriate), the City may then, in its discretion, order the subdivider to immediately stop work; and that the City may thereafter hire a properly licensed professional engineer and/or land surveyor to perform the remaining surveying, inspection and/or testing, the cost of which shall be reimbursed to the City by the subdivider upon demand and prior to final acceptance of the subdivision improvements by the City.

10. That the subdivider's engineer shall provide to the City as-built drawings of all subdivision improvements, and further, that the as-built drawings shall be submitted both in digital format and on paper, the paper version to be wet-stamped by the subdivider's engineer prior to submittal to the City.

11. That the subdivider shall use qualified and properly licensed contractors for the construction of all required improvements, to include all subdivision improvements shown on the construction plans.

12. That the parties acknowledge the City Council will only accept the subdivision improvements if (a) the subdivider's engineer certifies that the subdivision improvements are complete and (b) the City independently confirms that the subdivision improvements are complete.

13. That the subdivider shall provide the City with a maintenance guaranty that satisfies the requirements of City Code Section 3-3-22, and that the one (1) year maintenance period shall commence on the date the City Council accepts the subdivision improvements.

14. That the subdivider's breach of the agreement to install improvements shall constitute a default, including, without limitation, the following:

- a. Subdivider's failure to complete construction of subdivision improvements within time stated in the agreement to install improvements;
- b. Subdivider's failure to timely cure any defect in the subdivision improvements;
- c. Subdivider's insolvency, appointment of a receiver, or the filing of any petition in bankruptcy, either voluntary or involuntary, which subdivider fails to discharge within thirty (30) days; or
- d. Subdivider fails to perform any other obligation under the agreement to install improvements.

15. That in the event of a default by the subdivider (a) the City may thereafter draw upon any performance guaranty provided to the City to complete the subdivision improvements and mitigate the City's damages (if applicable), in addition to any other remedies available to the City; (b) the subdivider shall promptly, but in no case more than thirty (30) days after written notice from the City, dedicate all remaining undedicated and required rights-of-way for the continuation of existing streets into the subdivision; and (c) the City may record all deeds of dedication for rights-of-way for the continuation of existing streets into the subdivision.

16. That in the event of a default by the subdivider, the City reserves all remedies available to it at law and in equity.

17. That upon a determination by the City that specific improvements have been satisfactorily constructed and completed, funds may be released from the performance guaranty (if applicable) either by refunding a portion of a cash deposit to the subdivider or by authorizing a reduction of a bond or other form of non-cash guaranty, so long as the foregoing release of funds does not exceed ninety percent (90%) of the value of the completed improvements that have been certified by the subdivider's engineer and approved by the City. The foregoing determination by the City shall be subject to the appeal rights set forth in Section 3-3-31.

B. Additional Provisions: Notwithstanding any other requirements set forth in Subsection 3-3-21, the agreement to install improvements may, also contain any of the following provisions and/or requirements:

1. That the construction of improvements shall take place in specified stages.

2. That the time to complete construction may be extended by the City, in its discretion, subject to specified conditions.

C. Modifications, Extensions: At the written request of the subdivider, the terms and conditions, to include time frames and deadlines, contained in an executed agreement to install improvements may be modified by the City Council upon a demonstration of good cause by the subdivider, so long as the modification does not frustrate the purposes of the City Code or relieve the subdivider of the requirement to construct or compensate the City for constructing the required subdivision improvements. The subdivider shall, at the time of filing the written request for modification of the agreement to install improvements, pay a filing fee to the City in an amount established by resolution of the City Council.

3-3-22: PERFORMANCE AND MAINTENANCE GUARANTEES:

A. To ensure that subdivision improvements are properly completed at the subdivider's expense, the subdivider shall either (1) complete the subdivision improvements with its own resources according to the agreement to install improvements and other terms and conditions approved by the City, in which event the subdivision improvements must be certified by the City as complete prior to certification of the final map; or (2) provide the City with a performance guaranty.

B. Performance Guarantees: In the event the subdivider does not complete the subdivision improvements with the subdivider's own resources, the subdivider shall provide a performance guaranty to the City, subject to the following requirements:

1. Prior to execution of an agreement to install improvements pursuant to Section 3-3-21 and prior to approval of the final map by the City Council, the subdivider shall provide the City with a performance guaranty, subject to approval by the City, in an amount deemed sufficient by the City to cover the full cost of: (i) remaining improvements required under Section 3-3-20 of this Code in the construction plans prepared and approved in accordance with Section 3-3-18 of this Code; (ii) remaining improvements identified in engineering inspections; (iii) the cost to replace any existing streets, utilities or other improvements that may be damaged during construction of the required subdivision improvements; (iv) the cost to prepare the as-built drawings and

any associated documents; (v) the cost for the services of a licensed professional engineer to oversee the construction of the subdivision and (vi) identified incidental expenses associated with the foregoing work. The performance guaranty shall be in one of the following forms:

a. Performance Bond: A performance or surety bond executed by a surety company authorized to do business in the State of Nevada, approved by the City Attorney as to form, and having a length of term not exceeding twenty-four (24) months from the date of final map recordation.

b. Deposit of Funds: A deposit of cash with the City, or a certified check or negotiable bonds made payable to and deposited with the City or an escrow agent or trust company approved by the City Attorney; provided, any decision by the City Attorney not to approve an escrow agent or trust company is subject to review by the City Council.

c. Irrevocable Letter of Credit: An irrevocable letter of credit in favor of the City issued by a financial institution insured by the Federal Deposit Insurance Corporation (FDIC).

d. Combinations: Upon approval by the City based on a showing of good cause by the subdivider, a combination of the forms of performance guaranty listed in this subsection, so long as the combination provides the City with at least the same level of protection against default as any single one of the listed forms of guaranty.

2. Penalty in Case of Default: In the event the subdivider fails to complete all required subdivision improvements in accordance with terms of the agreement to install improvements, the City may, in its sole discretion, complete the work at its own expense and thereafter reimburse itself for the cost and expense thereof from the performance guaranty.

3. Maintenance Guaranty: The subdivider shall provide the City with a maintenance guaranty to ensure the maintenance, adequacy and condition of all improvements required by the agreement to install improvements for a period of not less than one (1) year after the improvements are accepted by the City. The maintenance guaranty may be in any form permitted in Section 3-3-22(A) for a performance guaranty and shall be in an amount equal to ten percent (10%) of the total cost of the required subdivision improvements. The City shall not accept the subdivision improvements until the subdivider provides the maintenance guaranty.

4. Reduction of Maintenance Guaranty: Once a maintenance guaranty has been delivered to the City, the City shall not thereafter release any funds from or reduce the amount of the maintenance guaranty except upon written certification by the City that all required maintenance has been performed in conformance with the agreement to install improvements; provided, in no event shall the release of funds exceed the amount of the maintenance guaranty.

5. Improvement District Financing Through Special Assessments: If not all of the properties abutting a public street within any given block are under the control of the subdivider, and the street abutting those properties is not fully improved in accordance with the requirements of this Chapter, the subdivider may petition the City Council for the creation of an improvement district for the construction of the required improvements and for the special assessment of the cost thereof against abutting

properties in accordance with Chapter 268 of the Nevada Revised Statutes; provided, however, that the subdivider shall thereupon enter into an agreement with the City pursuant to which it agrees to be responsible for any difference between the cost of such improvements and the maximum amount which the City can specially assess against the property to be subdivided, and to furnish any necessary waivers to permit assessment of the entire cost of such improvements. Any such agreement pursuant to the preceding sentence shall be in a form approved by the City Attorney.

3-3-23: PARK LAND DEDICATIONS:

The City may require the dedication of land for the development of park, playground and recreational facilities, payment in lieu of dedication, or residential tax (to the extent permitted under Nevada law), in accordance with the recreation and open space element of the Elko Master Plan.

3-3-24: PARCEL MAPS:

A. Required: A person who proposes to divide any land into four (4) or fewer lots shall file a parcel map application with the City and, upon approval by the City, the applicant shall thereafter file the parcel map with the office of the county recorder, unless such recordation is not required under Nevada law.

B. Public Improvements: Public improvements may be required by the City as a condition of approval of a parcel map, but such requirements shall not exceed those that would be required under City Code Section 3-3-20 if the proposed division of land were a subdivision.

C. Public Improvements: For parcel maps, the City Council shall require, as a condition of approval of a parcel map, the design and construction of all improvements (to include off-site improvements) that are consistent with the uses of the existing property and surrounding land, and that are reasonably necessary to ensure the adequacy of site grading; parcel ingress/egress; street alignment, surfacing and width; water quality; water drainage; water supply; sewerage; and the protection of public health and safety.

D. Dedications: If the proposed parcels are located in areas where public improvements do not exist, the City Council shall require the dedication of rights-of-ways and/or easements to the extent necessary to serve the best interests of the public.

E. Parcel or Lot Design: Lot width, depth and area shall comply with the zoning requirements appropriate for the location and character of development proposed, including the requirements set forth in City Code Section 3-2-26 and Section 3-2-28, and appropriate for the type and extent of public improvements being installed. However, where steep topography, unusual soil conditions or drainage problems exist or prevail, the City may require increased lot width, depth and/or area that exceeds the minimum requirements of the particular zoning district.

F. Construction Plans: The subdivider shall use a licensed professional engineer to prepare a complete set of construction plans for all required public improvements. The construction plans shall be based on and prepared in conjunction with the parcel map. The foregoing construction plans must be approved by the City prior to recordation of the parcel map.

G. Second or Subsequent Parcel Maps: When considering whether to approve, conditionally approve or disapprove a second or subsequent parcel map involving land that has been

divided by a parcel map which was recorded within the five (5) years immediately preceding the acceptance of the second or subsequent parcel map as a complete application, the following criteria shall be considered:

1. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the property being divided into parcels;
3. The availability and accessibility of utilities;
4. The availability and accessibility of public services, such as schools, police protection, transportation, recreation and parks;
5. Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance shall apply;
6. General conformity with the City's master plan of streets and highways;
7. The effect of the proposed division of land into parcels on existing public streets and the need for new streets or highways to serve the land being divided;
8. Physical characteristics of the land, such as floodplain, slope and soil;
9. The recommendations and comments of those entities reviewing the tentative map pursuant to Nevada Revised Statutes Sections 278.330 through 278.348, inclusive; and
10. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.
11. For any other second or subsequent parcel map, any reasonable public improvement shall be required, but not more than would be required under City Code Section 3-3-20 if the parcel were a subdivision.

H. Review and Approval of Parcel Map:

1. Upon the filing of an application by a person proposing to divide land into parcels, except as otherwise provided in this Section, the City planning department shall approve the parcel map, or waive the requirement of a parcel map or survey for a parcel map, without further action by the Planning Commission or City Council, unless the parcel map includes an offer of dedication of a street right-of-way to the City or is associated with a request to modify subdivision ordinance standards or regulations. Except as otherwise provided in the preceding sentence, the City planning department shall review the parcel map and within sixty (60) days after filing shall approve, conditionally approve or disapprove the parcel map.

2. A parcel map which includes an offer of dedication of a street right-of-way to the City or a modification of ordinance standards or regulations respecting the division of land shall be referred to the Planning Commission and the City Council for review and consideration, and formal acceptance of the offer of dedication and/or any modification of standards or regulations. The Planning Commission shall consider the parcel map within sixty (60) days after filing and shall thereupon make a recommendation to the City Council to approve, conditionally approve or disapprove the formal acceptance of the offer of dedication and/or any modification of standards or regulations. The City Council shall then consider and take action upon the formal acceptance of the offer of dedication and/or any modification of standards or regulations no later than thirty (30) days after action by the Planning Commission, taking into account the recommendation of the Planning Commission.

I. Exceptions:

1. A parcel map is not required when the division of land into parcels is for the express purpose of:

a. Creation or realignment of a public right-of-way by a public agency;

b. Creation or realignment of an easement;

c. An adjustment of the boundary line between two abutting parcels or the transfer of land between two (2) owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

d. The purchase, transfer or development of space within an apartment building or an industrial or commercial building;

e. Carrying out an order of any court or dividing land as a result of an operation of law.

2. A parcel map is not required for any of the following transactions involving land:

a. The creation of a lien, mortgage, deed of trust or any other security instrument;

b. The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;

c. Conveying an interest in oil, gas, minerals or building materials, which is severed from surface ownership of real property;

d. Conveying an interest in land acquired by the Department of Transportation pursuant to Chapter 408 of the Nevada Revised Statutes.

e. Filing a certificate of amendment pursuant to NRS 278.473.

J. Survey Not Required: If a survey is not required for the preparation of a parcel map, the map must be prepared by a registered land surveyor, but the certificate upon the map may include substantially the following:

This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or corrections of other information shown on or copied from any such prior document.

K. Fee: The applicant shall, at the time of filing the parcel map, pay a filing fee to the City in an amount established by resolution of the City Council.

L. Information Required: The parcel map shall contain the following information and meet the following requirements:

1. The parcel map shall be legibly drawn in black, waterproof India ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet shall be twenty-four inches by thirty-two inches (24" x 32"). A marginal line shall be completely drawn around each sheet leaving an entirely blank margin of one inch (1") at the top, bottom and right edges, and of two inches (2") at the left edge along the twenty four inch (24") dimension.

2. A parcel map must indicate the owner of any adjoining land or right-of-way if owned by the person dividing the land.

3. If a survey is required, the parcel map shall also show:

a. All monuments found, set, reset, replaced or removed, describing the claim, size and location and other data relating thereto;

b. Bearing or witness monuments, basis of bearings, bearing and length of line and scale of map;

c. Name and legal description of tract or grant in which the survey is located and ties to adjoined tracts;

d. Memorandum of oaths;

e. Signature of surveyor;

f. Date of survey;

g. Signature of the owner or owners of the land to be divided;

h. Any easements granted or dedications made;

i. Any other data necessary for the intelligent interpretation of various items in the location of the points, lines and areas shown; and

j. Provision and date for installation of all required improvements.

4. The following certificates shall appear on a parcel map before it can be recorded:

- a. A certificate for execution by the clerk of each approving governing body stating that the body approved the map;**
- b. A certificate by the surveyor responsible for the parcel map giving the date of the survey on which the map is based and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. The certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions at such time as agreed upon under the provisions of Nevada Revised Statutes Chapter 278. The certificate shall also state that monuments are or will be sufficient to enable the survey to be retraced;**
- c. A certificate signed and acknowledged by all parties having any record title in the land to be divided into parcels evidencing their grant of permanent easements for utilities installations and access, as designated on the parcel map;**
- d. A statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the mapped parcel; and**
- e. A statement that it shall be the responsibility of the applicant to obtain the approvals of all serving utility companies as to the location of any utility easements shown on the parcel map.**

5. The following data shall accompany a parcel map at the time it is submitted:

- a. Name, address and telephone number of the persons requesting approval of the parcel map and the owner or owners of the land;**
- b. Name, address and telephone number of the person who prepared the map;**
- c. Legal description of the original parcel. It shall be sufficient to give the Recorder's book and page number of the deed and the assessor's parcel number;**
- d. Proposed use of each parcel;**
- e. Source of water supply and proposed method of sewage disposal for each parcel;**
- f. A copy of all survey computations shall accompany the parcel map; and**
- g. A vicinity map.**

6. The subdivider shall file the following copies of the parcel map with the City at the time of filing:

- a. One (1) hard copy that is 24"x36" in size;**

b. One (1) reproducible hard copy that is 8 ½"x11" in size; and

c. A legible electronic copy in PDF format.

M. Recording: A parcel map approved pursuant to this Section and Section 3-3-70 of this Chapter, shall be recorded in the Office of the Elko County Recorder within two (2) years after the date when the map was approved or deemed approved by the City.

N. Prohibitions of Parcels: Parcel maps that are determined by the City to fall into one or more of the following categories shall not be approved by the City:

1. One or more of the proposed parcels are not reasonably capable of being developed due to site conditions.
2. The parcels are proposed in an attempt to eliminate frontage or required public improvements.
3. The proposed parcels are detrimental to the health, safety and/or welfare of the public.

3-3-25: MODIFICATION OF STANDARDS:

A. Permitted: Upon the recommendation of the Planning Commission that there exist extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in this Chapter, that prevent or unreasonably restrict the ability of a person to develop land, the City Council may thereafter modify the provisions of this Chapter, or any other provision in the City Code, in such manner and to the minimum extent necessary to carry out the intent of this Chapter; provided, this paragraph shall not permit the modification of the process for satisfying the substantive requirements of this Chapter.

B. Complete Neighborhood Plan: In the case of a plan and program for a complete neighborhood development, the City Council may modify the provisions of this Chapter in such manner as it deems necessary and desirable to provide for adequate space and the development of improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated. The City Council may further require such restrictions on the neighborhood development, through the use of deed restrictions, restrictive covenants and conditions and the like, as may be necessary to assure conformity to and the achievement of the plan and program.

C. Additional Requirements: In modifying a standard or requirement pursuant to this Section 3-3-25, the City Council may impose such additional requirements as it determines are necessary to best achieve the purpose of the standard or requirement being modified.

3-3-26: REVERSIONS TO ACREAGE:

A. Application: Except as otherwise provided in Nevada Revised Statutes Section 278.4925, an owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof, to acreage or to revert the map or portion thereof, or to revert more than one map recorded under the same tentative map if the parcels to be reverted are contiguous, shall submit a written application accompanied by a map of the proposed reversion which contains the same survey dimensions as the

recorded maps or maps filed with the City planning department. The application must specifically describe the requested change.

B. Review: At its next regular meeting, or within a period of not more than thirty (30) days after the filing of the map of reversion, whichever occurs later, the City Council shall review the map of reversion and approve, conditionally approve or disapprove the map.

C. Applicability Of Fees: Except for the provisions of this Section, Nevada Revised Statutes Sections 278.4955, 278.496 and 278.4965, and any provision of the City Code relating to the payment of fees in conjunction with filing, recordation or checking of a map of the kind offered, no other provision of Nevada Revised Statutes Section 278.010 through 278.630, inclusive, applies to a map made solely for the purpose of reversion of a former map or for reversion of any division of land to acreage.

D. Recording: Upon approval of the map of reversion, it must be recorded in the Office of the Elko County Recorder.

E. Street or Easement Included: At the time a map of reversion is submitted and presented for recording, it must conform with provisions of Nevada Revised Statutes Section 278.4955, 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the state, the provisions of Nevada Revised Statutes Section 279.480 must be followed and satisfied before the map of reversion is approved by the City.

F. Fee: The owner shall, at the time of filing the map of reversion, pay a filing fee to the City in an amount established by resolution of the City Council.

3-3-27: PROHIBITION AGAINST SALE IN VIOLATION:

No person, firm, corporation or other legal entity shall hereafter sell or offer for sale any lot, or piece or parcel of land which is within a tract of land proposed to be divided into two (2) or more lots, or pieces or parcels of land, until after a final map thereof has been approved and certified by the City, and recorded with the Elko County Recorder in accordance with provisions of the Nevada Revised States and this Chapter.

3-3-28: MERGERS AND RESUBDIVISION OF LAND:

A. Permitted: An owner of two (2) or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage.

B. Recording Required: Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with Nevada Revised Statutes Sections 278.320 through 278.4725, inclusive, and the City Code. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

C. Street Easements and Utility Easements: With respect to a merger and resubdivision of parcels pursuant to this Section, the owner of land conducting the merger and resubdivision shall ensure that street easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly

on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

D. Security Credit: If the City Council requires an owner of land to post security to secure the completion of improvements to two (2) or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this Section, the City Council shall credit on a pro rata basis the security posted by the owner of land toward the same purposes with respect to the parcels as merged and resubdivided.

3-3-29: VIOLATIONS AND PENALTIES:

Any person, firm, corporation or other legal entity who violates any of the provisions of this Chapter shall, upon conviction therefor, be punished as provided in Title 1, Chapter 3 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such hereunder. The imposition of any sentence shall not exempt the offender from compliance with all requirements of this Chapter.

3-3-30 APPEALS OF CERTAIN DECISIONS REGARDING USE OF LAND:

A. Notice of Appeal: Notwithstanding any other provision contained in this Chapter, any person who is aggrieved by (a) a decision of a person appointed or employed by the City who is authorized to make administrative decisions regarding the use of land or (b) a decision of the Planning Commission, may appeal the decision to the City Council by filing a notice of appeal with the City Clerk within thirty (30) days of receiving notice of the decision. The notice of appeal shall contain the following information: the name of the appellant, the location of the property to which the decision relates, the date on which the appellant was notified of the decision, a summary of the decision being appealed and a statement of reason why the decision is being appealed. The failure of the aggrieved person to file a notice of appeal in the manner stated in this section shall result in a waiver of the aggrieved person's right to appeal. The filing of a notice of appeal shall not stay the action of the City pending the outcome of the appeal. The City Council may by resolution establish a fee for the filing of an appeal.

B. Investigation By City Council: Following the filing of a notice of appeal, the City Council may, in its discretion, appoint a committee of the City Council or an independent hearing officer to investigate the notice of appeal, report findings of fact and make a recommendation for disposition to the City Council.

C. Hearing Before City Council: The City Council shall conduct a hearing on the appeal within forty-five (45) days from the date the notice of appeal is filed with the City Clerk. The hearing shall be open to the public and shall be conducted in accordance with the procedures set forth in this section.

D. Purposes: In reviewing the decision, the City Council will be guided by the following purposes:

1. That, for the purpose of promoting health, safety, morals, or the general welfare of the community, the City Council is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.

2. That regulations, restrictions and controls pertaining to the improvement of land, and the control of the location and soundness of structures, must take into account:

a. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and

b. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities.

E. Hearing Procedures: The procedures pursuant to which the City Council shall hear an appeal pursuant to this section are as follows:

1. The appellant shall first describe the decision being challenged, state the grounds for the appeal and present a summary of the appellant's argument.

2. The appellant may then testify, submit documents and/or call witnesses in support of the appeal.

3. The City shall then state the grounds for opposing the appeal.

4. The City may submit documents and/or call witnesses in opposition to the appeal.

5. The appellant may then present a rebuttal argument, witnesses and/or documents. The failure of an appellant to provide argument, witnesses and/or documents on rebuttal shall not be considered by the City Council in deciding the appeal.

6. The appellant and the City, respectively, may present closing arguments.

7. Appellant and the City are entitled to be represented by counsel, and present testimony, evidence and argument on all issues raised on appeal.

8. The City Council may, if it appears helpful to a clear understanding of the issues, consider matters not raised at the hearing.

9. All testimony by the appellant and the parties' witnesses shall be under oath.

10. The rules of evidence shall not apply.

11. The Mayor or Mayor Pro Tem may limit testimony or other proffered evidence that is duplicative, unnecessarily argumentative or not reasonably related to the matter being appealed.

12. The Mayor or Mayor Pro Tem may terminate the hearing upon finding that sufficient testimony, documents and arguments have been presented to enable the City Council to fully deliberate and decide the appeal; provided, the Mayor or Mayor Pro Tem shall first request from the appellant a summary of all remaining matters he or she intends to present at the hearing.

F. Decision By City Council: At the conclusion of the hearing, the City Council shall make a final decision that is consistent with the requirements of this title to affirm, modify or reverse the decision appealed from and shall within sixty (60) days thereafter file a notice of decision with the City Clerk stating the decision. The foregoing decision of the City Council shall be a final decision for the purpose of judicial review.

G. Judicial Review: Any person who has appealed a decision to the City Council in accordance with this section and is aggrieved by the decision of the City Council may appeal that decision to the Fourth Judicial District Court in and for the County of Elko,

State of Nevada, by filing with that court a petition for judicial review within twenty-five (25) days after the date the notice of decision is filed with the City Clerk.

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 __nd day of _____, 2018 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this __nd day of _____, 2018.

CITY OF ELKO

BY: _____
CHRIS JOHNSON, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **Second reading, public hearing, and possible adoption of Ordinance No. 836, an ordinance amending Title 3, Chapter 4, Section 2 of the Elko City Code entitled "Planning Commission", filed and processed as Zoning Ordinance Amendment No. 3-18, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **November 27, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission held a public hearing on November 6, 2018, and took action to forward a recommendation to Council to adopt an ordinance, which approves the zoning ordinance amendment. City Council held the first reading of Ordinance No. 836 on November 13, 2018 and set the matter for second reading and public hearing. 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: **Ordinance and P.C. Action Report**
9. Recommended Motion: **Conduct second reading, public hearing and adopt Ordinance No. 836**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission, City Attorney**
12. Council Action:
13. Agenda Distribution:



CITY OF ELKO

Planning Department

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

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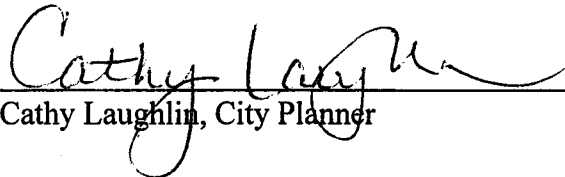
PLANNING COMMISSION ACTION REPORT

Regular Meeting of November 6, 2018

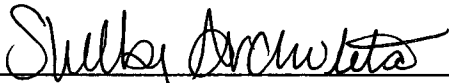
WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on November 6, 2018 under Public Hearing format, in accordance with notification requirements contained in Section 3-2-21(B)(1) of the City Code:

Zoning Ordinance Amendment 3-18, Ordinance No. 836, specifically an amendment to Title 3, Chapter 4, Section 2 of the Elko City Code entitled "Planning Commission", and matters related thereto.

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 an ordinance, which approves Zoning Ordinance Amendment No. 3-18.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Kelly Wooldridge, City Clerk

**CITY OF ELKO
ORDINANCE NO. 836**

**AN ORDINANCE AMENDING TITLE 3 ZONING REGULATIONS, CHAPTER 4
PLANNING COMMISSION SECTION 2 MEETINGS, RECORD, QUORUM AND
VOTING TO MEET REQUIREMENTS PURSUANT TO THE PROVISIONS OF N.R.S.
241 OPEN MEETING LAW AS WELL AS TO COMPLY WITH CITY OF ELKO
RESOLUTION 1-95 ESTABLISHING RULES AND PROCEDURE GOVERNING THE
CONDUCT AND TRANSACTION OF BUSINESS BEFORE THE ELKO CITY
PLANNING COMMISSION.**

WHEREAS, the City of Elko desires to amend the City Code to provide clarification regarding a quorum and voting requirements;

WHEREAS, the definition of a quorum for the Elko City Planning Commission must comply with N.R.S. 241 Open Meeting Law;

WHEREAS, the City of Elko passed Resolution 1-95 on August 15, 1995 adopting rules and procedures governing the conduct and transaction of business before the Elko City Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ELKO, NEVADA

For amendment purposes, words which are in blue, bold and underlined are additions to the Ordinance, and words which ~~are lined through~~ are deleted from the Ordinance.

Section 1: Title 3, Chapter 4, Section 2 is hereby added to read as follows:

3-4-2: MEETINGS, RECORDS, QUORUM AND VOTING:

- A. Meetings: The planning commission shall hold at least one regular meeting in each month. Other meetings may be provided for in its rules.
- B. Rules: It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Rules may be amended from time to time.
- C. Quorum: ~~Except as otherwise provided in this chapter, a majority of the members of the planning commission shall constitute a quorum for holding of a meeting and the transaction of business, and a majority vote of the members of the commission shall be necessary for official action. (Ord. 210, 11-13-1973)~~ A majority of the appointed planning commission members shall constitute a quorum for all meetings, to include public hearings.

D. Voting Requirements:

1. A majority vote of the appointed planning commission members present and participating in any agenda item shall be required to approve the corresponding action for that item. To be present and participating at a meeting, a planning commission member must be either (a) physically present at the meeting or (b) participating by means of electronic communication with access to all written materials for that agenda item that are available to the other planning commission members.

2. An abstention from voting by a planning commission member shall not be counted in the determination of the motion as a vote in favor of any action but shall be noted on the record.

3. In the event of a tie vote, the motion shall not pass.

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 _____, 2018 by the following vote of the Elko City Council.

AYES:

NAYS:

ABSENT:

ABSTAIN: None

APPROVED this _____ day of _____, 2018.

CITY OF ELKO

BY: _____

CHRIS JOHNSON, Mayor

ATTEST:

KELLY WOOLDRIDGE, City Clerk