



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, July 24, 2018

Elko City Hall, 1751 College Avenue, Elko, NV 89801, at 4:00 P.M., P.D.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.elkocitynv.gov/>, the State of Nevada's Public Notice Website, <https://notice.nv.gov>, and in the following locations:

ELKO COUNTY COURTHOUSE
571 Idaho Street, Elko, NV 89801
Date/Time Posted: July 19, 2018 at 8:50 a.m.

ELKO COUNTY LIBRARY
720 Court Street, Elko, NV 89801
Date/Time Posted: July 19, 2018 at 9:00 a.m.

ELKO POLICE DEPARTMENT
1448 Silver, Elko NV 89801
Date/Time Posted: July 19, 2018 at 8:40 a.m.

ELKO CITY HALL
1751 College Avenue, Elko, NV 89801
Date: Time Posted: July 19, 2018 at 8:30 a.m.

Posted by: <u>Kim Wilkinson</u>	<u>Administrative Assistant</u>	<u><i>Kim Wilkinson</i></u>
Name	Title	Signature

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

Dated this 19th day of July, 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, JULY 24, 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: July 10, 2018 **Regular Session**

I. PRESENTATIONS

- A. Presentation of a proclamation by the Mayor in recognition of National Night Out, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**
- B. Presentation by the Executive Director of the Nevada Outdoor School, and matters related thereto. **INFORMATION ONLY – NON-ACTION ITEM**

II. CONSENT AGENDA

- A. Review, consideration, and possible approval of the City of Elko FY 2018/2019 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013, and matters related thereto. **FOR POSSIBLE ACTION**

Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. JJ

III. PERSONNEL

- A. Review, discussion, and evaluation of City Manager job performance for Fiscal Year 2017/2018, and matters related thereto. **FOR POSSIBLE ACTION**

Current City policy states that a performance appraisal shall be completed for Appointed Officials each year in July. For the years that are odd numbered, the appraisals are conducted by the City Council for the previous year. For the years that are even numbered, the evaluations are conducted by the City Manager. The exception to this would be the City Manager's appraisal, which is always conducted by the City Council each year in July. AB

IV. 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**
- C. Review, consideration, and possible approval of final design plans for the combined Water/WRF Shop Project, and matters related thereto. **FOR POSSIBLE ACTION**

The design for the combined shop is complete. Staff is seeking Council approval of the design only. RL

- D. Review, consideration, and possible award of the bid for the Elko Sports Complex Parking Lot Project, and matters related thereto. **FOR POSSIBLE ACTION**

Bids were received until 3:00 p.m. on July 12, 2018. Two bids were received. A Bid Tabulation is included in your agenda packet. Granite Construction is the apparent low bidder in the total amount of \$1,273,337.50 for the base bid and all four of the additive alternates. BT

V. SUBDIVISIONS

- A. Review, consideration, and possible action to conditionally approve Final Plat No. 9-18, filed by Riverside Villas Nevada LLC., for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres of property into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located northwest corner of the intersection of S. 12th Street and Opal Drive. Preliminary Plat was conditionally approved by City Council on June 12, 2018. The Planning Commission considered this item on July 9, 2018 and took action to forward a recommendation to City Council to conditionally approve Final Plat 9-18. CL

VI. NEW BUSINESS

- A. Review, consideration, and possible authorization to accept a Relinquishment and Waiver between DDS Properties, LLC and the City of Elko, and matters related thereto. **FOR POSSIBLE ACTION**

In July 2005, the City of Elko entered into an agreement with Wyatt and Melinda Chambers involving the dedication of a public Right-of-Way to the City in exchange for certain public improvements. The current owner of the property has applied to vacate a portion of the public Right-of-Way with Vacation Application No. 1-18. The City of Elko, in consideration for vacating this portion of said right-of-way, has requested the applicant enter into a Relinquishment and Waiver agreement relinquishing any rights or benefits from the 2005 agreement with Chambers. CL

- B. Review, consideration, and possible approval of Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate a portion of an existing awning and sign, and matters related thereto. **FOR POSSIBLE ACTION**

The VFW had a recent survey of the property in order to apply for a rezone from R- Residential to PQP-Public, Quasi-Public. The survey showed that a portion of the existing awning and sign are within the City of Elko Right-of-Way. They do not have any off street parking and utilize the parking off VFW Drive and 14th Street for their parking. This application is in conjunction with the rezone 5-18 and variance 6-18 applications will bring the property into conformance with ECC 3-2-17. CL

- C. Review, consideration, and possible authorization to enter into an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Riverside Villas Condominiums Phase 1 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 guaranty in accordance with Elko City Code 3-3-45. As noted in the recitals of the agreement, the property was developed under a prior final plat approval including a related performance agreement and related guarantee. SAW

- D. Review, consideration, and possible authorization for the Animal Shelter to apply for a \$70,000 grant from the Humane Network, and matters related thereto. **FOR POSSIBLE ACTION**

VII. RESOLUTIONS AND ORDINANCES

- A. First reading of Ordinance No. 833, an ordinance amending Title 7, Chapter 2 and Title 7, Chapter 5, of the Elko City Code entitled "Traffic Regulations", by repealing existing traffic laws except as otherwise provided. Adopting by reference NRS chapters 484A through 484E, inclusive, to be the traffic laws of the city insofar as they may be made to be applicable and retaining specific traffic and traffic related laws of the City, and matters related thereto. **FOR POSSIBLE ACTION**

The Elko Police Department is recommending changes in accordance with NRS 484. BR

VIII. PETITIONS, APPEALS, AND COMMUNICATIONS

- A. Review and consideration of a request from the Idaho Chapter of Golf Course Superintendents Association of America (GCSAA) to host a tournament at Ruby View Golf Course on October 7-8, 2019, and matters related thereto. **FOR POSSIBLE ACTION**

The GCSAA is requesting to hold their annual conference in Elko Nevada on October 7-8, 2019. In addition to the conference, they plan to hold a tournament at Ruby View Golf Course. Ruby View offers golf privileges and a 50% discount on cart rentals for verified PGA Golf Professionals and Golf Superintendents. Conference organizers are also requesting that allied members including vendors, architects, engineers and other attendees also receive these privileges. Approximately 30 verified superintendents will be attending, including 20 allied members. Attendees will be coming from Idaho, North Eastern Nevada, Southeast Oregon, and Northern Utah. JW

IX. 5:30 P.M. PUBLIC HEARINGS

- A. Review, consideration, and possible approval of Preliminary Plat No. 7-18, filed by DDS Properties LLC., for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the preliminary plat on July 9, 2018, and took action to forward a recommendation to Council to conditionally approve Preliminary Plat No. 7-18. CL

- B. Review, consideration, and possible action to adopt Resolution No. 23-18, a resolution and order vacating a portion of the Jennings Way right-of-way, consisting of an area approximately 7,036 sq. ft., which is located within the City of Elko, Nevada, APN 001-01H-001, filed and processed as Vacation No. 1-18 filed by DDS Properties LLC., and matters related thereto. **FOR POSSIBLE ACTION**

Council accepted a petition for the subject vacation at its regular meeting of June 12, 2018, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its special meeting July 9, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-18 with findings in support of its recommendation. CL

- C. Review, consideration, and possible action to adopt Resolution No. 24-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public) approximately 2.797 acres of property located generally northeast of 14th Street between Cedar Street and College Avenue, filed by High Desert Engineering on behalf of Elko County, HCPI/Utah LLC & Veterans of Foreign Wars, and processed as Rezone No. 5-18, and matters related thereto. **FOR POSSIBLE ACTION**

The Planning Commission considered the Subject Zone Change Request on July 9, 2018 and took action to forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 5-18. CL

X. REPORTS

- A. Mayor and City Council
- B. City Manager – Nevada League of Cities Conference September 13–15, 2018
- 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

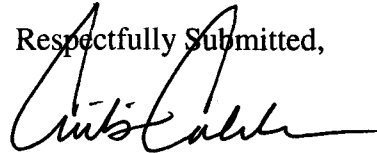
COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, the public, if any, and discussion of those comments devote this time to 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 July 10, 2018

The City Council of the City of Elko, State of Nevada met for a regular meeting beginning at 4:00 p.m., Tuesday, July 10, 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
 Councilwoman Simons *arrived at 4:01 pm*
 Councilman Robert Schmidtlein
 Councilman Reece Keener

City Staff Present: Curtis Calder, City Manager
 Scott Wilkinson, Assistant City Manager
 Ryan Limberg, Utilities Director
 Kelly Wooldridge, City Clerk
 Dennis Strickland, Public Works Director
 Jonnye Jund, Administrative Services Director
 Aubree Barnum, Human Resources Manager
 Cathy Laughlin, City Planner
 Jeff Ford, Building Official
 Ben Reed Jr., Police Chief
 Ty Trouten, Police Captain
 Matt Griego, Fire Chief
 Jack Snyder, Deputy Fire Chief
 John Holmes, Fire Marshal
 James Wiley, Parks and Recreation Director
 Jim Foster, Airport Manager
 Bob Thibault, Civil Engineer
 Diann Byington, Recording Secretary

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

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There were no public comments.

APPROVAL OF MINUTES: June 26, 2018 **Regular Session**

The minutes were approved by general consent.

III. PERSONNEL

A. Employee Introductions:

- 1.) Andrew Cunningham, Patrol Officer I, Police Department
Present and introduced.
- 2.) Nathan Gowan, Patrol Officer I, Police Department
Present and introduced.
- 3.) Scott Spring, Patrol Officer I, Police Department
Present and introduced.

I. PRESENTATIONS

A. Presentation of an Appreciation Plaque for Jeremy Draper's Nine Years of Service, and matters related thereto. INFORMATION ONLY–NON ACTION ITEM

Mayor Johnson presented a plaque to Jeremy Draper for his many years of service with the City of Elko. He spoke fondly about his memories of working with Mr. Draper.

Jeremy Draper said it is a bittersweet moment being presented with the plaque. He wished everyone the best of luck moving forward.

B. Quarterly Update on the Fire Department by Fire Chief Matt Griego, and matters related thereto. INFORMATION ONLY - NON ACTION ITEM

Chief Griego gave a presentation (Exhibit "A").

C. Display of the Fire Department's New Fire Truck, and matters related thereto. INFORMATION ONLY – NON ACTION ITEM

Mayor Johnson called for a break while everyone went outside to look at the new Fire Apparatus.

IV. APPROPRIATIONS

D. Review, consideration, and possible issuance of final acceptance of the Water Main Removal & Replacement Project, and matters related thereto. FOR POSSIBLE ACTION

The project has been completed. Staff is pleased with the work and recommends issuance of final acceptance.

The original contract price was \$196,120.00. There were four (4) change orders for the project, both additive and deductive. The total project cost was \$201,171.73, a net increase of 2.6% above the original contract price. RL

**** A motion was made by Councilman Schmidtlein, seconded by Councilman Rice, to issue final acceptance for the Water Main Removal and Replacement Project.**

The motion passed unanimously. (5-0)

- E. Review, consideration, and possible authorization for the transfer of ownership of Elko Police Department's Canine *Donatella* to Officer Jason Ward in exchange for the adoption fee of \$85.00, and matters related thereto. **FOR POSSIBLE ACTION**

Elko Police Dog *Donatella* is an eight (8) year old Belgian Malinois who is in need of retirement. It is in the best interest of the City of Elko to transfer ownership of a highly trained Police Dog to its current or former handler. Officer Jason Ward desires to purchase *Donatella*. Canine *Donatella's* selling price was determined by using the amount set for dog adoptions at the City of Elko Animal Shelter. BR

Chief Reed said it's time to retire Donatella. She has been through three handlers and it is good that they have one of the former handlers that is interested in adopting her.

**** A motion was made by Councilman Keener, seconded by Councilman Schmidtlein, to transfer Elko Police Department property, canine Donatella, to Office Jason Ward, in exchange for the standard adoption fee of \$85, to be split evenly amongst Elko City Council members.**

The motion passed unanimously. (5-0)

V. NEW BUSINESS

- A. Review, consideration, and possible approval of a Concessionaire Agreement filed by Jennifer Saxton, dba Sisters Food Service, to operate a mobile food truck in the Main City Park, Area 1, and matters related thereto. **FOR POSSIBLE ACTION**

Jennifer Saxton applied for a Concessionaire Agreement to occupy concessionaire space for a mobile food truck in the Main City Park. She currently holds an Elko City Business License. She is requesting area #1. KW

Kelly Wooldridge, City Clerk, explained this will be the third concessionaire out of six spaces. This will be the standard agreement at \$50 a month.

**** A motion was made by Councilman Rice, seconded by Councilman Keener, to approve a Concessionaire Agreement, filed by Jennifer Saxton, dba Sisters Food Service, to operate a mobile food truck in the Main City Park, Area 1.**

The motion passed unanimously. (5-0)

VI. RESOLUTIONS AND ORDINANCES

- A. Review, consideration, and possible approval of Resolution No. 22-18, a resolution amending the fee charged for parade permits, effective July 11, 2018, and matters related thereto. **FOR POSSIBLE ACTION**

City Council gave Staff direction on February 9, 2016 to increase the Parade Fees for 2016, 2017 and 2018 in increments of \$250. KW

Ms. Wooldridge explained this increase was approved in 2016. This is the third and final increase to bring the parade fees up to \$1,000.

Mayor Johnson asked if there is enough separation so the High School Homecoming parade fee could be waived.

Curtis Calder, City Manager, answered no. Their intent was to try and get sponsors for their parade.

Councilman Rice asked if there could be an annual tradition of waiving the fees.

Mr. Calder said last time the Keener family donated the fee for the homecoming parade. He isn't sure what the High School has planned for the future. He suggested sending letters to folks that submitted parade permits for last year, letting them know about the new fee increase so they have plenty of time to plan for it.

**** A motion was made by Councilman Keener, seconded by Councilman Rice, to adopt Resolution No. 22-18, effective July 11, 2018.**

The motion passed unanimously. (5-0)

IV. APPROPRIATIONS (Cont.)

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

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

The motion passed unanimously. (5-0)

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

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

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

- C. Review and possible approval of Great Basin Engineering 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 warrants.**

The motion passed. (4-0 Councilman Schmidlein abstained.)

Councilman Keener said he had a question on one item of the warrants. There was a payment made to NNE Construction for the DBA pole for the amount of \$4,820.

Dennis Strickland, Public Works Director, said that was a traffic accident repair and we should get reimbursement for it.

VII. REPORTS

- A. Mayor and City Council

Councilman Rice spent almost a whole shift at the Fire Department and had a great day with them. He encouraged everyone to spend some time at the Fire Department and go on a ride-along.

Councilman Keener said there was an Igloo clean-up day that his wife organized. The Fire Department went out ahead of time and wet the area down. Chief Reed was there with his tractor. The Broadband Action Committee will be meeting on July 19. Councilman Keener will be giving a report on the committee to the County Commissioners.

- B. City Manager

Curtis Calder said the California Trail Advisory Board will be meeting on Thursday at 5:30 pm. There is a lot going on at the Trail Center as far as activities. He was there over the 4th of July and they were having maintenance issues. We are hoping to hear back from BLM representatives about the funding of the Trail Center.

- C. Assistant City Manager

- D. Utilities Director

Ryan Limberg reported the City is in good shape as far as reuse water usage and availability. They would like to see more reuse water usage.

- E. Public Works

Dennis Strickland said they are schedule to pave S. 6th Street tomorrow and then Douglas Street the following day. Cedar Street is 2-3 weeks ahead of schedule. There is a project at Grammar #2, with Ruby Dome helping fix a long standing drainage problem by the back of the gym. Things are super busy. The Micro Preventative Maintenance project will be starting in about a month.

- F. Airport Manager

- G. City Attorney
- H. Fire Chief
- I. Police Chief

Chief Reed reported they have conducted their annual inspections and things went well. He is trying to get Council an Annual Report for 2017. The School Resource Officer agreement has been approved by all the governing boards. He invited Council members to a presentation about Safe Voice (school safety program) to be held next week, July 17 at 3:00 in the PD Conference Room. We have a Brothel Application that has been received and two people have paid the background fee. The investigations are underway. More to follow on that. Councilman Keener asked about the home invasion incident over the weekend. Chief Reed gave a short report regarding the incident.

- J. City Clerk
- K. City Planner
- L. Development Manager
- M. Administrative Services Director
- N. Parks and Recreation Director

James Wiley reported they are pushing 800,000 gallons of reuse water at the golf course at night. They probably need more to keep it all green during the hot months. They lost one of the pumps in their pump house but it is being repaired.

- O. Civil Engineer

Bob Thibault updated Council on the Sports Complex Project and the Centennial Park Expansion. There are some donor plaques that were removed during the park expansion and they will be putting up another reader board appreciating those donors.

- P. Building Official

II. CONSENT AGENDA

- A. Review, consideration, and possible approval of the revised City of Elko Confined Space Entry Program, and matters related thereto. **FOR POSSIBLE ACTION**

The City of Elko Confined Space Entry Program has been revised to ensure compliance with OSHA standards and regulations. AB

Councilman Keener expressed gratitude for the inclusion of the pictures and stated it really helped to understand the policy.

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

The motion passed unanimously. (5-0)

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 approval of the City of Elko FY 2018/2019 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as required by NRS 350.013, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **CONSENT AGENDA**
4. Time Required: **5 Minutes**
5. Background Information: **Pursuant to NRS 350.013, all entities must file the Indebtedness Report, an updated Debt Management Policy, and the Five-Year Capital Improvement Plan. The updated reports are included in the agenda packet for your review. JJ**
6. Budget Information:
 - Appropriation Required: **N/A**
 - Budget amount available:
 - Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Approve the City of Elko FY 2018/2019 Indebtedness Report, Debt Management Policy, and Five-Year Capital Improvement Plan as submitted.**
10. Prepared By: **Jonnye Jund, Administrative Services Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

City of Elko 5 Year Capital Improvement Plan

6/30/2018

City of Elko
5 Year Capital Improvement Plan
FY 2018-2019

Minimum level of expenditure for items classified as capital assets \$ 5,000
Minimum level of expenditure for items classified as capital projects \$ 25,000

	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	Source of Funding	Completion Date
Recreation Fund							
Sports Complex	\$10,817,672					Transient Lodging Tax/Donations/Bonding	6/30/2019
Parking Lot Maintenance		\$75,000	\$75,000	\$75,000		Transient Lodging Tax	On Going
Main Shop Exterior Metal		\$100,000				Transient Lodging Tax	6/30/2020
Angel Park Pavilion		\$300,000				Transient Lodging Tax	6/30/2020
Stitzel Park Development		\$100,000				Transient Lodging Tax	6/30/2020
City Park Restroom Renovations		\$100,000	\$50,000	\$50,000		Transient Lodging Tax	6/30/2022
Kump Field Parking Lot		\$600,000				Transient Lodging Tax	6/30/2020
Flagview Drive, Warnick Field		\$150,000	\$500,000	\$100,000		Transient Lodging Tax	6/30/2022
New Trails Construction		\$20,000	\$20,000	\$20,000	\$20,000	Transient Lodging Tax	On Going
Harp Trail Development-5th-9th Lighting			\$20,000			Transient Lodging Tax	6/30/2021
Cemetery-Niche Walls			\$50,000			Transient Lodging Tax	6/30/2021
Swimming Pool On Going Rehabilitation Projects		\$100,000	\$100,000	\$100,000	\$100,000	Transient Lodging Tax	On Going
Facility H Park (5th St Park) Parking Lot		\$100,000		\$100,000		Transient Lodging Tax	6/30/2022
Newton Field Parking Lot				\$600,000		Transient Lodging Tax	6/30/2022
Chris Sherrin Way Parking Lot				\$500,000		Transient Lodging Tax	6/30/2022
Main City Park Pavilion				\$300,000		Transient Lodging Tax	6/30/2022
Total Recreation Fund	\$ 10,817,672	\$ 1,645,000	\$ 815,000	\$ 1,845,000	\$ 120,000		
Airport Enterprise Fund							
Airport Security Fencing Upgrades	\$ 3,306,668					Federal Grants	6/30/2019
R/W, Taxiway, Apron Rehab, ARFF Truck, Land Acquisition		\$ 2,300,000				Federal Grants	6/30/2020
Expand Commercial & GA Apron w/Access Road, R/W			\$ 9,293,333			Federal Grants	6/30/2021
Obstruction Removal and Grading				\$ 1,973,333		Federal Grants	6/30/2022
Construct EFD/ARFF Fire Training Academy Facility					\$ 1,066,667	Federal Grants	6/30/2023
Rehabilitate Commercial Service Apron							
Total Airport Enterprise	\$ 3,306,668	\$ 2,300,000	\$ 9,293,333	\$ 1,973,333	\$ 1,066,667		
Municipal Court Adm Assessment Fund							
Miscellaneous Court Equipment	\$ 117,038	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000	Court Fines	On Going
Total Municipal Court Fund	\$ 117,038	\$ 6,000	\$ 6,000	\$ 6,000	\$ 6,000		
Capital Construction Fund							
Cedar Street Phase II	\$1,224,002	\$750,000		\$0		Ad Valorem Tax, Franchise Fees & Land Sales	6/30/2020
East Idaho Street Irrigation & Trees	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	Ad Valorem Tax, Franchise Fees & Land Sales	On Going
Alley Maintenance	\$10,000	\$10,000	\$10,000	\$10,000	\$10,000	Ad Valorem Tax, Franchise Fees & Land Sales	On Going
Surface Reconstruct	\$403,750	\$200,000	\$200,000	\$200,000	\$200,000	Ad Valorem Tax, Franchise Fees & Land Sales	On Going
River Street			\$750,000	\$750,000		Ad Valorem Tax, Franchise Fees & Land Sales	6/30/2022
Total Capital Construction Fund	\$ 1,647,752	\$ 970,000	\$ 970,000	\$ 970,000	\$ 220,000		
Ad Valorem Capital Projects Fund							
400 Block of Railroad Sidewalk Reconstruction	\$27,000					Capital Projects Tax	6/30/2019
Pinion and Lamoille Highway Signal	\$250,000		\$250,000			Capital Projects Tax	6/30/2021
Flagview Asphalt	\$223,746					Capital Projects Tax	6/30/2019
Backflow Prevention	\$25,000					Capital Projects Tax	6/30/2019
Construction Projects	\$420,000					Capital Projects Tax	6/30/2019
Silver Street Extension, 15th to Manzanita	\$250,000	\$250,000				Capital Projects Tax	6/30/2020
W Jennings and Mountain City Highway Signal				\$250,000		Capital Projects Tax	6/30/2022
River Street	\$22,239		\$750,000	\$750,000		Capital Projects Tax	6/30/2022
5th & Spruce Roundabout			\$500,000			Capital Projects Tax	6/30/2021
Total Ad Valorem Capital Projects Fund	\$ 1,217,985	\$ 250,000	\$ 1,500,000	\$ 1,000,000	\$ -		

City of Elko
5 Year Capital Improvement Plan
FY 2018-2019

Minimum level of expenditure for items classified as capital assets \$ 5,000
Minimum level of expenditure for items classified as capital projects \$ 25,000

	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	Source of Funding	Completion Date
Facility Reserve Fund							
Animal Shelter Roof and HVAC	\$40,000					Transfer from General Fund	6/30/2019
ARFF Fire Station Driveway	\$35,000					Transfer from General Fund	6/30/2019
Backflow Prevention for City Buildings		\$25,000	\$25,000	\$25,000	\$25,000	Transfer from General Fund	On Going
Facility Upgrades		\$0				Transfer from General Fund	On Going
Total Facility Reserve Fund	\$ 75,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000		
Public Improvement Development Fund							
Public Improvements	\$ 15,786	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	Court Capital Assessments	On Going
Total Public Improvement Fund	\$ 15,786	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000		
Golf Course Enterprise Fund							
Tree Replacement		\$10,000	\$10,000	\$10,000	\$10,000	User Fees	On Going
Well #1 Rehabilitation		\$25,000				User Fees	6/30/2020
Triplex Greens Mower	\$30,000					User Fees	6/30/2019
Cart Path Paying and Rehabilitation			\$150,000			User Fees	6/30/2021
Reroute Washbay Discharge	\$20,000					User Fees	6/30/2019
Clubhouse Parking Lot Lighting				\$60,000		User Fees	6/30/2022
West Clubhouse Parking Lot 6,000 SF		\$30,000				User Fees	6/30/2020
Covered Storage for Equipment			\$20,000			User Fees	6/30/2021
Clubhouse Masterplan Renovations		\$15,000				User Fees	6/30/2020
Sand Bunker Renovations 7		\$11,000				User Fees	6/30/2020
Tee Box Renovations				\$27,000		User Fees	6/30/2022
Total Golf Enterprise Fund	\$ 50,000	\$ 91,000	\$ 180,000	\$ 97,000	\$ 10,000		
Capital Equipment Reserve Fund							
IS - New Server	\$ 75,000					CTax Revenue & Property Tax	6/30/2019
IS - Cedar Street Fiber - Connectivity	\$ 75,000					CTax Revenue & Property Tax	6/30/2019
IS - Annual Refresh Computers	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	\$ 25,000	CTax Revenue & Property Tax	6/30/2019
PD - 2 Fully Equiped SUV Patrol Cars	\$ 125,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	CTax Revenue & Property Tax	On Going
PD - 2 Fully Equiped Patrol Cars	\$ 106,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	CTax Revenue & Property Tax	On Going
PD - Body Cameras and Docks	\$ 13,000					CTax Revenue & Property Tax	6/30/2019
FD - Replacement Apparatus Rescue 10	\$ 320,000					CTax Revenue & Property Tax	6/30/2019
FD - SCBA Replacement	\$ 350,000					CTax Revenue & Property Tax	6/30/2019
Streets - Heated tack pot/asphalt oil distributor	\$ 45,000					CTax Revenue & Property Tax	6/30/2019
Streets - Mag Chloride Storage Tank	\$ 32,000					CTax Revenue & Property Tax	6/30/2019
Streets - Forklift	\$ 60,000					CTax Revenue & Property Tax	6/30/2019
Fleet - Medium and Heavy Truck Analyzer	\$ 15,500					CTax Revenue & Property Tax	6/30/2019
Facilities - Traffic Cabinet and Software	\$ 39,000					CTax Revenue & Property Tax	6/30/2019
Parks - 48 Inch Bagging Mower	\$ 12,400					CTax Revenue & Property Tax	6/30/2019
Parks - 3/4 Ton Pickup	\$ 26,500					CTax Revenue & Property Tax	6/30/2019
Total Capital Equipment Reserve Fund	\$ 1,319,400	\$ 135,000	\$ 135,000	\$ 135,000	\$ 135,000		

City of Elko
5 Year Capital Improvement Plan
FY 2018-2019

Minimum level of expenditure for items classified as capital assets \$ 5,000
 Minimum level of expenditure for items classified as capital projects \$ 25,000

	FY 2018/2019	FY 2019/2020	FY 2020/2021	FY 2021/2022	FY 2022/2023	Source of Funding	Completion Date
Elko Redevelopment Agency							
Centennial Park Expansion	\$ 250,000						6/30/2019
Public Private Partnership	\$ 75,000						6/30/2019
Storefront Grant Program	\$ 50,000						6/30/2009
Infrastructure Improvements	\$ 751,772	\$250,000	\$250,000	\$250,000	\$250,000	Tax Increment	On Going
Total Redevelopment Agency	\$ 1,126,772	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000		
Landfill Enterprise Fund							
Fence Extension	\$ 37,500					User Fees	6/30/2019
8 - 10 Panels Mobile Litter Fencing	\$ 49,500	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000	User Fees	On Going
Used Truck	\$ 9,000					User Fees	6/30/2019
Landfill Large Equipment Replacement			\$ 500,000			User Fees	6/30/2021
Total Landfill Fund	\$ 96,000	\$ 100,000	\$ 600,000	\$ 100,000	\$ 100,000		
Water Enterprise Fund							
Errecart 12" Watermain through Sports Complex	\$ 300,000					User Fees	6/30/2019
Water Line Oversize	\$ 40,000					User Fees	6/30/2019
BLM Tank Site	\$ 20,000					User Fees	6/30/2019
Cedar St Water Line Replacement		\$ 200,000					
Errecart Hospital Second Source Water		\$ -				User Fees	6/30/2020
Combined Water/Sewer Shop and Lab-Design	\$ 15,000	\$ 5,000,000				User Fees	6/30/2020
Well 36 Public Improvements	\$ 100,000					User Fees	6/30/2021
Well 29 Rehab	\$ 85,000					User Fees	6/30/2019
River Street Water Main				\$ 1,000,000		User Fees	6/30/2022
Drill Well Exit 298			\$ 1,800,000			User Fees	6/30/2021
Relocate Water Line	\$ 30,000					User Fees	6/30/2019
Exit 298 Extension - P & H	\$ 35,000					User Fees	6/30/2019
Exit 298 Waterline Phase 2 Sundance to Mtn. City Hwy				\$ 2,000,000		User Fees	6/30/2022
5600 Tank				\$ 2,000,000		User Fees	6/30/2021
Water Expansion Projects					\$ 1,500,000	User Fees	6/30/2023
Total Water Fund	\$ 625,000	\$ 5,200,000	\$ 1,800,000	\$ 5,000,000	\$ 1,500,000		
Sewer Enterprise Fund							
Slip Line Sewer			\$200,000	\$200,000		User Fees	6/30/2022
Combined Water/Sewer Shop and Lab Design	\$15,000					User Fees	6/30/2019
Sports Complex Reuse Water	\$465,000					User Fees	6/30/2019
Third Secondary Clarifier	\$2,000,000					User Fees	6/30/2019
Diesel Generator	\$500,000					User Fees	6/30/2019
RR Bore/River Crossing/Line Extension	\$930,000					User Fees	6/30/2019
Blower Rebuilds	\$55,000					User Fees	6/30/2019
Emergency Pond Divider Berm			\$225,000			User Fees	6/30/2021
Service Truck	\$175,000					User Fees	6/30/2019
Exit 298 Sewer Line Extension Design	\$250,000			\$3,300,000		User Fees	6/30/2022
Clarifier Mechanism Recoating	\$81,500					User Fees	6/30/2019
Combined Water/Sewer Shop and Lab		\$5,000,000				User Fees	6/30/2020
New/Additional Fire Hydrants at WRF		\$125,000				User Fees	6/30/2020
North Reservoir Liner Repairs			\$100,000			User Fees	6/30/2021
Secondary Sludge Thickening Project				\$3,000,000		User Fees	6/30/2022
Primary Digester Roof Repairs			\$750,000			User Fees	6/30/2021
Contingency	\$400,000					User Fees	6/30/2019
Total Sewer Fund	\$ 4,871,500	\$ 5,125,000	\$ 1,275,000	\$ 6,500,000	\$ -		
Total All Funds	\$ 25,286,573	\$ 16,102,000	\$ 16,854,333	\$ 17,906,333	\$ 3,437,667		

City of Elko Indebtedness Report

In Accordance with

NRS 350.013



June 30, 2018

City of Elko

DEBT MANAGEMENT POLICY

Dated as of June 30, 2018

In Accordance with

NRS 350.013



Introduction

The City of Elko (the "City") has a Capital Improvement Plan ("CIP") which is a multiyear planning document that identifies and prioritizes the need for a variety of public improvements and coordinates their financing and construction time frames. More specifically, the CIP is a process that provides order and continuity to the repair, replacement, construction or expansion of the City's capital assets. With revenue limitations in mind, the City's CIP focuses primarily on the City's more immediate needs.

Legislation (described herein) requires local governments to prepare a debt management policy prior to authorizing additional general obligation debt. This document is not intended to review the City's total financial position. Analysis of the City's debt position is important, as growth in the City has resulted in an increased need for capital financing. Resources, as well as needs, should drive the City's debt issuance program. Decisions regarding the use of debt will be based in part on the longterm needs of the City and the amount of equity (cash) dedicated in a given fiscal year to capital outlay.

Listed below are excerpts from Nevada law that requires local governments to submit a debt management policy:

NRS 350.013 1. Except as otherwise provided in this section, on or before August 1 of each year, the governing body of a municipality which proposes to issue or has outstanding any general obligation debt, other general obligations or special obligations, or which levies or proposes to levy any special elective tax, shall submit to the Department of Taxation and the commission:

(a) A complete statement of current general obligation debt and special elective taxes, and a report of current debt and special assessments and retirement schedules, in the detail and form established by the Committee on Local Government Finance.

(b) A complete statement, in the detail and form established by the Committee on Local Government Finance, of general obligation debt and special elective taxes contemplated to be submitted to the commission during the fiscal year.

(c) A written statement of the debt management policy of the municipality, which must include, without limitation:

(1) A discussion of its ability to afford existing general obligation debt, authorized future general obligation debt and proposed future general obligation debt;

(2) A discussion of its capacity to incur authorized and proposed future general obligation debt without exceeding the applicable debt limit;

(3) A discussion of its general obligation debt that is payable from property taxes per capita as compared with such debt of other municipalities in this State;

(4) A discussion of its general obligation debt that is payable from property taxes as a percentage of assessed valuation of all taxable property within the boundaries of the municipality;

(5) Policy regarding the manner in which the municipality expects to sell its debt;

(6) A discussion of its sources of money projected to be available to pay existing general obligation debt, authorized future general obligation debt and proposed future general obligation debt; and

(7) A discussion of its operational costs and revenue sources, for the ensuing 5 fiscal years, associated with each project included in its plan for capital improvement submitted pursuant to paragraph (d), if those costs and revenues are expected to affect the property tax rate.

General Obligation Bonds supported by Ad Valorem Taxes

Security for the Bonds

The ad valorem bonds constitute direct and general obligations of the City, and the full faith and credit of the City is pledged for the payment of principal and interest, subject to Nevada constitutional and statutory limitations on the aggregate amount of ad valorem taxes.

In any year in which the total property taxes levied within the County by all overlapping units (e.g. the State, any city, the County, the school district, or any special district) exceed such tax limitations, the

reduction to be made by those units must be in taxes levied for purposes other than the payment of their bonded indebtedness, including interest on such indebtedness.

The City of Elko currently has no outstanding bond issues being supported with ad valorem taxes. The City's current operating tax rate is \$0.92 per \$100 of assessed valuation.

General Obligation Bonds Supported by Consolidated Tax Revenues

Security for the Bonds

The Bonds are additionally secured by a pledge of certain tax revenues of the City. Per NRS 360.698, the City is authorized to pledge up to 15% of the Consolidated Tax Distribution Fund allocable to the City (the "Consolidated Tax Revenues"). The Consolidated Tax Distribution Fund consists of local government revenues from six sources (collectively, the "Consolidated Tax Revenues"): Supplemental City/County Relief Tax ("SCCRT"), Basic City/County Relief Tax ("BCCRT"), Cigarette Tax, Liquor Tax, Governmental Services Tax ("GST"), and Real Property Transfer Tax ("RPTT").

The following table provides the debt service requirements of the 2010 Street Bonds. There are no other bonds secured by the Consolidated Tax Revenues.

2010 STREET BONDS DEBT SERVICE REQUIREMENTS Supported by Consolidated Tax Revenues City of Elko, Nevada

Fiscal Year Ending	Consolidated Tax Revenues ^{1/}	% Growth	15% of Consolidated Tax Revenues	Debt Service ²			Coverage (times)
				Principal	Interest	Total	
2011	11,015,989	--	1,652,398	0	176,199	176,199	9.38
2012	13,106,740	18.98%	1,966,011	385,000	356,556	741,556	2.65
2013	13,521,334	3.16%	2,028,200	395,000	348,756	743,756	2.73
2014	12,152,603	(10.12)%	1,822,890	405,000	340,756	745,756	2.44
2015	12,576,015	4.08%	1,886,402	410,000	332,606	742,606	2.54
2016	13,193,107	4.90%	1,978,966	420,000	324,044	744,044	2.66
2017	13,237,379	.34%	1,985,607	430,000	313,131	743,131	2.68
2018	13,181,806	(0.42)%	1,977,271	445,000	297,781	742,781	2.66
2019	12,493,695	(5.23)%	1,874,054	465,000	279,581	744,581	2.52
2020	12,493,695	0.00	1,874,054	485,000	260,581	745,581	2.51
2021	12,493,695	0.00	1,874,054	505,000	240,781	745,781	2.51
2022	12,493,695	0.00	1,874,054	520,000	222,556	742,556	2.52
2023	12,493,695	0.00	1,874,054	540,000	205,656	745,656	2.51
2024	12,493,695	0.00	1,874,054	555,000	187,516	742,516	2.52
2025	12,493,695	0.00	1,874,054	575,000	168,375	743,375	2.52
2026	12,493,695	0.00	1,874,054	595,000	146,700	741,700	2.53
2027	12,493,695	0.00	1,874,054	620,000	122,400	742,400	2.52
2028	12,493,695	0.00	1,874,054	645,000	97,100	742,100	2.53
2029	12,493,695	0.00	1,874,054	675,000	70,700	745,700	2.51
2030	12,493,695	0.00	1,874,054	700,000	43,200	743,200	2.52
2031	12,493,695	0.00	1,874,054	730,000	14,600	744,600	2.52
Total				\$10,500,000	\$4,549,577	\$15,049,577	

1/ Fiscal years 2011 through 2017 are actual, FY 2018 is estimated, FY 2019 is budgeted and fiscal years 2020 through 2031 show zero percent growth.

2/ True interest cost is 3.699%.

SOURCE: City of Elko; Compiled by NSB Public Finance

CITY OF ELKO GENERAL FUND
SUMMARY OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
Fiscal Year Ending June 30,

	2015	2016	2017	2018	2019
	(Actual)	(Actual)	(Actual)	(Estimated)	(Budget)
Resources					
Taxes	\$ 2,666,813	\$ 2,926,547	\$ 2,990,916	\$ 3,106,742	\$ 3,150,498
Licenses & Permits	2,087,384	1,805,306	1,626,787	1,844,359	1,824,015
Fines & Forfeits	169,913	155,581	114,464	154,500	104,500
Intergovernmental Revenue	12,633,948	13,461,108	13,352,210	13,955,911	13,128,073
Charges for Service	943,598	818,959	865,232	789,300	829,100
Interest Earnings	3,902	7,423	14,165	14,165	20,000
Miscellaneous	118,641	238,508	203,489	107,500	269,500
Total Revenues	\$18,624,199	\$19,413,432	\$19,167,263	\$19,972,477	\$ 19,325,686
Fund Balance July 1	3,244,245	3,582,747	4,305,759	4,500,225	4,039,296
Subtotal	\$21,868,444	\$22,996,179	\$23,473,022	\$24,472,702	\$23,364,982
Residual Equity Transfer	--	--	--	--	--
Net Resources Transferred	(812,175)	(367,281)	8,182	(393,761)	(16,410)
Proceeds from Sale of F/A	--	--	--	--	--
Proceeds for M/T Financing	--	--	--	--	--
Total Resources	\$21,056,269	\$22,628,898	\$23,481,204	\$24,078,941	\$ 23,348,572
Expenditures and Encumbrances					
General Government	\$ 2,110,308	\$ 2,087,961	\$ 2,255,979	\$ 2,296,216	\$ 2,568,163
Public Safety	9,388,271	10,005,524	10,150,217	10,325,035	11,275,600
Judicial	271,025	321,366	321,273	468,000	468,000
Public Works	3,854,165	3,983,393	4,235,632	4,251,838	4,579,393
Culture & Recreation	1,131,856	1,157,473	1,225,183	1,979,285	1,350,235
Community Support	53,827	98,964	99,362	105,011	70,511
Health	664,070	668,458	693,333	614,260	754,125
Contingency	--	--	--	--	315,990
Total Resources Applied	\$17,473,522	\$18,323,139	\$18,980,979	\$20,039,645	\$21,382,017
Fund Balance, June 30	\$ 3,582,747	\$ 4,305,759	\$ 4,500,225	\$ 4,039,296	\$ 1,966,555

General Obligation Bonds Supported by Airport Revenues

Security for the Bonds

The general obligation bonds supported with revenues from the City's Airport Enterprise Fund, constitute direct and general obligations of the City, and the full faith and credit of the City is pledged to the payment of principal and interest due thereon, subject to Nevada constitutional and statutory limitations on the aggregate amount of ad valorem taxes.

Pledged Revenues - The Airport Bonds are additionally secured by the revenue received from a 2% transient lodging tax or fees otherwise derived from the works or property of the City after payment of reasonable and necessary costs for the operation and maintenance expenses of the City's Airport Enterprise Fund (the "Net Pledged Revenues").

The following table reflects the principal and interest payable on the 2009 G/O (Limited Tax) Airport Refunded Bonds through their maturity on October 1, 2026.

**SCHEDULED DEBT SERVICE PAYMENTS
2009 G/O (Limited Tax) AIRPORT REFUNDED BONDS
City of Elko, Nevada**

Fiscal Year Ending June	Principal	Interest	Total
2018	\$ 205,000.00	\$ 122,055.00	\$ 327,055.00
2019	\$ 215,000.00	\$ 112,475.00	\$ 327,475.00
2020	\$ 225,000.00	\$ 102,166.25	\$ 327,166.25
2021	\$ 225,000.00	\$ 91,290.00	\$ 316,290.00
2022	\$ 245,000.00	\$ 79,571.25	\$ 324,571.25
2023	\$ 250,000.00	\$ 66,980.00	\$ 316,980.00
2024	\$ 270,000.00	\$ 53,577.50	\$ 323,577.50
2025	\$ 270,000.00	\$ 39,400.00	\$ 309,400.00
2026	\$ 290,000.00	\$ 24,380.00	\$ 314,380.00
2027	\$ 305,000.00	\$ 8,265.00	\$ 313,265.00

The following table demonstrates the debt service coverage for the bonds.

**2009 G/O AIRPORT REFUNDED BONDS
DEBT SERVICE COVERAGE**

	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
	(Audited)	(Audited)	(Audited)	(Estimated)	(Budget)
Airport Fund					
Intergovernmental Revenue	\$ 20,402	\$ 16,907	\$ 19,108	\$ 21,220	\$ 21,220
Charges for Services	850,616	190,036	242,000	260,560	258,000
Miscellaneous Revenue	<u>39,372</u>	<u>624,801</u>	<u>1,198,935</u>	<u>667,814</u>	<u>671,153</u>
Total Airport Revenue	\$ 910,390	\$ 831,744	\$1,460,043	\$ 949,594	\$ 950,373
 Room Tax Revenues	 \$ 326,430	 \$ 328,912	 \$ 320,837	 \$ 327,055	 \$ 327,475
 Less: Operating Expenses ¹	 <u>929,567</u>	 <u>875,805</u>	 <u>714,151</u>	 <u>914,670</u>	 <u>742,200</u>
Pledged Revenues	\$ 307,253	\$ 284,851	\$1,066,729	\$ 361,979	\$ 535,648
 Annual Debt Service	 \$ 326,430	 \$ 328,912	 \$ 320,837	 \$ 327,055	 \$ 327,475
 Debt Coverage	 .94	 0.87	 3.32	 1.11	 1.64

¹ Operating expenses exclude depreciation, administration and ARFF services to the airport.

GENERAL OBLIGATION REVENUE BONDS SUPPORTED BY ROOM TAX REVENUES

General Obligation Bonds Supported by Room Tax Revenues

The City refunded the Series 2005 Recreational Facilities Bonds (the "2005 Bonds") in the amount of \$1,500,000 and authorized an additional \$6,500,000 in general obligation recreational facilities bonds for a total of \$8,000,000 in general obligation recreational facilities bonds in fiscal year 2016. The City is using the new money portion (\$6,500,000) of the authorized bonds to finance a portion of a new multi-use sports complex and to replace the irrigation system at the City's municipal golf course.

Security for the Bonds

The 2015 Recreational Facilities Bonds (the "2015 Bonds") constitute a direct and general obligation of the City, and the full faith and credit of the city is pledged to the payment of principal and interest due thereon, subject to State constitutional and statutory limitations on the aggregate amount of ad valorem taxes.

The City imposes, pursuant to NRS 268.095 through 268.096, a charter and a City ordinance, a license for revenue upon all businesses operating a hotel, motel, apartment, timeshare project, apartment hotel, vacation trailer park, campground, park for recreational vehicles and other accommodations for rent within the City. All of the room license taxes imposed by the City are referred to generically as the "Room Tax". The Room Tax is calculated based on the amount of gross income actually received from room rentals by each licensee from the renting of rooms except for rental of 28 days or longer and complimentary rooms which are provided at no cost to the occupant. Pursuant to City Ordinance No. 794, effective July 1, 2015, the Room Tax was increased from 12% to 14%, and the amount allocated to the City Recreation Fund was increased from 4% to 6%. Pursuant to the City ordinance imposing the Room Tax, the Room Tax at a rate of 6% (the "6% Tax") is deposited in the City Recreation Fund to be used to acquire, construct, improve and equip recreational facilities and to pledge to the repayment of bonded indebtedness issued for recreational facilities.

Debt Service Requirements

The following table illustrates the debt service requirements on the City's general obligation bonds paid with the Pledged Revenues.

GENERAL OBLIGATION BONDS DEBT SERVICE PAID FROM PLEDGED REVENUES City of Elko, Nevada

Fiscal Year June 30	Pledged Revenues ^{1/}		Principal	Interest ^{2/}	Total	Coverage (times)
	Revenue	Growth				
2015	1,035,688	--				
2016	1,441,089	39.1%	285,000	122,273	407,273	3.54
2017	1,551,927	7.60%	355,000	254,763	609,763	2.55
2018	1,585,715	2.10%	365,000	244,113	609,113	2.60
2019	1,585,715	0.00	375,000	233,163	608,163	2.61
2020	1,585,715	0.00	385,000	221,913	606,913	2.61
2021	1,585,715	0.00	405,000	206,513	611,513	2.59
2022	1,585,715	0.00	420,000	190,313	610,313	2.60
2023	1,585,715	0.00	440,000	173,513	613,513	2.58
2024	1,585,715	0.00	455,000	155,913	610,913	2.60
2025	1,585,715	0.00	470,000	137,713	607,713	2.61
2026	1,585,715	0.00	355,000	123,613	478,613	3.31
2027	1,585,715	0.00	365,000	112,963	477,963	3.32
2028	1,585,715	0.00	375,000	102,013	477,013	3.32
2029	1,585,715	0.00	385,000	90,763	475,763	3.33
2030	1,585,715	0.00	395,000	79,213	474,213	3.34
2031	1,585,715	0.00	410,000	67,363	477,363	3.32
2032	1,585,715	0.00	420,000	55,063	475,063	3.34
2033	1,585,715	0.00	435,000	42,463	477,463	3.32
2034	1,585,715	0.00	445,000	29,413	474,413	3.34
2035	1,585,715	0.00	460,000	14,950	474,950	3.34
TOTAL			\$8,000,000	\$2,657,998	\$10,657,998	

1/ Fiscal year 2015-2017 is actual, fiscal year 2018 is estimated and fiscal year 2019 is budgeted. Fiscal year 2016 reflects an increase in the Room Tax from 4% to 6% effective July 1, 2015. Future growth is projected at 0% thereafter.

2/ True interest cost is 2.536%

SOURCE: City of Elko; Compiled by Zions Public Finance

Special Debt Requirements

In January 2002, pursuant to NRS 277.045 which states *that any two or more political subdivisions of the State of Nevada may enter into a cooperative agreement for the performance of any governmental function including the payment of money*; the City of Elko, Elko County and the City of Carlin entered into a Cooperative Agreement for the construction of a water line to supply potable water to the University of Nevada Fire Science Academy located just outside Carlin. The total project cost was \$1,350,000 of which \$1,000,000 was a federal grant. The remaining \$350,000 was the total grant match for the project for which Carlin obtained a loan from the U.S. Department of Agriculture, Rural Development Agency bearing an interest rate of 5% and a term of 40 years.

The cooperative agreement specifies that the City of Elko and Elko County will each pay to the City of Carlin one-third the annual debt payment on the loan in the amount of \$6,800.00. The total annual debt requirement is \$20,398.00. Should connection fees for those connecting to the system cover the annual debt cost, no payment would be required from either the City of Elko or the County of Elko. Any proceeds from connections to the line would first be used to pay the City of Elko and Elko County for any amounts they have contributed to the City of Carlin. Any additional amounts can then be used to pay down the interest and principal on the remaining loan.

Statutory Debt Capacity

State statutes limit the aggregate principal amount of the City's general obligation debt to 30% of the City's total assessed valuation (NRS 266.600). Based upon the assessed valuation for Fiscal Year 2018 of \$513,337,800 (including the assessed valuation of the Elko Redevelopment Agency) the City is limited to general obligation indebtedness in the aggregate amount of \$154,001,340, with \$19,070,000 of such debt to which the limit applies outstanding and proposed as of June 30, 2018.

The following table illustrates the City's general obligation statutory debt limitation.

STATUTORY DEBT CAPACITY CITY OF ELKO, NEVADA June 30, 2018

Statutory Debt Limit ^{1/}	\$154,001,340
Outstanding General Obligation Indebtedness	\$ 19,070,000
Additional Statutory Debt Limitation	\$134,931,340

1/ Based upon the assessed valuation for fiscal year 2018 of \$154,001,340 (including the City of Elko Redevelopment Agency).

SOURCE: City of Elko

Policy Statement - Debt Sales

There are two ways bonds can be sold: competitive (public) or negotiated sale. NRS 350.155 to 350.195 sets forth the circumstances under which a local government will sell its bonds at competitive or negotiated sale. The City will follow the statutory requirements in determining the method of sale for its bonds. The Government Finance Officers Association also urges "competitive sales should be used to market debt whenever feasible".

Competitive and negotiated sales provide for one or more pricings, depending upon market conditions or other factors. Either method can provide for changing sale dates, issue size, maturity amounts, term, bond features, etc.

Competitive Sale - With a competitive sale, any interested underwriter(s) is invited to submit a proposal to purchase an issue of bonds. The bonds are awarded to the underwriter(s) presenting the best bid according to stipulated criteria set forth in the notice of sale. The best bid is usually determined based on the lowest overall interest rate. Competitive sales should be used for all issues unless circumstances dictate otherwise.

Negotiated Sale - A securities sale through an exclusive arrangement between the issuer and an underwriter or underwriting syndicate. At the end of successful negotiations, the issue is awarded to the underwriters.

Negotiated underwriting may be considered based upon one or more of the following criteria:

- Extremely large issue size
- Complex financing structure (i.e., variable rate financings, new derivatives and certain revenue issues, etc.) which provides a desirable benefit to the City.
- Comparatively lesser credit rating.
- Other factors which lead the City to conclude that a competitive sale would not be effective.

Operational Costs and Revenue Sources

The funding and financing necessary to support the existing and proposed City of Elko general obligation debt come from ad valorem taxes, consolidated tax revenues, room tax revenues, and airport enterprise revenues. The operational costs and revenue sources associated with each project are determined based upon estimates of additional personnel, maintenance, supplies and utilities costs. The operational funding sources include the funding sources noted above that are available for capital improvements. In many cases, there is no additional operational cost for a capital improvement project since the new improvement is merely replacing an older one.

Debt Service Fund Balance - A debt service fund balance provides a ready reserve to meet current debt service payments should moneys not be available from current revenues. It is the City's policy to strive for a debt service fund balance equal to one year of principal and interest on its various debt issues.

Refunding - A refunding is generally the underwriting of a new bond issue whose proceeds are used to redeem an outstanding issue. Key definitions are described as follows:

Advance Refunding - A method of providing for payment of debt service on a bond until the first call date or designated call date from available funds. Advance refundings are done by issuing a new bond or using available funds and investing the proceeds in an escrow account in a portfolio of U.S. government securities structure to provide enough cash flow to pay debt service on the refunded bonds.

Current Refunding - The duration of the escrow is 90 days or less.

Gross Savings - Difference between debt service on refunding bonds and refunded bonds less any contribution from a reserve or debt service fund.

Present Value Savings - Present value of gross savings discounted at the refunding bond yield to the closing date plus accrued interest less any contribution from a reserve or debt service fund.

Prior to beginning a refunding bond issue, the city will review an estimate of the savings achievable from the refunding. The City may also review a pro forma schedule estimating the savings assuming that the refunding is done at various points in the future.

The City will generally consider refunding outstanding bonds if one or more of the following conditions exists:

1. Present value savings are at least 3% of the par amount of the refunding bonds.
2. The bonds to be refunded have restrictive or outdated covenants.
3. Restructuring debt is deemed to be desirable.

The City may pursue a refunding not meeting the above criteria if:

1. Present value savings exceed the costs of issuing the bonds.
2. Current savings are acceptable when compared to savings that could be achieved by waiting for more favorable interest rates and/or call premiums.

Debt Structuring

Maturity Structures - The term of City debt issues should not extend beyond the useful life of the project or equipment financed. The repayment of principal on tax supported debt should generally not extend beyond 20 years unless there are compelling factors which make it necessary to extend the term beyond this point. Debt issues by the City should be structured to provide for generally level debt service. Deferring the repayment of principal should be avoided except in select instances where it will take a period of time before project revenues are sufficient to pay debt service.

Bond Insurance - Bond insurance is an insurance policy purchased by an issuer or an underwriter for either an entire issue or specific maturities, which guarantees the payment of principal and interest. This security provides a higher credit rating and thus a lower borrowing cost for an issuer.

Bond insurance can be purchased directly by the City prior to the bonds sale (direct purchase) or at the underwriter's option and expense (bidder's option). The City will attempt to qualify its bond issues for insurance with bond insurance companies rated AAA by Moody's Investors Service and Standard & Poor's Corporation.

The decision to purchase insurance directly versus bidder's option is based on:

- A volatile market.
- Current investor demand for insured bond.
- Level of insurance premiums.
- Ability of the City to purchase bond insurance from bond proceeds.

Chief Financial Officer

The name and address of the City's chief financial officer is as follows:

Jonnye Jund
Administrative Services Director
1751 College Avenue
Elko, NV 89801
Ph (775) 777-7141
Fax (775) 777-7106

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, discussion, and evaluation of City Manager job performance for Fiscal Year 2017/2018, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **PERSONNEL**
4. Time Required: **10 Minutes**
5. Background Information: **Current City policy states that a performance appraisal shall be completed for Appointed Officials each year in July. For the years that are odd numbered, the appraisals are conducted by the City Council for the previous year. For the years that are even numbered, the evaluations are conducted by the City Manager. The exception to this would be the City Manager's appraisal, which is always conducted by the City Council each year in July. AB**
6. Budget Information:
 Appropriation Required: **NA**
 Budget amount available: **NA**
 Fund name: **NA**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Matrix of Performance Evaluation Ratings**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Aubree Barnum, Human Resources Manager**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:

Mayor Johnson Councilman Rice Councilwoman Simons Councilman Schmittlein Councilman Keener

Curtis Calder, City Manager

Knowledge and Experience	4	4	5	5	5
Judgment	4	4	4	4	4
Planning and Organization	4	4.5	5	4	4
Risk Management	4	4.5	4	4	5
Communications	5	4	3	4	4
Leadership	4	4	4	4	4
Innovation	4	3	3	4	3
Safety Performance	4	4	5	4	4
Budget	4	5	5	4	5
Supervisory Skills	3	3	2	4	4
Other Factors	4	NR	4	4	5
Overall Evaluation	4	4	4	4	4

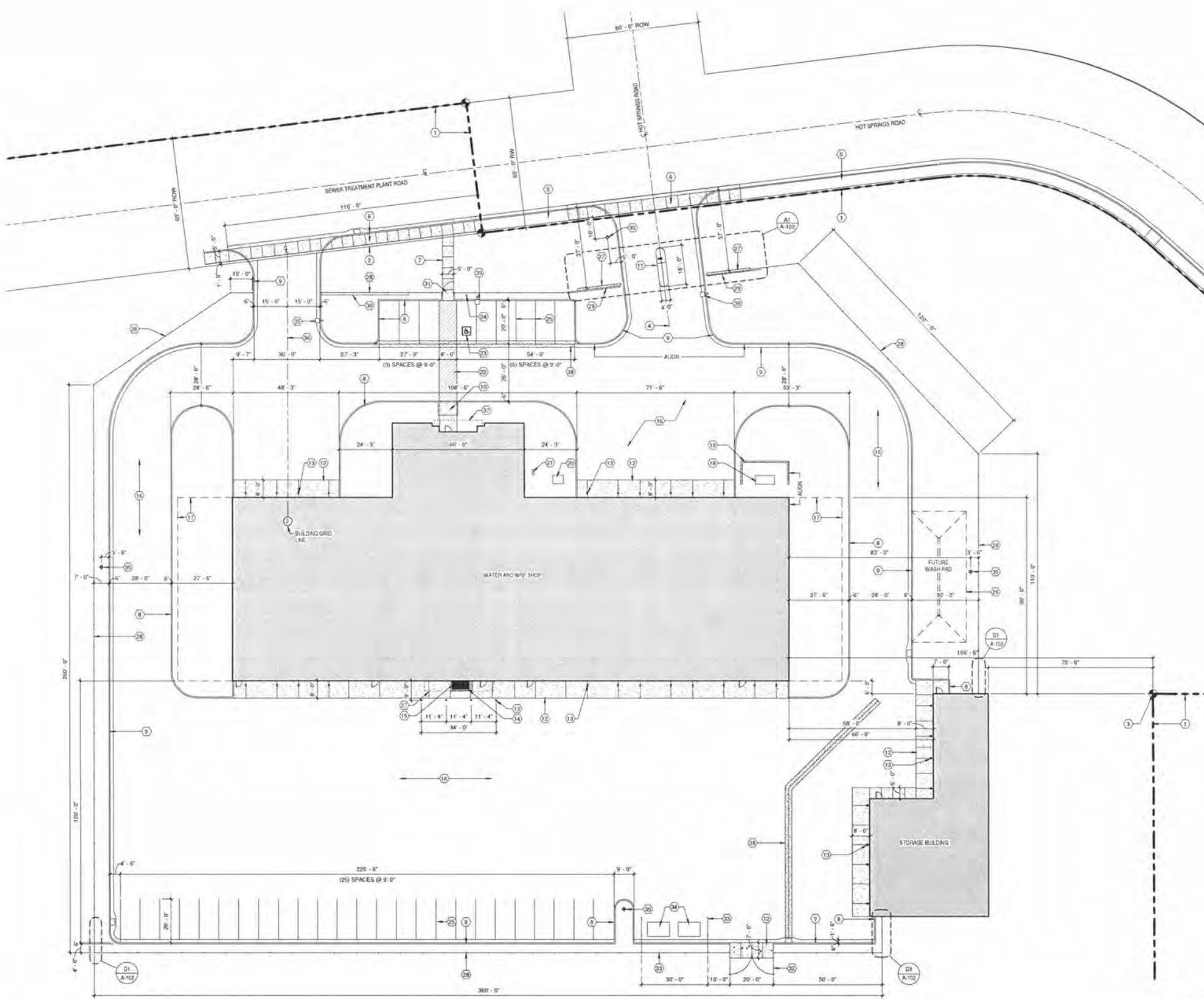
Key

1 = Significantly below target
2 = Below Target
3 = On Target
4 = Above Target
5 = Significantly above target
NR = Not Rated

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of final design plans for the combined Water/WRF Shop Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **7 Minutes**
5. Background Information: **The design for the combined shop is complete. Staff is seeking Council approval of the design only. RL**
6. Budget Information:

Appropriation Required: **\$250,000.00**
Budget amount available: **\$125,000.00 each, Water and WRF**
Fund name: **Water/WRF**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Design documents from ZGA to include Site Plan, Floor Plan, Building Elevations, and Rendering**
9. Recommended Motion: **Move to approve final design plans for combined Water/WRF Shop.**
10. Prepared By: **Ryan Limberg, Utilities Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Council Agenda Distribution:



A2 SITE PLAN
A-101
1" = 20' 0"

KEYNOTES	
1	PROPERTY LINE
2	RIGHT OF WAY LINE FOR SEWER TREATMENT PLANT ROAD AND HOT SPRINGS ROAD
3	PROPERTY CORNER PIN USED AS REFERENCE FOR SHOP BUILDING AND STORAGE BUILDING LOCATIONS
4	CENTER LINE OF HOT SPRINGS ROAD RIGHT OF WAY
5	EXISTING CONCRETE CURB, GUTTER AND SIDEWALK TO REMAIN
6	NEW CONCRETE CURB, GUTTER, SIDEWALK OR DRIVEWAY APPROACH. SEE CIVIL FOR DETAILS AND FOR REMOVAL OF EXISTING CURB, GUTTER, SIDEWALK AT MAIN ENTRANCE
7	CONCRETE SIDEWALK
8	6" CONCRETE STANDING CURB PER CIVIL
9	CONCRETE CURB AND GUTTER PER CIVIL
10	CONCRETE CURB RAMP AND SIDEWALK TO BUILDING ENTRANCE PER CIVIL
11	RAISED CONCRETE ISLAND WITH AUTO GATE CONTROLS AND LIGHTING. SEE DETAIL 91-A-102
12	CONCRETE APRON PER CIVIL WITH EXPANSION JOINTS AT 20' O.C. AND CONTROL JOINTS AS SHOWN
13	CONCRETE FILLED PIPE BOLLARD TYPICAL AT ALL OVERHEAD DOOR JAMBS. SEE DETAIL 11-C-201
14	CONCRETE CURB, FLUSH WITH PAVEMENT AROUND (3) SIDES OF BOOT WASH
15	BOOT WASH WITH GALVANIZED STEEL GRATING OVER DEPRESSIONED CONCRETE BASIN. SEE WALL SECTION 94-A-110 AND DETAIL 115-S-201
16	ASPHALT PAVEMENT PER CIVIL
17	LINE OF FUTURE BUILDING EXPANSION
18	STANDARD ELECTRICAL GENERATOR
19	8' CMU SCREEN WALL. SEE DETAIL 100X
20	ELECTRICAL TRANSFORMER AND PAD
21	COMMUNICATIONS PEDESTALS. SEE ELECTRICAL
22	3" WIDE WHITE CROSSWALK STRIPING
23	ADA COMPLIANT PARKING SPACE SYMBOL
24	ADA COMPLIANT "VAN ACCESSIBLE" PARKING SPACE SIGN
25	3" WIDE PARKING SPACE STRIPING
26	LOCATION OF FUTURE EQUIPMENT WASH PAD. SEE PLUMBING SPACE STRIPING
27	12' CMU ENTRANCE WALL. SEE DETAIL A1-A-102
28	7' 0" HIGH CHAIN LINK FENCE WITH BARB WIRE EXTENSION ARMS. SEE DETAILS D1A-D3 A-102
29	18' 0" LONG AUTOMATIC SLIDING CHAIN LINK GATE ON BACK SIDE OF CMU ENTRANCE WALL
30	30' 0" LONG AUTOMATIC SLIDING CHAIN LINK GATE
31	5' 0" WIDE MANUAL CHAIN LINK SPRINGING GATE
32	30' 0" WIDE MANUAL CHAIN LINK SPRINGING GATE
33	PROVIDE HORIZONTAL VINYL PRIVACY SLATS AT SIDES OF TRASH ENCLOSURE BACK AND BARB WIRE EXTENSION ARMS NOT REQUIRED AT ENCLOSURE SIDES
34	TRASH DUMPSTER BY OTHERS
35	FIRE HYDRANT. SEE CIVIL
36	BUILDING GRID LINE 2 IS CENTERLINE OF DRIVEWAY
37	LINE OF CANOPY ABOVE
38	CONCRETE VALLEY GUTTER PER CIVIL
39	LIGHT POLE PER ELECTRICAL. SEE SHEET E1.0

REVISIONS

NOT FOR CONSTRUCTION

Architects and Planners, Chartered
408 E. Parlier Blvd., Suite 205, Boise Idaho 83706

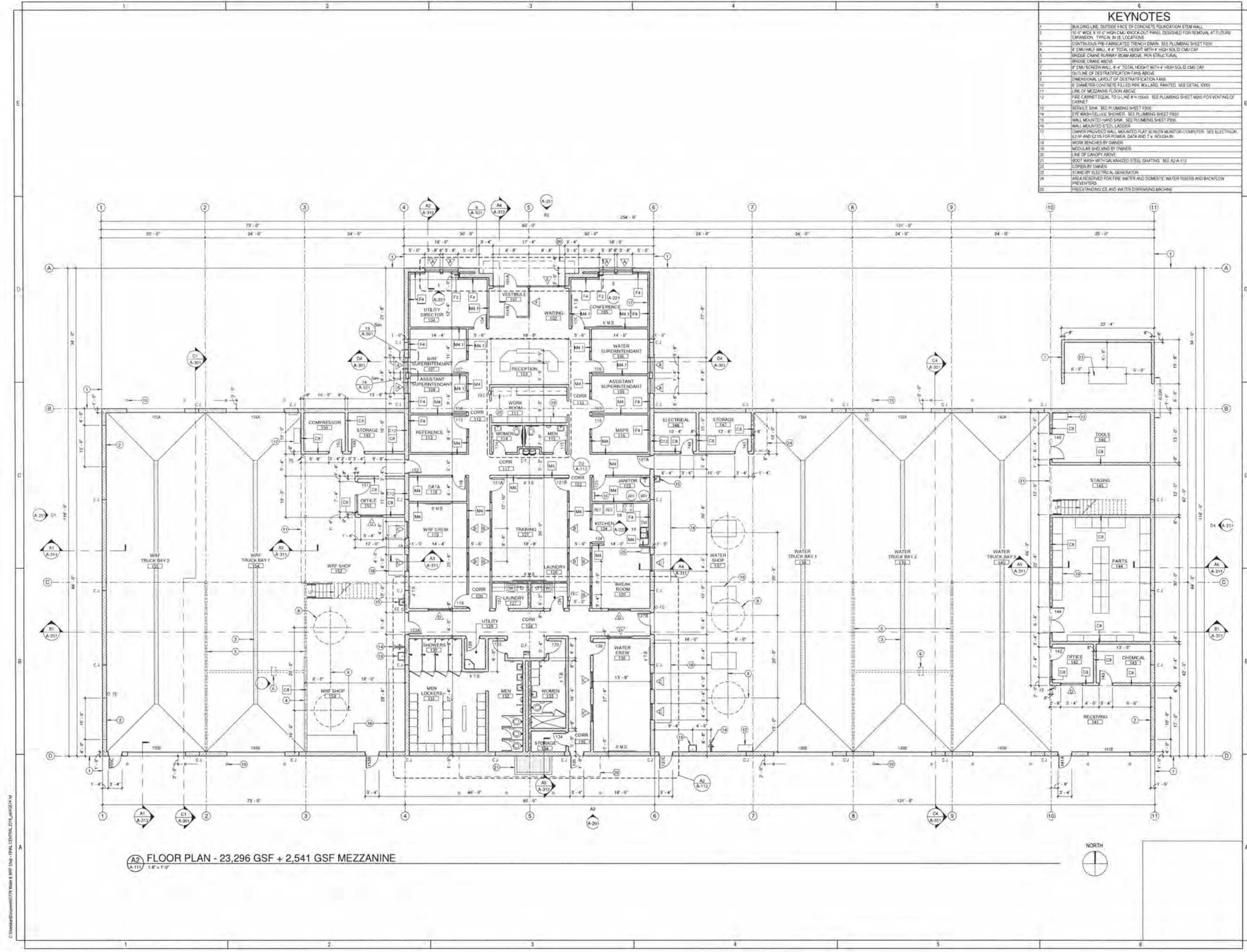
CITY OF ELKO

WATER AND WASTEWATER RECLAMATION FACILITY (WRF) SHOP

1500 SEWER TREATMENT PLANT ROAD,
ELKO, NEVADA 89601

DATE: 06/30/2018
PROJECT NO: 1778.00
SHEET:
A-101
SITE PLAN

C:\Users\jmc\OneDrive\778 Water & WRF Shop - RFA.dwg (3/27/2018, 2:11 PM) jmc27746



A2 FLOOR PLAN - 23,296 GSF + 2,541 GSF MEZZANINE
A-111 1/8" = 1'-0"

KEYNOTES	
1	BUILDING LINE, OUTSIDE FACE OF CONCRETE FOUNDATION STEM WALL
2	10' WIDE X 10' 6" HIGH CMU KNOCK-OUT PANEL, DESIGNED FOR REMOVAL AT FUTURE EXPANSION. TYPICAL IN (3) LOCATIONS
3	CONTINUOUS PRE-FABRICATED TRENCH DRAIN. SEE PLUMBING SHEET P200
4	8" CMU HALF WALL, 4' 4" TOTAL HEIGHT WITH 4" HIGH SOLID CMU CAP
5	BRIDGE CRANE RUNWAY BEAM ABOVE, PER STRUCTURAL
6	BRIDGE CRANE ABOVE
7	8" CMU SCREEN WALL, 6'-4" TOTAL HEIGHT WITH 4" HIGH SOLID CMU CAP
8	OUTLINE OF DESTRATIFICATION FANS ABOVE
9	DIMENSIONAL LAYOUT OF DESTRATIFICATION FANS
10	8" DIAMETER CONCRETE FILLED PIPE BOLLARD, PAINTED. SEE DETAIL 1000
11	LINE OF MEZZANINE FLOOR ABOVE
12	PIPE CABINET EQUAL TO U-LINE # H-10645. SEE PLUMBING SHEET M200 FOR VENTING OF CABINET
13	SERVICE SINK. SEE PLUMBING SHEET P200
14	EYE WASH/DELUXE SHOWER. SEE PLUMBING SHEET P200
15	WALL MOUNTED HAND SINK. SEE PLUMBING SHEET P200
16	WALL MOUNTED STEEL LADDER
17	OWNER PROVIDED WALL MOUNTED FLAT SCREEN MONITOR/COMPUTER. SEE ELECTRICAL, E2-1P AND E2-1S FOR POWER, DATA AND T.V. ROUGH-IN
18	WORK BENCHES BY OWNER
19	MODULAR SHELVING BY OWNER
20	LINE OF CANOPY ABOVE
21	BOOT WASH WITH GALVANIZED STEEL GRATING. SEE A2-A-113
22	COPIER BY OWNER
23	STAND-BY ELECTRICAL GENERATOR
24	AREA RESERVED FOR FIRE, WATER AND DOMESTIC WATER RISERS AND BACKFLOW PREVENTERS
25	FREESTANDING ICE AND WATER DISPENSING MACHINE

REVISIONS

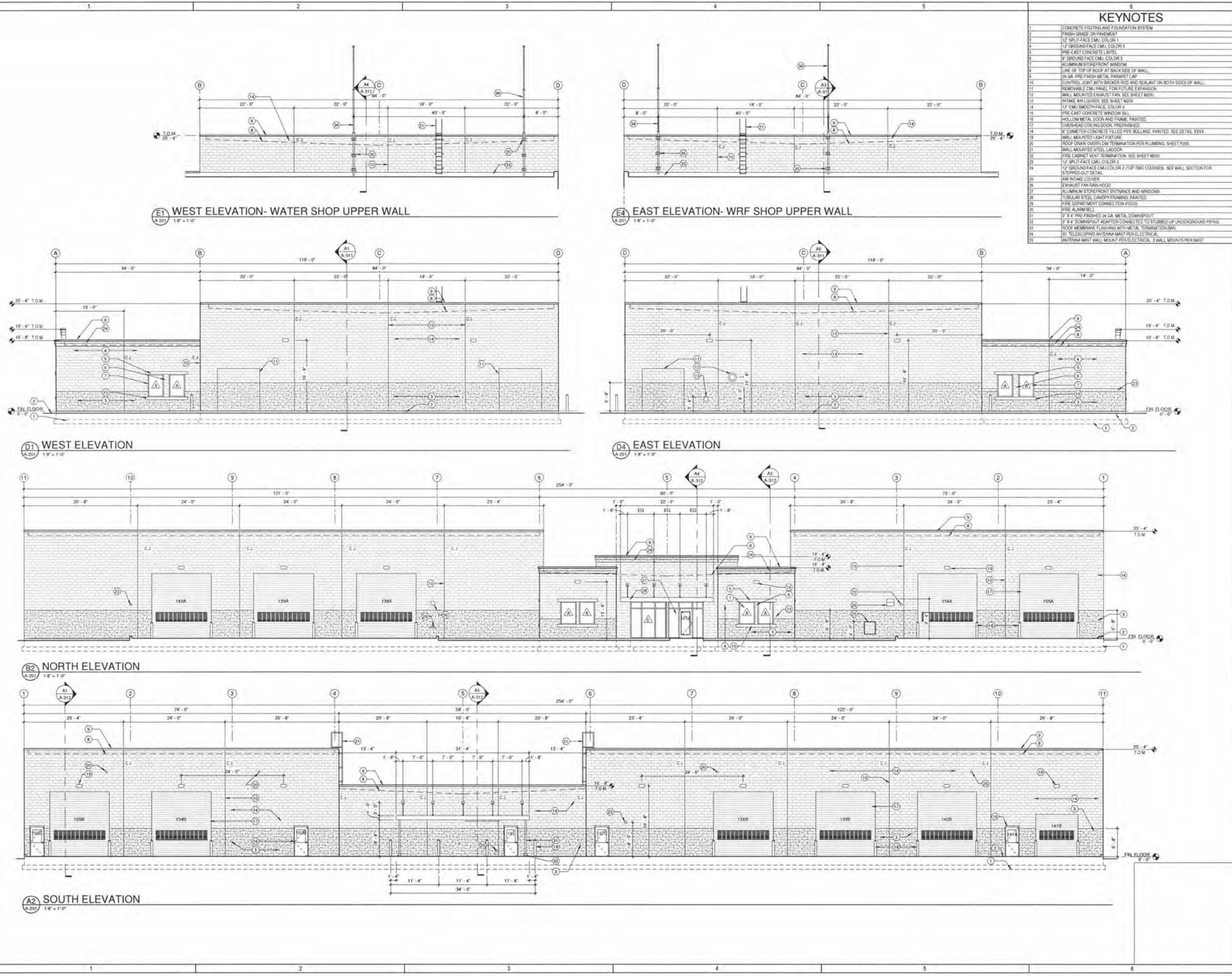
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Architects and Planners, Chartered
408 E. Parkcenter Blvd., Suite 203, Boise Idaho 83706

CITY OF ELKO
WATER AND WASTEWATER RECLAMATION FACILITY (WRF) SHOP
1600 SEWER TREATMENT PLANT ROAD,
ELKO, NEVADA 89601

DATE: 06/30/2018
PROJECT NO: 1778.00
SHEET:
A-111
FLOOR PLAN



KEYNOTES

- CONCRETE FOOTING AND FOUNDATION SYSTEM
- FINISH GRADE ON PAVEMENT
- 12" SPLIT FACE CMU, COLOR 1
- 12" GROUNDFACE CMU, COLOR 3
- PRE-CAST CONCRETE LINTEL
- 8" GROUNDFACE CMU, COLOR 3
- ALUMINUM STOREFRONT WINDOW
- LINE OF TOP OF ROOF AT BACK SIDE OF WALL
- 24 GA. PRE-FINISH METAL PARAPET CAP
- CONTROL JOINT WITH BACKER ROD AND SEALANT ON BOTH SIDES OF WALL
- REMOVABLE CMU LINTEL FOR FUTURE EXPANSION
- WALL MOUNTED EXHAUST FAN SEE SHEET M200
- INTAKE AIR LOUVER SEE SHEET M200
- 12" CMU SMOOTHFACE, COLOR 3
- PRE-CAST CONCRETE WINDOW SILL
- HOLLOW METAL DOOR AND FRAME, PAINTED
- OVERHEAD COILING DOOR, PREFINISHED
- 6" DIA. TFR CONCRETE FILLED PIPE BOLLARD, PAINTED SEE DETAIL XXXX
- WALL MOUNTED LIGHT FIXTURE
- ROOF DRAIN OVERFLOW TERMINATION PER PLUMBING SHEET P200
- WALL MOUNTED STEEL LADDER
- FIRE CABINET VENT TERMINATION SEE SHEET M200
- 12" SPLIT FACE CMU, COLOR 1
- 12" GROUNDFACE CMU, COLOR 2, TOP TWO COURSES SEE WALL SECTION FOR STEPPED-OUT DETAIL
- 24 GA. PRE-FINISH METAL DOWNPOUT
- 3" X 4" DOWNPOUT ADAPTER CONNECTED TO STUBBED UP UNDERGROUND PIPING
- ROOF MEMBRANE FLASHING WITH METAL TERMINATION/SEAL
- 20' TELESCOPING ANTENNA MAST PER ELECTRICAL
- ANTENNA MAST WALL MOUNT PER ELECTRICAL, 3 WALL MOUNTS PER MAST

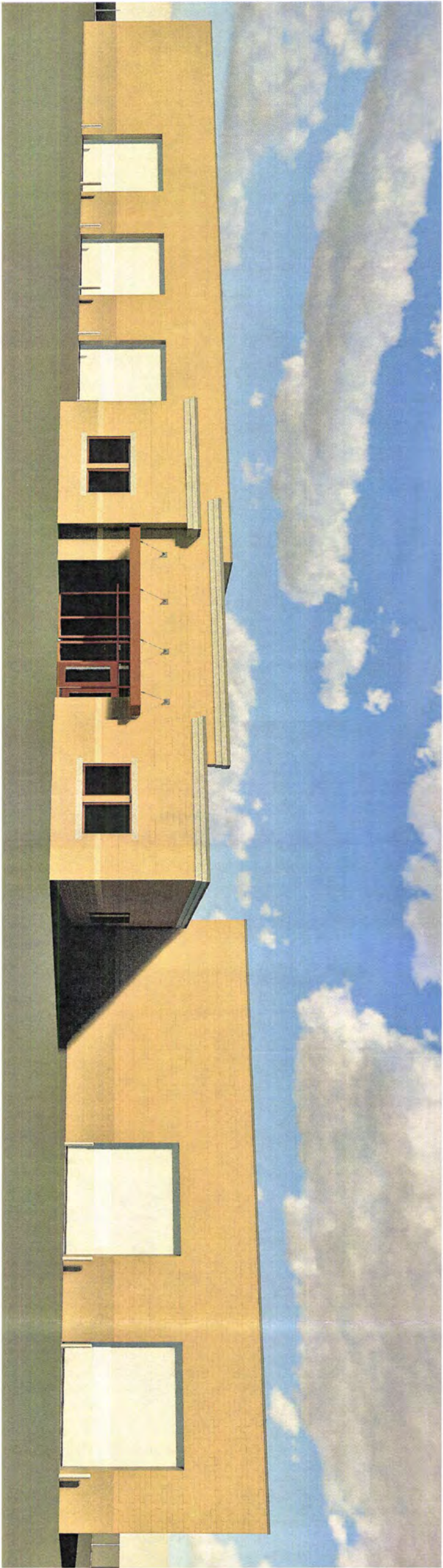
REVISIONS

NOT FOR CONSTRUCTION

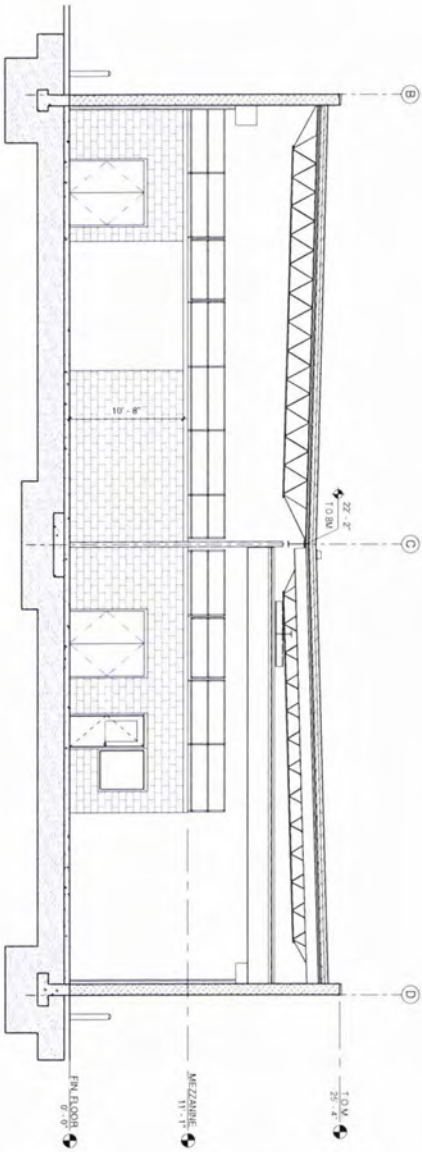


CITY OF ELKO
WATER AND WASTEWATER RECLAMATION FACILITY (WRF) SHOP
 1600 SEWER TREATMENT PLANT ROAD,
 ELKO, NEVADA 89601

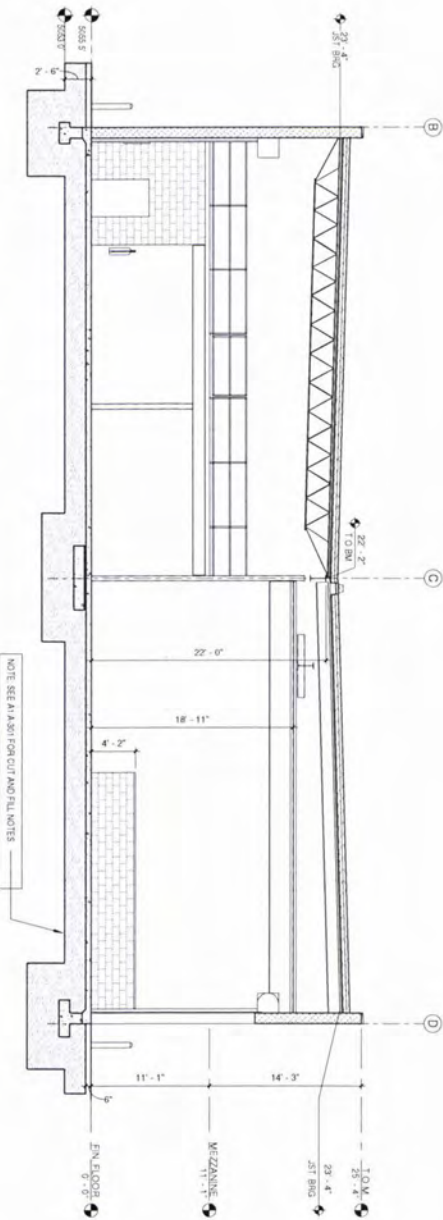
DATE: 06/30/2018
 PROJECT NO: 1778.00
 SHEET:
A-201
 BUILDING ELEVATIONS



WATER AND WRF SHOP - FRONT VIEW



WATER SHOP CROSS SECTION



WRF SHOP CROSS SECTION

REVISIONS

NOT FOR
CONSTRUCTION

ZGA
Architects and Planners, Chartered
408 E. Parkcenter Blvd, Suite 205, Boise Idaho 83706

CITY OF ELKO
WATER AND WASTEWATER RECLAMATION FACILITY (WRF) SHOP
1600 SEWER TREATMENT PLANT ROAD,
ELKO, NEVADA 89801

DATE: 06/30/2018
PROJECT NO: 1778.00
SHEET:
A-902
BUILDING VIEWS

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible award of the bid for the Elko Sports Complex Parking Lot Project, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **APPROPRIATION**
4. Time Required: **10 Minutes**
5. Background Information: **Bids were received until 3:00 p.m. on July 12, 2018. Two bids were received. A Bid Tabulation is included in your agenda packet. Granite Construction is the apparent low bidder in the total amount of \$1,273,337.50 for the base bid and all four of the additive alternates. BT**
6. Budget Information:
 Appropriation Required: **\$1,273,337.50**
 Budget amount available: **\$2,448,341.00**
 Fund name: **Sports Complex / Recreation Fund**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **A Bid Tabulation and Sports Complex Funding Summary are included in the agenda packet.**
9. Recommended Motion: **Award the Sports Complex Parking Lot construction project to Granite construction in the amount of \$1,273,337.50 for the base bid and Additive Alternates one through four.**
10. Prepared By: **Bob Thibault, Civil Engineer**
11. Committee/Other Agency Review: **City Manager's Office, Administrative Services Director**
12. Council Action:
13. Council Agenda Distribution: **Granite Construction**
 granitenevadabidinfo@gcinc.com

 Great Basin Engineering Contractors
 greatbasinelko@gmail.com

Sports Complex Funding

2018 Funding

Starting funding for 2018	\$8,717,672.00	
Phase 1 construction	\$6,781,517.00	
NV Energy	\$47,413.00	
Sports Equipment	\$150,000.00	
Testing AM Engineering	\$104,215.00	(covers 2018 and 2019 construction)
Historic Management	\$72,283.00	
404 Management	\$65,588.00	
Sports Light Poles	\$641,258.00	
PSA Konakis Engineering Effluent Management Plan	\$15,400.00	
Groundwater Discharge Permit	\$2,000.00	
Remaining Balance	\$837,998.00	

2019 Funding

Reimbursement from Water and Sewer	\$545,855.00	(See breakdown below)
Pennington	\$2,100,000.00	
Remaining balance from 2018	\$837,998.00	
Total 2019 Funding	\$3,483,853.00	

2019 Costs

Fence Construction	\$96,624.00	
Comfort Station	\$888,888.00	
Parking Lot	\$1,273,337.50	
Entrance sign (estimated)	\$50,000.00	
Remaining Funds	\$1,175,003.50	

Reimbursement from Water and Sewer Breakdown

Water Fund (relocate main for sports complex)	\$294,225.00
Sewer Fund (Sports Complex Reuse Line)	\$24,250.00

Sewer Fund (RR Bore/River Crossing/Line Extension)	\$227,380.00
Total Reimbursement	\$545,855.00

**CITY OF ELKO
BID TABULATION
FOR
Elko Sports Complex - Parking Lot
July 12, 2018**

Name
Address
City State
Phone No.
Fax No.

Granite Construction

1900 Glendale Ave.
Sparks, NV 89431
775-358-8792
775-358-0372

**Great Basin Engineering
Contractors**

PO Box 396
Elko, NV 89803
775-340-8365

No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Mobilization @ _____ Per Lump Sum	1	LS	\$ 57,648.40	\$57,648.40	\$31,764.75	\$31,764.75
2	Traffic Control @ _____ Per Lump Sum	1	LS	\$ 12,000.00	\$12,000.00	\$9,054.82	\$9,054.82
3	Saw cut Existing Asphalt @ _____ per Lineal Foot	100	LF	\$ 20.00	\$2,000.00	\$6.47	\$647.00
4	Remove and dispose of Existing Asphalt @ _____ per Square Yard.	217	SY	\$ 13.00	\$2,821.00	\$25.86	\$5,611.62
5	6" Aggregate base @ _____ per Square Yard	9,114	SY	\$ 10.00	\$91,140.00	\$10.39	\$94,694.46
6	3" Thick PG 64-22 Asphalt Cement @ _____ per Square Yard.	7,400	SY	\$ 24.00	\$177,600.00	\$23.76	\$175,824.00
7	4" Thick PG 64-22 Asphalt Cement @ _____ per Square Yard.	1,714	SY	\$ 33.00	\$56,562.00	\$34.92	\$59,852.88
8	Tack Coat @ _____ per Square Yard	1,714	SY	\$ 0.90	\$1,542.60	\$0.62	\$1,062.68
9	Install New Permanent Signs @ _____ per ea.	16	EA	\$ 400.00	\$6,400.00	\$441.52	\$7,064.32
10	Parking Lot, ADA, and Driveway striping and Markings @ _____ per Lump Sum	1	LS	\$ 10,600.00	\$10,600.00	\$111,700.19	\$111,700.19
11	Install Type I Concrete Curb and Gutter includes 6" Type 2 Aggregate Base @ _____ per Lineal Foot.	1,227	LF	\$ 46.00	\$56,442.00	\$75.83	\$93,043.41
12	Install modified Curb with 5.5' Wide Gutter as Shown at Bus Loading Area, with 6" Aggregate Base @ _____ per Lineal Foot.	77	LF	\$ 66.00	\$5,082.00	\$156.06	\$12,016.62
13	Install Concrete Median Curb with 6" Aggregate Base @ _____ per Lineal Foot.	203	LF	\$ 35.00	\$7,105.00	\$44.08	\$8,948.24
14	Construct Sidewalk - 5' Wide, with 4" of Aggregate Base, with ADA Ramps @ _____ per Square Yard.	307	SY	\$ 98.00	\$30,086.00	\$552.31	\$169,559.17
15	Construct Concrete Valley Gutter with 6" of Aggregate Base, @ _____ per Square Yard.	27	SY	\$ 125.00	\$3,375.00	\$587.62	\$15,865.74

**CITY OF ELKO
BID TABULATION
FOR
Elko Sports Complex - Parking Lot
July 12, 2018**

Name
Address
City State
Phone No.
Fax No.

Granite Construction

1900 Glendale Ave.
Sparks, NV 89431
775-358-8792
775-358-0372

**Great Basin Engineering
Contractors**

PO Box 396
Elko, NV 89803
775-340-8365

No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
16	Set Frame and Grate of Existing Type 4- R Drainage Inlet to Finished Grade and Build into Curb @ _____per Each.	4	EA	\$ 300.00	\$1,200.00	\$1,079.60	\$4,318.40
17	Construct Trash Enclosure per details 4, 5, and 6 on Sheet LL502 @ _____per Lump Sum.	1	LS	\$ 40,000.00	\$40,000.00	\$71,335.27	\$71,335.27
18	Construct 6" Thick Concrete Slab in Front of Trash Enclosure, with Rebar per Valley Gutter Detail, and with 6" Aggregate Base @ _____per Square Foot.	94	SF	\$ 13.00	\$1,222.00	\$77.39	\$7,274.66
19	Import Structural Fill Material, 2"Tick, Under all asphalt, Curb, and Trash Enclosure @ _____per Cubic Yard.	8,400	CY	\$ 48.00	\$403,200.00	\$23.31	\$195,804.00
20	Construct P-2 Parking Lot Lighting, Includes: Pole, Base, Conduit to the Existing Pull Box, Conductor to the Building @ _____per Each.	4	EA	\$ 5,000.00	\$20,000.00	\$5,739.72	\$22,958.88
21	Construct P-1 Parking Lot Lighting, Includes: Pole, Base, Conduit to the existig Pull Box, Conductor to the Building @ _____per Each.	7	EA	\$ 5,000.00	\$35,000.00	\$5,298.20	\$37,087.40
22	Construct R-1 Parking Lot Lighting, Includes; Pole, Base, Conduit to the Existing Pull Box, Conductor to the Building @ _____per Each	1	EA	\$ 5,000.00	\$5,000.00	\$5,321.38	\$5,321.38
TOTAL BASE BID					<u>\$1,026,026.00</u>		<u>\$1,140,809.89</u>

**CITY OF ELKO
BID TABULATION
FOR
Elko Sports Complex - Parking Lot
July 12, 2018**

Name
Address
City State
Phone No.
Fax No.

Granite Construction

1900 Glendale Ave.
Sparks, NV 89431
775-358-8792
775-358-0372

**Great Basin Engineering
Contractors**

PO Box 396
Elko, NV 89803
775-340-8365

No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
Additive Alternate #1							
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	6" Aggregate base @ _____per Square Yards	3,640	SY	\$ 12.50	\$45,500.00	\$ 9.32	\$33,924.80
2	3" Thick PG 64-22 Asphalt Cement @ _____per Square Yards	3,640	SY	\$ 24.50	\$89,180.00	\$ 23.59	\$85,867.60
3	Parking Lot Striping @ _____per Lump Sum	1	LS	\$ 2,300.00	\$2,300.00	\$ 2,529.91	\$2,529.91
4	Install Concrete Median Curb with 6" of Aggregate Base @ _____per Lineal Foot	668	LF	\$ 29.00	\$19,372.00	\$ 31.86	\$21,282.48
5	Construct Concrete Valley Gutter with 6" of Aggregate Base @ _____per Square Yard	10	SY	\$ 317.00	\$3,170.00	\$ 425.23	\$4,252.30
TOTAL ADDITIVE ALTERNATE #1					<u>\$159,522.00</u>		<u>\$147,857.09</u>

Additive Alternate #2							
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Construct Colored Concrete Flatwork, 6" Thick, Fiber Reinforced, with 4" Aggregate Base, ADA Ramp, and Driveway Depression @ _____per Square Yard	315	SY	\$109.00	\$34,335.00	\$ 359.66	\$113,292.90
2	Construct Concrete Flatwork, 6" Thick, 12" Wide Border Around Colored Concrete, Fiber Reinforced, with 4" Aggregate Base @ _____Per Square Yard	34	SY	\$157.00	\$5,338.00	\$ 364.37	\$12,388.58
3	Construct 6" X 18" Curb Wall around Planters, per Detail 3, Sheet LL504, with 6" Aggregate Base @ _____per Lineal Foot.	120	LF	\$ 40.00	\$4,800.00	\$ 50.49	\$6,058.80

**CITY OF ELKO
BID TABULATION
FOR
Elko Sports Complex - Parking Lot
July 12, 2018**

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No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
4	Construct Sidewalk - 8' Wide, with 4" of Aggregate Base, with ADA Ramps @ _____ per Square Yard.	74	SY	\$ 116.00	\$8,584.00	\$ 449.71	\$33,278.54
5	Construct 2" Ø Scheduled 40 PVC Sleeves for Future Irrigation to Tree Wells @ _____ per Lineal Foot.	95	LF	\$ 1.50	\$142.50	\$ 57.13	\$5,427.35
TOTAL ADDITIVE ALTERNATE #2					<u>\$53,199.50</u>		<u>\$170,446.17</u>
<u>Additive Alternate #3</u>							
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Construct Sidewalk - 8' Wide, with 4" of Aggregate Base @ _____ per Square Yard.	260	SY	\$ 111.50	\$28,990.00	403.98	\$105,034.80
TOTAL ADDITIVE ALTERNATE #3					<u>\$28,990.00</u>		<u>\$105,034.80</u>
<u>Additive Alternate #4</u>							
No.	Bid Item Description	Quantity	Unit	Unit Price	Total Amount	Unit Price	Total Amount
1	Construct Entrance Gate per Detail 7, Sheet LL502 @ _____ per Lump Sum.	1	LS	\$ 5,600.00	\$5,600.00	14634.02	\$14,634.02
TOTAL ADDITIVE ALTERNATE #4					<u>\$5,600.00</u>		<u>\$14,634.02</u>
Total Base Bid Including Additive Alternates					<u>\$1,273,337.50</u>		<u>\$1,578,781.97</u>

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to conditionally approve Final Plat No. 9-18, filed by Riverside Villas Nevada LLC., for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres of property into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **SUBDIVISION**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located northwest corner of the intersection of S. 12th Street and Opal Drive. Preliminary Plat was conditionally approved by City Council on June 12, 2018. The Planning Commission considered this item on July 9, 2018 and took action to forward a recommendation to City Council to conditionally approve Final Plat 9-18. 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 report and related correspondence.**
9. Recommended Motion: **Conditionally approve Final Plat No. 9-18 for the Riverside Villas a Condominium Development Phase 1 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: **Riverside Villas Nevada, LLC
180 North University Avenue, Suite 200
Provo, UT 84601

High Desert Engineering
Mr. Bob Morley
640 Idaho Street
Elko, NV 89801**

APPROVAL - CITY OF ELKO PLANNING COMMISSION

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, PLANNING COMMISSION HELD ON THE 27th DAY OF MAY, 2014, A TENTATIVE MAP OF THIS SUBDIVISION WAS DULY AND REGULARLY APPROVED PURSUANT TO N.E.S. 279.230. THIS FINAL MAP SUBSTANTIALLY COMPLETES WITH SAID TENTATIVE MAP AND ALL ALL CONDITIONS PURSUANT THEREIN HAVE BEEN MET.

CHAIRMAN, CITY OF ELKO PLANNING COMMISSION DATE

APPROVAL - CITY OF ELKO CITY COUNCIL

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, CITY COUNCIL HELD ON THE 27th DAY OF MAY, 2014, A TENTATIVE MAP OF THIS SUBDIVISION WAS DULY AND REGULARLY APPROVED PURSUANT TO N.E.S. 279.230 THROUGH 279.240, INCLUSIVE, AND ALL APPLICABLE LOCAL ORDINANCES. ALL OFFERS OF DEDICATION, AS SHOWN HEREON, WERE ACCEPTED FOR PUBLIC USE.

Mayor, CITY OF ELKO, NEVADA DATE

ATTEST: CITY CLERK, CITY OF ELKO, NEVADA DATE

APPROVAL - NEVADA DIVISION OF WATER RESOURCES

THIS FINAL MAP IS APPROVED BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY, SUBJECT TO REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

NEVADA DIVISION OF WATER RESOURCES DATE

APPROVAL - NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

THIS FINAL MAP IS APPROVED BY THE NEVADA DIVISION OF ENVIRONMENTAL PROTECTION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. THIS APPROVAL CONCERNING SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY AND WATER SUPPLY FACILITIES AND IS PREDICATED UPON PLANS FOR A PUBLIC WATER SUPPLY AND A COMMUNITY SYSTEM FOR DISPOSAL OF SEWAGE.

DIVISION OF HEALTH DATE

APPROVAL - PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES EXCEPTING BELOW.

FRONTIER COMMUNICATIONS DATE

SIERRA PACIFIC POWER COMPANY, S/P/A NV ENERGY DATE

SATVIEW BROADCAST DATE

SOUTHWEST GAS CORPORATION DATE

NOTES:

- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 7.872 ACRES.
- 2) BASIS OF BEARINGS: THE LINE BETWEEN THE FOUND NORTHEAST AND SOUTHWEST CORNERS OF SECTION 11, T.34 N., R.55 E., S.D.B. & M., LADEN AS S 00° 28' 07" E.
- 3) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO NV ENERGY FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIST THAT PARCEL, WITH ANY AND ALL UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME OF INSTALLATION AND THE UTILITY COMPANY.
- 4) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO SOUTHWEST GAS CORP. WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF MAINTAINING, INSTALLING, INSPECTING AND REPAIRING UTILITY FACILITIES WHICH PROVIDE SERVICE TO THAT PARCEL, WITH THE RIGHT TO EXIST THAT PARCEL, WITH ANY AND ALL UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS. RIGHTS ARE ALSO GRANTED TO USE EXISTING PUBLIC RIGHTS-OF-WAY FOR THE PURPOSE OF MAINTAINING, INSTALLING, INSPECTING AND REPAIRING SAID UTILITY FACILITIES.

LEGEND

- ◆ - SECTION CORNER AS NOTED.
- ◇ - FOUND 5/8" REBAR WITH CAP MARKED PLS 8203.
- - CALCULATED POINT ONLY, NOTHING FOUND OR SET

COUNTY ASSESSOR'S CERTIFICATE

I, KATHARINA S. BARNES, CERTIFY THAT THE ASSESSOR'S PARCEL MAPS SHOWN ON THIS MAP ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCELS NO. 901-630-077.

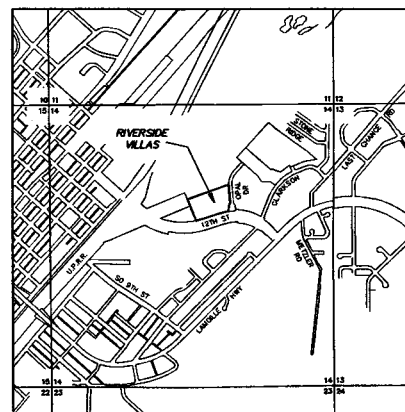
ELKO COUNTY TREASURER DATE

COUNTY TREASURER'S CERTIFICATE

I, RENEEA BRIDGEMAN, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-630-077 HAVE BEEN PAID FOR THIS FISCAL YEAR.

ELKO COUNTY TREASURER DATE

RIVERSIDE VILLAS A CONDOMINIUM DEVELOPMENT PHASE 1 CITY OF ELKO, NEVADA



VICINITY MAP
NOT TO SCALE



OWNERS CERTIFICATE

KNOW OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, BRANSON BRINTON, MANAGER OF RIVERSIDE VILLAS NEVADA, LLC PARTNERSHIP, BEING THE OWNER OF THOSE PARCELS AS SHOWN ON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE RIGHTS OF WAY AND EASEMENTS FOR PUBLIC ACCESS, PUBLIC UTILITY AND OBSCURE PURPOSES AS DESIGNATED HEREON. IN WITNESS WHEREOF, BRANSON BRINTON, SET MY HAND ON THE DATE SHOWN.

RIVERSIDE VILLAS NEVADA, LLC

BY: BRANSON BRINTON, MANAGER DATE

STATE OF NEVADA COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE _____ DAY OF _____, 2014, BY BRANSON BRINTON, MANAGER OF RIVERSIDE VILLAS NEVADA, LLC.

NOTARY PUBLIC

SURVEYOR'S CERTIFICATE

I, ROBERT E. MORLEY, 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 REQUEST OF BRANSON BRINTON, MANAGER OF RIVERSIDE VILLAS NEVADA, LLC.
2. THE LANDS SURVEYED LIE WITHIN SECTION 14, T.34 N., R.55 E., MOON M., AND THE SURVEY WAS COMPLETED ON _____.
3. THIS MAP COMPLETES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE EASEMENTS DEPICTED ON THE MAP ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.



ROBERT E. MORLEY, P.L.S. 6203

CITY ENGINEER'S REPRESENTATIVE CERTIFICATE

I, _____, REPRESENTATIVE FOR THE CITY ENGINEER OF THE CITY OF ELKO, NEVADA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, WITH ALL APPROVED ALTERATIONS, THAT ALL PROVISIONS OF N.E.S. 279.210 THROUGH 279.230, INCLUSIVE, AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH; THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT; AND THAT THE EASEMENTS AS SHOWN ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED.

CITY ENGINEER OR ENGINEERING REPRESENTATIVE DATE

FILING DATA

FILE NO. _____

FILED AT THE REQUEST OF _____

DATE _____ 2014

TIME _____ M.

D. WINE SMILES
ELKO COUNTY RECORDER



SCALE: 1"=50'
SHEET 1 OF 3

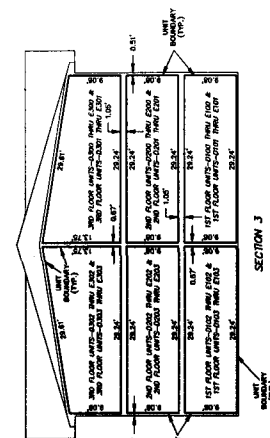
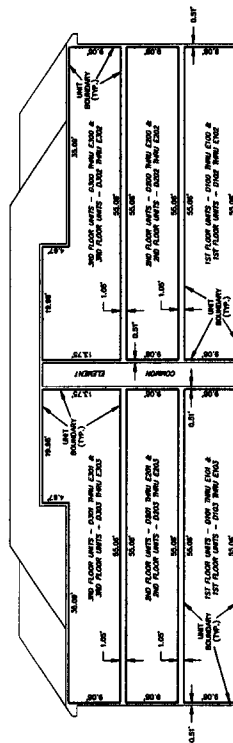
FINAL MAP

RIVERSIDE VILLAS
A CONDOMINIUM DEVELOPMENT
PHASE 1
IN
SECTION 14, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA



HIGH DESERT
ENGINEERING,
LLC
840 IDAHO STREET
ELKO, NEVADA 89601
(775) 738-4053

218005



SHEET 3 OF 3

FINAL MAP

**OF
RIVERSIDE VILLAS
A CONDOMINIUM DEVELOPMENT
PHASE 1**

SECTION 14, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

**HIGH DESERT
ENGINEERING,
LLC**

218040



SCALE: 1"=10'



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of July 9, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 9, 2018 pursuant to City Code Sections 3-3-6 (B)1 and (C) 2:

Final Plat No. 9-18, filed by Riverside Villas Nevada, LLC, for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres divided into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto.

The subject property is located generally on the northwest corner of the intersection of S. 12 Street and Opal Drive (APN 001-630-077).

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. 9-18 subject to the conditions in the City of Elko Staff Report dated June 21, 2018 listed as follows:

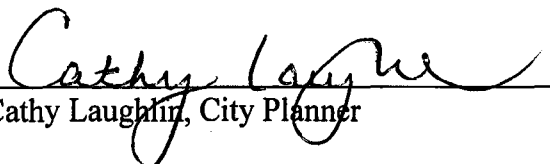
Development Department:

1. The Final Plat is approved for 24 residential condominium units and 1 remainder lot including the common area for the facility.
2. State approval of the subdivision is required.
3. Conformance with Preliminary Plat conditions is required.
4. The Owner/Developer is to record the final plat within 2 years of the date City Council approves the final plat.
5. Identify the location of the pedestrian easement which was granted for the extension of the HARP trail, prior to being presented City Council.
6. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be structured to address the unique circumstances associated with the proposed subdivision.
7. The Performance Agreement shall be approved by the City Council.
8. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
9. The subdivision map shall provide the names of all adjoining subdivisions with name, date, book and page number of recordation noted, this includes the properties adjoined by 12th Street and Opal Drive, the information shall be added to the final plat prior to being presented to City Council.

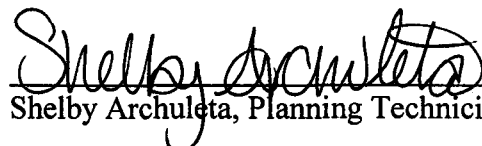
Fire Department:

1. Follow the 2012 International Fire Code Appendix D, Section D106 regarding Access Roads within Residential Developments.

The Planning Commission's findings to support its recommendation are the Final Plat for Riverside Villas Condominiums, Phase 1 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 Plan. The proposed subdivision is in conformance with the Transportation Component of the Master Plan. The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive). The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-40 of City Code. The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-41 of City Code. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The Subdivider will be responsible for any required State approvals to be in conformance with Section 3-3-42 of City Code. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is 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. An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision. 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. As noted under Section 3-3-44 an agreement to install improvements is required per City Code. The agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly. All required public improvements are in place, no additional improvements are required as part of this subdivision process. The proposed subdivision conforms to Sections 3-2-3, 3-2-4, 3-2-10, and 3-2-17 of City Code. The proposed subdivision is in conformance with Section 3-8 of City Code.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Scott Wilkinson, Assistant City Manager (via email)
Kelly Wooldridge, City Clerk
John Holmes, Fire Marshal (via email)



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 21, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.5
APPLICATION NUMBER:	Final Plat 9-18
APPLICANT:	Riverside Villas Nevada, LLC
PROJECT DESCRIPTION:	Riverside Villas Condominium, Phase 1

A Final Map for the division of approximately 7.872 acres into 24 condominium units with the conversion of existing apartment units within a C (General Commercial) Zoning District and one remaining lot.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-630-077

PARCEL SIZE: 7.872 Acres (97 lots)

EXISTING ZONING: (C) General Commercial

MASTER PLAN DESIGNATION: (RES- HD) Residential High Density

EXISTING LAND USE: Developed

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North: PQP & PUD / Undeveloped
- East: Commercial (C) / Undeveloped
- South: Commercial (C) / Developed
- West: Commercial (C) / Developed

PROPERTY CHARACTERISTICS:

The property is currently developed with a high density residential uses.

MASTER PLAN 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 3-3 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 3-2-10, Commercial Zoning Districts
- 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:

- The subdivision application has been filed by Riverside Villas Nevada, LLC
- The property is owned by the applicant.
- The Final Plat for the subdivision has been presented to the City in accordance with NRS 278.3601(1)(a).
- The Preliminary Plat was conditionally approved by the City Council on June 12, 2018.

- The Preliminary Plat showed a total of 96 lots as condominiums and 1 common area lot. The proposed density is approximately 12.32 units per acre.
- The Final Plat presented consists of 24 proposed lots with 1 remainder lot. The proposed lots involve two of the eight buildings shown for subdivision under the preliminary plat application. The remaining six buildings are not included in the common lot area.
- Phasing was not shown on the Preliminary Plat.
- The area is approximately 7.872 acres in size.
- The area is identified as APN 001-630-077.
- There is no acreage offered for dedication.
- The applicant has provided a copy of the CCR's for the proposed subdivision. The proposed CCR's have been reviewed by the City's legal counsel.
- The applicant has provided a copy of the Home Owners Association Bylaws for the proposed subdivision. The proposed Home Owners Association Bylaws have been reviewed by the City's legal counsel.
- The area is located north of S. 12th Street and west of Opal Drive.
- The area is zoned C- General Commercial.
- The area is fully developed as an apartment complex. The complex includes two separate properties. The initial development was approved as a condominium project and was processed as a subdivision of property under Final Plat 8-07. The final plat (8-07) was approved by the City Council on January 8, 2008.
- The condominium project was converted to an apartment complex under Map of Reversion 3-11. The map of reversion (3-11) was approved by the City Council on November 8, 2011.
- There have been three Conditional Use permits applied for and approved for the multifamily use of the property. The permits are as follows:
 - Conditional Use Permit 3-06, approved on January 3, 2007 for 252 multi-family units (condominiums) in a general commercial district.
 - Conditional Use Permit 13-13, approved on August 6, 2013 for 156 multi-family units (apartments) in a general commercial district.
 - Conditional Use Permit 2-15, approved February 17, 2015 for 156 multi-family units (apartments) in a general commercial and recorded with the Elko County Recorder as file #701327 on August 12, 2015 for multi-family (apartments) adding phase 2 to the project.
- Both properties are responsible for meeting the conditions outlined in the Conditional Use Permit.
- There is a reciprocal easement agreement (686483) of record governing the use and interaction of both properties. The agreement has been amended twice as recorded and on file as 692683 and 701413.

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:

1. 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 the Transportation Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property does not lie within any capture zones for city wells.
2. The sanitary sewer is connected to a programmed sewer system and all street drainage reports to a storm sewer system.

The proposed subdivision is in conformance with the Wellhead Protection Program.

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

Pre-submission Requirements (A)(1) – The proposed Final Plat is in conformance with the zone requirements.

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 identifies 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, the map identifies the location of all condominium units in a typical plan view and section view of the buildings. For reference the front of each building is identified on Sheet 2.
 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. A copy of the CC&R's for this project were provided with the preliminary plat and have been reviewed.
- 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. No roadway improvements are required for this subdivision. .
 2. The centerline and width of each right of way is noted on the plat.
 3. No monuments will be set as part of this 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) No Civil improvements are required as part of this subdivision.
 - c) No Civil improvements are required as part of this subdivision
 - d) No Civil improvements are required as part of this subdivision, an engineer's estimate is not required.
 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. Water meters for the subdivision are currently in place. A will serve letter was provided in 2008 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.

The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive).

SECTION 3-3-40 RESPONSIBILITY FOR IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-41 ENGINEERING PLANS

The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision.

SECTION 3-3-42 CONSTRUCTION AND INSPECTION

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-43 REQUIRED IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-44 AGREEMENT TO INSTALL IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision.

SECTION 3-3-45 PERFORMANCE GUARANTEE

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

As noted under Section 3-3-44 an agreement to install improvements is required per city code. The agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly.

SECTIONS 3-2-3, 3-2-4, 3-2-5, 3-2-10 and 3-2-17

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process and prior approvals under the subdivision process.

The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5, 3-2-10 and 3-2-17 of city code.

SECTION 3-8 FLOODPLAIN MANAGEMENT

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. A small portion of the property is located within a FEMA Special Flood Hazard Area. That area is to remain undeveloped.

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

FINDINGS

1. The Final Plat for Riverside Villas Condominiums, Phase 1 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. The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive).
6. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-40 of City code.
7. The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-41 of City code.
8. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The Subdivider will be responsible for any required State approvals to be in conformance with Section 3-3-42 of city code.
9. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is 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. An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision.
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. As noted under Section 3-3-44 an agreement to install improvements is required per city code. The

agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly.

12. All required public improvements are in place, no additional improvements are required as a part of this subdivision process.
13. The proposed subdivision conforms to Sections 3-2-3, 3-2-4, 3-2-10 and 3-2-17 of city code.
14. The proposed subdivision is in conformance with Section 3-8 of City code.

RECOMMENDATION

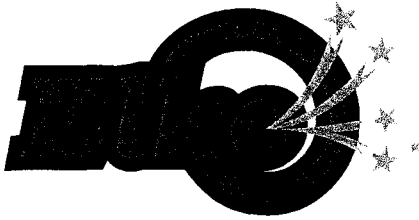
Staff recommends **approval** of the subdivision based on the following conditions:

Development Department

1. The Final Plat is approved for 24 residential condominium units and 1 remainder lot including the common area for the facility.
2. State approval of the subdivision is required.
3. Conformance with Preliminary Plat conditions is required.
4. The Owner/Developer is to record the final plat within 2 years of the date City Council approves the final plat.
5. Identify the location of the pedestrian easement which was granted for the extension of the HARP trail, prior to being presented City Council.
6. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be structured to address the unique circumstances associated with the proposed subdivision.
7. The Performance Agreement shall be approved by the City Council.
8. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
9. The subdivision map shall provide the names of all adjoining subdivisions with name, date, book and page number of recordation noted, this includes the properties adjoined by 12th Street and Opal Drive, the information shall be added to the final plat prior to being presented to City Council.

Fire Department

1. Follow the 2012 International Fire Code Appendix D, Section D106 regarding Access Roads within Residential Developments.



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

JUN 18 2018

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s):	Riverside Villas Nevada, LLC - Contact: Branson Brinton		
MAILING ADDRESS:	180 North University Avenue, Suite 200, Provo, UT 84601		
PHONE NO (Home):		(Business):	(385) 207-7225
NAME OF PROPERTY OWNER (If different):	NA <i>(Property owner consent in writing must be provided)</i>		
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-630-097	Address	1525 Opal Drive
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.	Parcel 2A, Pam of Reversion, File No. 665925		
PROJECT DESCRIPTION OR PURPOSE:	Riverside Villas Condo Conversion		
APPLICANT'S REPRESENTATIVE OR ENGINEER:	High Desert Engineering, LLC		

FILING REQUIREMENTS:

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

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

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

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

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

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

By My Signature below:

- ☐ I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- ☐ I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- ☒ I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- ☐ I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- ☐ I acknowledge that, if approved, I must provide an AutoCAD file containing the final subdivision layout on NAD 83 NV East Zone Coordinate System to the City Engineering Department when requesting final map signatures for recording.
- ☐ I have carefully read and completed all questions contained within this application to the best of my ability.

Applicant / Agent

Riverside Villas Nevada, LLC - Contact Branson Brinton

(Please print or type)

Mailing Address

180 N University Avenue, Suite 200

Street Address or P.O. Box

Provo, UT 84601

City, State, Zip Code

Phone Number:

(385) 207-7225

Email address:

bbrinton@pegdev.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 9-18 Date Filed: 6/18/18 Fee Paid: \$1375.00 CK# 14252

24 Lots + Common = 25x25 =
\$ 625
+ 750
\$ 1375

Shelby Archuleta

From: Nick Weaver <nickw@bluedicap.com>
Sent: Monday, June 18, 2018 4:22 PM
To: Jeremy Draper; Cathy Laughlin; Shelby Archuleta
Cc: Branson Brinton
Subject: Final Plat Application
Attachments: Application - FINAL PLAT.PDF; Riverside Villas Owners Bylaws.doc; Riverside Villas Dec CCRs 15 May 2018[2].docx; Articles.pdf

All,

Please see the attached documents containing our Final Plat Application. Bob Morley and his team should have the Plat Map itself in the office of the city before closing hours today. The remainder of the application can be found attached here.

Please note that on the application document under the section: BY My Signature Below, it illustrates acknowledgements, while the PDF would not allow me check those boxes we have read, understand, acknowledge and agree to all the items in the section and consent as to have the City of Elko Staff enter on the property as part of their review.

Assuming you find this application combined with High Desert Engineers (Bob Morley's Team) Plat Map to be complete please put this project on July Planning Commission Agenda.

Best,

Nicholaus Weaver
Investment Analyst

BLUE DIAMOND CAPITAL LLC

180 N. University Ave., Ste. 250
Provo, UT 84601
Cell: (435) 215-5544
Fax: 801.356.5600
Email: Nickw@bluedicap.com

RECEIVED

JUN 18 2018

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BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov



040604

RECEIVED

JUN 18 2018

Nonprofit
Articles of Incorporation
(PURSUANT TO NRS CHAPTER 82)

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

1. Name of Corporation:	Riverside Villas Community Association			
2. Registered Agent for Service of Process: (check only one box)	<input checked="" type="checkbox"/> Commercial Registered Agent: InCorp Services, Inc. Name <input type="checkbox"/> Noncommercial Registered Agent (name and address below) <u>OR</u> <input type="checkbox"/> Office or Position with Entity (name and address below) Name of Noncommercial Registered Agent <u>OR</u> Name of Title of Office or Other Position with Entity Street Address City Nevada Zip Code Mailing Address (if different from street address) City Nevada Zip Code			
3. Names and Addresses of the Board of Directors/Trustees: (each Director/Trustee must be a natural person at least 18 years of age; attach additional page if more than four directors/trustees)	1) Cameron Gunter Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Street Address City State Zip Code 2) Michael Bingham Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Street Address City State Zip Code 3) Name Street Address City State Zip Code 4) Name Street Address City State Zip Code			
4. Purpose: (required; continue on additional page if necessary)	The purpose of the corporation shall be: Other Activities Related to Real Estate			
5. Name, Address and Signature of Incorporator: (attach additional page if more than one incorporator)	I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State. Cameron Gunter Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Address City State Zip Code X Incorporator Signature			
6. Certificate of Acceptance of Appointment of Registered Agent:	I hereby accept appointment as Registered Agent for the above named Entity. If the registered agent is unable to sign the Articles of Incorporation, submit a separate signed Registered Agent Acceptance form. X Authorized Signature of Registered Agent or On Behalf of Registered Agent Entity Date			

JUN 21 2018

Typical Unit Boundary

Parcel name: Typical Unit Boundary

North: 500.3467 East : 957.2765
 Line Course: S 00-00-00 W Length: 19.83
 North: 480.5167 East : 957.2765
 Line Course: S 90-00-00 E Length: 2.65
 North: 480.5167 East : 959.9265
 Line Course: N 00-00-00 E Length: 6.67
 North: 487.1867 East : 959.9265
 Line Course: S 90-00-00 E Length: 13.69
 North: 487.1867 East : 973.6165
 Line Course: S 00-00-00 W Length: 1.42
 North: 485.7667 East : 973.6165
 Line Course: S 90-00-00 E Length: 22.81
 North: 485.7667 East : 996.4265
 Line Course: N 00-00-00 E Length: 5.42
 North: 491.1867 East : 996.4265
 Line Course: S 90-00-00 E Length: 12.00
 North: 491.1867 East : 1008.4265
 Line Course: N 00-00-00 E Length: 18.57
 North: 509.7567 East : 1008.4265
 Line Course: N 90-00-00 W Length: 55.06
 North: 509.7567 East : 953.3665
 Line Course: S 00-00-00 W Length: 9.41
 North: 500.3467 East : 953.3665
 Line Course: S 90-00-00 E Length: 3.92
 North: 500.3467 East : 957.2865

Perimeter: 171.44 Area: 1,193.31 sq. ft. 0.027 acres

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

Error Closure: 0.0100 Course: S 90-00-00 E

Error North: 0.00000 East : 0.01000

Precision 1: 17,145.00

JUN 21 2018

Parcel B

Parcel name: Parcel B

North: 28472443.4880 East : 610909.6688
Line Course: N 69-58-22 E Length: 811.21
 North: 28472721.3003 East : 611671.8249
Line Course: S 04-37-13 E Length: 355.87
 North: 28472366.5868 East : 611700.4909
Line Course: S 25-22-47 W Length: 50.00
 North: 28472321.4124 East : 611679.0601
Line Course: S 04-37-13 E Length: 100.00
 North: 28472221.7374 East : 611687.1153
Line Course: S 06-58-35 E Length: 20.00
 North: 28472201.8855 East : 611689.5445
Curve Length: 177.90 Radius: 880.00
 Delta: 11-34-58 Tangent: 89.25
 Chord: 177.60 Course: S 77-13-56 W
 Course In: S 06-58-35 E Course Out: N 18-33-33 W
 RP North: 28471328.4007 East : 611796.4295
 End North: 28472162.6367 East : 611516.3398
Line Course: S 71-26-27 W Length: 338.44
 North: 28472054.9168 East : 611195.5002
Curve Length: 116.17 Radius: 1220.00
 Delta: 5-27-20 Tangent: 58.13
 Chord: 116.12 Course: S 74-10-07 W
 Course In: N 18-33-33 W Course Out: S 13-06-13 E
 RP North: 28473211.4713 East : 610807.1940
 End North: 28472023.2380 East : 611083.7835
Line Course: N 22-30-13 W Length: 319.89
 North: 28472318.7701 East : 610961.3483
Line Course: N 22-30-13 W Length: 135.00
 North: 28472443.4906 East : 610909.6781

Perimeter: 2424.49 Area: 342,910.61 sq. ft. 7.872 acres

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

Error Closure: 0.0097 Course: N 74-40-15 E

Error North: 0.00257 East : 0.00936

Precision 1: 249,946.39

Elko City Council
Agenda Action Sheet

1. Title: **Review, consideration, and possible authorization to accept a Relinquishment and Waiver between DDS Properties, LLC and the City of Elko, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **5 Minutes**
5. Background Information: **In July 2005, the City entered into an agreement with Wyatt and Melinda Chambers involving the dedication of a public Right-of-Way to the City in exchange for certain public improvements. The current owner of the property has applied to vacate a portion of the public Right-of-Way with Vacation Application No. 1-18. The City, in consideration for vacating this portion of said right-of-way, has requested the applicant enter into a Relinquishment and Waiver agreement relinquishing any rights or benefits from the 2005 agreement with Chambers. 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: **Relinquishment and Waiver Agreement**
9. Recommended Motion: **Move to accept Relinquishment and Waiver Agreement with DDS Properties LLC**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Legal Counsel**
12. Council Action:
13. Council Agenda Distribution: **Dusty Shipp**
dustyshipp@gmail.com

RELINQUISHMENT AND WAIVER

THIS RELINQUISHMENT AND WAIVER (hereinafter "Waiver"), made and entered into this 16th day of July, 2018 (the "Effective Date"), by and between **DDS PROPERTIES, LLC**, a Nevada Limited Liability Company (DDS) and the **CITY OF ELKO, NEVADA**, a municipal corporation and political subdivision of the State of Nevada (City), as follows:

RECITALS

WHEREAS, on July 1, 2005, the City entered into an agreement with Wyatt and Melinda Chambers (the Chambers) (attached at **Exhibit 1**), private property owners, involving the dedication of a public right-of-way to the City in exchange for certain public improvements;

WHEREAS, DDS is the successor-in-interest to the real property located adjacent to the aforementioned right-of-way and the property dedicated by the Chambers, shown in the description attached hereto at **Exhibit 2** and on the map at **Exhibit 3** (the Right-of-Way);

WHEREAS, the City intends to vacate a portion of the Right-of-Way to DDS, conditioned upon execution of this Waiver;

NOW, THEREFORE, for and in consideration of the above Recitals, the Parties hereby agree as follows:

1. **Relinquishment and Waiver.** DDS hereby irrevocably relinquishes and waives any covenants, agreements or other rights, contractual or otherwise (to include, without limitation, the right to the extension, installation or maintenance of public improvements), which it might have acquired by contract as successor to or assign of the Chambers, or any other owners of the Right-of-Way, or any real property adjacent thereto or in the vicinity thereof.

2. **General Provisions.** The laws of the State of Nevada shall govern this Agreement. This Waiver may be used as a complete defense to any claim asserted in violation hereof. This Waiver shall not be deemed an admission that the aforementioned agreement with the Chambers was enforceable, or that any claim DDS might have is not otherwise barred by the applicable statute of limitations or the doctrine of laches. All obligations of DDS shall be binding upon its officers, employees, agents, representatives, successors and assigns. This Waiver shall become effective when it is signed by both Parties. This Waiver shall remain in full force and effect indefinitely.

IN WITNESS WHEREOF, the Parties have set their hands on the Effective Date.

DDS PROPERTIES, LLC

By: _____

Its: _____

Owner

CITY OF ELKO

By: _____

Chris J. Johnson
CHRIS J. JOHNSON, MAYOR

ATTEST:

Kelly Wooldridge
KELLY WOOLDRIDGE, CLERK

Official Record

Requested By
GONCOECHEA, DIGRAZIA, COYLE, ETAL

Elko County - NV

Jerry D. Reynolds - Recorder

Page 1 of 4 Fee: \$17.00

Recorded By: NR RPTT:

APN #006-09J-029

Recording Requested by:

Golcoechea, DiGrazia, Coyle & Stanton, Ltd.
530 Idaho Street
Elko, NV 89801



Return to:

City of Elko
1751 College Ave
Elko, NV 89801

Grantee's Address:

1751 College Ave
Elko, NV 89801

DEED OF DEDICATION

THIS INDENTURE, made and entered into between **WYATT and MELINDA CHAMBERS**, Grantor, as party of the first part, and the **CITY OF ELKO**, a municipal corporation, organized and existing in the County of Elko, State of Nevada under and by virtue of its Charter and the Special Act of the Legislature of the State of Nevada, Grantee, hereinafter referred to as party of the second part,

W I T N E S S E T H:

That the Grantor, for valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and dedicate to the Grantee, for public use including but not limited to street, highway and utility uses and associated purposes, that certain parcel of real property situate within the City of Elko, County of Elko, State of Nevada, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

TOGETHER WITH the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion reversions, remainder and remainders, rents, issues and profits thereof.

This conveyance and dedication is given upon the express condition that the land dedicated shall be used for roadway, and associated purposes, such as,




561378

10/10/2006
808 of 4

But not limited to, curb, gutter sidewalks, drainage and utility uses.

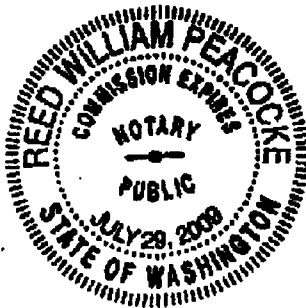
IN WITNESS WHEREOF, the party of the first part has caused this
indenture to be executed this 28 day of September, 2006.



MELINDA CHAMBERS

WASHINGTON
STATE OF NEVADA)
KING : ss.
COUNTY OF ELKO)

On 9-29, 2006, personally appeared before me, a
Notary Public, **MELINDA CHAMBERS**, who acknowledged to me that
she executed the above instrument.



NOTARY PUBLIC



561378

10/10/2006
004 of 4

EXHIBIT A
CITY OF ELKO, NEVADA
PROPOSED JENNINGS WAY DEDICATION

A parcel of land located in Section 8, Township 34 North, Range 55 East, M.D.B. & M., Elko County, Nevada, being a portion of the W1/2 SW1/4 NE1/4 SE1/4 of said Section 8, more particularly described as follows:

Beginning at the Southwest corner of the said W1/2 SW1/4 NE1/4 SE1/4 of Section 8 a point being Corner No. 1, the true point of beginning;

Thence N 00° 11' 28" E, 664.56 feet along the West line of the said W1/2 SW1/4 NE1/4 SE1/4 of Section 8 to corner no. 2, a point being the Northwest corner of the said W1/2 SW1/4 NE1/4 SE1/4 of Section 8;

Thence N 89° 46' 35" E, 70.67 feet along the North line of the said W1/2 SW1/4 NE1/4 SE1/4 of Section 8 to Corner No. 3;

Thence S 12° 52' 40" W, 159.37 feet to Corner No. 4;

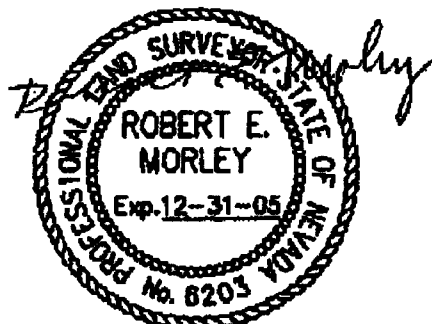
Thence S 00° 11' 28" W, 100.00 feet to Corner No. 5;

Thence S 05° 31' 10" E, 201.00 feet to Corner No. 6;

Thence S 04° 00' 18" W, 75.17 feet to Corner No. 7;

Thence S 06° 33' 46" W, 135.17 feet to Corner No. 8, a point on the South line of the said W1/2 SW1/4 NE1/4 SE1/4 of Section 8;

Thence S 89° 46' 38" W, 35.67 feet along the said South line of the W1/2 SW1/4 NE1/4 SE1/4 of Section 8 to Corner No. 1, the point of beginning, containing 0.706 acres, more or less.



Prepared by Robert E. Morley
High Desert Engineering

640 Idaho Street
Elko, Nevada 89801

Official Record

State of Nevada
Declaration of ValueRequested By
BOICOCHEA, DIGRAZIA, COYLE, ETAL

FOR R

Elko County - NV

Document

Jerry D. Reynolds - Recorder

Book: _____

Page 1 of 1 Fee: \$17.00

Date of R

Recorded By: NR RPTT:

Notes: _____

1. Assessor Parcel Number(s)

- a) 006.09J.029
 b) _____
 c) _____
 d) _____

2. Type of Property:

- a) ☒ Vacant Land b) ☐ Single Fam. Res.
 c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
 e) ☐ Apt. Bldg. f) ☐ Comm'/Ind'l
 g) ☐ Agricultural h) ☐ Mobile Home
 i) ☐ Other _____

3. Total Value/Sales Price of Property:

\$ 0

Deed in Lieu of Foreclosure Only (value of property)

\$ —

Transfer Tax Value per NRS 375.010, Section 2:

\$ 0

Real Property Transfer Tax Due:

\$ 0

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: 2b. Explain Reason for Exemption: Transfer to the City of ELKO

5. Partial Interest: Percentage being transferred: _____ %

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month.

Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature Robert B. Arico Capacity City Attorney

Signature _____ Capacity _____

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: Wyatt & Melinda Chambers
 Address: 24302 Santa Clara Ave
 City: Dana Point
 State: CA Zip: 92629

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: City of ELKO
 Address: 1751 College Ave
 City: ELKO
 State: NV Zip: 89801

COMPANY REQUESTING RECORDING

(REQUIRED IF NOT THE SELLER OR BUYER)

Print Name: Boicocchia, Digrazia, Coyle & Stanton, Ltd. Escrow # _____
 Address: 530 Idaho St.
 City: ELKO State: NV Zip: 89801

EXHIBIT 2
JENNINGS WAY STREET VACATION

May 29, 2018

Parcels of land located in Section 8, T.34 N., R.55 E., M.D.B. & M., City of Elko County, Nevada, being portions of Jennings Way as previously dedicated to the City of Elko by deed recorded in the Office of the Elko County Recorder, Elko, Nevada as Document No. 561378 more particularly described as follows:

PARCEL 1

Beginning at Corner No. 1, a point being the Northwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Thence S 12° 43' 29" W, 159.37 feet along the West Line of said Parcel No. 1 also being along the said existing Easterly right of way of Jennings Way to Corner No. 2;

Thence N 00° 02' 17" E, 155.22 feet to Corner No. 3;

Thence N 89° 37' 24" E, 35.00 feet to Corner No. 1, the point of beginning, containing 2,716 Square Feet, more or less.

PARCEL 2

Beginning at Corner No. 1, a point being the Southwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Continued on Page 2

Continued from Page 1
Jennings Way Street Vacation

Thence N 00° 02' 17" E, 409.34 feet to Corner No. 2, a point being on the Westerly Line of said Parcel No. 1 and also being a point on the said existing Easterly right of way of Jennings Way;

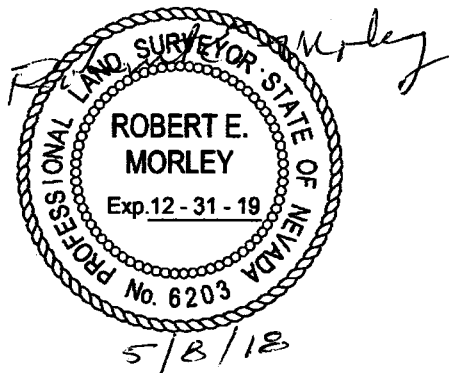
Thence S 05° 40' 21" E, 201.00 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 3;

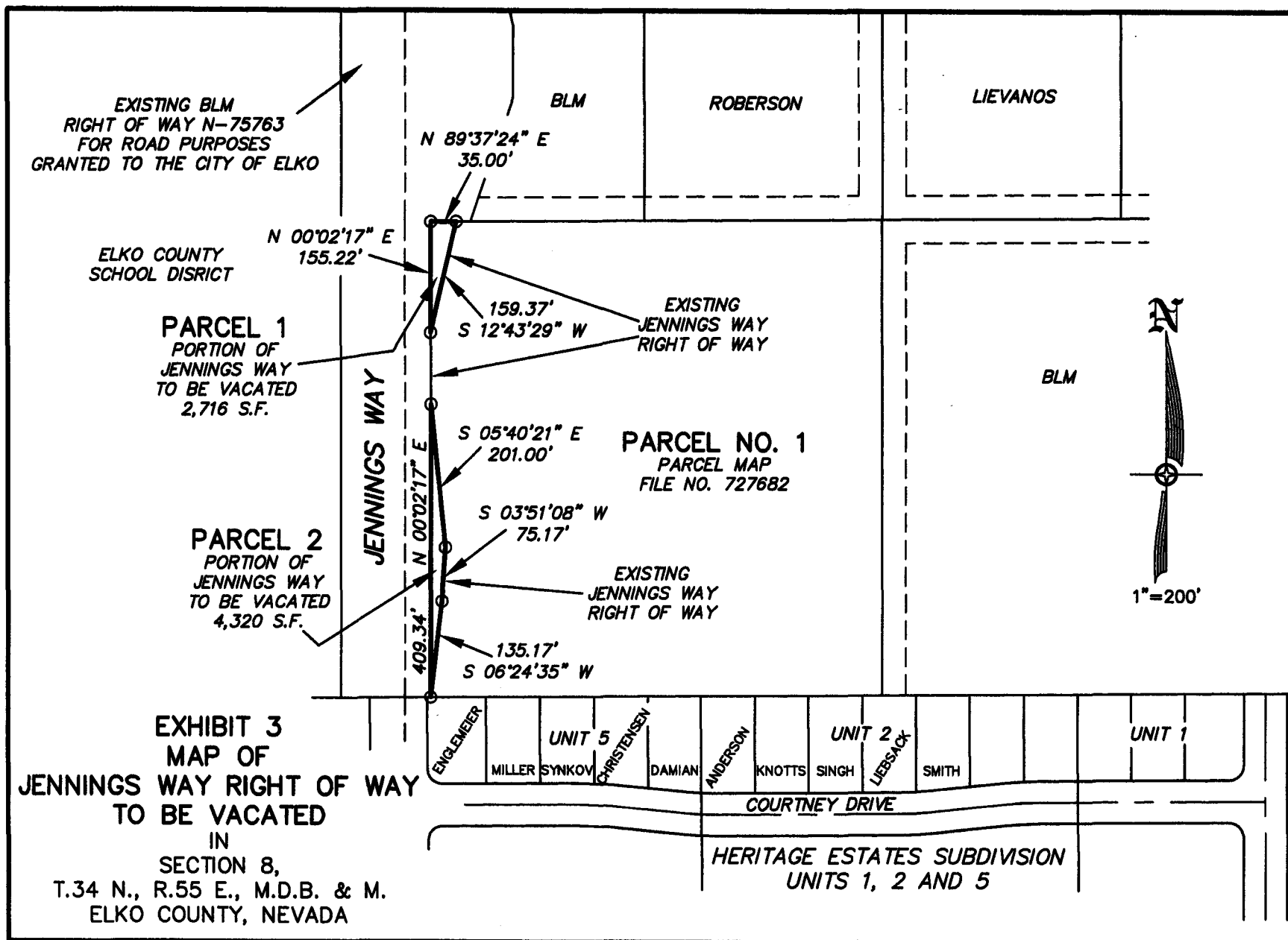
Thence S 03° 51' 08" W, 75.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 4;

Thence S 06° 24' 35" W, 135.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 1, the point of beginning, containing 4,320 Square Feet, more or less.

The basis of bearings for the above described parcels is the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682.

Reference is hereby made to Exhibit 3, Map of Jennings Way Right of Way to Be Vacated attached hereto and made a part hereof.





**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate a portion of an existing awning and sign, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **The VFW had a recent survey of the property in order to apply for a rezone from R-Residential to PQP-Public, Quasi-Public. The survey showed that a portion of the existing awning and sign are within the City of Elko Right-of-Way. They do not have any off street parking and utilize the parking off VFW Drive and 14th Street for their parking. This application is in conjunction with the rezone 5-18 and variance 6-18 applications will bring the property into conformance with ECC 3-2-17. 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: **License agreement, P.C. action report, Staff report, and application**
9. Recommended Motion: **Approve Revocable Permit No. 3-18 subject to execution of a standard license agreement between the applicant and the City of Elko.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission**
12. Council Action:
13. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net**

Agenda Item VI.B.

VFW Post 2350
P.O. Box 1266
Elko, NV 89803
jhire@frontiernet.net

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 **GASPER J. SALAZ POST NUMBER 2350 VETERANS OF FOREIGN WARS OF THE UNITED STATES INCORPORATED**, a Nevada non-profit corporation, hereinafter called the "**Licensee**."

RECITALS

- A. **Licensee** owns property located generally at 646 VFW Drive, Elko, Nevada; and
- B. **Licensee**, upon a change to the zoning of the property, lost the legal non-conforming use of on-street parking;
- C. **Licensee** desires to temporarily continue to use **City of Elko** street rights-of-way located generally on the west side of VFW Drive and the east side of 14th 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,
- D. **Licensee** seeks from the **City of Elko** a revocable license to use portions of the Right-of-Way for parking as shown on the site plan attached hereto as Exhibit B, as well as for an encroachment by a portion of an existing awning and sign.

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 on-street parking 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 parking and related improvements at all times, to include proper striping of parking spaces.

(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 License 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.

**GASPER J. SALAZ POST NUMBER
2350 VETERANS OF FOREIGN WARS
OF THE UNITED STATES
INCORPORATED:**

CITY OF ELKO:

By: _____

By: _____

CHRIS J. JOHNSON, Mayor

Title: _____

ATTEST:

KELLY WOOLDRIDGE, City Clerk

JUN 14 2018

EXHIBIT "A"

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 1:

A portion of 14th Street, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence South 41°59'13" West, a distance of 10.00 feet, to Corner No. 1, the True Point of Beginning;

thence continuing South 41°59'13" West, a distance of 9.00 feet to Corner No. 2;

thence North 48°00'47" West, a distance of 88.00 feet to Corner No. 3;

thence North 41°59'13" East, a distance of 9.00 feet to Corner No. 4;

thence South 48°00'47" East, a distance of 88.00 feet to Corner No. 1, the Point of Beginning, containing 792 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 2:

A portion of VFW Drive, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence North 41°59'13" East, a distance of 64.50 feet, to Corner No. 1, the True Point of Beginning;

thence North 48°00'47" West, a distance of 240.00 feet to Corner No. 2;

thence North 41°59'13" East, a distance of 20.00 feet to Corner No. 3;

thence South 48°00'47" East, a distance of 240.00 feet to Corner No. 4;

thence South 41°59'13" West, a distance of 20.00 feet to Corner No. 1, the Point of Beginning, containing 4,800 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 3:

A portion of VFW Drive, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence North 41°59'13" East, a distance of 50.00 feet; thence North 48°00'47" West, a distance of 123.00 feet to Corner No. 1, the True Point of Beginning;

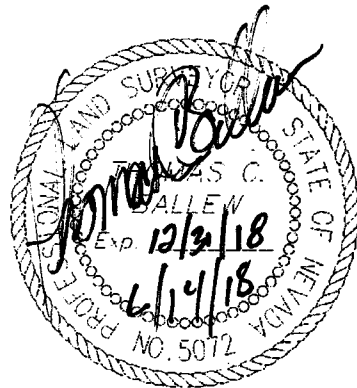
thence continuing North 48°00'47" West, a distance of 11.50 feet to Corner No. 2;

thence North 41°59'13" East, a distance of 4.00 feet to Corner No. 3;

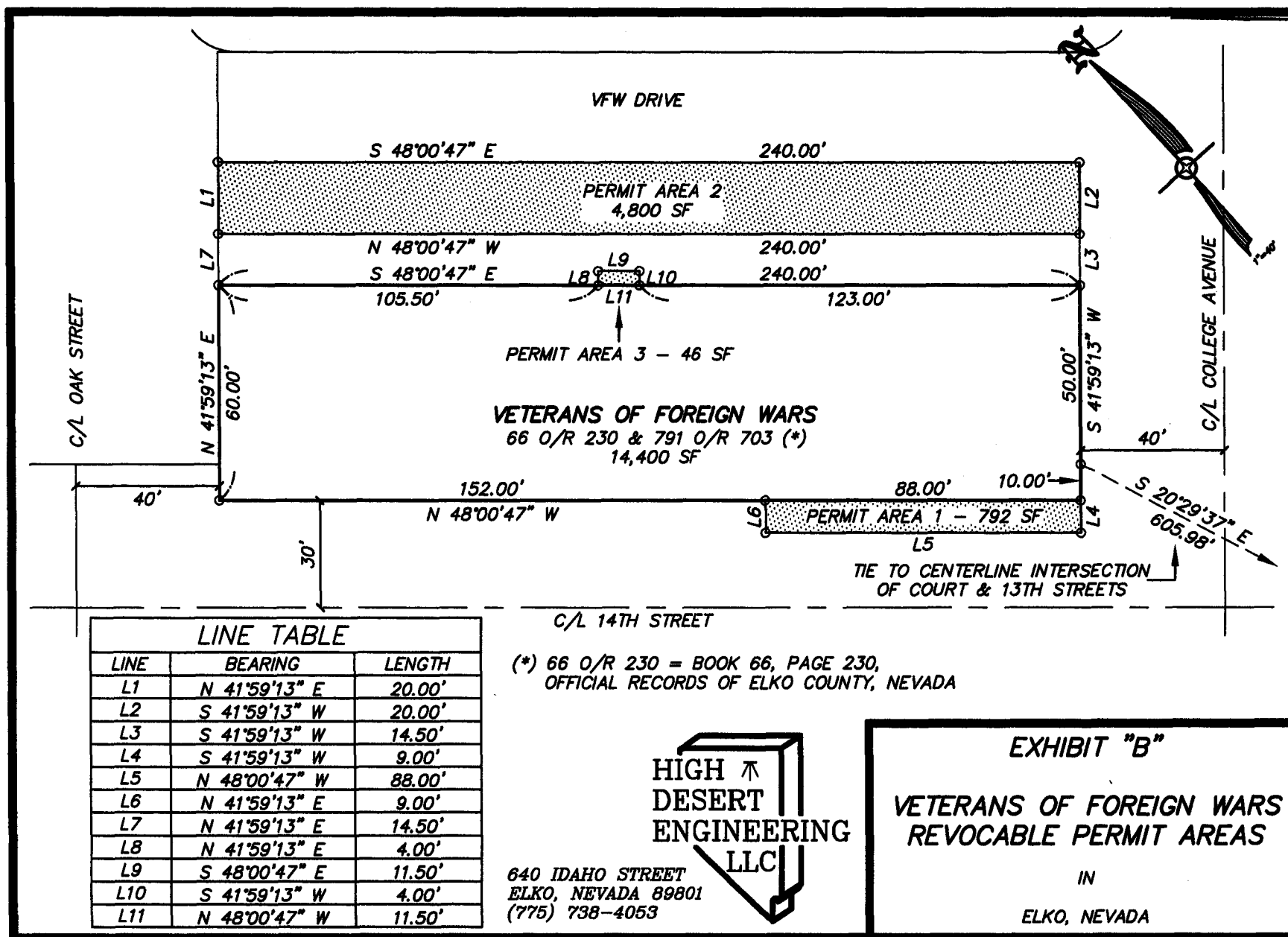
thence South 48°00'47" East, a distance of 11.50 feet to Corner No. 4;

thence South 41°59'13" West, a distance of 4.00 feet to Corner No. 1, the Point of Beginning, containing 46 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.



JUN 14 2018





CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of July 9, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 9, 2018 per Section 3-2-17 C. 4. of the Elko City Code:

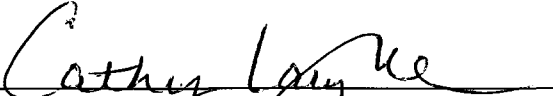
Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate an existing awning and sign, and matters related thereto.

The subject property is located generally on the northwest corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

WHEREAS, the Planning Commission, upon review and consideration of the application, supporting data, public input and testimony, recommend to City Council to Approve Revocable Permit 3-18 for parking, existing awning and sign in VFW Drive and 14th Street right-of-way subject to execution of a Standard License Agreement between the Applicant and the City of Elko subject to the conditions listed in the City of Elko Staff Report dated June 22, 2018, listed as follows:

- 1. Approval of rezone application 5-18 is required.**
- 2. Approval of variance application 6-18 is required.**
- 3. A revocable license agreement between the applicant and the City of Elko is required.**
- 4. The existing parking shall have the required number of ADA spaces.**
- 5. A written legal description of the area is required. The legal description and an approved site plan are to be a part of the license agreement.**
- 6. The applicant is responsible for maintenance of the occupied right-of-way to City standards. The maintenance includes striping of parking spaces. This condition will be incorporated into the license agreement.**

The Planning Commission's findings to support its recommendation are the existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan. The property is not located within the Redevelopment Area. Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of City Code. Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of City Code. Approval of Rezone 5-18 and Revocable Permit 3-18 is required for the property to be in conformance with Section 3-9 of City Code.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Scott Wilkinson, Assistant City Manager (via email)
Kelly Wooldridge, City Clerk



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 22, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.3
APPLICATION NUMBER:	Revocable Permit 3-18
APPLICANT:	Veterans of Foreign Wars
PROJECT DESCRIPTION:	646 VFW Drive
RELATED APPLICATIONS:	REZ 5-18, VAR 6-18

A Revocable Permit to allow for parking within public Rights-of-Way along VFW Drive and 14th Street, allowing for a portion of an awning to occupy public Right-of-way and an existing sign. The property use is the existing VFW Hall.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-001

BUILDING SIZE: ± 3,744 sq. ft.

EXISTING ZONING: (R) Single Family and Multiple-Family Residential District, Rezone 5-18 is to be considered on July 9, 2018 to change the zoning to (PQP) Public, Quasi-Public

MASTER PLAN DESIGNATION: (PUBLIC) Public, Quasi-Public

EXISTING LAND USE: Existing VFW Hall

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North: PQP- Public, Quasi, Public / Developed
- East: PQP- Public, Quasi, Public / Partially Developed
- West: R- Residential / Developed
- South: R- Residential / Developed

BACKGROUND:

- The building is currently in use as the VFW Hall.
- The parking is currently considered a legal non-conforming use.
- Due to the width of the lot and building coverage no off street parking is provided at this location.
- The VFW has a lease with the City of Elko for a storage building located at 001-200-002, the former police station.
- There are 8 parking spaces on 14th Street and 18 parking spaces on VFW Drive.
- ADA parking and accessible route is from the 14th Street parking.
- A portion of the awning for the covered patio encroaches into the VFW Drive right-of-way.
- One post of the existing sign encroaches into the VFW Drive right-of-way.
- The applicant has applied for a rezone of the property from the existing Single Family Multiple Family Residential District (R) to a Public/Quasi Public District (PQP). Approval of this application is required as a condition for approval of the revocable permit.
- The applicant has applied for a variance of setback requirements stipulated in the PQP district to address non-conforming setback issues. Approval of this application is required as a condition for approval of the revocable permit.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- City of Elko Master Plan – Land Use Component
- City of Elko Redevelopment Plan
- City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.
4. The current use, not zone district, conforms to the Master Plan.

The existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. The property has several non-conforming issues with the existing zone and the proposed zone.
2. A portion of the awning for the covered patio encroaches not only into the setbacks, but into the VFW right-of-way.

Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of city code.

SECTION 3-2-17, TRAFFIC, ACCESS, PARKING, AND LOADING REQUIREMENTS

Generally all required parking provided for use by a property shall be located off-street and shall be set back from every lot line a sufficient distance to assure that no part of any parked vehicle will project over the lot line.

- Required parking for a Social Club shall be 1 parking space per 200 square feet of useable floor area, based on 3,744 SF this equates to 19 spaces
- A total of 26 on street, legal non-conforming, parking spaces are striped on VFW Drive (18) and 14th Street (8).

Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of city code.

SECTION 3-9 SIGN REGULATIONS

1. Each property, lot or parcel of record within any commercial or industrial zoning district of the city are permitted one freestanding sign on each street frontage.
2. Signs are not permitted in any residential zoning district.
3. The existing sign is considered a legal non-conforming sign but would not be allowed to be enlarged or expanded upon in the properties current zoning district, Residential.

The existing sign with possible approvals of rezone application 5-18 and Revocable Permit 3-18 are in conformance with the Section 3-9 of Elko City Code.

FINDINGS

1. The existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan.
2. The property is not located within the Redevelopment Area.
3. Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of city code.
4. Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of city code.
5. Approval of Rezone 5-18 and Revocable Permit 3-18 is required for the property to be in conformance with Section 3-9 of city code.

STAFF RECOMMENDATION:

Staff recommends this item be **APPROVED** subject to the following conditions:

1. Approval of rezone application 5-18 is required.
2. Approval of variance application 6-18 is required.
3. A revocable license agreement between the applicant and the City of Elko is required.
4. The existing parking shall have the required number of ADA spaces.
5. A written legal description of the area is required. The legal description and an approved site plan are to be a part of the license agreement.
6. The applicant is responsible for maintenance of the occupied right-of-way to City standards. The maintenance includes striping of parking spaces. This condition will be incorporated into the license agreement.



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): Veterans of Foreign Wars
MAILING ADDRESS: PO Box 1266, Elko, NV 89803
PHONE NO (Home) _____ (Business) (775) 738-7816
NAME OF PROPERTY OWNER (If different): same
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: same
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-200-001
Address 646 VFW Drive, Elko, NV 89801
APPLICANT'S REPRESENTATIVE OR ENGINEER: Thomas C. Ballew, High Desert Eng.

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

JUN 14 2018

Describe the proposed use of the property: The property is currently used as a meeting
hall for the local chapter of the Veterans of Foreign Wars. This use will not change

(Dimensions) See attached legal description 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

VETERANS OF FOREIGN WARS / WALT JORDAN
(Please print or type)

Mailing Address

PO Box 1266

Street Address or P.O. Box

ELKO, NV 89803

City, State, Zip Code

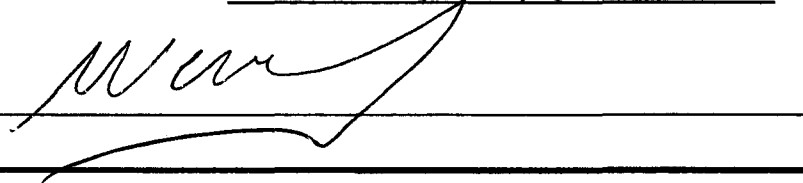
Phone Number:

(775) 340-5684

Email address:

WALTJCPA@GMAIL.COM

SIGNATURE:



FOR OFFICE USE ONLY

File No.:

3-18

Date Filed:

6/14/18

Fee Paid:

\$400 CK#3952

Elko City Council
Agenda Action Sheet

1. Title: **Review, consideration, and possible authorization to enter into an Agreement to Install Improvements and Performance/Maintenance Guarantees for subdivision improvements associated with the Riverside Villas Condominiums Phase 1 Subdivision, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 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 guaranty in accordance with Elko City Code 3-3-45. As noted in the recitals of the agreement, the property was developed under a prior final plat approval including a related performance agreement and related guarantee. SAW**
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 Riverside Villas Condominiums Phase 1 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: **David Stanton, City Attorney**
12. Council Action:
13. Council Agenda Distribution: **Branson Brinton - bbrinton@pegdev.com**
Nick Weaver - nickw@bluedicap.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 **Riverside Villas Nevada, LLC**, a Delaware Limited Liability Company, hereinafter referred to as "**Developer**."

RECITALS

- A. WHEREAS, Developer** is converting a multiple-family housing complex into condominiums by subdividing certain property within the **City**, the subdivision being generally known as Riverside Villas Condominiums;
- B. WHEREAS, Developer** will convert the property into twenty-four(24) separate condominium units and one (1) remainder parcel by means of Subdivision Map No.9-18;
- C. 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;
- D. 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**;
- E. WHEREAS**, the property was previously developed by Signature Developers, LLC under final plat 8-07, as approved by the City Council on January 8, 2008;
- F. WHEREAS**, the **City** entered into an Agreement to Install Public Improvements with and received the required Performance Guaranty from Signature Developers, LLC on November 3, 2008;
- G. WHEREAS**, on April 28, 2009, the **City** accepted the required public improvements identified in the Agreement to Install Public Improvement and Performance Guarantee dated November 3, 2008;
- H. WHEREAS**, the **City** has determined that the required site and public improvements have been completed, that no further public improvements are required, and that the required maintenance period has terminated;
- I. WHEREAS**, the requirements of City Code Section 3-3-45 having been satisfied, no additional performance guaranty or maintenance guaranty shall be required for the proposed subdivision;

J. **WHEREAS**, the City approved the Final Plat on July 24, 2018;

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** No additional public improvements shall be required for this subdivision.

B. 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) All other Final Plat requirements set forth in the Nevada Revised Statutes, the Elko City Code and this Agreement have been met.

C. EFFECTIVE DATE. The Effective Date of this Agreement shall be July 24, 2018 which is the date the City approved the Final Plat, and this Agreement shall operate retroactively to that date.

D. TERM. The Term of this Agreement shall be twenty-four (24) months from the Effective Date, unless all requirements requisite to certification of the final plat have been 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 City determines that all requisites to final plat certification have been satisfied.

E. DESCRIPTION OF CONDITIONS. In addition to any other requirements contained herein, the final plat shall not be approved by the City unless the Developer fully satisfies the following requirements:

(1) COMPLIANCE WITH CITY CODE. Developer shall comply with the Elko City Code in all matters pertaining to the subdivision.

(2) COMPLIANCE WITH NRS CHAPTER 116. Developer shall fully comply with the provisions of NRS Chapter 116 and shall provide the City with copies of any and all statutorily-required notices that are provided to the residents of the subdivision pertaining to the conversion to and sale of condominiums.

(3) SUBDIVISION CONDITIONS. Developer shall satisfy all subdivision approval conditions established by or at the direction of the City Council and the City Planning Commission.

2. GENERAL TERMS AND CONDITIONS.

A. 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.

- B. 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.
- C. 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.
- D. 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: Branson Brinton, Riverside Villas Nevada LLC., 180 North University Avenue, Suite 200, Provo, UT 84601.
- E. 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 subdivision or other action described in this Agreement.
- F. TIME OF THE ESSENCE.** Time is of the essence and a material provision of this Agreement.
- G. 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 subject matter of this Agreement.
- H. 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.
- I. 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.

- J. DOCUMENTS PROVIDED TO CITY ARE PUBLIC.** This Agreement 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 subject matter hereof.
- K. 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.
- L. 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.
- M. 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.
- N. NO AGENCY, PARTNERSHIP OR JOINT VENTURE.** Nothing herein contained shall be construed to create an agency, partnership or joint venture between the parties.
- O. 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 - Riverside Villas Nevada, LLC
a limited liability corporation

By: _____
CHRIS J. JOHNSON, Mayor

By: _____
Branson Brinton,

ATTEST:

Kelly Wooldridge, City Clerk

**Elko City Council
Agenda Action Sheet**

1. Title: **First reading of Ordinance No. 833, an ordinance amending Title 7, Chapter 2 and Title 7, Chapter 5, of the Elko City Code entitled "Traffic Regulations", by repealing existing traffic laws except as otherwise provided. Adopting by reference NRS chapters 484A through 484E, inclusive, to be the traffic laws of the city insofar as they may be made to be applicable and retaining specific traffic and traffic related laws of the City and other matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **ORDINANCE**
4. Time Required: **10 Minutes**
5. Background Information: **The Elko Police Department is recommending changes in accordance with NRS 484. BR**
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 No. 833**
9. Recommended Motion: **Conduct first reading of Ordinance No. 833, and direct Staff to set the matter for public hearing, second reading, and possible adoption.**
10. Prepared By: **Ben Reed, Jr., Police Chief**
11. Committee/Other Agency Review: **City Attorney**
12. Council Action:
13. Agenda Distribution:

CITY OF ELKO
ORDINANCE NO. 833

AN ORDINANCE AMENDING TITLE 7 CHAPTER 2 AND TITLE 7 CHAPTER 5 OF THE ELKO CITY CODE ENTITLED "TRAFFIC REGULATIONS" BY REPEALING EXISTING TRAFFIC LAWS EXCEPT AS OTHERWISE PROVIDED AND ADOPTING BY REFERENCE NRS CHAPTERS 484A THROUGH 484E, INCLUSIVE, TO BE THE TRAFFIC LAWS OF THE CITY INsofar AS THEY MAY BE MADE TO BE APPLICABLE AND RETAINING SPECIFIC TRAFFIC AND TRAFFIC RELATED LAWS OF THE CITY AND OTHER MATTERS RELATED THERETO.

WHEREAS, pursuant to the Elko City Charter, the City of Elko City Council Members may regulate all vehicular, pedestrian and other traffic within the City; and,

WHEREAS, the State of Nevada has generally adopted its traffic laws as set forth in the Nevada Revised Statutes Chapters 484A through 484E, inclusive, and the City desires to adopt such laws by reference to the extent the same may be made applicable to the City; and,

WHEREAS, the City Council desires to enact this ordinance amending and adding sections to the Traffic Regulations Code to adopt within the City of Elko a code which is uniform with the state traffic laws except as otherwise specifically provided herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN:

For amendment purposes, words which are bold and underlined are additions to the Code and words which are bold and in brackets are deleted from the code.

SECTION 1: PURPOSE, AMENDMENT AND INTERPRETATION.

A. The purposes of this amendment are to adopt, by reference, specified traffic laws of NRS Chapters 484A through 484E, inclusive, as amended from time to time, to apply to the City insofar as such may be made applicable. In the event the City may not enact or exercise jurisdiction over various portions of any such laws by reason of preemption by State law or otherwise, those portions shall be of no force and effect within the Municipal Court of the City and may only be enforced as allowed by State law. In the event a specific State law is not adopted, it has been specifically excluded. In the event a specific City code is retained from prior codifications or adopted, which code is not part of the State law, it has been specifically retained or included.

B. The City Council may amend the provisions adopted by reference at any time by ordinance as provided by law. In the event that the State Legislature amends any provisions which the

City has adopted by reference, the City Council may ratify such amendments by resolution and, once such ratification occurs, the amendments of the State Legislature shall immediately become effective, unless the context of the amendment otherwise provides.

C. Whenever an adopted provision of NRS Chapters incorporated herein refers to another provision of the Nevada Revised Statutes, the referenced provision is also adopted by reference to the extent it is consistent with the purpose herein set forth.

SECTION 2: REPEAL AND ADOPTION. The current provisions of Title 7 Chapter 2 of the Elko City Code are hereby repealed as shown hereafter and Title 7 Chapter 2 is further amended as shown hereafter:

(For purposes of this Amendment, text which is bold and underlined is an addition to the provision(s); text which is bold, underlined and in brackets is a deletion to the provision(s)).

Drafter's Note – Changes to Title 7 Chapter 2 follow. The majority of the current provisions of this Chapter will be repealed and replaced by the corresponding state laws on point, but some existing City codes are retained as matters of particular local concern. As shown hereafter, laws of the state of Nevada concerning traffic, set forth by title only, are hereby adopted by reference to the extent the same may be made applicable to the City. The provisions adopting state law by reference will all be within 7-2-__, which may be cited as "7-2-__, as referenced in NRS 484__" (whichever the appropriate state law provision may be). For ease of review, the yellow highlighted portions show the provisions retained from the existing City Code.

Chapter 2 ELKO TRAFFIC CODE

7-2-1: TITLE **AND CONFLICT RESOLUTION:**

7-2-2: **LOCAL** DEFINITIONS:

{7-2-3: TRAFFIC ADMINISTRATOR:}

{7-2-4: ACCIDENTS AND ACCIDENT REPORTS:}

7-2-~~3~~**{5}**: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS:

{7-2-6: OBEDIENCE TO POLICE OFFICERS:}

{7-2-7: PERSONS PROPELLING PUSHCARTS OR RIDING OR DRIVING ANIMALS TO OBEY TRAFFIC REGULATIONS: }

7-2-~~4~~**{8}**: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS:

{7-2-9: AUTHORIZED EMERGENCY VEHICLES:}

7-2-5{10}: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES:

{7-2-11: OBEDIENCE TO TRAFFIC CONTROL DEVICES:}

7-2-6{12}: OFFICIAL TRAFFIC CONTROL DEVICES PRESUMPTION {REQUIRED FOR ENFORCEMENT PURPOSES:}

{7-2-13: TRAFFIC AND PEDESTRIAN CONTROL SIGNAL; LEGEND:}

{7-2-14: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS AND MARKINGS:}

{7-2-15 INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS:}

7-2-7{16}: CITY ENGINEER TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY ZONES AND TRAFFIC LANES:

{7-2-17: AVOIDING TRAFFIC SIGNALS:}

7-2-8{18}: SPEED REGULATIONS

{7-2-19: DRAG RACING: }

{7-2-20-: RECKLESS DRIVING (REP.BY ORD. 448, 8-9-1994):}

7-2-9{21}: CARELESS AND INATTENTIVE DRIVING:

{7-2-22: DIRVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE (REP. BY ORD 341, 8-9-1983):}

{7-2-23: RULES OF THE ROAD:}

7-2-10{24}: DESIGNATION OF RIGHT OF WAY AND STOP AND YIELD INTERSECTIONS:

7-2-11{25}: AUTHORITY REGARDING TURNING MOVEMENTS AND SIGNS:

{7-2-26: FOLLOWING FIRE APPARATUS AND CROSSING THE FIRE HOSE:}

{7-2-27: FUNERAL PROCESSIONS:}

{7-2-28: VEHICLE SHALL NOT BE DRIVEN ON SIDEWALK:}

7-2-12{29}: PERMITS FOR PROMOTIONAL USE OF CITY STREETS:

7-2-13{30}: PERMITS REQUIRED FOR PARADES, PROCESSIONS AND ASSEMBLAGES:

{7-2-31: CLINGING TO, BOARDING, ALIGHTING FROM OR UNLAWFUL RIDING IN VEHICLES:}

{7-2-32: TRAINS ON CROSSING:}

{7-2-33: HAULING VEHICLES:}

{7-2-34: THROWING TACKS, INJURIOUS MATERIALS:}

{7-2-35: WEIGHTS, LOADS:}

7-2-~~14~~**{36}**: NEW PAVING OR PAVEMENTS}

{7-2-37: REQUIREMENTS REGARDING HORNS, LIGHTS, MUFFLERS AND OTHER DEVICES:}

{7-2-38: OVERHANGING LOADS}

{7-2-39: PEDESTRIANS AND HITCHHIKING:}

7-2-~~15~~**{40}**: STOPPING, STANDING AND PARKING:

{7-2-41: LIMITATIONS ON BACKING:}

{7-2-42: PERSONS WORKING ON HIGHWAYS, STREETS AND ALLEYS; EXCEPTIONS:}

{7-2-43: OBEDIENCE TO AUTHORIZED FLAG PERSONS:}

7-2-~~16~~**{44}**: AUTHORITY TO CLEAR FIRE LANES ON PUBLIC OR PRIVATE PROPERTY:

7-2-~~17~~**{45}**: PENALTIES:

7-2-~~18~~**{46}**: REQUIRED OBEDIENCE TO TRAFFIC CODE:

7-2-~~19~~**{47}**: TOWING CARS AWAY:

{7-2-48: ABANDONED MOTOR VEHICLES:}

7-2-~~20~~**{49}**: MANDATORY MOTOR VEHICLE INSURANCE:

{7-2-50: FAILURE TO OBEY CITATION:}

{7-2-51: FAILURE TO OBEY CITATION FOR PARKING:}

7-2-~~21~~**{52}**: PARKING OF TRUCK-TRACTORS AND TRAILERS:

7-2-~~22~~**{53}**: EXCEPTIONS FOR PARKING OF TRUCK-TRACTOS OR TRAILERS:

{7-2-54: DISCHARGE OF VEHICLE FLUIDS UPON PUBLIC STREETS AND ALLEYS:}

7-2-23: ADOPTION OF STATE TRAFFIC LAW BY REFERENCE

BODY OF CODE

7-2-1: TITLE AND CONFLICT RESOLUTION:

This chapter may be cited as the *ELKO TRAFFIC CODE*. In the event of a conflict between any State law incorporated in the City Code and any applicable specific City code set forth herein, the City Code shall be controlling. In the event any of the State laws hereafter amends any of the codes adopted herein by reference and such amendment may be made applicable to the traffic laws of the City, such amendments are adopted by the City to the extent permissible by law. If amendments are made by the State and the foregoing is not sufficient to establish the City Code is thereby so amended, the City Council may adopt such amendments as deemed desirable by resolution.

7-2-2: LOCAL DEFINITIONS:

The following terms whenever used in this chapter shall have the meanings indicated:}

{ALLEY OR ALLEYWAY: A. A street or highway within a city block set apart for public use, vehicular traffic and local convenience;}

{AUTHORIZED EMERGENCY VEHICLE: Vehicles publicly owned and operated in the performance of the duty of the police department, fire department, county sheriff's office, Nevada highway patrol, public ambulance agency, public lifeguard or lifesaving agency and such vehicles of government or public service as are designated by the city council or the Police Chief.}

BUSINESS DISTRICT: All areas in the city zoned nonresidential, commercial or industrial.

CITY ENGINEER: The engineer or person designated by the city council to be the Elko traffic engineer.

{COMMERCIAL VEHICLE: Every vehicle designed, maintained or used primarily for the transportation of property in the furtherance of commercial enterprise.}

{CONTROLLED ACCESS HIGHWAY: Every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.}

{CONTROLLED SUBSTANCE: A drug, substance or immediate precursor as given in Nevada Revised Statutes sections 453.161 through 453.206, inclusive.}

{CROSSWALK: A. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway;}

{CURB LOADING ZONE: A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.}

{DRIVER: Every person who drives or is in actual physical control of a vehicle.}

{FREIGHT CURB LOADING ZONE: A space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight.}

{HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.}

{INTERSECTION: A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two (2) highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict;}

{B. Where a highway includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two (2) roadways thirty feet (30') or more apart, then every crossing of such highways shall be regarded as a separate intersection.}

{INTOXICATING LIQUOR: Beer, wine, gin, whiskey, cordials, ethylalcohol or rum, and every liquid or solid, patented or not, containing one-half of one percent (.5%) or more of alcohol by volume and which is so used for beverage purposes.}

{LANED HIGHWAY: A highway which is divided into two (2) or more clearly marked lanes for vehicular traffic.}

{MOTOR VEHICLE: Every vehicle which is self-propelled but not operated upon rails.}

{OFFICIAL TIME STANDARD: Whenever certain hours are named herein they shall mean standard time or daylight savings time as may be in current use in this city.}

{OFFICIAL TRAFFIC CONTROL DEVICES: All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.}

{PARK OR PARKING: The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of merchandise or passengers.}

{PASSENGER CURB LOADING ZONE: A place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.}

{PEDESTRIAN: Any person afoot.}

{POLICE OFFICER: Every officer of the city police department and every other officer authorized to direct or regulate traffic or to make arrests for violations of traffic laws, ordinances or regulations.}

{PRIVATE ROAD OR DRIVEWAY: Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.}

{RAILROAD: A carrier of persons or property upon cars, other than streetcars, operated upon stationary rails.}

{RESIDENCE DISTRICT: All areas of the city zoned residential.}

{RIGHT OF WAY: The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.}

{SAFETY ZONE: The area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.}

{SIDEWALK: That portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.}

{STAND OR STANDING: The halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.}

{STOP: When required, means complete cessation from movement.}

{STOP OR STOPPING: When prohibited, means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.}

{STREET: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.}

{THROUGH STREET OR HIGHWAY: Every street or highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such through street or highway in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this chapter.}

{TRAFFIC: Pedestrians, ridden or herded animals, vehicles and other conveyances either singly or together while using any street or highway for purposes of travel.}

{VEHICLE: Every device in, upon or by which any person or property is, or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks. }

{7-2-3: TRAFFIC ADMINISTRATION:}

{A. Establishment: There is hereby established in the police department of this city a traffic division to be under the control of a police officer appointed by and directly responsible to the Police Chief.}

{B. Duty Of Traffic Division: It shall be the duty of the traffic division, with such aid as may be rendered by other members of the police department, to enforce the traffic regulations of this city, to make arrests for traffic violations, to investigate accidents as may be necessary to determine if there has been a violation of this code, and to cooperate with the city engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon said division by this chapter.}

{C. Records Of Traffic Violations:}

{1. The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of this city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be so maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.}

{2. All forms for records of violations and notices of violations shall be serial numbered. For each month and year, a written record shall be kept available to the public showing the disposal of all such forms.}

{3. All such records shall be public records and copies may be obtained upon payment of such fees as the city council may set from time to time.}

{4. Copies of public records made by the police department shall be charged at the rate of one dollar (\$1.00) for the first page and twenty five cents (\$0.25) for each additional page.}

{D. Traffic Accident Studies: Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city engineer in conducting studies of such accidents and determining remedial measures.}

{E. Traffic Division To Submit Annual Traffic Safety Report: The traffic division shall annually prepare a traffic report, which shall be filed with the city manager and submitted to the city council. Such report shall contain information on traffic matters in the city as follows:}

{1. The number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent traffic accident data;}

{2. The number of traffic accidents investigated and other pertinent data on the safety activities of the police;}

{3. The plans and recommendations of the division for future traffic safety activities.}

{F. City Traffic Engineer: The city engineer shall be designated as the city traffic engineer.}

{7-2-4: ACCIDENTS AND ACCIDENT REPORTS:}

{A. Accidents Involving Death, Personal Injury Or Damage To Vehicle Or Property:}

{1. The driver of any vehicle involved in an accident within the city resulting in injury to or death of any person, or damage to a vehicle or other property, which is driven or attended by any person, shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, and shall forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of subsection B of this section.}

{2. Every such stop shall be made without obstructing traffic more than is necessary.}

{B. Duty To Give Information And Render Aid:}

{1. The driver of any vehicle involved in an accident within the city resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall:}

{a. Give his name, address and the registration number of the vehicle he is driving, and shall upon request and if available exhibit his license to operate a motor vehicle to any person injured in such accident or to the driver or occupant of or person attending any vehicle or other property damaged in such accident; and}

{b. Give such information and upon request manually surrender such license to any police officer at the scene of the accident or who is investigating the accident; and}

{c. Render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary, or if such carrying is requested by the injured person.}

{2. If no police officer is present, the driver of any vehicle involved in such accident after fulfilling all other requirements of subsections A and B1 of this section, insofar as possible on his part to be performed, shall forthwith report such accident to the police department, county sheriff's office or Nevada highway patrol and submit the information specified in subsection B1 of this section.}

{C. Duty Upon Damaging Unattended Vehicle Or Other Property: The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended within the city, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there locate and notify the operator or owner of such vehicle or other property of the name and address of the driver and owner of the vehicle striking the unattended vehicle or other property, or shall attach securely in a conspicuous place in or on such vehicle or property a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking.}

{D. Immediate Notice Of Accident:}

{1. The driver of a vehicle which collides with or is involved in an accident with any vehicle or other property which is unattended within the city, resulting in any damage to such other vehicle or property, shall immediately by the quickest means of communication give notice of such accident to the police department, county sheriff's office or Nevada highway patrol.}

{2. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection D1 of this section and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall make or cause to be given the notice not given by the driver.}

7-2-3{5}: AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS:

A. Enforcement: It shall be the duty of the officers of the police department or such police employees as are assigned by the Police Chief to enforce all traffic laws of this city and all of the state vehicle laws applicable to traffic in this city.

B. Direct Traffic: Officers of the police department or such police employees as are assigned by the Police Chief are hereby authorized to direct all traffic by voice, hand or signal in conformance with traffic laws; provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

C. Employees of Fire Department: Officers of the fire department, when at the scene of an emergency, may direct, or assist, the police in directing traffic thereat or in the immediate vicinity.

{7-2-6: OBEDIENCE TO POLICE OFFICERS:}

{A. Required: Drivers of motor vehicles shall, at all times, comply with any direction, by voice or hand or whistle, of any police officer, as to stopping, starting, approaching or departing from any place, and as to the manner of taking on or discharging passengers or loading or unloading goods, or as to parking vehicles, or as to the speed at which a motor vehicle is being driven. It is unlawful for any person to fail or refuse to comply with any lawful order or direction of any police officer while he is performing his duties in the enforcement of this chapter.}

{B. Failure To Comply: It is unlawful for any driver of a motor vehicle to willfully fail or to refuse to bring his vehicle to a stop or to otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a visual or audible signal to bring his vehicle to a stop. The signal by the peace officer may be by flashing red lamp or siren. As used in this section, "regulatory agency" means any agency granted police or enforcement powers under Nevada Revised Statutes section 407.065, 472.040, 481.048, 481.049, 501.349, 565.155, 703.155 or 706.8821.}

{7-2-7: PERSONS PROPELLING PUSHCARTS OR RIDING OR DRIVING ANIMALS TO OBEY TRAFFIC REGULATIONS:}

{Every person propelling any pushcart or riding an animal upon a street or highway and every person driving any animal drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of a vehicle, except those provisions of this chapter which by their very nature can have no application.}

7-2-4{8}: PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATIONS:

The provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of the United States government, a state, county or city, and it shall be unlawful for any said driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by state statute.

{7-2-9: AUTHORIZED EMERGENCY VEHICLES:}

{A. Applicability: The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.}

{B. Privileges: The driver of an authorized emergency vehicle may:}

{1. Park or stand, irrespective of the provisions of this chapter.}

{2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.}

{3. Exceed the maximum speed limits so long as he does not endanger life or property.}

{4. Disregard regulations governing direction of movement or turning in specified directions.}

{C. Signal And Light Requirements: The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of said vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red or blue light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle.}

{D. Safe Driving: The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.}

7-2-5{10}: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES:

The city engineer shall place and maintain or cause to be placed or maintained, traffic control signs, signals and devices when and as required under the traffic ordinances of this city and approved by the city council to make effective the provisions of this chapter, and may place and maintain such additional traffic control devices as he may deem necessary, with approval of the city council, to regulate traffic under the traffic ordinances of this city or under state law or to guide or warn traffic.

{7-2-11: OBEDIENCE TO OFFICIAL TRAFFIC CONTROL DEVICES:}

{The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with the provisions of this chapter unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.}

7-2-6{12}: OFFICIAL TRAFFIC CONTROL DEVICES PRESUMPTION {REQUIRED FORENFORCEMENT PURPOSES:}

{A. Proper Position Of Device: No provision of this chapter for which official traffic control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position.}

A{B}. Presumption Of Proper Placement: Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B{C}. Compliance: Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the legal requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter unless the contrary shall be established by competent evidence.

{7-2-13: TRAFFIC AND PEDESTRIAN CONTROL SIGNALS; LEGEND:}

{Whenever traffic is controlled by official traffic control devices exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:}

{A. Green Signal:}

{1. Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless another device at such place prohibits either or both such turns. Such vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.}

{2. Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.}

{3. Unless otherwise directed by a pedestrian control signal, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway, street or alley within any marked or unmarked crosswalk.}

{B. Steady Yellow Signal:}

{1. Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter and such vehicular traffic shall not enter the intersection when the red signal is exhibited.}

{2. Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal, are thereby advised that there is insufficient time to cross the roadway and no pedestrian shall then start to cross the roadway.}

{C. Steady Red Signal:}

{1. Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection, or, if none, then before entering the intersection and shall remain stopped or standing except as provided in subsection C2 of this section, until a green signal is shown.}

{2. After complying with the requirement to stop, the driver of a vehicle which is stopped as close as practicable to the right hand curb or edge of the roadway and as close as practicable to the crosswalk on the near side of the intersection or, if none, to the

intersection in obedience to a red signal may make a right turn except where prohibited by sign, or the intersecting highway is one way to the left, but shall yield the right of way to pedestrians and other traffic proceeding as directed by the signal at such intersection before making such turn.}

{3. Unless otherwise directed by a pedestrian control device, pedestrians facing a steady red signal shall not enter the roadway.}

{4. Vehicular traffic facing the signal may not proceed on or through any private or public property to enter the intersecting street where traffic is not facing a red signal to avoid the red signal.}

{D. Signals At Other Than Intersections: In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop, shall be made at the signal.}

{E. Flashing Signals:}

{1. Whenever an illuminated flashing red or yellow signal is used in conjunction with an official traffic control device, it shall require obedience by vehicular traffic as follows:}

{a. Flashing Red (Stop Signal): When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a required stop.}

{b. Flashing Yellow (Caution Signal): When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or other hazardous location only with caution.}

{2. This subsection shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in subsection 7-2-24I of this chapter.}

{7-2-14: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS AND MARKINGS:}

{A. Prohibitions: It shall be unlawful for any person to place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal. This subsection shall not apply in cases of emergency when temporary warning

signs, flares or barricades are necessary to avoid a hazard which constitutes an immediate and impending danger to traffic; providing, that the police department is immediately notified of such hazard and of the placing of any temporary warning signs, flares or barricades.}

{B. Commercial Advertising Prohibited: It shall be unlawful for any person to place or maintain upon any highway any traffic sign or signal bearing thereon any commercial advertising. The city shall not permit any commercial advertising to be placed upon any traffic sign or signal.}

{C. Exception: This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs providing useful directional information and of a type that cannot be mistaken for official traffic control devices.}

{D. Removal: Every such prohibited sign, signal or marking within the city is hereby declared to be a public nuisance and the city council is empowered to remove the same or cause it to be removed without notice.}

{E. Amber Warning Lights: It is unlawful to operate or display a flashing amber warning light on a vehicle except when an unusual traffic hazard exists. This subsection does not prohibit the use of amber lights in electric turn signals. It is unlawful for any person to mount flashing amber warning lights permanently on a vehicle without a permit from the Nevada highway patrol. This subsection does not apply to an agency of any state or political subdivision thereof, or to an agency of the United States government.}

{7-2-15: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES OR RAILROAD SIGNS OR SIGNALS:}

{No person shall, without lawful authority, attempt to or in fact, alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal, or any inscription, shield or insignia thereon, or any other part thereof.}

7-2-7{16}: CITY ENGINEER TO DESIGNATE CROSSWALKS, ESTABLISH SAFETY ZONES AND TRAFFIC LANES:

The city engineer is hereby authorized to:

A. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where in his opinion there is particular danger to pedestrians crossing the roadway, and at such other places as he may deem necessary.

B. Establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians.

C. Mark traffic lanes upon the roadway of any street or highway where a regular alignment of traffic is necessary. Where such traffic lanes have been marked, it shall be unlawful for the operator of any vehicle to refuse to keep such vehicle within the boundaries of any such lane

except when lawfully passing another vehicle or preparatory to making a lawful turning movement.

{7-2-17: AVOIDING TRAFFIC SIGNALS:}

{It shall be unlawful for any person to ride, drive or propel any vehicle over, across or through any public or private property to avoid having to obey traffic control signals or any other official traffic control device or signs, unless directed to do so by a police officer or other authorized person.}

7-2-8{18}: SPEED REGULATIONS:

A. General Provisions:

1. Whenever a speeding violation is alleged under the incorporated state law as provided in this chapter, the applicable provisions of 7-2-8 of this code are incorporated also as if fully set forth. {No person shall drive a vehicle on a street, alley or highway at a rate of speed greater than those specified in this chapter and which is reasonable or proper, having due regard to the actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid endangering any person, vehicle or other conveyance on or entering the highway and in compliance with legal requirements and the duty of all persons to use due care.}

2. Except when a special hazard exists that requires lower speed for compliance with subsection A1 of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a street, alley or highway at a speed in excess of such maximum limits.

{3. The driver of every vehicle shall, consistent with the requirements of subsection A1 of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding highway, street or alley, or when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway, street or alley conditions.}

B. Maximum Limits: No person shall drive a vehicle at a speed greater than:

1. Fifteen (15) miles per hour in an area designated as a school zone except: a) on a day on which school is not in session; b) during the period from a half hour after school is no longer in operation to a half hour before school is next in operation; c) if the zone is designated by an operational speed limit beacon, during the hours when the pupils of the school are in class and the yellow lights of the speed limit beacon are not flashing in the manner which indicates that the speed limit is in effect; or d) if the zone is not designated by an operational speed limit beacon, during the times when the sign designating the school zone indicates that the speed limit is not in effect. The foregoing speed limits and restrictions also shall apply when passing any school grounds which are not separated from the street or highway by a fence, gate or any other physical barrier, while such grounds are in use by children.

2. Twenty five (25) miles per hour on all streets, alleys and highways unless a different speed limit is posted pursuant to the provisions set forth in this code. All speed zones established for which signs have been posted for a rate of speed other than twenty five (25) miles per hour as of the effective date hereof are hereby ratified and approved subject to change pursuant to subsection C of this section.

C. Establishment Of Speed Zones: Whenever the city engineer shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any highway, street, alley or other thoroughfare open to the public, the city engineer may determine and declare a reasonable and safe maximum limit thereat, which shall be effective upon approval of the city council and appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

D. Minimum Speed Regulation:

1. {No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law.}

{2.} Whenever the city engineer determines on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the city engineer may determine and declare upon approval of the city council, a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or in compliance with law.

E. Exceeding Speed Limit Unlawful: The speed of any vehicle in excess of any of the limits specified herein or established as authorized in this chapter is unlawful.

F. Determination Of Speed: Any relevant evidence of speed is admissible, including, without being limited to, the following:

1. Estimation by visual observation of a moving vehicle.

2. The speedometer reading of a following vehicle at a speed not greater than the speed of the vehicle being followed.

2}{3.} Readings from radar equipment designed for such purpose when the calibration of the equipment has been checked.

3}{4.} Speed may be determined by a speedometer in the vehicle.

{7-2-19: DRAG RACING:}

{A. Definitions: "Drag race" or "drag racing" is defined as the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds.}

{B. Prohibition: No person shall participate in a drag race within the city unless authorized in an area approved by the Police Chief, the city engineer and the city council.}

{C. Persons Assisting: Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as a participant.}

{D. Prima Facie Evidence Of Violation: The operation of two (2) or more vehicles side by side at speeds in excess of maximum lawful speeds or the operation of one or more vehicles rapidly accelerating from a common starting point to a speed in excess of the maximum lawful speed, shall be prima facie evidence of drag racing.}

{7-2-20: RECKLESS DRIVING: (repealed)}

7-2-9{21}: CARELESS AND INATTENTIVE DRIVING:

A. Careless Driving: Every person operating, driving or in charge of a motor vehicle shall operate, drive or propel such vehicle in a careful manner and with due regard to the safety and convenience of pedestrians and other vehicles and persons not so operating, driving or propelling the vehicle shall be deemed guilty of careless driving.

B. Inattentive Driving: It is unlawful for any person to operate a motor vehicle within the city in an inattentive manner. For purposes of this section, "inattentive manner" means the operation of a motor vehicle in a manner which evidences a lack of the degree of attentiveness required to safely operate the vehicle under the prevailing conditions, including, but not limited to, the nature and condition of the roadway, presence of other traffic, presence of pedestrians and weather conditions. It shall further include, without limitations, any driver whose vehicle, because of his driving error or negligent attention, collides with another vehicle, person or fixed object.

{7-2-22: DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR CONTROLLED SUBSTANCE:}

{7-2-23: RULES OF THE ROAD:}

{A. Drive On Right Side Of Streets, Alleys And Highways:}

{1. Upon all streets, alleys and highways of sufficient width, a vehicle shall be driven upon the right half of the street, alley and highway, except as follows:}

{a. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;}

{b. When an obstruction exists making it necessary to drive to the left of the center of the street, provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the street within such distance as to constitute an immediate hazard;}

{c. Upon a street, alley or highway divided into three (3) marked lanes for traffic under the rules applicable thereon; or}

{d. Upon a street, alley or highway designated and signposted for one-way traffic.}

{2. Upon all streets, alleys and highways, any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the street, alley or highway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection of a street, alley, highway or driveway.}

{3. Upon any street, alley or highway having four (4) or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the centerline of the street, alley or highway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the street, alley or highway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection A1b of this section.}

{B. Passing Vehicles Proceeding In Opposite Directions: Drivers of vehicles proceeding in opposite directions shall pass each other, keeping to the right, and upon streets, alleys or highways having width for not more than one lane of traffic in each direction, each driver shall give to the other at least one-half ($\frac{1}{2}$) of the main traveled portion of the roadway as nearly as possible.}

{C. Overtaking Vehicle On Left: The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:}

{1. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street, alley or highway until safely clear of the overtaken vehicle;}

{2. Except when overtaking and passing on the right is permitted the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible or visual signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.}

{D. When Overtaking On Right Permitted:}

{1. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:}

{a. When the vehicle overtaken is making or signaling to make a left turn;}

{b. Upon a street, alley or highway with unobstructed pavement, not occupied by parked vehicles, of sufficient width for two (2) or more lines of moving vehicles in each direction;}

{c. Upon a one-way street, alley or highway or upon any street, alley or highway on which traffic is restricted to one direction of movement, where the roadway is free from obstructions and of sufficient width for two (2) or more lines of moving vehicles.}

{2. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of the street, alley or highway.}

{E. Limitations On Overtaking On Left: No vehicle shall be driven to the left side of the center of the street, alley or highway in overtaking and passing another vehicle proceeding in the same direction, unless authorized by the provisions of this chapter and unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event, the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet (200') of any approaching vehicle.}

{F. Further Limitations On Driving To Left Of Center Of Roadway: No vehicle shall at any time be driven to the left side of the street, alley or highway under the following conditions:}

{1. When approaching the crest of a grade or upon a curve in the street, alley or highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;}

{2. When approaching within one hundred feet (100') of or traversing any intersection or railroad grade crossing;}

{3. When the view is obstructed upon approaching within one hundred feet (100') of any bridge, viaduct or tunnel;}

{4. The foregoing limitations shall not apply upon a one-way street, alley or highway.}

{G. No Passing Zones:}

{1. The city engineer is hereby authorized to determine those portions of any street, alley or highway where overtaking and passing or driving to the left of the street, alley or highway, or making a left hand turn, would be especially hazardous and may by appropriate signs or markings on the street, alley or highway indicate the beginning and end of such zones. When such signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the directions thereof.}

{2. Where signs or markings are in place to define a no passing zone as set forth in subsection G1 of this section, no driver shall at any time drive on the left side of the street, alley or highway within such no passing zone or on the left side of any pavement striping designed to mark such no passing zone throughout its length.}

{3. A double yellow line shall constitute the paving striping designed to make a no passing zone.}

{H. One-Way Streets, Alleys, Highways And Rotary Traffic Islands:}

{1. The city engineer, with approval of the city council, may designate any street, alley or highway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.}

{2. Upon a street, alley or highway designated and a sign posted for one-way traffic, a vehicle shall be driven only in the direction designated.}

{I. Driving On Streets, Alleys Or Highways Laned For Traffic:Whenever any street, alley or highway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:}

{1. A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has given the appropriate turn signal and ascertained that such movement can be made with safety.}

{2. Upon a street or highway which is divided into three (3) lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn, or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic control devices.}

{3. Official traffic control devices may be erected directing specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.}

{4. Official traffic control devices may be installed prohibiting the changing of lanes on sections of streets or highways and drivers of vehicles shall obey the directions of every such device.}

{J. Following Too Closely: It shall be unlawful for a driver of a motor vehicle to follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street, alley or highway.}

{K. Driving On Divided Streets, Alleys Or Highways: Whenever any street, alley or highway has been divided into two (2) or more lanes by leaving an intervening space or by a physical barrier or clearly indicated dividing section so as to impede vehicular traffic, every vehicle shall be driven only upon the right hand lane unless directed or permitted to use another lane by official traffic control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, nor make any left turn, semicircular turn or U-turn, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by a public authority.}

{L. Controlled Access: No person shall drive a vehicle onto or from any controlled access street, highway, lane or alley except at such entrances and exits as are indicated by official traffic control devices. The driver of a vehicle about to enter a controlled access street, highway, lane or alley shall yield the right of way to all vehicles on the street, highway, lane or alley. Only after determining that the entry can be made safely, may the driver enter the highway, street, lane or alley.}

{M. Driving In Parking Lanes: It shall be unlawful for any person riding, driving, operating or propelling any vehicle to drive, ride, operate or propel such vehicle in lanes or areas designated for parking of vehicles and posted with official signs designating parking only.}

7-2-10{24}: DESIGNATION OF RIGHT OF WAY AND STOP AND YIELD INTERSECTIONS:

{A.} Authority To Designate Through Streets And Stop And Yield Intersections: The city engineer is hereby authorized, on the basis of engineering and traffic investigation, and upon approval of the city council, to designate through streets, alleys or highways and erect stop signs or yield signs at specified entrances thereto, or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to such intersections.

{B. Vehicle Approaching Or Entering Uncontrolled Intersection:}

{1. The driver of a vehicle approaching an uncontrolled intersection shall yield the right of way to a vehicle which has first entered the intersection from a different highway, street or alley.}

{2. When two (2) vehicles enter an uncontrolled intersection from different streets, highways or alleys at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right. }

{3. When two (2) vehicles enter an intersection at approximately the same time, one vehicle traveling on a highway which ends at the intersection and the other vehicle traveling on a through highway, the driver of the vehicle on the highway which ends at the intersection shall yield the right of way to the other vehicle.}

{C. Vehicle Turning Left: The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, street, highway or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver, having so yielded and having given a signal when and as required, may make such left turn and the drivers of all other vehicles approaching the intersection from the opposite direction shall yield the right of way to the vehicle making the left turn.}

{D. Stop Signs And Yield Signs:}

{1. The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersection roadway where the driver has a view of approaching traffic on the intersection street, alley or highway.}

{2. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway before entering the intersection.}

{E. Vehicle Entering Stop Intersection: Except when directed to proceed by a police officer or a traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection D1 of this section and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on said street as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.}

{F. Vehicle Entering Yield Intersection: The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection; provided, however, that if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield the right of way.}

{G. Emerging From Alley, Driveway Or Building: The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway.}

{H. Stop When Traffic Obstructed: No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.}

{I. Obedience To Signal Indicating Approach Of Railroad Train:}

{1. Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop not less than ten feet (10') from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:}

{a. A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;}

{b. A crossing gate is lowered or when a human flag person gives or continues to give a signal of the approach or passage of a railroad train;}

{c. A railroad train approaching within approximately five hundred feet (500') of the street crossing emits a signal audible from such distance and such railroad train, by reason of its speed or nearness to such crossing, is an immediate hazard;}

{d. An approaching railroad train is plainly visible and is in a hazardous proximity to such crossing.}

{2. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.}

{J. Operation Of Vehicles On Approach Of Emergency Vehicles:}

{1. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by police officer.}

{2. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. }

7-2-11{25}: AUTHORITY REGARDING TURNING MOVEMENTS AND SIGNS:

{A. Required Position And Method Of Turning At Intersection: The driver of a vehicle intending to turn at an intersection shall do so as follows:}

{1. Right Turns: Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.}

{2. Left Turns On Two-Way Streets, Alleys Or Highways: At any intersection where traffic is permitted to move in both directions on each street, alley or highway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the street, alley or highway nearest the centerline where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection to the left of the center of the intersection.}

{3. Left Turns On Other Than Two-Way Streets, Alleys Or Highways: At any intersection where traffic is restricted to one direction on one or more of the streets, alleys or highways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the street, alley or highway being entered.}

A.{B.} Authority To Place And Obedience To Turning Markers:

1. The city engineer, upon approval by the city council, is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections.

2. When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

B{C}. Authority To Place Restricted Turn Signs: The city engineer is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U-turn, and shall place proper signs at such intersections upon approval by the city council. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

{D. Obedience To No Turn Signs: Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, it shall be unlawful for a driver of a vehicle to disobey the direction of any such signs.}

{E. U-Turns:}

{1. The driver of a vehicle shall not make a U-turn at any intersection controlled by an official traffic control device unless permitted by an official traffic control device located at such intersection.}

{2. A U-turn may be made on any highway, street or alley where such turn can be made with safety, except as prohibited by subsections D and E1 of this section.}

{F. Turning On Curve Or Crest Of Grade Prohibited: No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet (500').}

{G. Starting Parked Vehicle: No person shall start a vehicle which is stopped, standing or parked without first yielding the right of way to any approaching vehicle and after having so yielded, only when such movement can be made with reasonable safety.}

{H. Turning Movements And Required Signals:}

{1. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the street, alley or highway as required in subsection A of this section, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a street, alley or highway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.}

{2. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet (100') traveled by the vehicle before turning.}

{3. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.}

{4. The signals provided for in subsection H2 of this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear.}

{I. Signals By Hand And Arm Or Signal Lamps:}

{1. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection I2 of this section.}

{2. Any motor vehicle in use on a street, alley or highway shall be equipped with and a required signal shall be given by a signal lamp or lamps when the distance from the center

of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty four inches (24"), or when the view from the rear of a hand or arm signal could be obstructed.}

{J. Method Of Giving Hand And Arm Signals: All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:}

{1. Left turn; hand and arm extended horizontally.}

{2. Right turn; hand and arm extended upward.}

{3. Stop or decrease speed; hand and arm extended downward.}

{7-2-26: FOLLOWING FIRE APPARATUS AND CROSSING FIRE HOSE:}

{A. Distance Requirements: No driver of any motor vehicle other than an authorized emergency vehicle on official business shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500'), or drive into or park such vehicle within five hundred feet (500') of where the fire apparatus has stopped in answer to a fire alarm.}

{B. Driving Over Fire Hose: No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, alley or highway, private driveway or streetcar track, to be used at any fire or alarm of fire, without the consent of the fire department official in command. }

{7-2-27: FUNERAL PROCESSIONS:}

{No driver of a vehicle shall drive between the vehicles comprising a funeral procession. This provision shall not apply at intersections where traffic is controlled by traffic control signals or police officers, nor to authorized emergency vehicles. Each driver in a funeral procession shall drive as near to the right edge of the street or highway as practicable and shall follow the vehicle as close as is practicable and safe.}

{7-2-28: VEHICLE SHALL NOT BE DRIVEN ON A SIDEWALK:

It shall be unlawful for the driver of a vehicle to drive within any sidewalk area except at a permanent or temporary driveway or alley entrance.}

7-2-12{29}: PERMITS FOR PROMOTIONAL USE OF CITY STREETS:

Upon proper application to the city, a permit may be granted by the city council for promotional use of a portion of a city street to display or exhibit prizes or educational materials not to be offered for sale. The permit is discretionary with the city council who shall consider traffic interruptions and pedestrian safety before passing on such permit. Each application is to be considered on its own merits with no application to issue for displays of vehicles or materials held for sale.

A. Application; Information Required: Each application to the city for promotional use of a portion of a city street, alley or highway is to contain the following information:

1. Name and address of applicant.
2. Exact description of the portion of which city street, alley or highway is to be used.
3. Type of promotional materials to be placed in city street, alley or highway.
4. Proposed promotional purpose.
5. Proposed period of time that the portion of the city street, alley or highways are to be used.

B. Fees: Each applicant will pay to the city the sum as set by resolution of the city council, before such permit for promotional use of the city streets, alleys or highways will be considered, except that such fees may be waived for nonprofit organizations.

C. Permits: Upon approval of the city council, the Police Chief will issue a permit for promotional use of a specified portion of a particular city street, alley or highway. Such permit shall set forth:

1. Name and address of permittee (nontransferable).
2. Exact description of that portion of which city street, alley or highway is to be used for promotional purposes.
3. Limitations on types of materials or promotional schemes to be used on the street, alley or highway.
4. Limitation of time that permit is to be valid, not to exceed ninety (90) days.
5. Any other conditions of the permit that the city council deems necessary to preserve the health, safety and welfare of persons or places of business.

D. Termination: All permits are discretionary with the city council and may be terminated by the city council for any reason detrimental to the orderly affairs of the city or the health and safety of its inhabitants.

7-2-~~13~~30: PERMITS REQUIRED FOR PARADES, PROCESSIONS AND ASSEMBLAGES:

A. Permit Required: A permit from the City Clerk is required for all parades, processions or assemblages which will occupy, march or proceed along or over any street, alley or highway within the city, except those parades, processions and assemblages of forces of the United States armed services, military forces of the state and forces of the county and city police and fire departments.

B. Application; Issuance Conditions: Upon proper application to the City Clerk, a permit may be granted by the City clerk with the concurrence of the city staff for a parade, procession or assemblage upon certain alleys, streets or highways within the city. Before granting a permit, the city staff shall consider traffic interruptions and pedestrian safety before passing on such permit. Any permit may be terminated or revoked for any reason detrimental to the public health, safety or welfare of the city or its inhabitants.

C. Information Included In Application: Applications shall include:

1. Name and address of applicants.
2. Exact description of those portions of city streets, alleys or highways to be utilized.
3. Proposed period of time that portions of city streets, alleys or highways are to be utilized.
4. Proposed purpose of such parade, procession or assemblage.

D. Fees: Each applicant shall pay to the city the sum as set by resolution of the city council, before such permit will be considered, except such fee may be waived for nonprofit organizations by the Police Chief with the concurrence of the city manager or city engineer.

E. Permit: The City Clerk shall issue all permits which terms and conditions shall contain:

1. Name and address of permittee (nontransferable).
2. Exact description of that portion of the city streets, alleys or highways which are to be utilized.
3. Limitations and conditions regarding the use of said streets, alleys or highways.
4. Specific time that permit is valid, not to exceed twenty four (24) hours.
5. Any other conditions the Police Chief and the city manager or city engineer deem necessary to preserve the health, safety and welfare of the city and its inhabitants.

F. Regulation And Enforcement: All parades, processions and assemblages for which a permit is issued shall be regulated by the police department through the Police Chief.

G. Appeal: Any person whose application for a parade permit has been denied or revoked by the Police Chief may appeal to the city council for a hearing to show cause why the parade permit should be issued or should not be revoked. Such appeal must be filed with the city clerk on or before the thirtieth day following such denial or revocation. Such appeal shall be heard by the city council at the earliest next regular meeting that will allow for proper notice under the state open meeting law. At such hearing, the city council shall receive such evidence and take such testimony as it deems necessary. After such hearing, the city council shall review the testimony

taken and any other evidence submitted and shall announce its decision sustaining or reversing the denial or revocation of the parade permit.

{7-2-31: CLINGING TO, BOARDING, ALIGHTING FROM OR UNLAWFUL RIDING IN VEHICLES:}

{A. It shall be unlawful for any person to, in any manner, catch on, hold or otherwise attach any sled, sleigh, bicycle or object to any motor vehicle. No person shall board or alight from any vehicle while such vehicle is in motion.}

{B. It shall be unlawful for any person to ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of a duty, or to persons riding within truck bodies in a space intended for merchandise. }

{7-2-32: TRAINS ON CROSSING:}

{It shall be unlawful for any person in charge or control either as engineer, conductor, brake person or otherwise of any engine, car, train of cars, or any part of a train of cars, on any railroad operated within or passing through the city to cause or allow such engine, car, train of cars, or part of a train of cars to stand or remain on or across any street crossing so as to hinder or obstruct travel and traffic on or over any street, except when making up a train or stopping a train at a station, and then only for a period of time not exceeding five (5) minutes; provided, that this section shall not apply to any passenger train running through the city; provided, further, that at no time shall more than two (2) railroad crossings within the city on any one line of a railroad be blocked.}

{7-2-33: HAULING VEHICLES:}

{It shall be unlawful for any person driving or operating any vehicle, for the purpose of hauling or conveying sand, gravel, earth, rock, oil, rubbish, garbage or similar material to cause or permit such sand, gravel, earth, rock, oil, rubbish, garbage or other similar material to spill out or fall on such street, alley or highway over which it is passing. }

{7-2-34: THROWING TACKS, INJURIOUS MATERIALS:}

{It shall be unlawful for any person to throw, deposit or place upon any public highways any nails, tacks, crockery, scrap iron, tin, wire, bottles, glass or any other article or thing likely to puncture or injure the tire of any motor vehicle. Any person who drops or permits to be dropped or thrown, upon any highway, any destructive or injurious material shall immediately remove the same or cause it to be removed.}

{7-2-35: WEIGHTS, LOADS:}

{A. Weight Limitation: No vehicle and/or trailer shall be operated nor moved which has a total weight, including vehicle and load, in excess of the weight limits established by the laws of the state for like equipment upon the public highways of the state.}

{B. Metal Tires: No vehicle equipped with tires of metal shall be operated or moved upon any public highways when the weight of such vehicle, and any load thereon, resting upon the surface of the public highways exceeds six hundred (600) pounds upon any inch of the channel base width of tire; and no vehicle equipped with tires, rollers or wheels, the rolling surface of which resting upon public highways is made in whole or in part of metal, shall be operated when the weight of such vehicle and load thereon resting upon the surface of the public highways exceeds six hundred (600) pounds upon any inch of width of tire, roller or wheel of such vehicle.}

{C. Exception: The provisions of this section shall not apply to traction engines or tractors, the power of which is exerted not through wheels resting upon the ground but by means of a flexible band or chain known as a movable track, when the portions of the movable tracks in contact with the surface of the public highways presents plane surfaces; provided, that no traction engines or tractors having lugs, grousers, or other mechanical contrivance on its wheels or track, designed to give tractive effect shall be operated on any public highway unless a circular metal band of a width of not less than three inches (3") is placed entirely around the periphery of such wheel or track, such band to serve as a protection against the tearing up or marring of the surface of any street, alley or highway.}

7-2-14{36}: NEW PAVING OR PAVEMENTS:

It shall be unlawful for any person to drive or operate any vehicle over or across any newly laid paving or pavement around which there has been placed a barrier, or at or near which there is a person or a sign warning persons against riding or driving or operating vehicles over such paving or pavements, or a sign stating that the street, alley or highway is closed. The provisions of this section shall not apply to the employees of the city actually engaged in the paving or repair of such pavement.

{7-2-37: REQUIREMENTS REGARDING HORNS, LIGHTS, MUFFLERS AND OTHER DEVICES:}

{A. Horn: Every motor vehicle operated or driven on any of the public streets, alleys or highways of the city shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet (200'), but no horn shall emit an unreasonably loud or harsh sound or whistle. Every person operating a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with the horn and it shall be unlawful to otherwise use such horn except as provided for parades.}

{B. Siren, Whistle Or Bell: It shall be unlawful for any person to use upon a vehicle any siren, whistle or bell except on police and fire equipment of the city or emergency equipment of any other governmental agency or upon ambulances.}

{C. Lighting: All vehicles operated upon public streets, alleys or highways shall be equipped with lighting equipment required by the laws of the state and it shall be unlawful for any person driving or in charge of a vehicle to fail to display lights in compliance with the laws of the state.}

{D. Bicycle Operation: It shall be unlawful for any person to operate any bicycle upon any public street, alley or highway or elsewhere after sunset and before sunrise unless such bicycle shall be equipped with a lamp emitting a white light visible under normal weather conditions from a distance of three hundred feet (300'), in front of such bicycle and with a red reflector or lamp on the rear so designated and located as to be visible for at least three hundred feet (300').}

{E. Muffler: Every motor vehicle operated or driven on public streets, alleys or highways of the city shall be equipped with a muffler or silencer which will reduce the sound of the explosion of the engine to the greatest possible degree; provided, that it shall be unlawful for any person to drive and operate or permit to be driven or operated any motor vehicle at any time with the muffler cut out or not in operation.}

{F. Brakes: Every motor vehicle operated or driven on public streets, alleys or highways of the city shall be equipped with brakes adequate to control the movement of and to stop and to hold such motor vehicle.}

{G. Inspection By Officers: It shall be lawful for police officers of the city to inspect or cause to be inspected at any time the lights or brakes on any and all motor vehicles and to prohibit the driving and/or operating of the same when such motor vehicles have defective lights or brakes, and to cause the arrest of any person so driving, operating or in charge of any such motor vehicle who fails to equip the motor vehicle with proper lights and brakes.}

{H. Prohibited Use: A person shall not drive, move, park or stop any vehicle, or cause or knowingly permit any vehicle to be driven, moved, stopped or parked, except for purposes of repair, on any street, alley or highway if such vehicle:}

{1. Is in unsafe condition as to endanger any person or property.}

{2. Is not equipped with lamps, reflectors, brakes, horn and other warning and signaling devices, windows, windshield, mirrors, safety glass, mufflers, fenders and tires, and other parts and equipment in the position, condition and adjustment, required by the laws of the state as to such parts and equipment of a vehicle.}

{7-2-38: OVERHANGING LOADS:}

{The driver or operator of every vehicle carrying a load extending beyond the end of the vehicle shall attach to the rear of the load a red flag of sufficient size to show the end of the load and shall display at the extreme end of the load in the nighttime, in addition to the ordinary rear ortailight herein required to be displayed on such vehicle, a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear.}

{7-2-39: PEDESTRIANS AND HITCHHIKING:}

{A. Pedestrians Right Of Way In Crosswalks:}

{1. When official traffic control devices are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be so to yield to a pedestrian crossing the highway, street or alley within a crosswalk when the pedestrian is upon the half of the highway, street or alley upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the highway, street or alley as to be in danger.}

{2. A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.}

{3. Subsection A1 of this section shall not apply under the conditions stated in subsection D2 of this section.}

{4. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle until the driver has determined that the vehicle being overtaken was not stopped for purposes of permitting a pedestrian to cross the highway, street or alley.}

{B. Pedestrians To Use Right Half Of Crosswalks: Pedestrians shall move, whenever practicable, upon the right half of crosswalks.}

{C. Crossing At Right Angles: No pedestrian shall cross a street or highway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk. }

{D. When Pedestrian Shall Yield: Except as provided in subsection K of this section:}

{1. Every pedestrian crossing a street or highway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.}

{2. Any pedestrian crossing a street or highway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the street and highway.}

{3. The foregoing rules in this subsection have no application under the conditions stated in subsection E of this section when pedestrians are prohibited from crossing at certain designated places.}

{E. Prohibited Crossing:}

{1. Between adjacent intersections at which official traffic control devices are in operation, pedestrians shall not cross at any place except in a marked crosswalk.}

{2. No pedestrian shall cross a street or highway other than in a crosswalk in any business district.}

{3. No pedestrian shall cross a street or highway intersection diagonally unless authorized by official traffic control devices and when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic control devices pertaining to such crossing movements.}

{F. Obedience Of Pedestrians To Railroad Signals: No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while such gate or barrier is closed or is being opened or closed.}

{G. Pedestrians Walking Along Street Or Highway:}

{1. Where sidewalks are provided, it shall be unlawful for any pedestrian to walk along and upon an adjacent street or highway.}

{2. Where sidewalks are not provided, any pedestrian walking along and upon a street or highway shall when practicable walk only on the left side of the street or highway or its shoulder facing traffic which may approach from the opposite direction.}

{H. Pedestrians Soliciting Rides Or Business:}

{1. It shall be unlawful for any person to stand in a street or highway for the purpose of hitchhiking, soliciting a ride, employment or business from the occupant of any vehicle.}

{2. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.}

{I. Drivers To Exercise Due Care: Notwithstanding the foregoing provisions of this section, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street, highway or alley and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street, highway or alley.}

{J. "Walk" Or "Don't Walk" Signals:}

{1. While the "walk" indication is illuminated, pedestrians facing the signal may proceed across the highway or street in the direction of the signal and must be given the right of way by drivers of all vehicles.}

{2. While the "don't walk" indication is illuminated either steady or flashing, a pedestrian shall not start to cross the highway or street in the direction of the signal, but any pedestrian who has partially completed his crossing during the "walk" indication shall proceed to a sidewalk, or to a safety zone if one is provided.}

{3. Whenever the word "wait" appears in a signal, the indication has the same meaning as assigned in this subsection to the "don't walk" indication.}

{K. Blind Pedestrians:}

{1. A blind person who is on foot and using a guide dog or carrying a cane or walking stick white in color, or white tipped with red, has the right of way when entering or when on a highway, street or road of this city. Any driver of a vehicle who approaches or encounters such a blind person shall yield the right of way, come to a full stop, if necessary, and take precautions before proceeding to avoid accident or injury to the blind person.}

{2. Any person who violates subsection K1 of this section shall be punished by imprisonment in the county or city jail for not more than six (6) months or by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or both fine and imprisonment.}

7-2-15{40}: STOPPING, STANDING AND PARKING:

{A. Outside Of Business Or Residence Districts:}

{1. Upon any highway, street or alley, outside of a business or residence district, no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of the highway, street or alley when it is practicable to stop, park or so leave such vehicle off such part of the highway, street or alley, but in every event an unobstructed width of the highway, street or alley opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet (200') in each direction upon such highway, street or alley.}

{2. This subsection shall not apply to the driver of any vehicle which is disabled while on the paved or main traveled portion of a highway, street or alley in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position.}

A{B}. Police Officers Authorized To Remove Vehicles:

1. Whenever any police officer finds a vehicle standing upon a highway, street or alley in violation of any of the provisions of this chapter, such officer may move such vehicle, or require the driver or person in charge of the vehicle to move it to a position off the paved or improved or main traveled part of such highway, street or alley.

2. Whenever any police officer finds a vehicle unattended upon any highway, street, alley, bridge or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer may provide for the removal of such vehicle in any manner provided by law.

3. Any police officer may remove any vehicle or part of a vehicle found on the highway, street or alley, or cause it to be removed, to the nearest garage or other place of safekeeping if:

a. The vehicle has been involved in an accident and is so disabled that its normal operation is impossible or impractical and the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle; or

b. The person driving or in actual physical control of the vehicle is arrested for any alleged offense for which the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay; or

c. Whenever any police officer provides for the removal of any vehicle pursuant to **this** section **{B3b of this section}** and has probable cause to believe that the vehicle or its contents constitute any evidence which tends to show that a criminal offense has been committed, or tends to show that a particular person has committed a criminal offense, the police officer may shall take such steps as he/she deems reasonably necessary in consideration of evidence concerns or other matters.

B{C}. Prohibited In Specified Places:

1. **In addition to any other prohibitions under state law adopted by reference hereafter,** **{N}no** person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic control device, in any of the following places:

{a. On a sidewalk;}

{b. In front of a public or private driveway;}

{c. Within an intersection;}

{d. Within fifteen feet (15') of a fire hydrant;}

{e. In a crosswalk;}

{f. Within fifteen feet (15') of a crosswalk at an intersection;}

{g. Within fifteen feet (15') upon the approach to any official traffic control signal located at the side of a highway;}

{h. Between a safety zone and the adjacent curb or within fifteen feet (15') of points on the curb immediately opposite the ends of a safety zone;}

{i. Within ten feet (10') of the nearest rail of a railroad;}

{j. Within twenty feet (20') of a driveway entrance to any fire station and, on the side of a highway opposite the entrance to any fire stations, within seventy five feet (75') of such entrance;}

{k. Alongside or opposite any highway excavation or obstruction when such stopping, standing or parking would obstruct traffic;}

{l. On the highway side of any vehicle stopped or parked at the edge of or curb of a highway;}

{m. Upon any bridge or other elevated structure or within a highway tunnel;}

{n. Within five feet (5') of a public or private driveway;}

a{o}. At any place where official traffic control devices prohibit stopping, standing or parking; and

{p. In any fire lane established under the uniform fire code.}

{2. A person shall not move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.}

b{3}. The City Engineer {A local authority} may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any highway, street or alley where in its opinion such stopping, standing or parking is dangerous to those using the highway, street or alley or where the stopping, standing or parking vehicles would unduly interfere with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on such devices.

{D. Parallel, Angle Parking; Parking On Highways Under Jurisdiction Of City:}

{1. Except as otherwise provided in this section, every vehicle stopped or parked upon a highway, street or alley, where there are adjacent curbs shall be stopped or parked with the right hand wheels of such vehicle parallel to and within eighteen inches (18") of the right hand curb.}

c{2}. The city may permit angle parking on any highway except that angle parking shall not be permitted on any highway, street or alley unless the city engineer has determined that such highway, street or alley is of sufficient width to permit angle parking without interfering with free movement of traffic.

{E. Placement Of Traffic Control Devices: The city engineer, upon approval of the city council, may place official traffic control devices prohibiting or restricting the stopping, standing or parking of vehicles on any such highway, street or alley, where, in his opinion, such stopping, standing or parking is dangerous to those using the highway, street or alley, or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. It is unlawful for any person to stop, stand or park any vehicle in violation of the restrictions stated on such devices.}

{F. Angle Parking: Upon those highways, streets and alleys which have official traffic control devices permitting angle parking, a person shall not stop, stand or park a vehicle other than at the angle to the curb or edge of the highway indicated by such devices.}

{G. Parked Vehicles At Nighttime; Reflectors, Lights:}

{1. Except as otherwise provided by law, whenever a vehicle equipped with all reflectors required by law is lawfully parked at nighttime upon any highway, street or alley, no lights need be displayed upon such parked vehicle.}

{2. Whenever lights are displayed upon a vehicle lawfully parked at nighttime upon any highway, street or alley, such lights shall be depressed or dimmed, in the event cowl or parking lamps are not used.}

{H. Parking Alleys:

1. Unless otherwise provided by this chapter, a person shall not:

a. Stop, stand or park a vehicle within an alley in a business district except for the expeditious loading or unloading of goods.

b. Stop, stand or park a vehicle in any other alley in such a manner or under such condition as to leave available less than ten feet (10') of the width of the alley for the free movement of vehicular traffic.

2. A person shall not stop, stand or park a vehicle within an alley in such position as to block the driveway or entrance to any abutting property.}

{I. Parking For Certain Purposes Prohibited: No person shall park a vehicle upon any highway for the principal purpose of:

1. Displaying such vehicle for sale.

2. Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.

3. Soliciting business.

4. Selling merchandise from such vehicle except in a duly established marketplace, or one so authorized or licensed by the local authority.

5. Storage, or as junkage of dead storage, for more than twenty four (24) hours.}

{J. School Area: When official traffic control devices are erected giving notice thereof, a person shall not park a vehicle upon either side of any highway, street or alley adjacent to any school.}

{K. Narrow Highway, Street Or Alley: When official traffic control devices are erected prohibiting parking upon a narrow highway, street or alley, a person shall not park a vehicle upon any such highway, street or alley.}

{L. Left Side Of One-Way Street: When official traffic control devices are erected giving notice thereof, a person shall not stand or park a vehicle upon the left hand side of a one-way street.}

{M. Hazardous Or Congested Places: When official traffic control devices are erected at hazardous or congested places, a person shall not stop, stand or park a vehicle in any such designated place.}

{N. Passenger Curb Loading Zone: A person shall not stop, stand or park a vehicle for any purpose or period of time except for the expeditious loading or unloading of passengers in anyplace marked as a passenger curb loading zone during hours when the regulations applicable to such passenger curb loading zone are effective.}

{O. Standing In Freight Curb Loading Zone:

1. A person shall not stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to such zones are in effect.

2. The driver of a vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter such zone.}

{P. Restricted Parking Zone: A person shall not stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purpose to which parking is restricted.}

{Q. Bus And Taxicab:

1. The operator of a bus or taxicab shall not stop, stand or park upon any highway in any business district at any place other than a bus stop or taxicab stand, respectively, except that this provision does not prohibit the driver of any such vehicle from temporarily stopping in accordance with other stopping, standing or parking regulations at any place for the purpose of and while engaged in the expeditious unloading or loading of passengers.

2. A person shall not stop, stand or park a vehicle other than a bus in a bus stop, or a taxicab in a taxicab stand, when such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop there and for the purpose of and while actually engaged in expeditiously loading or unloading of passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

{R. Parking In Metered Parking Zones; Tampering With Meter:

1. When parking meters are erected by any local authority pursuant to an adopted ordinance giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle in any metered parking zone for a period of time longer than designated by such parking meters upon a deposit of a coin of United States currency of the designated denomination.

2. Every vehicle shall be parked wholly within the metered parking space for which the meter shows parking privilege has been granted.

{S. Overtime Parking:

1. The city engineer may erect, place and maintain official traffic control devices regulating the stopping, standing or parking of vehicles on any highway, street or alley within the city.

2. When such devices are erected or placed giving notice thereof, it is unlawful for any person to stop, stand or park a vehicle for longer than the time designated by any such sign.

{T. Handicapped Parking:

1. Enforcement Of Handicapped Parking Spaces:

a. It shall be unlawful for any person to park a motor vehicle in a parking space designated and reserved for the physically handicapped, on either public or private property, unless:

(1) The vehicle visibly bears the parking permit issued pursuant to subsection T2 of this section; or

(2) The vehicle visibly bears the parking permit or license plate issued to the physically handicapped by the state department of motor vehicles, pursuant to Nevada Revised Statutes section 482.384; or

(3) The vehicle visibly bears a current parking permit or license plate issued to the physically handicapped by a state other than Nevada; or

(4) The vehicle visibly bears the special license plates for a disabled veteran issued pursuant to Nevada Revised Statutes section 482.377.

b. Handicapped parking spaces shall be designated by the installation of appropriate traffic control devices which comply with Nevada Revised Statutes section 484.408.

c. "Private property", as used in this section, means parking areas to which the public is invited and that are located on property other than that owned by the city.

d. A violation of this subsection shall be punished as provided for in Title 1 Chapter 3 of this code.

2. Temporary Parking Permits For Physically Handicapped Persons:

a. Applications for temporary parking permits for motor vehicles used by or for persons having temporary handicaps which impair their ability to walk may be made through the police department.

b. Upon receipt of a completed application for a temporary parking permit on a form for that purpose supplied by the police department, together with a written statement from the applicant's treating physician which states the nature of the disability, the length of time the disability is expected to last, and that the disability impairs the applicant's ability to walk, the police department shall issue a temporary parking permit for a period of time not to exceed ninety (90) days. The police department may demand such additional supporting documents or information as it deems appropriate prior to issuing the temporary permit.

c. A temporary parking permit issued pursuant to this subsection may be renewed for an additional period or periods of time not to exceed ninety (90) days per renewal upon submission to the police department of a supplemental statement by the applicant's treating physician which contains the information above required.

d. This subsection does not authorize the parking of a motor vehicle in any privately or publicly owned parking space without paying the required fee for the time during which such vehicle is so parked.}

d{U}. Registered Owners: In any prosecution charging a violation of any law or regulation governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such

vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

{7-2-41: LIMITATIONS ON BACKING:}

{A. Prohibitions: It shall be unlawful for the driver of any vehicle to:}

{1. Back a vehicle unless such movement can be made with reasonable safety and without interfering with other traffic;}

{2. Back a vehicle into any intersection, on or over any crosswalk, or around a street corner.}

{B. Yield Right Of Way: The driver of a vehicle when engaged in backing shall in every case yield the right of way to moving traffic and pedestrians.}

{7-2-42: PERSONS WORKING ON HIGHWAYS, STREETS AND ALLEYS; EXCEPTIONS:}

{Unless specifically made applicable, the provisions of this chapter (except those relating to driving under the influence of controlled substances or intoxicating liquor), shall not apply to persons, motor vehicles and other equipment while actually engaged in work upon the surface of a highway, street or alley, but shall apply to such persons and vehicles when traveling to or from such work.}

{7-2-43: OBEDIENCE TO AUTHORIZED FLAG PERSONS:}

{It is unlawful for a driver of a vehicle to fail or refuse to comply with any signal of an authorized flag person serving in a traffic control capacity in a clearly marked area of highway construction or maintenance. "Authorized flag persons serving in a traffic control capacity" means an employee of the city, county or state or a contractor performing highway construction or maintenance while he is carrying out the duties of his employment.}

7-2-~~16~~{44}**: AUTHORITY TO CLEAR FIRE LANES ON PUBLIC OR PRIVATE PROPERTY:**

{Officers of the police department are hereby authorized to keep all fire lanes on public or private property, including, but not limited to, those set forth in section 6-1-5 of this code, clear of any and all vehicles and other obstructions and impediments which may prevent, hinder or in any other manner deter fire department personnel or equipment from immediate use of such fire lane.}

7-2-~~17~~{45}**: PENALTIES:**

Every person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in title 1, chapter 3 of this code. Each violation of a provision of this chapter shall constitute a separate offense and shall be punishable as such hereunder.

7-2-~~18~~{46}**: REQUIRED OBEDIENCE TO TRAFFIC CODE:**

It is unlawful and a violation of this chapter for any person to do any act forbidden or fail to perform any act required by this chapter.

7-2-19{47}: TOWING CARS AWAY:

A. Authority: The police department, and all members thereof assigned to traffic duty, are hereby authorized to remove and tow away, or have removed and towed away by commercial towing service, any vehicle illegally parked in any place where such parked vehicle creates or constitutes a traffic hazard, blocks the use of a fire hydrant, obstructs or may obstruct the movement of any emergency vehicle, is in a fire lane or parked in any location prohibited by subsection 7-2-40C of this chapter.

B. Storage; Return To Owner: Vehicles so towed away for illegal parking shall be stored in a safe place and shall be restored to the owner or operator of such vehicle upon payment of a fee as set by resolution of the city council, within twenty four (24) hours after the time such car was removed, plus a fee as set by resolution of the city council for each additional twenty four (24) hours or fraction thereof, plus all costs incurred for towing and storing such vehicle.

{7-2-48: ABANDONED MOTOR VEHICLES:}

{A. Prohibited: No person may abandon a vehicle upon any alley, highway, street or road.}

{B. Consent Required: No person may abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of such property.}

{C. Removal And Disposal: Abandoned vehicles shall be removed and disposed of in the manner provided in chapter 3 of this code.}

7-2-20{49}: MANDATORY MOTOR VEHICLE INSURANCE:

The provisions of Nevada Revised Statutes section 485.187 are adopted by reference.

{7-2-50: FAILURE TO OBEY CITATION:}

{A. Prohibited: It is unlawful for any person to violate his written promise to appear given to a peace officer upon the issuance of a traffic citation regardless of the disposition of the charge for which such citation was originally issued.}

{B. Appearance By Counsel: A written promise to appear in court may be complied with by an appearance by counsel.}

{C. Warrant: A warrant may issue upon a violation of a written promise to appear.}

{D. Double Fine: Failure to appear in court after a written promise to appear given to a peace officer upon the issuance of a traffic citation shall be punished by doubling the fine}

regularly imposed or a fine of twenty five dollars (\$25.00), whichever is greater. (Ord. 302, 2-10-1981)}

{7-2-51: FAILURE TO OBEY CITATION FOR PARKING:}

{When a traffic citation for a parking violation has been issued identifying by license number a vehicle registered to a person who has not signed the citation, a bench warrant may not be issued for that person for failure to appear before the court unless:}

{A. Notice Required: A notice to appear concerning the violation is first sent to the person by first class mail within sixty (60) days after the citation is issued; and}

{B. Nonappearance: The person does not appear within twenty (20) days after the date of the notice or the notice to appear is returned with a report that it cannot be delivered.}

7-2-21{52}: PARKING OF TRUCK-TRACTORS AND TRAILERS:

A. Definitions: As used in this section:

TRAILER: As defined by Nevada Revised Statutes section 482.125. The definition at the time of the adoption hereof is every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

TRUCK-TRACTOR: As defined by Nevada Revised Statutes section 482.130. The definition at the time of the adoption hereof is every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

B. Parking:

1. It is unlawful for any truck-tractor or trailer with an individual gross vehicle weight rating in excess of twenty six thousand one (26,001) pounds to be parked or left unattended upon any highway, street, alley, city public parking area, and/or public property under the jurisdiction of the city, unless the parking of any such truck-tractor or trailer falls within any of the exception set forth in {section 7-2-53 of} this chapter.

2. It is unlawful for any trailer with a gross vehicle weight rating in excess of twenty six thousand one (26,001) pounds to be detached from a truck-tractor and left parked or unattended upon any highway, street, alley, city public parking area, and/or public property under the jurisdiction of the city.

3. The driver or registered owner of any truck-tractor or trailer shall be liable for any violations of the provisions of this section or {section 7-2-54} of this chapter. Upon conviction of a first offense, a person who violates any provision of any of these sections of the city code shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars

(\$1,000.00). Any person convicted of a second offense within three (3) years shall be fined not less than two hundred fifty dollars (\$250.00), nor more than one thousand dollars (\$1,000.00). The general penalty provision of section 1-3-1 of this code shall apply to any sentence of imprisonment imposed by the judge.

7-2-22{53}: EXCEPTIONS FOR PARKING OF TRUCK-TRACTORS OR TRAILERS:

"Truck-tractors" or "trailers", as defined in **{section 7-2-52 of}** this chapter, may be parked on highways, streets or alleys within the jurisdiction of the city under any of the following conditions:

A. Generally: Any such vehicles involved in the expeditious loading or unloading of materials, goods or products; all truck-tractors or trailers owned or operated by the city, any public utility, or any contractor while engaged in the repair, maintenance or construction of city streets, street improvements or street utilities within the city.

B. Special Parking Permit: The city manager or designee may at their discretion, upon application in writing, filed with the city clerk, issue a special parking permit stating the conditions for and authorizing the applicant to park a designated number of truck-tractors or trailers on certain streets or alleys within the jurisdiction of the city as long as the applicant meets the conditions set forth in the permit and the applicant has a fixed place of business located within the city, which is the applicant's principal place of business.

C. Permit Process: The process, rules and regulations for obtaining such a special parking permit are as follows:

1. An application fee for the permit shall be established by resolution of the city council and included in the appendix to this code. The application form shall also be approved by resolution of the city council.

2. Every public street parking permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Permits for public street parking are nontransferable and do not run with the land.

3. Parking of a truck-tractor or trailer by a property owner shall be allowed only along their own property frontage.

4. Permits shall be subject to periodic review by the city for compliance.

5. The procedure and time periods for filing and obtaining a public street parking permit are as follows:

a. The application for the permit must:

(1) Specifically describe the type and number of truck-tractors and/or trailers which may be parked on the public street or alley.

(2) Indicate the public street or alley to be used and provide the exact area the vehicles may be parked.

(3) State the days of the week and the hours of the day when the vehicles may be parked on designated streets or alleys.

(4) State that the public street or alley parking shall be confined to the area depicted on the map.

(5) Certify that there will be no other use of the public parking space or other activity conducted from the area of the public street or alley designated for the parking.

(6) Acknowledge that the public parking permit does not guarantee the applicant that the public parking area will be available at all times.

(7) Acknowledge that no signs or other indications of commercial activity will be permitted in the public street.

(8) Certify that the public street parking space shall not generate vehicular or pedestrian traffic visibility problems, block driveways or other safety issues.

(9) Certify that the character of the public street parking area shall be maintained in appearance and cleanliness.

(10) Certify that no vehicles parked shall produce excess noise, odor, dust or smoke.

b. Procedure and time limitations for obtaining a permit include:

(1) The city manager or duly authorized representative shall make a determination on the application within ten (10) days of receiving the completed application and all required information.

(2) Any denial of an application by the city manager shall include, in writing, the reason for such denial.

(3) The decision to grant or deny a public street parking permit may be appealed by the applicant or any interested party to the city council. A written appeal from the applicant or interested party shall be filed with the city clerk within ten (10) days of the date of the decision of the city manager to deny or grant the permit. In the event of any such appeal, the notice requirements and procedures set forth in section 3-2-25 of this code shall be followed. The city council shall hear and consider facts and evidence from any persons or material presented and shall consider any relevant written communications from any persons at the appeal.

{7-2-54: DISCHARGE OF VEHICLE FLUIDS UPON PUBLIC STREETS AND ALLEYS:}

{A. Definitions: As used in this section:}

{ DISCHARGE: Any spilling, pouring, leaking, emitting, pumping, emptying, discharge, escaping, dumping or disposing of any vehicle fluids.}

{VEHICLE FLUIDS: Any petroleum products, including, but not limited to, gasoline, diesel, oil and lubricants or other fluids used in the operation of truck-tractors and/or trailers, including, but not limited to, antifreeze, power steering fluid, transmission fluid.}

{B. Prohibition: It is unlawful for any driver or registered owner of any truck-tractor and/or trailers to discharge or allow the discharge of any vehicle fluid upon any city street, highway, alleyway, city public parking area and/or public property under the jurisdiction of the city.}

Drafter's Note - Changes to Title 7 Chapter 5 follow. The entirety of the Chapter is being repealed and will be replaced with the corresponding state laws on DUI and aggressive driving.

{Chapter 5}
{RECKLESS DRIVING; DRIVING UNDER THE INFLUENCE}

{7-5-1: NEVADA REVISED STATUTES SECTION 484.377:}

{7-5-2: NEVADA REVISED STATUTES SECTION 484.379: }

{7-5-3: NEVADA REVISED STATUTES SECTION 484.3792:}

{7-5-4: NEVADA REVISED STATUTES SECTION 484.3793: }

{7-5-5: NEVADA REVISED STATUTES SECTION 484.37935:}

{7-5-6: NEVADA REVISED STATUTES SECTION 484.3794: }

{7-5-7: NEVADA REVISED STATUTES SECTION 484.37943:}

{7-5-8: NEVADA REVISED STATUTES SECTION 484.37945: }

{7-5-9: NEVADA REVISED STATUTES SECTION 484.37947: }

{7-5-10: NEVADA REVISED STATUTES SECTION 484.3797: }

{7-5-11: NEVADA REVISED STATUTES SECTION 484.3798: }

{7-5-12: NEVADA REVISED STATUTES SECTION 484.382: }

{7-5-13: NEVADA REVISED STATUTES SECTION 484.383: }

{7-5-14: NEVADA REVISED STATUTES SECTION 484.384: }

{7-5-15: NEVADA REVISED STATUTES SECTION 484.385: }

{7-5-16: NEVADA REVISED STATUTES SECTION 484.386: }

{7-5-16: NEVADA REVISED STATUTES SECTION 484.389: }

{7-5-18: NEVADA REVISED STATUTES SECTION 484.391: }

{7-5-19: NEVADA REVISED STATUTES SECTION 484.393: }

{7-5-20: NEVADA REVISED STATUTES SECTION 484.3935: }

{7-5-21: NEVADA REVISED STATUTES SECTION 484.394: }

{7-5-1: NEVADA REVISED STATUTES SECTION 484.377: }

Reckless driving. It is unlawful for any person to: A) drive a vehicle in wilful or wanton disregard of the safety of persons or property; B) drive a vehicle in an unauthorized speed contest on a public highway. A violation of this section constitutes reckless driving. Excluded from adoption is Nevada Revised Statutes section 484.377(2) relating to penalty for wilful or wanton disregard for safety causing death or substantial bodily harm. }

{7-5-2: NEVADA REVISED STATUTES SECTION 484.379: }

Driving under the influence of intoxicating liquor or controlled substance: unlawful acts; affirmative defense. }

{7-5-3: NEVADA REVISED STATUTES SECTION 484.3792: }

Driving under the influence of intoxicating liquor or controlled substance: penalties; segregation of offender; probation, suspension of sentence and plea bargaining restricted; intermittent confinement; consecutive sentences. Excluded from adoption is Nevada Revised Statutes section 484.3792(1)(c) relating to third offense DUI. }

{7-5-4: NEVADA REVISED STATUTES SECTION 484.3793: }

Evaluation and treatment for alcohol or drug abuse: Definitions. }

{7-5-5: NEVADA REVISED STATUTES SECTION 484.37935: }

Evaluation and treatment for alcohol or drug abuse: Standards for approval of evaluation center. }

{7-5-6: NEVADA REVISED STATUTES SECTION 484.3794: }

Driving under the influence of intoxicating liquor or controlled substance: Application to undergo program of treatment for alcoholism or drug abuse; sentencing of offender and conditional suspension of sentence; notice to department.}

{7-5-7: NEVADA REVISED STATUTES SECTION 484.37943:

Evaluation and treatment for alcohol or drug abuse: Evaluation of certain offenders; assessment for support of evaluation center.}

{7-5-8: NEVADA REVISED STATUTES SECTION 484.37945:

Evaluation and treatment for alcohol or drug abuse: Placement of offender under clinical supervision of treatment facility; payment of charges for treatment facility; payment of charges for treatment; liability of facility limited.}

{7-5-9: NEVADA REVISED STATUTES SECTION 484.37947:

Evaluation and treatment for alcohol or drug abuse: Evaluation of treatment by private company authorized.}

{7-5-10: NEVADA REVISED STATUTES SECTION 484.3797:

Driving under the influence of intoxicating liquor or controlled substance: Attendance of meeting of panel of victims of injuries caused by violations of Nevada Revised Statutes section 484.379 or 484.3795.}

{7-5-11: NEVADA REVISED STATUTES SECTION 484.3798:

Driving under the influence of intoxicating liquor or controlled substance: Fee for chemical analysis.}

{7-5-12: NEVADA REVISED STATUTES SECTION 484.382:

Driving under the influence of intoxicating liquor or controlled substance: Implied consent to preliminary test; failure to submit to test; use of results of test.}

{7-5-13: NEVADA REVISED STATUTES SECTION 484.383:

Driving under the influence of intoxicating liquor or controlled substance: Implied consent to evidentiary test; exemption from blood test; choice of test; restrictions on requiring urine test; failure to submit to test.}

{7-5-14: NEVADA REVISED STATUTES SECTION 484.384:

Driving under the influence of intoxicating liquor or controlled substance: Failure to consent to evidentiary or preliminary test; test showing 0.10 percent alcohol in blood; revocation of license, permit or privilege; periods of ineligibility.}

{7-5-15: NEVADA REVISED STATUTES SECTION 484.385:

Driving under the influence of intoxicating liquor or controlled substance: Seizure of license; order of revocation; administrative and judicial review; temporary license; certificate of officer transmitted to department. }

{7-5-16: NEVADA REVISED STATUTES SECTION 484.386:

Driving under the influence of intoxicating liquor or controlled substance: Requirements for evidentiary test of breath to determine percentage of alcohol in breath.}

{7-5-17: NEVADA REVISED STATUTES SECTION 484.389:

Driving under the influence of intoxicating liquor or controlled substance: Admissibility of evidence of refusal to submit to evidentiary test and results of test; availability of results of test.}

{7-5-18: NEVADA REVISED STATUTES SECTION 484.391:

Driving under the influence of intoxicating liquor or controlled substance: Opportunity of arrested person to choose qualified person to administer test; substitution of test prohibited.}

{7-5-19: NEVADA REVISED STATUTES SECTION 484.393:

Driving under the influence of intoxicating liquor or controlled substance: Admissibility of results of blood tests; persons authorized to administer test; immunity from liability.}

{7-5-20: NEVADA REVISED STATUTES SECTION 484.3935:

Driving under the influence of intoxicating liquor or controlled substance: Presumption that solution or gas used to calibrate devices for testing breath, blood or urine is properly prepared.}

{7-5-21: NEVADA REVISED STATUTES SECTION 484.394:

Driving under the influence of intoxicating liquor or controlled substance: Analysis of blood for presence of alcohol of deceased victim of accident involving motor vehicle.}

7-2-23 Adoption of state traffic law by reference. The following state laws are adopted hereby by reference.

CHAPTER 484A - TRAFFIC LAWS GENERALLY

GENERAL PROVISIONS

NRS 484A.005 Purposes of chapters 484A to 484E, inclusive, of NRS.

NRS 484A.010 Definitions.

NRS 484A.015 "Alley" defined.

NRS 484A.020 "Authorized emergency vehicle" defined.

NRS 484A.025 "Bicycle" defined.

NRS 484A.030 "Bus" defined.

NRS 484A.035 "Bus stand" defined.

NRS 484A.040 "Center" and "centerline" defined.

NRS 484A.045 "City" defined.

NRS 484A.050 "Combination of vehicles" defined.

NRS 484A.055 "Commercial vehicle" defined.

NRS 484A.060 "Controlled-access highway" defined.

NRS 484A.065 "Crosswalk" defined.

NRS 484A.070 "Divided highway" defined.

NRS 484A.075 "Driveaway-towaway operation" defined.

NRS 484A.080 "Driver" defined.

NRS 484A.085 "Explosives" defined.

NRS 484A.090 "Funeral procession" defined.

NRS 484A.095 "Highway" defined.

NRS 484A.100 "House trailer" defined.

NRS 484A.105 "Intersection" defined.

NRS 484A.110 "Laned highway" defined.

NRS 484A.115 "Local authority" defined.

NRS 484A.120 "Manufactured home" defined.

NRS 484A.125 "Moped" defined.

NRS 484A.130 "Motor vehicle" defined.

NRS 484A.135 "Motorcycle" defined.

- NRS 484A.140 "Nonresident" defined.
- NRS 484A.145 "Official traffic-control device" defined.
- NRS 484A.147 "Original equipment manufacturer" defined. [Effective January 1,
2012, through December 31, 2017.]
- NRS 484A.150 "Owner" defined.
- NRS 484A.155 "Park" and "parking" defined.
- NRS 484A.160 "Passenger car" defined.
- NRS 484A.165 "Pedestrian" defined.
- NRS 484A.170 "Person with a disability which limits or impairs the ability to walk"
defined.
- NRS 484A.175 "Pole trailer" defined.
- NRS 484A.180 "Police officer" defined.
- NRS 484A.185 "Premises to which the public has access" defined.
- NRS 484A.190 "Private way" and "driveway" defined.
- NRS 484A.195 "Public authority" defined.
- NRS 484A.196 "Qualified alternative fuel" defined. [Effective January 1, 2012,
through December 31, 2017.]
- NRS 484A.197 "Qualified alternative fuel vehicle" defined. [Effective January 1,
2012, through December 31, 2017.]
- NRS 484A.198 "Qualified vehicle modifier of alternative fuel vehicles" defined.
[Effective January 1, 2012, through December 31, 2017.]
- NRS 484A.200 "Railroad" defined.
- NRS 484A.205 "Regulatory agency" defined.
- NRS 484A.210 "Right-of-way" defined.
- NRS 484A.215 "Road" defined.
- NRS 484A.220 "Roadway" defined.
- NRS 484A.225 "Rural area" defined.

<u>NRS 484A.230</u>	<u>"School bus" defined.</u>
<u>NRS 484A.235</u>	<u>"Semitrailer" defined.</u>
<u>NRS 484A.240</u>	<u>"Sidewalk" defined.</u>
<u>NRS 484A.245</u>	<u>"Special mobile equipment" defined.</u>
<u>NRS 484A.250</u>	<u>"Stand" and "standing" defined.</u>
<u>NRS 484A.255</u>	<u>"Stop" defined.</u>
<u>NRS 484A.260</u>	<u>"Stop" and "stopping" defined.</u>
<u>NRS 484A.265</u>	<u>"Street" defined.</u>
<u>NRS 484A.270</u>	<u>"Taxicab" defined.</u>
<u>NRS 484A.275</u>	<u>"Through highway" defined.</u>
<u>NRS 484A.280</u>	<u>"Tow car" defined.</u>
<u>NRS 484A.285</u>	<u>"Traffic" defined.</u>
<u>NRS 484A.290</u>	<u>"Traffic-control signal" defined.</u>
<u>NRS 484A.295</u>	<u>"Trailer" defined.</u>
<u>NRS 484A.300</u>	<u>"Traveled portion of highway" defined.</u>
<u>NRS 484A.305</u>	<u>"Truck" defined.</u>
<u>NRS 484A.310</u>	<u>"Truck-tractor" defined.</u>
<u>NRS 484A.315</u>	<u>"Urban area" defined.</u>
<u>NRS 484A.320</u>	<u>"Vehicle" defined.</u>

POWERS OF STATE AND LOCAL AUTHORITIES

<u>NRS 484A.400</u>	<u>Provisions uniform throughout State; local authority prohibited from enacting certain ordinances; trial for same offense prohibited.</u>
<u>NRS 484A.410</u>	<u>City may adopt penalties for certain violations of driving under influence of alcohol or prohibited substance.</u>
<u>NRS 484A.420</u>	<u>Powers of local authority.</u>

NRS 484A.430 Adoption of manual and specifications for devices for control of traffic by Department of Transportation.

ADMINISTRATIVE REGULATIONS.

NRS 484A.440 Local device for control of traffic.

NRS 484A.450 Designation of through highways and intersections requiring stop or yield; vehicle entering intersection.

NRS 484A.460 Authority of Department of Transportation to designate carpool lanes; duties of Department of Transportation; regulations.

NRS 484A.463 Authority of Department of Transportation to adopt regulations to allow certain low emission and energy-efficient vehicles to be operated in lane designated for high-occupancy vehicles. [Effective January 1, 2018.]

NRS 484A.467 County or city authorized to adopt ordinance to allow low emission and energy-efficient vehicles to travel in designated lane in planned community.

NRS 484A.468 Parking program for qualified alternative fuel vehicles: Requirements for establishment by local authorities; fee authorized; authorization for participating qualified vehicle to stop, stand or park without payment; exceptions. [Effective January 1, 2012, through December 31, 2017.]

NRS 484A.470 Authority of Department to adopt regulations concerning special mobile equipment.

NRS 484A.480 Designation of authorized emergency vehicles; equipment; limitations on use of warning devices.

NRS 484A.490 Permit for authorized emergency vehicle issued to other vehicles; certain vehicles not considered emergency vehicles.

CITATIONS AND ARRESTS FOR VIOLATIONS OF TRAFFIC LAWS

NRS 484A.600 Use by governmental entity or agent of photographic, video or digital equipment to gather evidence for issuance of traffic citation.

NRS 484A.610 Issuance of forms for traffic citations; records.

NRS 484A.620 Copy of citation deemed lawful complaint.

<u>NRS 484A.630</u>	<u>Citation: Contents; 5-day notice to appear in court; written promise to appear.</u>
<u>NRS 484A.640</u>	<u>Matching of certain information before officer issues citation or makes arrest; when officer may arrest driver for prior offense.</u>
<u>NRS 484A.650</u>	<u>Officer to demand proof of insurance; citation for operation of vehicle without insurance or for failure to present proof of insurance.</u>
<u>NRS 484A.660</u>	<u>Issuance of citation at scene of accident.</u>
<u>NRS 484A.670</u>	<u>Effect of violation of written promise to appear; when appearance by counsel in lieu of personal appearance is authorized.</u>
<u>NRS 484A.680</u>	<u>Disposition and records of traffic citations.</u>
<u>NRS 484A.690</u>	<u>Audit of records of traffic citations.</u>
<u>NRS 484A.700</u>	<u>When warrant for failure to obey citation for parking violation may be issued.</u>

ARRESTS

<u>NRS 484A.710</u>	<u>Arrest without warrant for certain offenses.</u>
<u>NRS 484A.720</u>	<u>When person must be taken immediately before magistrate.</u>
<u>NRS 484A.730</u>	<u>When peace officer has option to give citation or take person before magistrate.</u>
<u>NRS 484A.740</u>	<u>Arrest of nonresident.</u>
<u>NRS 484A.750</u>	<u>Appearance before magistrate having jurisdiction.</u>
<u>NRS 484A.760</u>	<u>Release of defendant when magistrate not available.</u>
<u>NRS 484A.770</u>	<u>Procedure prescribed for arrest without warrant not exclusive.</u>

MISCELLANEOUS PROVISIONS

<u>NRS 484A.800</u>	<u>Sponsor of special event to provide for control of vehicular traffic.</u>
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GENERAL VIOLATIONS

<u>NRS 484A.900</u>	<u>Penalty for violation of traffic law when no penalty provided in statute; authority of court to order repeat offender to pay for and attend school for driver training.</u>
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CHAPTER 484B - RULES OF THE ROAD

DEFINITIONS

<u>NRS 484B.003</u>	<u>Definitions.</u>
<u>NRS 484B.007</u>	<u>"Administrative roadblock" defined.</u>
<u>NRS 484B.010</u>	<u>"Business district" defined.</u>
<u>NRS 484B.017</u>	<u>"Electric bicycle" defined.</u>
<u>NRS 484B.020</u>	<u>"Flammable liquid" defined.</u>
<u>NRS 484B.023</u>	<u>"Freight curb loading zone" defined.</u>
<u>NRS 484B.027</u>	<u>"House coach" defined.</u>
<u>NRS 484B.030</u>	<u>"Parking meter" defined.</u>
<u>NRS 484B.033</u>	<u>"Passenger curb loading zone" defined.</u>
<u>NRS 484B.037</u>	<u>"Person with a disability of moderate duration" defined.</u>
<u>NRS 484B.040</u>	<u>"Person with a permanent disability" defined.</u>
<u>NRS 484B.043</u>	<u>"Person with a temporary disability" defined.</u>
<u>NRS 484B.047</u>	<u>"Railroad sign" and "railroad signal" defined.</u>
<u>NRS 484B.050</u>	<u>"Railroad train" defined.</u>
<u>NRS 484B.053</u>	<u>"Residence district" defined.</u>
<u>NRS 484B.057</u>	<u>"Safety zone" defined.</u>
<u>NRS 484B.060</u>	<u>"School crossing zone" defined.</u>
<u>NRS 484B.063</u>	<u>"School zone" defined.</u>
<u>NRS 484B.067</u>	<u>"Taxicab stand" defined.</u>
<u>NRS 484B.070</u>	<u>"Temporary roadblock" defined.</u>

NRS 484B.073 “Two-directional highway” defined.

NRS 484B.077 “U-turn” defined.

GENERAL RULES AND APPLICABILITY

NRS 484B.100 Obedience to police officer.

NRS 484B.103 Rights and duties of person riding animal or driving vehicle drawn
by animal.

NRS 484B.107 Applicability of chapters 484A to 484E, inclusive, of NRS to person,
motor vehicle or other equipment engaged in work upon highway.

NRS 484B.110 Driving through safety zone prohibited.

NRS 484B.113 Limitations on backing.

NRS 484B.117 Driving upon sidewalk.

NRS 484B.120 Driving on defiles, canyons or mountain highways.

NRS 484B.123 Coasting prohibited in certain circumstances.

NRS 484B.127 Following too closely.

NRS 484B.130 Double penalty for certain traffic violations committed in work
zones; exception in certain temporary traffic control zones.

NRS 484B.135 Double penalty for certain traffic violations committed in pedestrian
safety zones; exceptions in certain pedestrian safety zones.

RESTRICTIONS ON PERSONS IN VEHICLES

NRS 484B.150 Drinking alcoholic beverage while driving motor vehicle unlawful;
open container of alcoholic beverage; additional penalty for
violation committed in work zone.

NRS 484B.153 Boarding or alighting from vehicle; opening door of vehicle.

NRS 484B.157 Child less than 6 years of age and weighing 60 pounds or less to
be secured in child restraint system while being transported in
motor vehicle; requirements for system; penalties; programs of
training; waiver or reduction of penalty under certain circumstances;
application of section.

<u>NRS 484B.160</u>	<u>Person riding upon bed of flatbed truck or within bed of pickup truck.</u>
<u>NRS 484B.163</u>	<u>Obstruction of or interference with driver's view; interference with driver's control over driving mechanism; vision of driver through required glass equipment; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.165</u>	<u>Using handheld wireless communications device to type or enter text, send or read data, engage in nonvoice communication or engage in voice communications without use of hands-free device unlawful; exceptions; penalty.</u>
<u>NRS 484B.167</u>	<u>Riding in house trailer.</u>

DIRECTION OF TRAVEL; OVERTAKING AND PASSING

<u>NRS 484B.200</u>	<u>Driving on right half of highway required; exceptions; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.203</u>	<u>Duties of drivers passing vehicles proceeding in opposite directions; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.207</u>	<u>Overtaking vehicle on left side: Duties of drivers of overtaking and overtaken vehicle; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.210</u>	<u>When overtaking on right side allowed; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.213</u>	<u>Limitations on overtaking on left side; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.217</u>	<u>Zones in which overtaking on left side or making left-hand turn prohibited; exceptions; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.220</u>	<u>One-way highway; rotary traffic island.</u>
<u>NRS 484B.223</u>	<u>Driving on highway having multiple marked lanes for traffic; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.227</u>	<u>Driving on divided highway: Prohibited turns; additional penalty for violation committed in work zone.</u>

RIGHT-OF-WAY

<u>NRS 484B.250</u>	<u>Vehicle approaching or entering intersection.</u>
<u>NRS 484B.253</u>	<u>Vehicle turning left.</u>
<u>NRS 484B.257</u>	<u>Vehicle entering intersection marked stop or yield.</u>
<u>NRS 484B.260</u>	<u>Vehicle entering highway from private way.</u>
<u>NRS 484B.263</u>	<u>Vehicle entering or exiting controlled-access highway: Duty to yield right-of-way.</u>
<u>NRS 484B.267</u>	<u>Operation of vehicle on approach of authorized emergency vehicle or official vehicle of regulatory agency.</u>
<u>NRS 484B.270</u>	<u>Vehicles, bicycles and electric bicycles: Driver's duty of due care; additional penalty if driver is proximate cause of collision with person riding bicycle.</u>

PEDESTRIANS

<u>NRS 484B.280</u>	<u>Duties of driver of motor vehicle to pedestrian; additional penalty if driver is proximate cause of collision with pedestrian.</u>
<u>NRS 484B.283</u>	<u>Right-of-way in crosswalk; impeding ability of driver to yield prohibited; overtaking vehicle at crosswalk; obedience to signals and other devices for control of traffic; additional penalty if driver is proximate cause of collision with pedestrian.</u>
<u>NRS 484B.287</u>	<u>When pedestrian must yield right-of-way to vehicle; when crossing at crosswalk is required; crossing diagonally.</u>
<u>NRS 484B.290</u>	<u>Right-of-way of person who is blind; penalty.</u>
<u>NRS 484B.293</u>	<u>Direction of movement on crosswalk.</u>
<u>NRS 484B.297</u>	<u>Walking along and upon highways; solicitation of ride, business or contribution from driver or occupant of vehicle prohibited in certain circumstances; intoxicated pedestrian prohibited within traveled portion of highway; applicability to riders of animals; penalty.</u>

TRAFFIC SIGNS, SIGNALS AND MARKINGS

<u>NRS 484B.300</u>	<u>Obedience to devices for control of traffic; placement of devices; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.303</u>	<u>Disobedience of directions of device for control of traffic unlawful; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.307</u>	<u>Traffic controlled by official traffic-control devices exhibiting different colored lights: Rights and duties of vehicular traffic and pedestrians depending upon particular signal displayed; signals placed over individual lanes; certain restrictions upon local authorities.</u>
<u>NRS 484B.310</u>	<u>Flashing signals.</u>
<u>NRS 484B.313</u>	<u>Display of unauthorized signs, signals, markings or street banners; limitation on placement of commercial advertising; removal as public nuisance; exceptions; use of advertising revenues to repay bonds.</u>
<u>NRS 484B.317</u>	<u>Interference with official device for control of traffic or sign or signal for railroad prohibited; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.320</u>	<u>Devices and mechanisms capable of interfering with or altering signal of traffic-control signal: General prohibition against operating and selling; seizure by police; presence in or on vehicle as prima facie evidence of violation; penalty; exceptions for providers of mass transit and response agencies.</u>
<u>NRS 484B.323</u>	<u>Carpool lanes: Use of carpool lanes in conformance with signs; penalty.</u>
<u>NRS 484B.327</u>	<u>Unlawful to remove barriers and signs stating highway is closed to traffic; driving on such highway unlawful; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.330</u>	<u>Obedience to signal of authorized flagger; prosecution of violations; penalties.</u>

SCHOOL CROSSING GUARDS, SCHOOL ZONES AND SCHOOL BUSES

<u>NRS 484B.350</u>	<u>Stop required in obedience to direction or traffic-control signal of school crossing guard; penalty; additional penalty if driver is proximate cause of collision with pedestrian or person riding bicycle.</u>
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<u>NRS 484B.353</u>	<u>Overtaking and passing school bus: Duties of driver; exceptions; penalties.</u>
<u>NRS 484B.357</u>	<u>Report by driver of school bus of failure of driver of vehicle to stop; submission of report to school district and Department; provision of notice to owner of vehicle.</u>
<u>NRS 484B.360</u>	<u>Maximum speed of school bus.</u>
<u>NRS 484B.363</u>	<u>School zone or school crossing zone: Speed limit; designation; signs; determination of hours in which speed limit is in effect; additional penalty if driver is proximate cause of collision with pedestrian or person riding bicycle.</u>
<u>NRS 484B.367</u>	<u>School zone or school crossing zone: Requirements for signs; placement of portable signs.</u>

TURNING AND STARTING:

SIGNALS ON STOPPING AND TURNING

<u>NRS 484B.400</u>	<u>Required position and method of turning at intersections.</u>
<u>NRS 484B.403</u>	<u>When U-turns are authorized and prohibited; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.407</u>	<u>Turning on curve or crest of grade prohibited in certain circumstances.</u>
<u>NRS 484B.410</u>	<u>Starting parked vehicle.</u>
<u>NRS 484B.413</u>	<u>Requirements for turning on highway; signal for stopping or decreasing speed.</u>
<u>NRS 484B.417</u>	<u>Signal by hand and arm or signal lamp or device authorized.</u>
<u>NRS 484B.420</u>	<u>Methods of giving signals by hand and arm.</u>

STOPPING, STANDING AND PARKING

<u>NRS 484B.440</u>	<u>Stopping, standing or parking outside of business or residence district.</u>
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<u>NRS 484B.443</u>	<u>Police officer authorized to remove certain vehicles; protocol for selection and use of towing services; duties and liability of tow car operator.</u>
<u>NRS 484B.447</u>	<u>Preservation of criminal evidence when vehicle is removed from highway.</u>
<u>NRS 484B.450</u>	<u>Stopping, standing or parking prohibited in specified places.</u>
<u>NRS 484B.453</u>	<u>Prohibited parking in front of theaters, hotels and other buildings.</u>
<u>NRS 484B.457</u>	<u>Parallel and angle parking; stopping, standing and parking on highways under jurisdiction of Department of Transportation.</u>
<u>NRS 484B.460</u>	<u>Parking at angle designated by devices permitting angle parking.</u>
<u>NRS 484B.463</u>	<u>Special license plate or plates and special or temporary parking placards and stickers: Use; alternative use of special plate or plates issued to veteran with a disability; limitations. [Both versions in 2015 NRS Volume].</u>
<u>NRS 484B.467</u>	<u>Parking space designated for persons who are handicapped: Signs; required plates, stickers or placards for parking; prohibited acts; penalty. [Both versions in 2015 NRS Volume].</u>
<u>NRS 484B.470</u>	<u>Local law enforcement agency authorized to appoint volunteers to enforce certain laws concerning parking for persons who are handicapped.</u>
<u>NRS 484B.473</u>	<u>Parked vehicle at nighttime: Reflectors; lights.</u>
<u>NRS 484B.477</u>	<u>Stopping, standing or parking in alley.</u>
<u>NRS 484B.480</u>	<u>All-night parking.</u>
<u>NRS 484B.483</u>	<u>Parking for certain purposes prohibited.</u>
<u>NRS 484B.487</u>	<u>Parking adjacent to school.</u>
<u>NRS 484B.490</u>	<u>Parking on narrow highway.</u>
<u>NRS 484B.493</u>	<u>Standing or parking on one-way street.</u>
<u>NRS 484B.497</u>	<u>Standing or parking on one-way roadway.</u>
<u>NRS 484B.500</u>	<u>Stopping, standing or parking near hazardous or congested place.</u>

<u>NRS 484B.503</u>	<u>Stopping, standing or parking in zone for loading passengers at curb.</u>
<u>NRS 484B.507</u>	<u>Stopping, standing or parking in zone for loading freight at curb.</u>
<u>NRS 484B.510</u>	<u>Stopping, standing or parking in restricted parking zone.</u>
<u>NRS 484B.513</u>	<u>Stopping, standing and parking of bus or taxicab.</u>
<u>NRS 484B.517</u>	<u>Restricted use of bus and taxicab stands.</u>
<u>NRS 484B.520</u>	<u>Regulation of stopping, standing or parking by local authority.</u>
<u>NRS 484B.523</u>	<u>Stopping, standing or parking in metered parking zone; unlawful tampering with meter. [Effective January 1, 2018.]</u>
<u>NRS 484B.527</u>	<u>Local authority authorized to file notice of nonpayment with Department if registered owner of motor vehicle fails to pay certain penalties, fines or other charges; contents of notice; regulations.</u>
<u>NRS 484B.530</u>	<u>Unattended motor vehicle: Stopping engine, locking ignition and removing key.</u>
<u>NRS 484B.533</u>	<u>Unattended motor vehicle: Standing on grade.</u>

SPECIAL STOPS

SIGNAL BY PEACE OFFICER

<u>NRS 484B.550</u>	<u>Stop required upon signal of peace officer; manner in which signal must be given; penalties.</u>
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RAILROAD GRADE CROSSINGS

<u>NRS 484B.553</u>	<u>Obedience to signal indicating approach of railroad train.</u>
<u>NRS 484B.557</u>	<u>Stop required at certain railroad grade crossings.</u>
<u>NRS 484B.560</u>	<u>Certain vehicles required to stop at all railroad grade crossings; exceptions.</u>
<u>NRS 484B.563</u>	<u>Moving heavy equipment at railroad grade crossing.</u>

ROADBLOCKS

<u>NRS 484B.570</u>	<u>Administrative roadblock: Establishment; minimum requirements.</u>
<u>NRS 484B.573</u>	<u>Temporary roadblock: Establishment; minimum requirements.</u>

<u>NRS484B.574</u>	<u>Flooding or water on roadway: Liability for expense if person travels through temporary roadblock or is convicted of reckless driving; Limitations on liability and expenses; Immunity from liability.</u>
<u>NRS 484B.577</u>	<u>Authority of police officers not limited by provisions relating to roadblocks.</u>
<u>NRS 484B.580</u>	<u>Failure to stop at roadblock; penalties.</u>

CONTROLLED-ACCESS HIGHWAY

<u>NRS 484B.587</u>	<u>Obedience to signs relating to controlled-access highway; restrictions on driving on controlled-access highway; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.590</u>	<u>Heavy-vehicle lanes: Authority of Department of Transportation to erect advisory signs on controlled-access facilities.</u>
<u>NRS 484B.593</u>	<u>Restrictions on use of controlled-access highway; penalty.</u>

RESTRICTIONS ON SPEED

<u>NRS 484B.600</u>	<u>Basic rule; additional penalties for violation committed in work zone or if driver is proximate cause of collision with pedestrian or person riding bicycle.</u>
<u>NRS 484B.603</u>	<u>Duty of driver to decrease speed under certain circumstances; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.607</u>	<u>Duties of driver when approaching authorized emergency vehicle which is stopped and using flashing lights or tow car which is stopped and using flashing amber warning lights; penalty.</u>
<u>NRS 484B.610</u>	<u>Speed limit in unincorporated town; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.613</u>	<u>Speed limit: Establishment for vehicles on highways constructed and maintained by Department of Transportation; additional penalty for violation committed in work zone.</u>

<u>NRS 484B.617</u>	<u>Certain violations of speed limit in rural areas: Fines; Department not to record violation on driver's record; violation not deemed moving traffic violation.</u>
<u>NRS 484B.620</u>	<u>Speed zones and signs.</u>
<u>NRS 484B.621</u>	<u>Establishment of State Route 159 Safety Speed Zone; considerations when establishing maximum speed; adequate signage or other forms of notice required to be evaluated and installed to support maximum speed established.</u>
<u>NRS 484B.623</u>	<u>Slow driving; establishment of minimum speed limit.</u>
<u>NRS 484B.627</u>	<u>Duties of driver driving motor vehicle at speed so slow as to impede forward movement of traffic; prohibition against stopping vehicle on roadway so as to impede or block normal and reasonable movement of traffic; exception.</u>
<u>NRS 484B.630</u>	<u>Circumstances in which driver of slow-moving vehicle has duty to turn off roadway; penalty.</u>
<u>NRS 484B.633</u>	<u>Special limitations on speed.</u>
<u>NRS 484B.637</u>	<u>"Low-speed vehicle" defined; highways upon which low-speed vehicles may be operated; exception.</u>

AGGRESSIVE DRIVING; RECKLESS DRIVING;

VEHICULAR MANSLAUGHTER

<u>NRS 484B.650</u>	<u>Acts constituting aggressive driving; penalties; additional penalty for violation committed in work zone.</u>
<u>NRS 484B.653</u>	<u>Reckless driving and organization of unauthorized speed contests prohibited; penalties; court to suspend driver's license of certain offenders; additional penalties for violation committed in work zone or if driver is proximate cause of collision with pedestrian or person riding bicycle.</u>
<u>NRS 484B.657</u>	<u>Vehicular manslaughter; penalty; additional penalty for violation committed in work zone.</u>

EMERGENCY VEHICLES AND PROCESSIONS

<u>NRS 484B.700</u>	<u>Privileges granted to driver of authorized emergency vehicle, official vehicle of regulatory agency or vehicle escorting funeral procession; application of privileges; limitation of privileges.</u>
<u>NRS 484B.703</u>	<u>Driving through funeral or other procession.</u>
<u>NRS 484B.707</u>	<u>Driving in procession.</u>
<u>NRS 484B.710</u>	<u>Following fire apparatus prohibited.</u>

ACTIONS AND DEVICES RELATED TO SAFETY

<u>NRS 484B.740</u>	<u>Fusee: Limitation on color.</u>
<u>NRS 484B.743</u>	<u>Reflective material required for person directing or controlling traffic near school.</u>
<u>NRS 484B.747</u>	<u>Operator of tow car to place warning signs when rendering assistance to disabled vehicle on certain roadways.</u>
<u>NRS 484B.748</u>	<u>Use of flashing amber warning lights on tow car at scene of traffic hazard.</u>
<u>NRS 484B.750</u>	<u>Placement of red flares, red lanterns, warning lights or reflectors by tow car operator near warning signs when rendering assistance to disabled vehicle on highway in certain circumstances.</u>
<u>NRS 484B.753</u>	<u>When operator of tow car authorized to tow vehicle with person inside. [Effective until the date on which the Secretary of the United States Department of Transportation, or his or her authorized representative, rescinds that portion of the Federal Motor Vehicle Safety Standard No. 208 (49 C.F.R. § 571.208) which requires the installation of automatic restraints in new private passenger motor vehicles, unless the Secretary's decision to rescind is not based on the enactment or continued operation of section 1 of chapter 29, Statutes of Nevada 2009.]</u>
<u>NRS 484B.753</u>	<u>When operator of tow car authorized to tow vehicle with person inside. [Effective on the date on which the Secretary of the United States Department of Transportation, or his or her authorized representative, rescinds that portion of the Federal Motor Vehicle</u>

Safety Standard No. 208 (49 C.F.R. § 571.208) which requires the
installation of automatic restraints in new private passenger motor
vehicles, unless the Secretary's decision to rescind is not based on
the enactment or continued operation of section 1 of chapter 29,
Statutes of Nevada 2009.]

NRS 484B.757 Use of flashing amber warning lights by private patrol officer.

OPERATION OF BICYCLES,

ELECTRIC BICYCLES AND VEHICLES FOR PLAY

NRS 484B.760 Penalty for violation of provisions; responsibility of parent of child or
guardian of ward; applicability of provisions to bicycles and electric
bicycles.

NRS 484B.763 Application of traffic laws to person riding bicycle or electric bicycle.

NRS 484B.767 Certain persons operating bicycle or electric bicycle while on duty
not required to comply with laws in certain circumstances.

NRS 484B.768 Required action of operator of bicycle or electric bicycle when
turning from direct course; when signal not required.

NRS 484B.769 Signals required to be given by operator of bicycle or electric
bicycle on roadway.

NRS 484B.770 Where bicycles or electric bicycles may be ridden; limitation on
number of persons carried on bicycle or electric bicycle.

NRS 484B.773 Attaching to vehicle upon roadway prohibited.

NRS 484B.777 Operating bicycle or electric bicycle on roadway.

NRS 484B.780 Carrying articles on bicycle or electric bicycle.

NRS 484B.783 Lamps, reflectors and brakes required on bicycles and electric
bicycles.

MISCELLANEOUS RULES

NRS 484B.900 Rental agency not liable for traffic violation by user of rented
vehicle.

<u>NRS 484B.903</u>	<u>Putting glass or other injurious substance on highway prohibited.</u>
<u>NRS 484B.907</u>	<u>Violation of curfew by drivers who are 16 or 17 years of age;</u> <u>exception for scheduled events; violation does not constitute</u> <u>primary offense.</u>
<u>NRS 484B.910</u>	<u>Motor must be shut off when supply tank being filled with fuel.</u>
<u>NRS 484B.913</u>	<u>Crossing fire hose.</u>
<u>NRS 484B.917</u>	<u>Police officer to remove and destroy lights and sirens unlawfully</u> <u>installed or operated.</u>
<u>NRS 484B.920</u>	<u>Permits required for certain parades and processions, sound trucks</u> <u>and oversized or overweight vehicles or equipment; duties of</u> <u>Department of Transportation; authority of cities and counties to</u> <u>provide recommendations and notice; regulations; penalty.</u>

CHAPTER 484C - DRIVING UNDER THE INFLUENCE

OF ALCOHOL OR A PROHIBITED SUBSTANCE

GENERAL PROVISIONS

<u>NRS 484C.010</u>	<u>Definitions.</u>
<u>NRS 484C.020</u>	<u>"Concentration of alcohol of 0.08 or more in his or her blood or breath"</u> <u>defined. [Effective until the date of the repeal of the federal law</u> <u>requiring each state to make it unlawful for a person to operate a motor</u> <u>vehicle with a blood alcohol concentration of 0.08 percent or greater as</u> <u>a condition to receiving federal funding for the construction of</u> <u>highways in this State.]</u>
<u>NRS 484C.020</u>	<u>"Concentration of alcohol of 0.10 or more in his or her blood or breath"</u> <u>defined. [Effective on the date of the repeal of the federal law requiring</u> <u>each state to make it unlawful for a person to operate a motor vehicle</u> <u>with a blood alcohol concentration of 0.08 percent or greater as a</u> <u>condition to receiving federal funding for the construction of highways</u> <u>in this State.]</u>
<u>NRS 484C.030</u>	<u>"Concentration of alcohol of 0.18 or more in his or her blood or breath"</u> <u>defined.</u>

<u>NRS 484C.040</u>	<u>"Concentration of alcohol of less than 0.18 in his or her blood or breath" defined.</u>
<u>NRS 484C.050</u>	<u>"Evaluation center" defined.</u>
<u>NRS 484C.060</u>	<u>"License to drive a motor vehicle" defined.</u>
<u>NRS 484C.070</u>	<u>"Nonresident's driving privilege" defined.</u>
<u>NRS 484C.080</u>	<u>"Prohibited substance" defined.</u>
<u>NRS 484C.090</u>	<u>"Revocation of driver's license" defined.</u>
<u>NRS 484C.100</u>	<u>"Treatment facility" defined.</u>
<u>NRS 484C.105</u>	<u>"Under the Influence" defined.</u>
<u>NRS 484C.109</u>	<u>Person deemed not to be in actual physical control of vehicle in certain circumstances.</u>

PROHIBITED ACTS

<u>NRS 484C.110</u>	<u>Unlawful acts; affirmative defense; additional penalty for violation committed in work zone. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]</u>
<u>NRS 484C.110</u>	<u>Unlawful acts; affirmative defense; additional penalty for violation committed in work zone. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]</u>
<u>NRS 484C.120</u>	<u>Unlawful acts relating to operation of commercial motor vehicle; affirmative defense; additional penalty for violation committed in work zone. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]</u>

- NRS 484C.120 Unlawful acts relating to operation of commercial motor vehicle; affirmative defense; additional penalty for violation committed in work zone. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.130 Vehicular homicide; affirmative defense. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.130 Vehicular homicide; affirmative defense. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

PRELIMINARY AND EVIDENTIARY TESTING OF DRIVERS AND OTHERS

- NRS 484C.150 Implied consent to preliminary test of person's breath; effect of failure to submit to test; use of results of test.
- NRS 484C.160 Implied consent to evidentiary test; exemption from blood test; choice of test; when blood test may be required; when other tests may be used; reasonable force authorized to obtain test in certain circumstances; notification of parent or guardian of minor directed to submit to test.
- NRS 484C.170 Analysis of blood of deceased victim of accident involving motor vehicle to determine presence and concentration of alcohol.
- NRS 484C.180 Arrested person to be given opportunity to choose qualified person to administer test; substitution of test prohibited.
- NRS 484C.190 Presumption that solution or gas used to calibrate or verify calibration of device for testing breath is properly prepared.
- NRS 484C.200 Requirements for evidentiary test of breath to determine concentration of alcohol in breath; use of reasonable force to obtain sample or conduct test.

- NRS 484C.210 Revocation of license, permit or privilege to drive when test shows concentration of alcohol of 0.08 or more in blood or breath; periods of ineligibility to run consecutively. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.210 Revocation of license, permit or privilege to drive when test shows concentration of alcohol of 0.10 or more in blood or breath; periods of ineligibility to run consecutively. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.220 Seizure of license or permit; order of revocation; administrative and judicial review; temporary license; sufficiency of notice. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.220 Seizure of license or permit; order of revocation; administrative and judicial review; temporary license; sufficiency of notice. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.230 Hearing by Department; additional temporary license; judicial review; cancellation of temporary license. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]
- NRS 484C.230 Hearing by Department; additional temporary license; judicial review; cancellation of temporary license. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08

percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

NRS 484C.240 Admissibility of evidence of refusal to submit to evidentiary test; availability of results of test; admissibility of evidence from test.

NRS 484C.250 Admissibility of results of blood test in hearing or criminal action; immunity from liability for person administering blood test in certain circumstances.

EVALUATION AND TREATMENT OF OFFENDERS FOR ALCOHOL OR DRUG ABUSE

NRS 484C.300 Evaluation of certain offenders before sentencing; persons qualified to conduct evaluation; results of evaluation to be forwarded to Director of Department of Corrections.

NRS 484C.310 Standards for approval of evaluation center.

NRS 484C.320 Application by first-time offender to undergo program of treatment; sentencing of offender and conditional suspension of sentence; notice to Department.

NRS 484C.330 Application by second-time offender to undergo program of treatment; sentencing of offender and conditional suspension of sentence; notice to Department.

NRS 484C.340 Application by third-time offender to undergo program of treatment; sentencing of offender and conditional suspension of proceedings; requirements to participate in program of treatment; certain previous convictions preclude offender from participating in program of treatment.

NRS 484C.350 Evaluation of first-time offender with a concentration of alcohol of 0.18 in his or her blood or breath and of second-time offenders required; required evaluation of first-time offender under 21 years of age; requirements of evaluation; out-of-state evaluation; offender to pay cost of evaluation.

NRS 484C.360 Placement of offender under clinical supervision of treatment facility; payment of charges for treatment; liability of facility limited.

NRS 484C.365 Placement of offender under clinical supervision of treatment provider in another jurisdiction authorized.

NRS 484C.370 Evaluation or treatment by private company authorized.

PENALTIES

Criminal Penalties

NRS 484C.400 Penalties for first, second and third offenses; segregation of offender; intermittent confinement; consecutive sentences; aggravating factor.

NRS 484C.410 Penalties when offender previously convicted of certain felonious conduct or homicide; segregation of offender; intermittent confinement; consecutive sentences; aggravating factor.

NRS 484C.420 Probation prohibited; suspension of sentence and plea bargaining restricted; mandatory orders when person is nonresident.

NRS 484C.430 Penalty if death or substantial bodily harm results; exception; segregation of offender; plea bargaining restricted; suspension of sentence and probation prohibited; affirmative defense; aggravating factor. [Effective until the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

NRS 484C.430 Penalty if death or substantial bodily harm results; exception; segregation of offender; plea bargaining restricted; suspension of sentence and probation prohibited; affirmative defense; aggravating factor. [Effective on the date of the repeal of the federal law requiring each state to make it unlawful for a person to operate a motor vehicle with a blood alcohol concentration of 0.08 percent or greater as a condition to receiving federal funding for the construction of highways in this State.]

NRS 484C.440 Penalties for vehicular homicide; segregation of offender; plea bargaining restricted; suspension of sentence and probation prohibited; aggravating factor.

Device to Prevent Person Who

Has Consumed Alcohol From Starting Vehicle

- NRS 484C.450 “Device” defined.
- NRS 484C.460 When court is authorized or required to order installation of device; exceptions; installation and inspection.
- NRS 484C.470 Penalties for tampering with or driving without device; probation and suspension of sentence prohibited; plea bargaining restricted.
- NRS 484C.480 Regulations.

Other Penalties

- NRS 484C.500 Civil penalty; cancellation of reinstated license upon conviction for violation of NRS 484C.110 or 484C.120; notice.
- NRS 484C.510 Fee for chemical analysis.
- NRS 484C.515 Fee for specialty court programs. [Effective through June 30, 2015.]
- NRS 484C.520 Mandatory suspension of registration of each motor vehicle registered to person convicted of second or subsequent violation or convicted of vehicular homicide; duration of suspension; court to forward copy of order to Department; contents of order; limited exceptions.
- NRS 484C.530 Offender to attend meeting of panel of victims and provide proof of attendance to court.

COMMITTEE ON TESTING FOR INTOXICATION

- NRS 484C.600 Creation; appointment and qualifications of members; meetings; quorum; appeal from decision of Committee.
- NRS 484C.610 Certification of breath-testing devices; creation and maintenance of list of such devices; presumption of accuracy and reliability of device; other evidence of concentration of alcohol in breath not precluded.
- NRS 484C.620 Adoption of regulations to prescribe standards and procedures to calibrate breath-testing devices; issuance of certificates by Director of Department of Public Safety.

NRS 484C.630 Adoption of regulations for certification of persons to operate device to test concentration in breath; judicial notice; presumption of proper operation; evidence of test performed by others not precluded.

NRS 484C.640 Adoption of regulations for calibration of devices to test blood or urine and certification of persons who calibrate or operate devices or who examine operators; adoption of regulations concerning operation of devices to test blood or urine.

CHAPTER 484D - EQUIPMENT, INSPECTIONS
AND SIZE, WEIGHT AND LOAD OF VEHICLES
GENERAL PROVISIONS

NRS 484D.010 Definitions.

NRS 484D.015 “Farm tractor” defined.

NRS 484D.020 “Implement of husbandry” defined.

NRS 484D.025 “Interstate highway” defined.

NRS 484D.030 “Mobile home” defined.

NRS 484D.035 “Recreational vehicle” defined.

NRS 484D.040 “Security agreement” defined.

NRS 484D.045 “Security interest” defined.

NRS 484D.050 “Tandem axle” defined.

NRS 484D.055 “Towable tools or equipment” defined.

EQUIPMENT OF VEHICLES
LAMPS AND OTHER EQUIPMENT FOR LIGHTING

NRS 484D.100 When lighted lamps are required.

NRS 484D.105 Distance of visibility and mounted height of lamps.

<u>NRS 484D.110</u>	<u>Headlamps on motor vehicles and special mobile equipment.</u>
<u>NRS 484D.115</u>	<u>Tail lamps.</u>
<u>NRS 484D.120</u>	<u>Reflectors.</u>
<u>NRS 484D.125</u>	<u>Stop lamps.</u>
<u>NRS 484D.130</u>	<u>Turn signals.</u>
<u>NRS 484D.135</u>	<u>Requirements for pole trailer.</u>
<u>NRS 484D.140</u>	<u>Additional equipment for lighting required on certain vehicles.</u>
<u>NRS 484D.145</u>	<u>Colors of certain lamps, lights and reflectors.</u>
<u>NRS 484D.150</u>	<u>Mounting of reflectors, clearance lamps and side marker lamps.</u>
<u>NRS 484D.155</u>	<u>Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps.</u>
<u>NRS 484D.160</u>	<u>Obstructed lights.</u>
<u>NRS 484D.165</u>	<u>Lamps on parked vehicle.</u>
<u>NRS 484D.170</u>	<u>Lamps and reflectors on farm tractors, farm equipment and implements of husbandry.</u>
<u>NRS 484D.175</u>	<u>Lamps and reflectors on other vehicles.</u>
<u>NRS 484D.180</u>	<u>Spot lamps, auxiliary lamps and lamps for fog.</u>
<u>NRS 484D.185</u>	<u>Flashing amber warning light: Limitations on operation and display; permit to mount on certain vehicles; fee.</u>
<u>NRS 484D.190</u>	<u>Display of flashing amber warning light and signs by certain vehicles used to sell food or beverage.</u>
<u>NRS 484D.195</u>	<u>Display of flashing amber warning light by vehicle of public utility.</u>
<u>NRS 484D.200</u>	<u>Use and display of blue tail lamps by certain vehicles of Department of Transportation; conditions.</u>
<u>NRS 484D.205</u>	<u>Additional equipment for lighting.</u>
<u>NRS 484D.210</u>	<u>Equipment for lighting road with multiple beams.</u>
<u>NRS 484D.215</u>	<u>Use of equipment for lighting road with multiple beams.</u>

NRS 484D.220 Number and intensity of lamps on front of vehicle.

PROHIBITED ACTS

NRS 484D.230 Vehicles in unsafe condition or lacking certain equipment prohibited
on highway; prohibited acts related to equipment.

BRAKES

NRS 484D.250 Equipment required.

NRS 484D.255 Requirements for performance.

NRS 484D.260 Maintenance.

NRS 484D.265 Equipment for towing vehicle.

NRS 484D.270 Arrangement of system; device for control.

NRS 484D.275 Reservoirs.

NRS 484D.280 Warning signals and devices for certain buses, trucks and truck-
tractors.

NRS 484D.285 Conditions upon use of compression brakes; penalty.

ODOMETERS

NRS 484D.300 Definitions.

NRS 484D.305 Unlawful devices.

NRS 484D.310 Unlawful change of mileage.

NRS 484D.315 Operation of, or causing or allowing to be operated, with intent to
defraud, motor vehicle that has disconnected, nonfunctional or
altered odometer.

NRS 484D.320 Conspiracy.

NRS 484D.325 Lawful service, repair or replacement; notice to be attached to
vehicle when odometer adjusted to read zero.

NRS 484D.330 Department to enforce provisions of federal law relating to
disclosure of odometer reading of motor vehicle and certain other
information.

NRS 484D.335 Criminal penalties.

NRS 484D.340 Civil penalties.

NRS 484D.345 Injunctive relief.

OTHER EQUIPMENT

NRS 484D.400 Horns and other warning devices.

NRS 484D.405 Unlawful to operate out-of-state or foreign privately owned motor
vehicle equipped with red light or siren; exception; penalty.

NRS 484D.410 Standards and regulations for noise emission; compliance.

NRS 484D.415 Mufflers: Prevention of emissions.

NRS 484D.420 Mudguards.

NRS 484D.425 Mirrors on trucks.

NRS 484D.430 Mirrors on all motor vehicles.

NRS 484D.435 Windshield and windows must be unobstructed.

NRS 484D.440 Restrictions on tinting of windshield or side or rear window.

NRS 484D.445 Windshield wipers.

NRS 484D.450 Safety glazing material in motor vehicles and campers.

NRS 484D.455 Replacement of glazing materials.

NRS 484D.460 Certain vehicles to carry pot torches, lanterns or reflectors; display
of devices when vehicle is disabled.

NRS 484D.465 Display of warning devices by vehicle of public utility parked at site
of work.

NRS 484D.470 Tow cars required to be equipped with broom, shovel and fire
extinguisher; duties of driver; failure to perform duties.

NRS 484D.475 Equipment for tow car: Flashing amber warning lamp; flares,
lanterns, lights or reflectors.

NRS 484D.480 Equipment for tow car: Rear and stop lamps; portable electric
extension cord.

NRS 484D.485	Event recording device: Disclosure by manufacturer of new motor vehicle in owner's manual; downloading or retrieval of data; subscription services; penalty.
NRS 484D.490	Television-type receiving equipment.
NRS 484D.493	Dynamic Display: Management system required; exceptions.
NRS 484D.495	Safety belts and shoulder harness assembly; requirements for child and other passenger; penalty; exemptions. [Effective until the date the Federal Government rescinds the requirement for the installation of automatic restraints in new private passenger motor vehicles, if that action is based upon the enactment or continued operation of certain amendatory and transitory provisions contained in chapter 480, Statutes of Nevada 1987.]
NRS 484D.495	Safety belts and shoulder harness assembly. [Effective on the date the Federal Government rescinds the requirement for the installation of automatic restraints in new private passenger motor vehicles, if that action is based upon the enactment or continued operation of certain amendatory and transitory provisions contained in chapter 480, Statutes of Nevada 1987.]
NRS 484D.500	Use of safety belts within taxicabs.
NRS 484D.505	Pneumatic tires: Standards; sale or use of nonconforming tire prohibited.
NRS 484D.510	Use of certain cleated or studded tires prohibited; exceptions.
NRS 484D.515	Traction devices, tire chains or snow tires: Use required where highway marked or posted.
NRS 484D.520	Traction devices, tire chains or snow tires: Requirements under certain circumstances.
NRS 484D.525	Installation and mounting of traction devices, tire chains or snow tires.
NRS 484D.530	Mechanical device to provide traction.
NRS 484D.535	Device for control of pollution: Use required; disconnection or alteration prohibited; exceptions.

NRS 484D.540 Device for control of pollution: Penalty; proof of conformity may be required.

NRS 484D.545 Emblem for slow-moving vehicle displayed on certain vehicles; standards.

INSPECTION OF VEHICLES

NRS 484D.560 Inspection by peace officer or inspector; citation or notice of violation; centers for inspection; standards for tires and brakes.

NRS 484D.570 Operation of vehicle without required equipment or in unsafe condition prohibited; exceptions.

NRS 484D.580 Penalty for failure or refusal to stop and submit to inspection or test.

SIZE, WEIGHT AND LOAD

GENERAL RESTRICTIONS AND EXEMPTIONS; PERMITS

NRS 484D.600 Prohibited acts concerning size or weight of vehicle; special permit; emergencies; exceptions.

NRS 484D.605 Height of vehicle: Maximum heights with load; exception; unlawful acts.

NRS 484D.610 Height of vehicle: Maximum ground clearance; exceptions.

NRS 484D.615 Length of vehicle: Restrictions; special permit; exceptions.

NRS 484D.620 Length of vehicle: Penalty.

NRS 484D.625 Authorized movement of vehicle on public highway in excess of limits on size and weight; permit; fee.

NRS 484D.630 Operation of motor vehicle exceeding its declared gross weight unlawful.

NRS 484D.635 Maximum weight of vehicle on any axle or per tire.

NRS 484D.640 Limitations on weight for vehicle used by licensed hauler of garbage and refuse.

NRS 484D.645 Limitations on weight for vehicle used by regional transportation commission or its contractor to provide public mass transportation;

	<u>exception for certain vehicles used as part of demonstration project; definitions.</u>
<u>NRS 484D.650</u>	<u>Measurement of distance between axles.</u>
<u>NRS 484D.655</u>	<u>Factors to be considered by Department of Transportation before reduction of maximum weight limits.</u>
<u>NRS 484D.660</u>	<u>Applicability of limits on weight to federal highways; reduction of limits by Department of Transportation or governing body of city or county.</u>
<u>NRS 484D.665</u>	<u>Certain larger vehicles prohibited from traveling on State Route 159; duty of Department of Transportation to erect certain markers; exceptions.</u>
<u>NRS 484D.670</u>	<u>Exemption for traction engine and tractor; circular metal band required.</u>
<u>NRS 484D.675</u>	<u>Enforcement by law enforcement agencies; weighing; requiring removal of excess load; penalty.</u>
<u>NRS 484D.680</u>	<u>Fines for violations of limits on weight.</u>
<u>NRS 484D.685</u>	<u>Maximum width of vehicle; permit for increased size or weight.</u>
<u>NRS 484D.690</u>	<u>Maximum width of bus.</u>
<u>NRS 484D.695</u>	<u>Maximum width of recreational vehicle.</u>
<u>NRS 484D.700</u>	<u>Maximum width of trailer, semitrailer, special mobile equipment or equipment for construction or maintenance of highway.</u>
<u>NRS 484D.705</u>	<u>Width of load of loosely piled agricultural products; restrictions for implement of husbandry moved over highway.</u>
<u>NRS 484D.710</u>	<u>Applicability of limits on width to federal highways.</u>
<u>NRS 484D.715</u>	<u>Permit for movement of oversized manufactured or mobile home or similar structure: Requirements; conditions; regulations.</u>
<u>NRS 484D.720</u>	<u>Permit for movement of oversized manufactured or mobile home or similar structure: Additional requirements and conditions; designation of highways; regulations.</u>
<u>NRS 484D.725</u>	<u>Permit to operate or move vehicles with oversized loads.</u>

NRS 484D.730 Contents of application for permit.

NRS 484D.735 Continuous and multiple trip-limited time permits: Maximum weight
per axle; fee for investigation; revocation; new application;
Department of Transportation to consider recommendation of city
or county.

NRS 484D.740 Carrying and inspection of permit.

UNLAWFUL ACTS; PENALTIES

NRS 484D.745 Penalties for operation of oversized or overweight vehicle without
permit or in violation of permit.

NRS 484D.800 Regional advisory committee: Creation; matters subject to
recommendation; membership; terms of members; vacancies;
members serve without compensation.

NRS 484D.810 Duties of regional advisory committee; duties of Department of
Transportation.

MISCELLANEOUS PROVISIONS

NRS 484D.850 Load on vehicle.

NRS 484D.855 Regulations: Loading and securing loads; safety chains and cables
for combinations of vehicles.

NRS 484D.860 Display of red lights or flag on load.

CHAPTER 484E - ACCIDENTS AND REPORTS OF ACCIDENTS

NRS 484E.010 Duty to stop at scene of accident involving death or personal injury;
penalty.

NRS 484E.020 Duty to stop at scene of accident involving damage to vehicle or
property.

NRS 484E.030 Duty to give information and render aid.

NRS 484E.040 Duty upon damaging unattended vehicle or other property.

NRS 484E.050 Immediate notice to police officer of accident involving unattended
vehicle or other property.

<u>NRS 484E.060</u>	<u>Seizure and impoundment of vehicle for failure to surrender license plates and certificate of registration upon suspension of registration.</u>
<u>NRS 484E.070</u>	<u>Written report of accident to Department by driver or owner; exceptions; confidentiality; use as evidence at trial.</u>
<u>NRS 484E.080</u>	<u>Failure to report; false report; penalties.</u>
<u>NRS 484E.090</u>	<u>State Registrar of Vital Statistics to report death to Department.</u>
<u>NRS 484E.100</u>	<u>Garage or repair shop to maintain record of repairs made to vehicle involved in accident.</u>
<u>NRS 484E.110</u>	<u>Police to report to Department; report not confidential.</u>
<u>NRS 484E.120</u>	<u>Forms for report of accident.</u>
<u>NRS 484E.130</u>	<u>Department to tabulate and analyze reports.</u>

SECTION 3: All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed, but only to the extent of such conflict. In the event any of the State laws hereafter amends any of the codes adopted herein by reference and such amendment may be made applicable to the traffic laws of the City, such amendments are adopted by the City to the extent permissible by law. If amendments are made by the State and the foregoing is not sufficient to establish the City Code is thereby so amended, the City Council may adopt such amendments as deemed desirable by resolution.

SECTION 4: If any section, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable or unconstitutional by any Court of competent jurisdiction, the invalidity, unenforceability or unconstitutionality of such section, paragraph, clause or provision shall not affect any remaining provisions of this ordinance.

SECTION 5: This ordinance having been posted in two (2) conspicuous places for a period of at least ten (10) days prior to the adoption of the ordinance, and having been read by title on _____, 2018, and having been voted on and adopted on _____, 2018, became in full force and effect one week after its posting following adoption.

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DATED at Elko, Nevada this ____ day of _____, 2018.

CITY OF ELKO

By: _____

CHRIS JOHNSON, MAYOR

ATTEST:

Kelly Wooldridge, City Clerk

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review and consideration of a request from the Idaho Chapter of Golf Course Superintendents Association of America (GCSAA) to host a tournament at Ruby View Golf Course on October 7-8, 2019, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **5 Minutes**
5. Background Information: **The GCSAA is requesting to hold their annual conference in Elko Nevada on October 7-8, 2019. In addition to the conference, they plan to hold a tournament at Ruby View Golf Course. Ruby View offers golf privileges and a 50% discount on cart rentals for verified PGA Golf Professionals, and Golf Superintendents. Conference organizers are also requesting that allied members including vendors, architects, engineers and other attendees also receive these privileges. Approximately 30 verified superintendents will be in attendance including 20 allied members. Attendees will be coming from Idaho, North Eastern Nevada, Southeast Oregon, and Northern Utah. JW**
6. Budget Information:

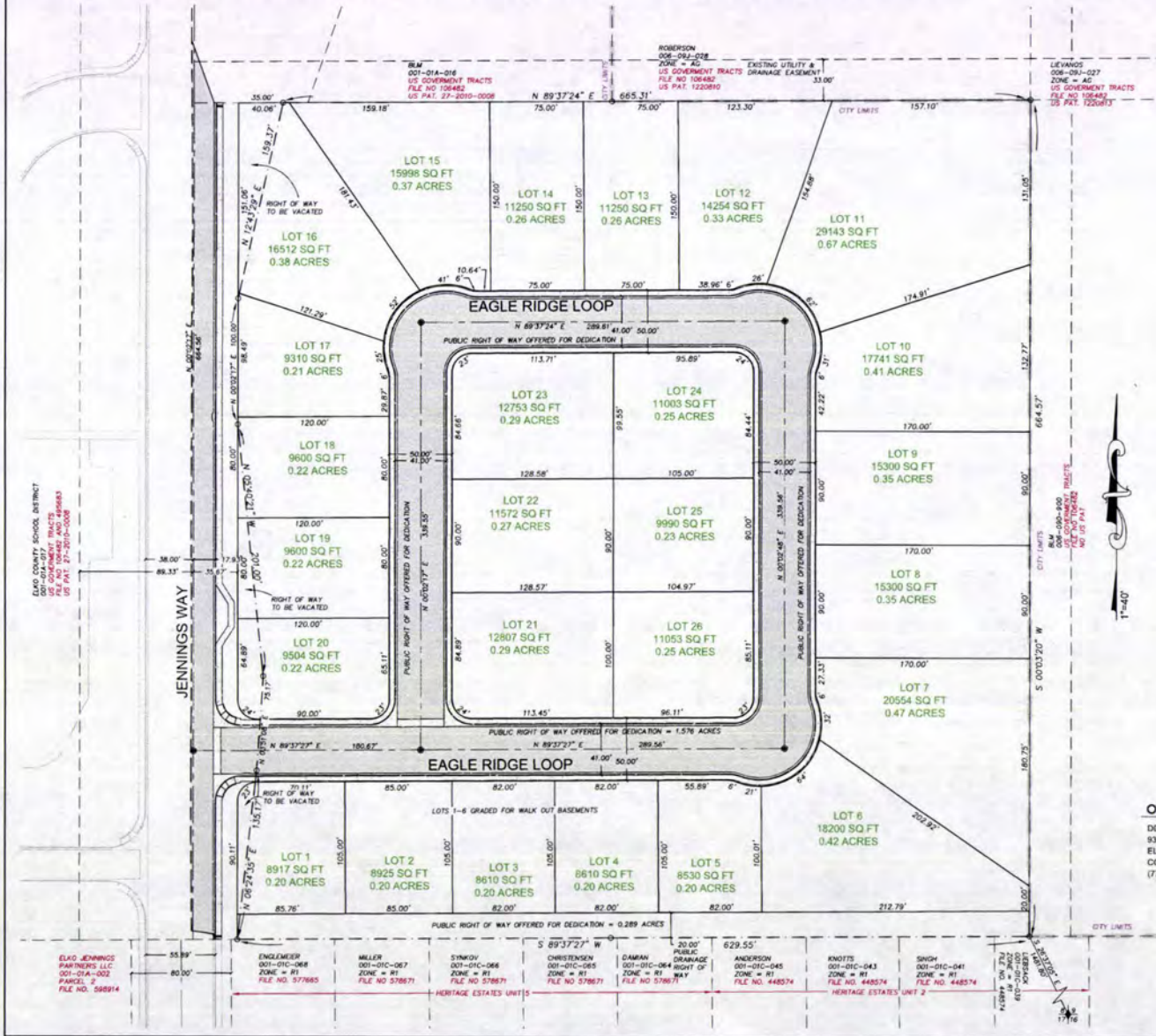
Appropriation Required: **N/A**
Budget amount available: **N/A**
Fund name:
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information:
9. Recommended Motion: **Approve the GCSAA to host a tournament at Ruby View Golf Course and to include golf privileges and a 50% cart rental discount to attendees.**
10. Prepared By: **James Wiley, Parks and Recreation Director**
11. Committee/Other Agency Review:
12. Council Action:
13. Agenda Distribution:

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible approval of Preliminary Plat No. 7-18, filed by DDS Properties LLC., for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **15 Minutes**
5. Background Information: **The Planning Commission considered the preliminary plat on July 9, 2018, and took action to forward a recommendation to Council to conditionally approve Preliminary Plat No. 7-18. 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 Report and related correspondence**
9. Recommended Motion: **Conditionally approve Preliminary Plat No. 7-18 for the Humboldt Hills 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, Elko County School District and required local utility companies**
12. Council Action:
13. Agenda Distribution: **DDS Properties, LLC**
 930 Idaho Street
 Elko, NV 89801
 dusty@braemarco.com

 Carter Engineering
 P.O. Box 794
 Elko, NV 89803
 lanalcarter@live.com

PRELIMINARY PLAT - HUMBOLDT HILLS



PROJECT INFORMATION

1. ZONING: R1 - SINGLE FAMILY RESIDENTIAL
2. APN: 001-011-001
3. LEGAL DESCRIPTION: PARCEL NO. 1 OF FILE NUMBER 727662, IN THE OFFICE OF THE ELKO COUNTY RECORDER.
4. TOTAL AREA IS 9.443 ACRES.
5. 26 LOTS TOTAL.
6. NO DEED RESTRICTIONS.
7. NO ADDRESS ASSIGNED TO THE PARCEL.
8. PARCEL TO BE SUBDIVIDED IS IN LOCATED IN SECTIONS 8 OF TOWNSHIP 34 NORTH, RANGE 55 EAST M.D.B. & M.
9. SUBDIVISION TO BE SERVED BY THE FOLLOWING UTILITY COMPANIES: CITY OF ELKO - WATER, SEWER & STORM DRAIN; SW GAS - NATURAL GAS; FRONTIER - COMMUNICATIONS AND TELEPHONE; NV ENERGY - ELECTRICAL; SATVIEW BROAD BAND - COMMUNICATIONS AND TELEVISION; ELKO SANITATION - WASTE DISPOSAL.
10. THIS PROPERTY IS LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM MAP 50052D.
11. THE ESTIMATED WATER DEMAND IS 1.12 AC-FT/YEAR/LOT. 26 LOTS = 1.12 AC-FT/YEAR/LOT = 26.12 AC-FT/YEAR.
12. TOTAL GROSS ACRES: 9.443 ACRES
13. TOTAL RIGHT OF WAY ACRES: 1.576 ACRES
14. TOTAL NET ACRES: 7.878 ACRES
15. IN ADDITION TO THE EASEMENTS SHOWN A 7' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL STREET FRONT LOT LINES AND A 6' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL SIDE AND REAR LOT LINES.
16. JENNINGS WAY SIDEWALK TO BE 5' WIDE. OTHER SIDEWALKS TO BE 4' WIDE.
17. NO LOTS SHALL ACCESS JENNINGS WAY.
18. NO UTILITY SERVICES SHALL BE FROM JENNINGS WAY MAIN.

PROJECT CONTACTS

OWNER-DEVELOPER

DOS PROPERTIES, LLC
930 IDAHO STREET
ELKO, NEVADA 89601
CONTACT: DUSTY SHIPP
(775) 777-2949

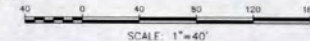
CIVIL ENGINEER

CARTER ENGINEERING, LLC
P.O. BOX 794
ELKO, NEVADA 89601
CONTACT: LANA L. CARTER, P.E.
(775) 797-2531

ENGINEER'S CERTIFICATION

I, LANA L. CARTER, A REGISTERED PROFESSIONAL CIVIL ENGINEER IN THE STATE OF NEVADA, DO HEREBY CERTIFY THAT THIS PRELIMINARY PLAT HAS BEEN PREPARED UNDER MY DIRECTION AND WAS COMPLETED ON THE 9TH DAY OF APRIL, 2018.

LANA L. CARTER, P.E.



REV	DATE	DESCRIPTION
1	4-13-18	30' DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER
2	4-13-18	MOVE NORTH DRAINAGE TO RIGHT A WAY EASEMENT
3	4-13-18	REVISIONS TO LOT 15
4	4-13-18	ADD NAME AND FILE NUMBER FOR ADJACENT PROPERTIES

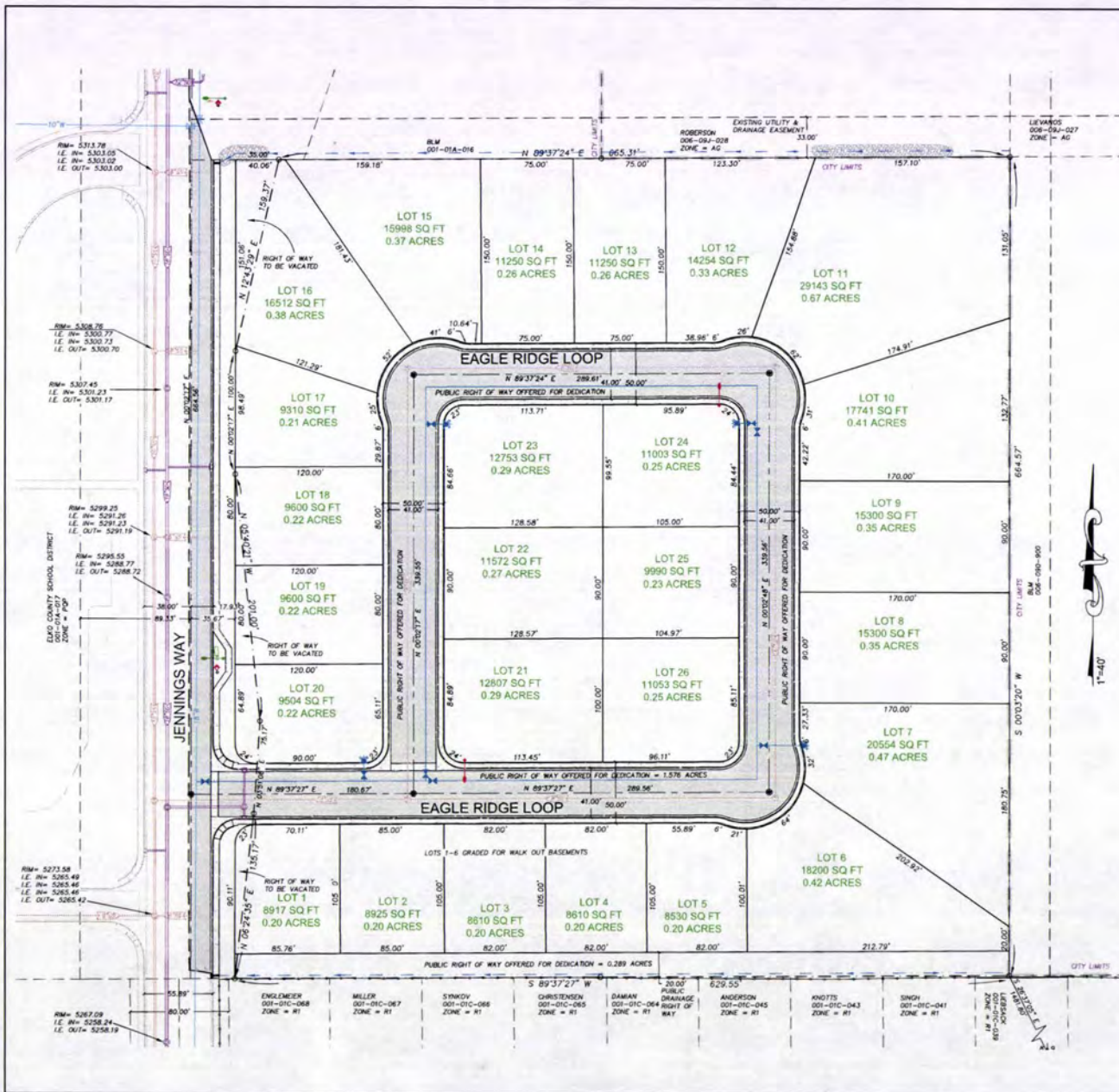
Carter Engineering, LLC
Civil Engineering
P.O. Box 794
Elko, Nevada 89603
775-397-2531

DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - LAYOUT
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	04-09-18
DATE:	04-09-18
JOB NO:	002-2018
DWG NO:	2018-04

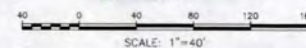
SCALE: HORIZONTAL: 1" = 40' VERTICAL: N/A

SHEET 1 OF 5



LEGEND

EXISTING SANITARY SEWER MANHOLE	
EXISTING SANITARY SEWER LINE	
EXISTING SANITARY SEWER LINE	
PROPOSED SANITARY SEWER LINE	
EXISTING CURB INLET	
EXISTING STORM DRAIN	
PROPOSED TYPE 4-H CURB INLET	
PROPOSED STORM DRAIN	
EXISTING GAS LINE	
EXISTING WATER LINE	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
PROPOSED WATER LINE	
PROPOSED WATER VALVE	
PROPOSED FIRE HYDRANT	
EXISTING TELEPHONE PEDISTAL	
EXISTING UNDER GROUND POWER LINE	
EXISTING POWER BOX	
EXISTING STREET LIGHT	
PROPOSED STREET LIGHT	
PROPOSED CONCRETE	
PROPOSED PAVEMENT	



REVISION	DATE	DESCRIPTION
1	4-18-18	20' DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER
2	6-28-18	MOVE NORTH DRAINAGE TO RIGHT A WAY EASEMENT
3	8-28-18	ADD MATERIAL FOR DRAINAGE TO 10' DRAINAGE EASEMENT

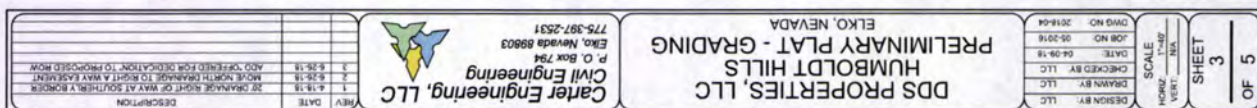
DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - UTILITIES
ELKO, NEVADA

Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89603
775-397-2531

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	04-09-18
DATE:	05-2018
JOB NO:	2018-04
DATE:	06-26-18

SCALE
HORIZ 1"=40'
VERT N/A

SHEET
2
OF 5

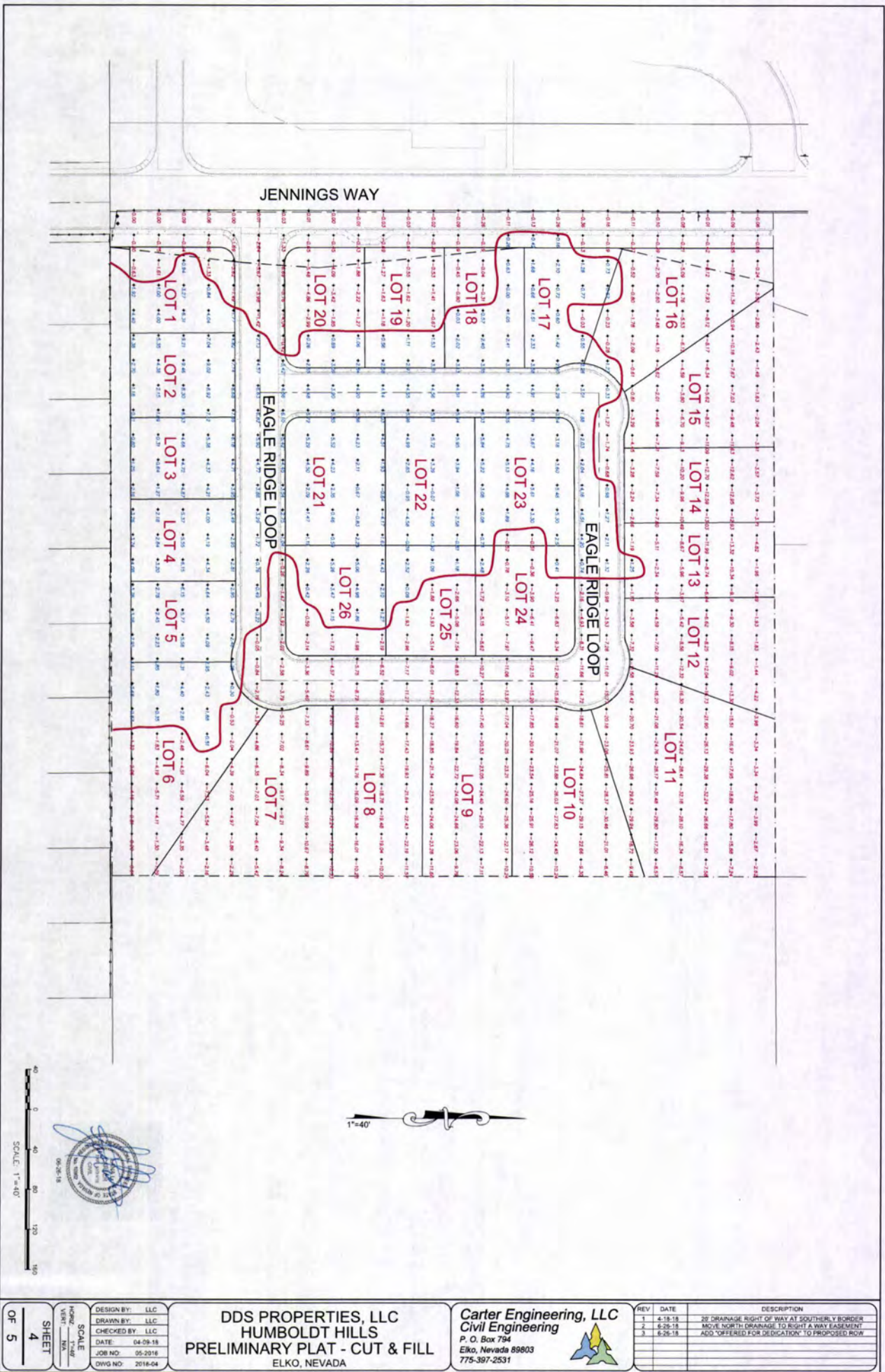


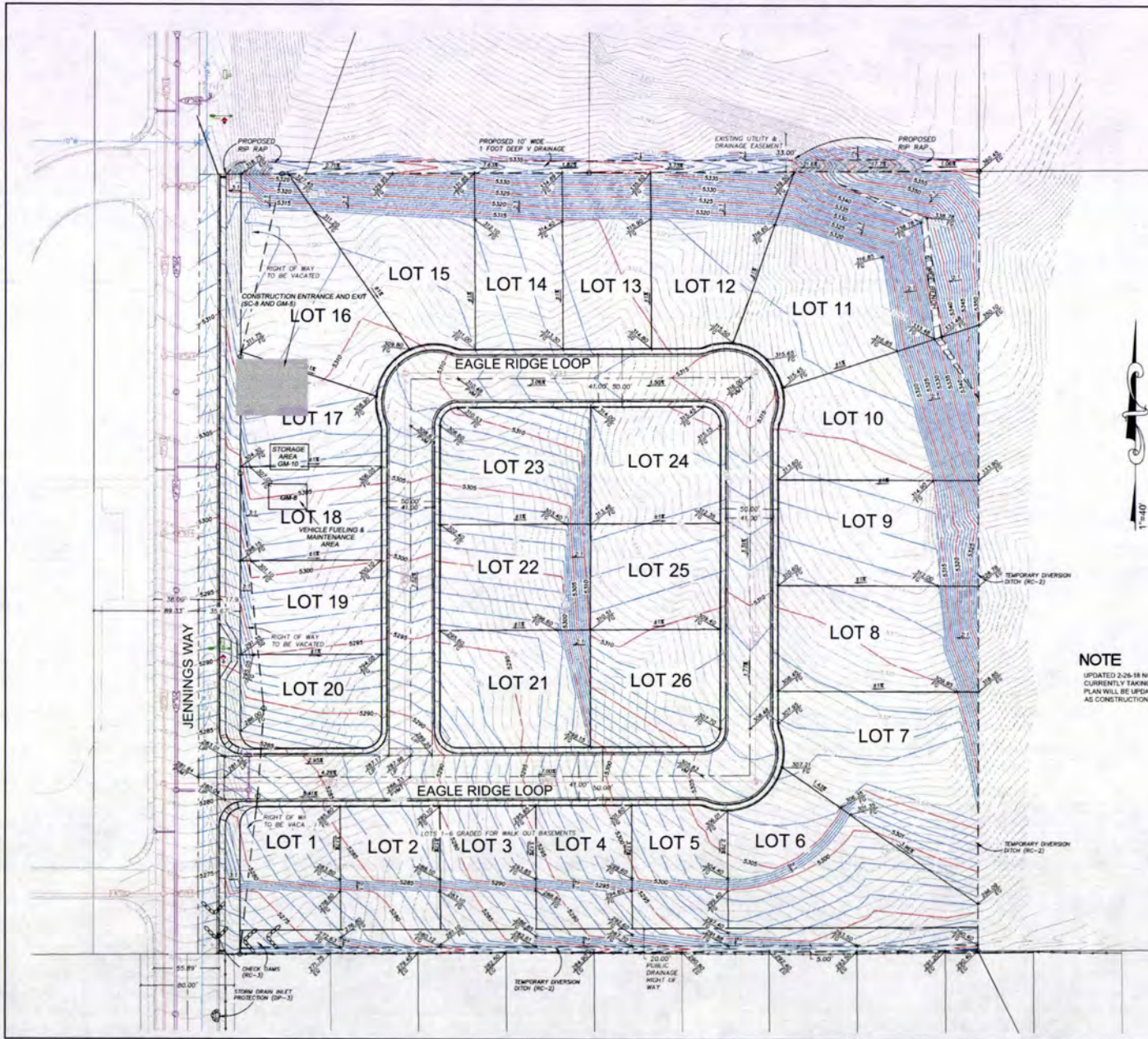
THE ESTIMATED EARTHQUAKE QUANTITIES ARE AS FOLLOWS:

- UNCLASSIFIED INFORMATION - 01/20/2017
THE ABOVE QUANTITIES ARE BASED ON A YARD TO YARD
UNCLASSIFIED INFORMATION - 01/20/2017
- THE INTENT OF THE GRADING FOR ALL THE LOTS AT OR BELOW ELEVATION 578
FOR FUTURE SERVICE.
- THE SLOPE GRADING OF THE LOTS WILL BE DONE TO ELIMINATE GRADES LOT DRAINAGE
SLOPES ADJACENT TO FREIGHTS SHALL NOT EXCEED 3:1
INTERIOR SLOPES SHALL NOT EXCEED 2:1
- WE HAVEN'T WALKED THE INTERIOR OF LOTS SHALL NOT EXCEED 1:1 RATE.
- THE BUILDING AREA SHOWING IS THE AREA LEFT AFTER SETBACKS AND EROSION
THIS PROJECT REQUIRES EROSION CONTROL. PER THE GRADING THE SLOPES
ADJACENT TO THE LOTS WILL BE DONE TO ELIMINATE GRADES LOT DRAINAGE
SLOPES ADJACENT TO FREIGHTS SHALL NOT EXCEED 3:1
INTERIOR SLOPES SHALL NOT EXCEED 2:1
- THE EXISTING GRADING TOPOGRAPHY SHOWING ON THIS SITE IS FINAL SURVEY
PERFORMED BY GRAD SURVEY ENGINEERING INC IN 2017
1. LOTS 1-4 ARE GRADED FOR FINAL OUT BUILDMENTS
THE EXISTING GRADE FOR LOTS 1-4 IS 578.20 TO 578.25
THE EXISTING GRADE FOR LOTS 5-8 IS 578.25 TO 578.30 WHICH IS LESS

EXISTING GRADE
FINISH GRADE
LIP OF GUTTER PAV
FINISH GRADE PAV

[illegible]





NOTES: (BMP)

1. ALL BMPs BASED ON CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK.
2. EC-4 AND EC-5 SHALL BE IMPLEMENTED TO CONTROL DUST.
3. CONSTRUCTION ENTRANCE/EXIT IS NOT CONSTRUCTED AS BOTH POINTS OF ACCESS ARE TO GRAVEL ROADS.
4. DURING CONSTRUCTION TEMPORARY DIVERSION DICES AND DITCHES (RC-2) WILL BE USED INSTEAD OF FIBER ROLLS (SC-1). FIBER ROLLS WILL BE INSTALLED AFTER SLOPE CONSTRUCTION AT THE TOE OF THE SLOPE.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED PER (EC-8) IF NOT LANDSCAPED.



NOTE

UPDATED 2-26-18 NO WORK CURRENTLY TAKING PLACE. THIS PLAN WILL BE UPDATED AS SOON AS CONSTRUCTION STARTS AGAIN

PROJECT CONTACTS

GENERAL CONTRACTOR

BRAEMAR CONSTRUCTION
930 IDAHO STREET
ELKO, NEVADA 89601
CONTACT: DUSTY SHIPP OR JULIE BACON
(775) 777-2945



SCALE: 1"=40'

REV	DATE	DESCRIPTION
1	4-15-18	20' DRAINAGE RIGHT OF WAY AT SOUTHERLY E. BORDERS
2	6-25-18	MOVE NORTH DRAINAGE TO RIGHT A HWY EASEMENT
3	6-25-18	ADD VERTICES FOR DRAINAGE TO PROPOSED ROW

Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89603
775-397-2531

DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - EROSION CONTROL
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	04/05/18
JOB NO.:	05-2018
DWG NO.:	2018-04

SCALE
HORIZ: 1"=40'
VERT: N/A

SHEET
5
OF 5

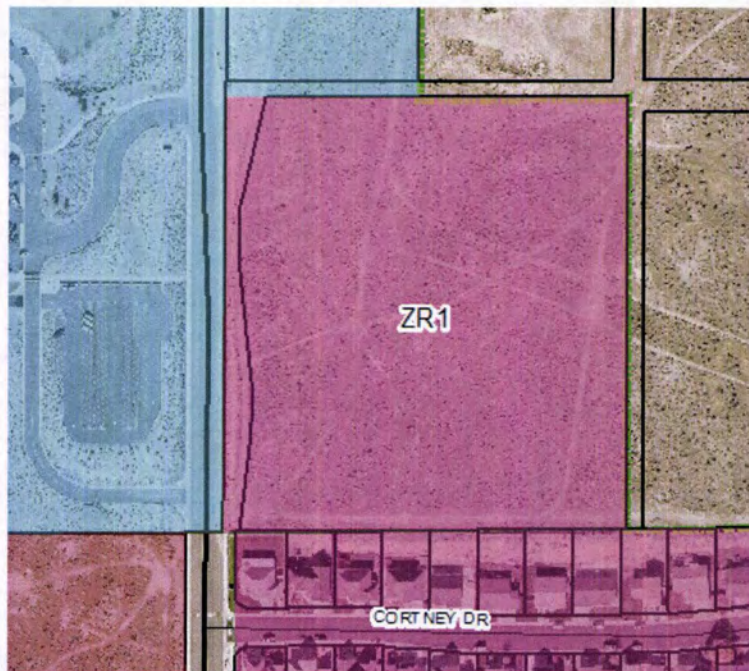


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

MEMO DATE:	June 27, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	I.A.1
APPLICATION NUMBER:	Preliminary Plat 7-18
APPLICANT:	DDS Properties, LLC
RELATED APPLICATIONS:	Vacation 1-18

A Preliminary Plat for the proposed division of approximately 9.443 acres of property into 26 lots for residential development within an R1 (Single Family Residential) Zoning District



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-01H-001

PARCEL SIZE: 9.443 Acres (26 lots)

EXISTING ZONING: (R1) Single Family Residential

MASTER PLAN DESIGNATION: (RM) Residential Medium Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is bordered by:

- North: Public, Quasi-Public (PQP) Developed and Property in Elko County/ BLM/ Undeveloped
- East: Property located in Elko County/ Private and BLM/ Undeveloped
- South: Residential (R1) / Developed
- West: Public, Quasi-Public (PQP) / Developed

PROPERTY CHARACTERISTICS:

- The property is currently undeveloped and moderately sloping throughout the area.
- The property is located adjacent to Jennings Way.

MASTER PLAN:

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 Airport Master Plan
- City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Chapter 3-3 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, Residential Zoning Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-28 Hillside Development Regulations and Guidelines
- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Public Ways and Property – Chapter 7 Street Vacation Procedures
- City of Elko – Title 9 Chapter 8 Post Construction Runoff Control and Water Quality Management

BACKGROUND INFORMATION

1. The applicant owns the property.
2. The area proposed for subdivision is identified as APN 001-01H-001.
3. The area is undeveloped.
4. The area is located east of Jennings Way, approximately 120' north of Cortney Drive.
5. The area is not a continuation of any other subdivision.
6. A Stage 1 meeting for the proposed subdivision was on March 8, 2018. The initial subdivision proposal included a total 29 lots. The applicant elected to modify the proposed subdivision from the proposed 29 to 26 lots. A second Stage 1 meeting was held on April 17, 2018 to elevate the revised subdivision.
7. The area is zoned R1-Single Family Residential.
8. The area is approximately 9.443 acres in size. The Preliminary Plat includes the entire parcel.
9. The Preliminary Plat shows a total of 26 lots. The proposed density is approximately 2.75 units per acre.
10. Phasing of the subdivision is not proposed.
11. Approximately 1.865 acres are being offered for dedication. The dedication includes streets and drainage areas.
12. A grading permit for this property was issued on January 16, 2018.

MASTER PLAN

Land use:

1. The land use is shown as Medium Density Residential. Medium Density is identified as having a density of 5 - 8 units per acre.
2. R1 – Single Family Residential is listed as a corresponding district for the Medium Density Designation in the Master Plan.
3. The listed Goal of the Land Use component states “Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors”.
4. Objective 1 under the Land Use component of the Master Plan states “Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.”
 - Best Practice 1.1 – Single Family – The proposed subdivision meets several of the methods described to achieve a diverse mix of single family homes in the community.
 - Best Practice 1.3 – The location of the proposed subdivision appears to support the City striving for a blended community by providing a mix of housing types in the neighborhood and is supported by existing infrastructure.
5. Objective 8 of the Land use component of the Master Plan states “Ensure that new development 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.” Staff believes there will be no negative impacts to natural systems and no issue with regard to human health and safety.

The proposed subdivision and development is in general conformance with the Land Use component of the Master Plan.

Transportation:

1. The merged area will be accessed from Jennings Way.
2. The proposed vacation 1-18 will maintain the same width of roadway for Jennings Way as located at the intersection of Cortney Drive.
3. Jennings Way is classified as a Minor Arterial roadway. The roadway classification is subject to possible change to a Major Arterial once the roadway is connected to East Jennings Way. The reclassification at a point in time will be dependent of the functionality of the roadway and may/or may not require additional width.
4. The Master Plan recommends a right of way width of 80 feet for a Minor Arterial and 100 feet for a Major Arterial, and as required in Section 3-3-22. Jennings Way exists as an 80 foot right of way at all locations of record.
5. The area proposed for vacation has been determined to be excess right-of-way.
6. The Master Plan identifies Jennings Way as a minor arterial. Upon connectivity with East Jennings Way the roadway will function as a Major Arterial.
7. The proposed street, Eagle Ridge Loop, will function as a local residential street.
8. Upon full build out, the proposed subdivision is expected to generate approximately 248.82 Average Daily Trips based on 9.57 trips/townhome (Source ITE trip Generation, 8th Edition). Ingress/Egress to the subdivision will be Eagle Ridge Loop with no direct access from the residential lots onto Jennings Way.

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

ELKO AIRPORT MASTER PLAN

The proposed subdivision and development does not conflict with the Airport Master Plan.

**CITY OF ELKO DEVELOPMENT FEASIBILITY, LANDUSE, WATER
INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION
INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT - NOVEMBER 2102**

1. The property is located on the perimeter of the community and the report was reviewed to determine if the proposed subdivision was in conformance with the objectives of the plan.

The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is not located within a capture zone for any wells.

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

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

Preliminary Plat 3-3-5(A) – The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required.

Preliminary Plat Approval 3-3-5(E)(2)(a) – Requires findings that the subdivision will not result in undue water or air pollution:

Preliminary Plat Approval (E)(2)(a)(1) – The area is not located within a designated flood zone. The area abuts private property located under County jurisdiction. The existing topography shows areas of concentrated storm water flows that could create localized flooding or water damage. The condition has been addressed as shown in the grading plan.

Preliminary Plat Approval (E)(2)(a)(2) – The proposed subdivision and development will be connected to the City's programmed sanitary sewer system therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval.

Preliminary Plat Approval (E)(2)(a)(3) – Extensive grading is proposed, minimizing the slopes areas and possible negative effects on effluent discharged from the area. There will potential for sediment and erosional issues during construction. This will be addressed with the development of a Storm Water Pollution Prevention Plan.

No long term issues associated with erosion are anticipated.

Preliminary Plat Approval (E)(2)(a)(4) – The proposed subdivision and development will be connected to the City's programmed sanitary sewer system. The applicant provided an estimated average sanitary sewer discharge is approximately 9,100 gpd.

There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development.

Preliminary Plat Approval (E)(2)(a)(5) – The proposed subdivision and development must conform with applicable environmental and health laws and regulations.

There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations.

Preliminary Plat Approval (E)(2)(b) – The City of Engineering Department is required to model the anticipated water consumption of the subdivision. The City of Elko Utility Department will be required to submit a "Tentative Will Serve Letter" to the State of Nevada. The water modeling requires an update to reflect the increased number of lots. The required commitment for water service for the proposed subdivision is approximately 29.12 acre feet of water per year. The required peak hour commitment for water service for the proposed subdivision is

approximately 33.8 gpm. Current City wide annual water usage is approximately 50% of the total allocated amount.

There is adequate capacity within the City's water supply to accommodate the proposed subdivision.

Preliminary Plat Approval (E)(2)(c) – The proposed subdivision and subsequent development of the property is expected to reduce the potential for erosion in the immediate area. Development of the property will not cause unreasonable soil erosion. Development of homes may decrease the holding capacity of the land but will minimize the potential for erosion. Landscaping of yard areas increases the holding capacity of land mitigating, to a certain degree, the reduced holding capacity resulting from street and home construction. A hydrology report dated April 2018 was submitted with the application in support of the storm drain design.

The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.

Preliminary Plat Approval (E)(2)(d) - Sufficient infrastructure and pumping capacity exists to provide the required water volume to serve the proposed subdivision and development. The Developer will extend properly sized infrastructure as required for development of the property.

The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.

Preliminary Plat Approval (E)(2)(e) – The proposed subdivision and development will add approximately 248 Average Daily Trips to Jennings Way. A traffic study is not required with this subdivision.

The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.

Preliminary Plat Approval (E)(2)(f) - The Master Plan Land Use Map shows the area as Medium Density Residential. The surrounding area is characterized by PQP and developed single family land uses and undeveloped areas. The proposed subdivision and development have been designed in accordance with the existing zoning, the topography of the land and consideration of traffic congestion as a result of ingress/egress points on Jennings Way. Limitation on ingress/egress to one location requires a looped road dictating the lot layout. The proposed grading plan indicates approximately 1.33 (approximately 14%) acres of the total area is slope areas. The slope areas are required to transition to abutting properties. The internal slope areas have been steepened to maximum extent practical for slope maintenance and buildable area considerations. It appears the developer has provided the optimum subdivision design in consideration of property constraints. The result is a density of 2.75 units per acre versus the minimum density 4 units per acre specified in the Master Plan.

The proposed subdivision and development is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading and slope maintenance.

Preliminary Plat Approval (E)(2)(g) – Utilities are available in the immediate area and can be extended for the proposed development.

Preliminary Plat Approval (E)(2)(h) – Schools, Fire and Police and Recreational Services are available throughout the community.

SECTION 3-3-7 INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTAL

Identification Data (B)(1) – The subdivision name, location and section, township and range, is shown on Sheet 1.

Identification Data (B)(2) – The name, address and phone of the subdivider is shown on Sheet 1.

Identification Data (B)(3) – The engineer's contact information is shown on Sheet 1.

Identification Data (B)(4) – The scale, north point, preparation and revision information is shown on 1.

Identification Data (B)(5) – The location map is shown on Sheet 1.

Identification Data (B)(6) – A legal description is shown on Sheet 1.

Existing Conditions Data (C)(1) – A topographic map is shown on Sheet 3. The information submitted shows areas having the potential for concentrated storm water runoff which could impact down gradient lots. The areas are located outside the jurisdiction of the City. The proposed grading plan shows a drainage swale redirecting the potential flows to the Jennings Way right-of-way. The grading plan also shows a drainage swale conveying storm water from the abutting property to the east.

Existing Conditions Data (C)(2) – As referenced above there are washes directing storm water onto the property. The Developer has addressed the issue as shown on the grading plan.

Existing Conditions Data (C)(3) – There are no Special Flood Hazards within or adjacent to the area.

Existing Conditions Data (C)(4) – Sheet 1 of the plat identifies all the roadways, easements and corporate limits within and adjacent to the tract.

Existing Conditions Data (C)(5) – The relevant information such as parcel map is or name, book and page is not shown for abutting or across the street properties.

Existing Conditions Data (C)(6) – The zone for the area is shown on Sheet 1.

Existing Conditions Data (C)(7) – Dimensions of all tract boundaries, gross and net acreage of tract is shown on Sheet 1.

Proposed Conditions Data (D)(1) – The proposed street layout is shown. All the streets are named and proposed for dedication. The grades of the proposed streets are shown on the grading plan. The continuation of roadways is not required of the proposed subdivision.

Proposed Conditions Data (D)(2) – The lot layout is shown. The area and dimensions for each lot are shown.

Proposed Conditions Data (D)(3) – Typical easements will be required along all lot lines. A lot detail was included with the application.

Proposed Conditions Data (D)(4) – The required information is on Sheet 1. In addition to roadway dedication there are drainage areas on the north and south boundaries of the tract offered for dedication.

Proposed Conditions Data (D)(5) – No zone changes are proposed.

Proposed Conditions Data (D)(6) – CC & R's are not proposed.

Proposed Conditions Data (D)(7) – A grading plan with estimated quantities is shown on Sheet 3. Mass grading of the property has been permitted and initiated.

Proposed Conditions Data (D)(8) – The subdivider will be required to comply with the City of Elko's storm water regulations.

Proposed Utility Methods (E)(1) – Sheet 2 shows the proposed sewage disposal infrastructure connecting to the City's infrastructure. Preliminary calculations were provided with the application in support of the proposed infrastructure.

Proposed Utility Methods (E)(2) – Sheet 2 shows the proposed water supply infrastructure connecting to the City's infrastructure. Preliminary calculations were provided with the application in support of the proposed infrastructure.

Proposed Utility Methods (E)(3) – The Preliminary Plat shows storm water infrastructure. The design was based on a hydrology report dated April 2018.

Proposed Utility Methods (E)(4) – Utilities in addition to City utilities must be provided with civil improvements plans required for final plat submittal.

Proposed Utility Methods (E)(5) – The City Utility Department will issue Intent to Serve letters upon City Council approval of the Preliminary Plat.

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

- A. Conformance with Master Plan: The proposed subdivision is in general conformance with the Master Plan objectives for density and applicable zoning. A detailed discussion is provided on the density under the Master Plan section of this report.
- B. Public Facility Sites: No public facility sites are proposed for dedication.
- C. Land suitability: The area proposed for subdivision is suitable for the proposed development based on the findings in this report.

The proposed subdivision is in general conformance with Section 3-3-20 of City code.

SECTION 3-3-21 STREET LAYOUT AND ARRANGEMENT:

- A. Conformance with Plan: The proposed subdivision embraces portions of Jennings Way that is proposed for vacation. No other streets require platting to conform to any traffic plans.

- B. Layout: Street continuation through the proposed subdivision is not required.
- C. Neighborhood Plan: Not applicable.
- D. Extensions: No street extensions through the proposed subdivision is required. There is adequate access to surrounding adjoining lands all of which are platted.
- E. Arrangement of Residential Streets: The arrangement of streets prevents outside traffic from utilizing the neighborhood for cut through traffic.
- F. Protection of Residential Properties: There are lots abutting Jennings Way which is classified as an arterial street. The lots do not access Jennings Way.
- G. Parallel Streets: Consideration of street location is not required.
- H. Topography: The residential streets have been designed to address the topography of the area.
- I. Alleys: No alleys are proposed.
- J. Half Streets: No half streets are proposed.
- K. Dead End Streets: There are no dead end streets proposed.
- L. Intersection Design: The proposed intersection with Jennings Way is code compliant.

The proposed subdivision is in conformance with Section 3-3-21 of City code.

SECTION 3-3-22 STREET DESIGN:

- A. Required Right of Way Widths:
 - a. Jennings Way; Minor Arterial: Minor Arterial – 80 feet. The proposed right-of-way width for Jennings Way after vacation is 80 feet.
 - b. Eagle Ridge Loop; Residential Street: 50 feet.
- B. Street Grades: The proposed street grades are code compliant.
- C. Vertical Curves: The vertical curves are code compliant.
- D. Horizontal Alignment: The horizontal alignment of the streets and intersection

The proposed subdivision is in conformance with Section 3-3-22 of City code.

SECTION 3-3-23 BLOCK DESIGN:

- A. Maximum Length of Blocks: The block design does not exceed the maximum length of a block and maximizes block length.
- B. Pedestrianways: Pedestrianways are not proposed.

The proposed subdivision is in conformance with Section 3-3-23 of City code.

SECTION 3-3-24 LOT PLANNING:

- A. Lot Width, Depth and Area: The lots are in conformance with the specifications stipulated for the zoning. All lots will have improved frontage.
- B. Lot Depth: The lots are in conformance with the stipulated lot depth. All lots have fronts at least 60 feet in width. The frontage for lots on inside curves is measured 30 feet from the street line.
- C. Building Setback: The proposed subdivision, when developed, can meet setback requirements.
- D. Side Lot Lines: The side lot lines are substantially at right angles to the street lines. Deviations occur on inside curves and are appropriate.
- E. Accessibility: Every lot abuts a proposed public street.
- F. Prohibitions: Lots 1 and 16 through 20 abut an arterial street. Those lots access the proposed the local street.

The proposed subdivision is in conformance with Section 3-3-23 of City code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop.

SECTION 3-3-25 EASEMENT PLANNING:

- A. Utility Easements: Note 13 on the preliminary plat specifies side and rear lot line easements of 5 feet. This equates to a total easement width of 10 feet. Overhead utilities are not allowed within the subdivision.
- B. Underground Utilities: Note 13 on the preliminary plat specifies side and rear lot line easements of 5 feet. This equates to a total easement width of 10 feet. Overhead utilities are not allowed within the subdivision. The utility companies, at their discretion, may request a wider easement on the rear lot line. The proposed side lot line easements conform to code.
- C. Lots Facing Curvilinear Streets. Overhead utilities are not allowed within the subdivision.
- D. Public Drainage Easement. A major surface drainage is addressed on the south boundary. The area is offered for dedication and is not a part of lot areas.
- E. Land Not Considered Lot Area: Areas requiring dedication have been identified and are not included in lot area.
- F. Lots Backing On To Arterial Streets: There are no lots proposed which back onto an arterial street.
- G. Water and Sewer Lines: The utilities are shown in the streets.

The proposed subdivision is in conformance with Section 3-3-25 of City code.

SECTION 3-3-26 STREET NAMING:

The subdivider has proposed street names. The street name does not duplicate other streets.

The proposed subdivision is in conformance with Section 3-3-26 of City code.

SECTION 3-3-27 STREET LIGHTING DESIGN STANDARDS:

Conformance is required with presentation of civil improvements plans.

SECTIONS 3-3-40 through 3-3-45 (inclusive)

All the referenced sections are applicable to final plat submission, approval and construction of civil improvement plans.

SECTION 3-3-50 PARK LAND DEDICATIONS

There is no offer of dedication for park lands.

SECTION 3-3-70 MODIFICATION FROM STANDARDS:

1. Section 3-3-20(A) – The density for the subdivision is approved at 2.75 units per acre versus the minimum density of 4 units per acre stipulated in the Master Plan.
2. Section 3-3-24(F) - Lots 1 and 16 through 20 are approved as double fronts lots with access restricted to Eagle Ridge Loop.

SECTION 3-2-3 GENERAL PROVISIONS:

Section 3-2-3(C)(1) of City code specifies use restrictions. The following use restrictions shall apply:

Principal Uses: Only those uses and groups of uses specifically designated as "principal uses permitted" in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.

Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

Section 3-2-3(D) states that "No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability."

The developer has identified areas of concentrated and uncontrolled runoff and proposed a grading plan addressing those issue. The proposed grading plan and resultant slope heights appears to be manageable by individual property owners.

The proposed subdivision and development is in conformance with Section 3-2-3 of City code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS:

2. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection:
3. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed subdivision and development is in conformance with Section 3-2-4 of City code.

SECTION 3-2-5(B) R1 Single Family Residential:

1. Section 3-2-5(B)(2). Principal Uses Permitted:
 - a. One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.
 - b. Publicly owned and operated parks and recreation areas and centers.
 - c. Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops.

SECTION 3-2-5(G)

1. Lot areas are shown. All the Lots meet the minimum area requirements.
2. Lot dimensions are shown and are in conformance with the code.

The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code.

SECTION 3-2-17

1. The proposed roadway is classified as a residential street in accordance with the Master Plan.
2. The proposed lots are large enough to develop the required off-street parking to be located outside the front and interior side yards.
3. Access for Lot 1, 16, 17, 18, 19 & 20 is restricted to Eagle Ridge Loop. A note on the Final Map is required.

The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.

SECTION 3-2-28 HILLSIDE DEVELOPMENT

1. The property was analyzed to determine if the property development stipulated in Section 3-2-28 applied to the property. The average slope as defined in City Code 3-2-28 is 12.85%, less than average 15% threshold stipulated in the code.

The proposed subdivision and development is in conformance with Section 3-2-28 of City code.

SECTION 3-8 FLOOD PLAIN MANAGEMENT

The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.

TITLE 8; CHAPTER 7 STREET VACATION PROCEDURES

1. The proposed vacation is being processed independent of the proposed subdivision in order to address a condition to address the above referenced right-of-way acquisition agreement independent of subdivision approval.
2. A 7.5 foot wide utility easement is required on the proposed Jennings Way alignment and shall be included in the City Council order vacating the right-of-way.

The proposed subdivision, with approval of vacation 1-18, is in conformance with Section 8-7 of City code.

TITLE 9 CHAPTER 8 POST CONSTRUCTION RUNOFF CONTROL AND WATER QUALITY MANAGEMENT

Final design of the subdivision is required to conform to the requirements of this title.

GENERAL COMMENTS

1. A Hydrology Report is on file for this area.
2. A soils report is required with the **final plat submittal**.
3. A complete set of civil improvement plans will be required with the final plat.

OTHER

The following permits will be required for the project:

1. Storm water general permit, required submittals to the City of Elko are a plan view showing the storm water controls, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the certified confirmation letter.
2. A Surface Area Disturbance (SAD) is required in the disturbed area is equal to or greater than five acres. A copy of the SAD permit is required to be submitted to the City of Elko.
3. A street cut permit from the City of Elko.
4. A grading permit from the City of Elko has been issued.

5. All other applicable permits and fees required by the City of Elko.
6. The City of Elko also requires submittal of the plans from the individual utility companies before permits will be issued for the project.

FINDINGS

1. The proposed subdivision and development is in general conformance with the Land Use component of the Master Plan.
2. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan.
3. The proposed subdivision and development does not conflict with the Airport Master Plan.
4. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102.
5. The property is not located within the Redevelopment Area.
6. The proposed subdivision and development are 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.
7. The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required. The proposed subdivision is in conformance with Section 3-3-5(A) of City code.
8. In accordance with section 3-3-5(E)(2) the proposed subdivision and development will not result in undue water or air pollution based on the following:
 - a. The area is not located within a designated flood zone. Potential for water damage from concentrated storm water runoff has been addressed as shown on the grading plan.
 - b. The proposed subdivision and development will be connected to the City's programmed sanitary sewer system therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval.
 - c. Extensive grading is proposed, minimizing the slopes areas and possible negative effects on effluent discharged from the area. No long term issues associated with erosion are anticipated.
 - d. There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development.
 - e. There are no obvious considerations are concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations.

- f. There is adequate capacity within the City's water supply to accommodate the proposed subdivision.
 - g. The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
 - h. The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.
 - i. The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
 - j. The proposed subdivision and development is in conformance applicable zoning ordinances and is general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading and slope maintenance.
 - k. Utilities are available in the immediate area and can be extended for the proposed development.
 - l. Schools, Fire and Police and Recreational Services are available throughout the community.
9. The proposed subdivision submittal is in conformance with Section 3-3-7 of City code with the following exception:
- Existing Conditions Data (C)(5)
10. The proposed subdivision is in general conformance with Section 3-3-20 of City code.
11. The proposed subdivision is in conformance with Section 3-3-21 of City code.
12. The proposed subdivision is in conformance with Section 3-3-22 of City code.
13. The proposed subdivision is in conformance with Section 3-3-23 of City code.
14. The proposed subdivision is in conformance with Section 3-3-24 of City code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop.
15. The proposed subdivision is in conformance with Section 3-3-25 of City code.
16. The proposed subdivision is in conformance with Section 3-3-26 of City code.
17. The proposed subdivision and development is in conformance with Section 3-2-3 of City code.
18. The proposed subdivision and development is in conformance with Section 3-2-4 of City code.
19. The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops.

20. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code.
21. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.
22. The proposed subdivision and development is in conformance with Section 3-2-28 of City code.
23. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.
24. The proposed subdivision with approval of vacation 1-18 is in conformance with Section 8-7 of City code.

STAFF RECOMMENDATION:

Staff recommends this item be **APPROVED** subject to the following conditions:

CONDITIONS:

Planning Department:

1. The Preliminary Plat is to be revised showing the Jennings Way right-of-way to be vacated rather than "straightened".
2. The Preliminary Plat is to be revised, prior to Council consideration of the preliminary plat, to include the relevant information such as parcel map identification or name, book and page is not shown for abutting or across the street properties.
3. City Council approval of the proposed Jennings Way right-of-way vacation is required prior to City Council approval of the preliminary plat.
4. Preliminary Plat approval of the preliminary constitutes authorization for the sub-divider to proceed with preparation of the final plat and associated engineering plans.
5. Preliminary Plat approval does not constitute authorization to proceed with site improvements prior to approval of the engineering plans by the City and the State.

Engineering Department:

1. Total post-construction peak runoff from the site should not exceed pre-construction peak runoff. Infiltration is not recommended due to complaints of ground water seepage in this area. Consider other types of flow reducing devices.

Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.

2. A soils report is required with Final Plat submittal.
3. Final Plat civil improvements are to comply with Chapter 3-3 of City code.
4. The subdivision shall comply with Chapter 9-8 of City code.
5. The Utility Department will issue an Intent to Serve letter.
6. A note shall be added to the **final plat** restricting the access for lots 1, 16, 17, 18, 19, and 20 to be limited to Eagle Ridge Loop. Driveway access for lot 20 shall be restricted to the east property line, or the front yard as defined by Elko City Code 3-3-2.

PP 7-18 Humboldt Hills - CC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
00101C045	ANDERSON, RICHARD D & MELISSA		638 CORTNEY DR	ELKO NV	89801-2440
00101C065	CHRISTENSEN, RAY L II ET AL		646 CORTNEY DR	ELKO NV	89801-2457
00101C064	DAMIAN, RICHARD ALLAN		20403 93RD PL S UNIT 4	KENT WA	98031-0011
00101A017	ELKO COUNTY SCHOOL DISTRICT		PO BOX 1012	ELKO NV	89803-1012
00101A002	ELKO JENNINGS PARTNERS LLC		725 2ND ST	ELKO NV	89801-3009
00101C068	ENGELMEIER, KEVIN D & DULCY C		658 CORTNEY DR	ELKO NV	89801-2457
00101C043	KNOTTS, RICHARD JOHN ET AL		634 CORTNEY DR	ELKO NV	89801-2440
00101C039	LIEBSACK, NATHAN J ET AL		626 CORTNEY DR	ELKO NV	89801-2440
00609J027	LIEVANOS, ISAAC		PO BOX 1452	ELKO NV	89803-1452
00101C067	MILLER, MATTHEW T		654 CORTNEY DR	ELKO NV	89801-2457
00609J028	ROBERSON, DAVE		746 MONTROSE LN	ELKO NV	89801-2467
00101C041	SINGH, TOCHI ET AL		630 COURTNEY DR	ELKO NV	89801
00101C066	SYNKOV, VASILY		650 CORTNEY DR	ELKO NV	89801-2457
006090900	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO NV	89801-4692
00101A016	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO NV	89801-4692

14

Mailed 7/12/18

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Council will conduct a series of public hearings on Tuesday, July 24, 2018 beginning at 5:30 P.M. P.D.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. The subject property is located generally on the east side of Jennings Way, approximately 150' north of Courtney Drive. (APN 001-01H-001).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY COUNCIL



CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of July 9, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 9, 2018 per City Code Sections 3-3-5 D. 3.:

Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto.

The subject property is located generally on the east side of W Jennings Way, approximately 120' north of Courtney Drive. (APN 001-01H-001).

WHEREAS, the Planning Commission, upon review and consideration of the application, supporting data, public input and testimony, forward a recommendation to City Council to conditionally approve Preliminary Plat No. 7-18 subject to the conditions found in the City of Elko Staff Report dated June 27, 2018 listed as follows:

Planning Department:

1. The Preliminary Plat is to be revised showing the Jennings Way right-of-way to be vacated rather than "straightened".
2. The Preliminary Plat is to be revised, prior to Council consideration of the preliminary plat, to include the relevant information such as parcel map identification or name, book and page is not shown for abutting or across the street properties.
3. City Council approval of the proposed Jennings Way right-of-way vacation is required prior to City Council approval of the preliminary plat.
4. Preliminary Plat approval of the preliminary constitutes authorization for the subdivider to proceed with preparation of the final plat and associated engineering plans.
5. Preliminary Plat approval does not constitute authorization to proceed with site improvements prior to approval of the engineering plans by the City and the State.

Engineering Department:

1. Total post-construction peak runoff from the site should not exceed pre-construction peak runoff. Infiltration is not recommended due to complaints of ground water seepage in this area. Consider other types of flow reducing devices.


Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.
2. A soils report is required with Final Plat submittal.
3. Final Plat civil improvements are to comply with Chapter 3-3 of City code.
4. The subdivision shall comply with Chapter 9-8 of City code.
5. The Utility Department will issue an Intent to Serve Letter.

6. A note shall be added to the **final plat** restricting the access for lots 1, 16, 17, 18, 19, and 20 to be limited to Eagle Ridge Loop. Driveway access for lot 20 shall be restricted to the east property line, or the front yard as defined by Elko City Code 3-3-2.

The Planning Commission's findings to support its recommendation are the proposed subdivision and development is in general conformance with the Land Use Component of the Master Plan. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan. The proposed subdivision and development does not conflict with the Airport Master Plan. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report – November 2012. The property is not located within the Redevelopment Area. The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system. The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required. The proposed subdivision is in conformance with Section 3-3-5(A) of City Code. In accordance with Section 3-3-5(E)(2) the proposed subdivision and development will not result in under water or air pollution based on the following: The area is not located within a designated flood zone. Potential for water damage from concentrated storm water runoff has been addressed as shown on the grading plan. The proposed subdivision and development will be connected to the City's programmed sanitary sewer system, therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval. Extensive grading is proposed, minimizing the slopes area and possible negative effects on effluent discharged from the area. No long term issues associated with erosion are anticipated. There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development. There are no obvious considerations are concerns, which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations. There is adequate capacity within the City's water supply to accommodate the proposed subdivision. The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land, thereby creating a dangerous or unhealthy condition. The proposed subdivision and development will not create an unreasonable burden on the existing water supply. The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets. The proposed subdivision and development is in conformance with applicable zoning ordinances and is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading, and slope maintenance. Utilities are available in the immediate area and can be extended for the proposed development. Schools, Fire and Police, and Recreational Services are available throughout the community. The proposed subdivision submittal is in conformance with Section 3-3-7 of City Code with the following exception: Existing Conditions Data (C)(5). The proposed subdivision is in general conformance with Section 3-3-20 of City Code. The proposed subdivision is in conformance with Section 3-3-21 of City Code. The proposed subdivision is in conformance with Section 3-3-22 and 3-3-23 of City Code. The proposed subdivision is in conformance with Section 3-3-24 of City Code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop. The proposed subdivision is in conformance with

Section 3-3-25 and 3-3-26 of City Code. The proposed subdivision and development is in conformance with Section 3-2-3 and 3-2-4 of City Code. The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City Code. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops. The proposed subdivision and development is in conformance with Section 3-2-28 of City Code. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with Section 3-8 of City Code. The proposed subdivision, with approval of Vacation 1-18, is in conformance with Section 8-7 of City Code.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Scott Wilkinson, Assistant City Manager (via email)
Kelly Wooldridge, City Clerk
Bob Thibault, Civil Engineer (via email)

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Preliminary Plat 7-18 Humboldt Hills
Applicant(s): DDS Properties, LLC
Site Location: E. of Jennings Way ≈ 150' N of Courtney Dr - ADU 001-01H-001
Current Zoning: R1 Date Received: 4/10/18 Date Public Notice: 6/25/18
COMMENT: This is for a 26 lot Subdivision on 9.443 acres
of property.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/27/18
Recommend approval as presented in the
Staff report dated 6/27/18

SALV

Initial

City Manager: Date: 6/29/18
Based upon 4/18/18 letter from Carter Engineering, Subdivision
appears to be in conformance w/ Master Plan via a "Modification
From Standards." Recommend approval.

CC

Initial



CITY OF ELKO

Planning Department

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

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

May 17, 2018

NV Energy
Mr. Robert Lino
4216 Ruby Vista Dr.
Elko, NV 89801-1632

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Lino:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

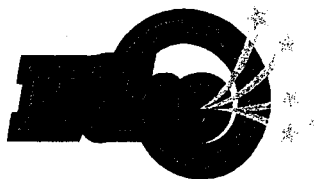
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 17, 2018

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

To Whom It May Concern:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

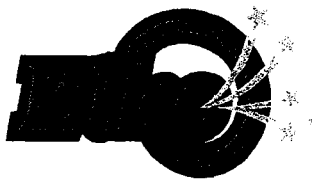
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 17, 2018

Satview Broadband
Mr. Steve Halliwell
3550 Barron Way, Suite 13A
Reno, NV 89511

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Halliwell:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

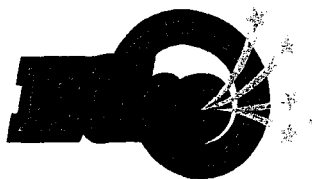
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 17, 2018

Frontier Communications
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Preliminary Plat No. 7-18/ Humboldt Hills

Dear Mr. Whitaker:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

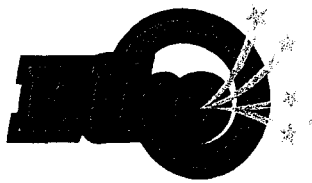
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

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

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

May 17, 2018

Elko County School District
Mr. Jeff Zander
PO Box 1012
Elko, NV 89803

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Zander:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



NEVADA DIVISION OF
**ENVIRONMENTAL
PROTECTION**

STATE OF NEVADA
Department of Conservation & Natural Resources
Brian Sandoval, Governor
Bradley Crowell, Director
Greg Lovato, Administrator

April 30, 2018

Ryan Limberg
Utilities Director
1751 College Avenue
Elko, NV 89801

**Re: Tentative Map – Humboldt Hills
26 lots in the City of Elko**

Dear Mr. Limberg:

The Nevada Division of Environmental Protection (NDEP) has reviewed the above referenced subdivision and recommends denial of said subdivision with respect to water pollution and sewage disposal.

Further review of the Tentative Map requires submittal of the following:

- To further process this submittal the NDEP requires an intent to serve or will serve letter from the municipal sewer service provider.

If you have any questions regarding this letter please contact me at (775) 687-9546, or rfahey@ndep.nv.gov.

Sincerely,

Ryan Fahey, Staff Engineer
Technical Services Branch
Bureau of Water Pollution Control

cc:

Cathy Laughlin, City Planner, City of Elko, 1751 College Avenue, Elko, NV 89801
Engineer: Carter Engineering, LLC, P.O. Box 794, Elko, NV 89803
Developer: DDS Properties, LLC, 930 Idaho Street, Elko, NV 89801

Control No. 11804

Carter Engineering, LLC
Civil Engineering

P. O. Box 794
Elko, Nevada 89803
775-397-2531



April 18, 2018

Cathy Laughlin, City Planner
City of Elko
1751 College Avenue
Elko, Nevada 89801

RECEIVED

APR 18 2018

Subject: Humboldt Hills Subdivision - 26 lots

Dear Cathy,

Please accept this letter as supplemental information for the Preliminary Plat for Humboldt Hills subdivision.

On Thursday March 12th, 2018 a Stage 1 meeting for this development took place. The schematic plan presented by my client Dusty Shipp and I showed 29 lots. The area of the parcel is 9.443 acres for a density of 3.07 units per acre. We were given support to move forward to the Preliminary Plat stage.

After the Stage 1 meeting we started working on the Preliminary Plat, refining grading and layout. Street grades approaching 9% in the Stage 1 schematic were reduced to 7%. Three lots were removed, two in the middle and one along the easterly boundary. This was done to improve the buildability and livability of the remaining lots. This also gives flexibility to the type of home that can be built.

Because of the reduction in lots staff required a second Stage 1 meeting on April 17th, 2018. It is understood from the second Stage 1 meeting that this subdivision does not meet the requirements of the Master Plan for Residential Medium Density of 4-8 units per acre. With the 26 lot layout the density is now 2.75 units per acre, less than the density of 3.07 units per acre with the 29 lot layout.

The 29 lot layout had a buildable area of approximately 3.22 acres. The 26 lot layout has a buildable area of approximately 3.71 acres. The buildable area is the area left after lot line setbacks, slope, slope setbacks and rear drainage swales are considered. Not included is any area lost due to side lot line slopes.

This property has some challenges regarding grading and elevation that make it difficult to meet this requirement for Residential Medium Density of 4-8 units per acre.

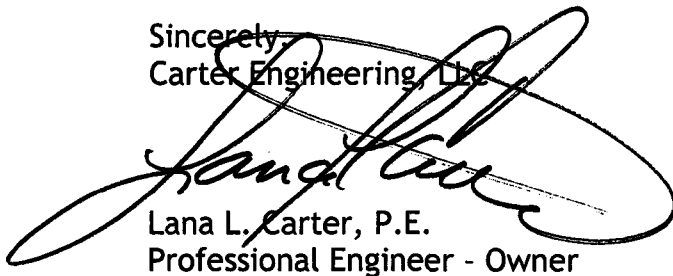
This property has an Average Slope (AS) as defined by City Code 3-2-28 B of 12.85%. This is under the requirement of 15% to be considered a Hillside Area but it does demonstrate the steepness of the property.

In addition, the property must be graded to provide an elevation at the street of less than 5316 as required by the Utilities Department to have adequate pressure for City of Elko water service. The elevation at the north easterly corner of the property is 5360 and therefore considerable area is lost to the slope to meet this requirement. The buildable area lost to slope is 1.33 acres without including building code requirements for setbacks from slopes. This includes the slope along the northerly and easterly boundary as well as the interior slope at the back of lots 21-23. An additional 0.26 acres is lost due to building code requirements shown in Figure R403.1.7.1 for foundation clearance from slopes. The total lost due to slopes and setbacks for the slopes is 1.59 acres.

If this unusable area was not considered, then the density of the remaining area is $9.443 \text{ acres} - 1.59 \text{ acres} = 7.85 \text{ acres}$. At 26 lots the density is 3.31 for the remaining portion.

I appreciate the opportunity to provide this additional information to you. Please feel free to contact me should you have any questions.

Sincerely,
Carter Engineering, LLC

A large, stylized handwritten signature in black ink, appearing to read 'Lana L. Carter', is written over the typed name and title.

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

Copy: Dusty Shipp, DDS Properties, LLC
Jeremy Draper, P.E., City of Elko
Scott Wilkinson, City of Elko



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR PRELIMINARY PLAT (STAGE II) APPROVAL

****PRIOR TO SUBMITTING THIS APPLICATION, PRE-APPLICATION (STAGE I) MUST BE COMPLETE****

APPLICANT(s):	DDS PROPERTIES, LLC		
MAILING ADDRESS:	930 Idaho Street, Elko, Nevada 89801		
PHONE NO (Home)		(Business)	(775)777-2949
NAME OF PROPERTY OWNER (If different):	Same as Owner		
(Property owner consent in writing must be provided)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-01H-001	Address	Not addressed
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.	Parcel 1 of File No. 727682		
APPLICANT'S REPRESENTATIVE OR ENGINEER:	Lana L. Carter - Carter 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 preliminary 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 ½" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-7 of the Elko City Code (see attached checklist).
2. A Development Master Plan when, in the opinion of the Planning Commission, the proposed subdivision is sufficiently large enough 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.
3. A preliminary grading plan for subdivisions involving property characterized by an average slope greater than ten percent (10%).

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

PROJECT DESCRIPTION OR PURPOSE: The purpose of this project is to create a 26 lot single family residential subdivision from vacant land off of West Jennings Way. There will be one entrance into the project by Eagle Ridge Loop. Utility main extensions will come into the project at this location. None of the lots will have access directly onto West Jennings Way. None of the utility services will be connected to the main lines in West Jennings Way. Lots 1-6 have proposed grading to accommodate walk out basements. This subdivision has an average slope as defined by 3-2-28 B of 12.85% which is under 15% and is therefore not defined as a Hillside Area. This project is located in Zone X (areas of minimal flood hazard). The public improvements along the West Jennings Way frontage will be installed as part of this project.

(Use additional pages if necessary)

Preliminary Plat Checklist 3-3-7

Date	Name
Identification Data	
✓	Subdivision Name
✓	Location and Section, Township and Range
✓	Reference to a Section Corner or Quarter-Section Corner
✓	Name, address and phone number of subdivider
✓	Name, address and phone number of engineer/surveyor
✓	Scale, North Point and Date of Preparation
✓	Dates of Revisions
✓	Location maps
✓	Legal description of boundaries
Existing Conditions Data	
✓	2' contours on city coordinate system
N/A	Location of Water Wells NONE IN THE AREA
✓	Location of Streams, private ditches, washes and other features
✓	Location of Designated flood zones
✓	The Location, widths and Names of all platted Streets, ROW
✓	Municipal Corporation Lines
✓	Name, book and page numbers of all recorded plats
✓	Existing Zoning Classifications
✓	Zoning of Adjacent Properties
✓	Dimensions of all tract boundaries, gross and net acreage
Proposed Conditions Data	
✓	Street Layout, location, widths, easements
N/A	Traffic Impact Analysis NOT REQUIRED
✓	Lot Layout, including dimensions of typical lots
✓	Corner Lot Layout
✓	Lot layout on Street Curves
✓	Each lot numbered consecutively
✓	Total number of lots
✓	Location, Width and proposed use of easements
✓	Location, extent and proposed use of all land to be dedicated
N/A	Location and boundary of all proposed zoning districts ALREADY ZONED
N/A	Draft of proposed deed restrictions NO Deed RESTRICTIONS
✓	Preliminary Grading Plan
✓	Conceptual cut and fill
✓	Estimated quality of material to be graded
✓	SWPPP
Proposed Utilities	
✓	Sewage Disposal, design for sewage disposal
✓	Water Supply, Evidence of adequate volume and quality
✓	Storm Drain, Preliminary Calculations and Layout
✓	Telephone, Power, Gas, Television
	Will Serve Letter by Engineering Department

By My Signature below:

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

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

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

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

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

Applicant / Agent Dusty Shipp
(Please print or type)

Mailing Address 930 Idaho Street
Street Address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-777-2949

Email address: dustyshipp@gmail.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 7-18 **Date Filed:** 4/10/18 **Fee Paid:** \$ 1400 **CR#** 2079

26 Lots x 25 = 650
+ 750
\$1400

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 23-18, a resolution and order vacating a portion of the Jennings Way right-of-way, consisting of an area approximately 7,036 sq. ft., which is located within the City of Elko, Nevada, APN 001-01H-001, filed and processed as Vacation No. 1-18 filed by DDS Properties LLC., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **Council accepted a petition for the subject vacation at its regular meeting of June 12, 2018, and directed Staff to continue with the vacation process by referring the matter to the Planning Commission. The Planning Commission considered the vacation at its special meeting July 9, 2018, and took action to forward a recommendation to Council to adopt a resolution, which conditionally approves Vacation No. 1-18 with findings in support of its recommendation. CL**
6. Budget Information:
 Appropriation Required: **N/A**
 Budget amount available: **N/A**
 Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Resolution, P.C. action report, Staff report, application and related materials**
9. Recommended Motion: **Adopt Resolution No. 23-18, which contains conditions as recommended by the Planning Commission.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review: **Planning Commission and required local utility companies**
12. Council Action:
13. Agenda Distribution: **DDS Properties LLC.**
 930 Idaho Street
 Elko, NV 89801

 High Desert Engineering
 640 Idaho Street
 Elko, NV 89801

 Carter Engineering
 lanalcarter@live.com

**CITY OF ELKO
RESOLUTION NO. 23-18**

**A RESOLUTION AND ORDER VACATING A PORTION OF THE JENNINGS WAY
RIGHT-OF-WAY APPROXIMATELY 7,036 SQUARE FEET AND ABUTTING APN
001-01H-001, WHICH IS LOCATED WITHIN THE CITY OF ELKO, NEVADA, TO
THE ABUTTING PROPERTY OWNER, I.E., DDS PROPERTIES, LLC**

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

WHEREAS, the Elko City Council, at a regular meeting held on June 12, 2018, unanimously voted to accept the submitted petition for vacation and further directed City Staff to continue with the vacation process by referring the matter to the Planning Commission for a report of findings and recommendation to be prepared and submitted to the City Council; and,

WHEREAS, the Elko City Planning Commission, at their special meeting of July 9, 2018, voted to forward a recommendation of denial for the subject vacation; and,

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

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 5:30 p.m. on July 24, 2018, in the City Hall Council Chambers, Elko, Nevada, a hearing before the Elko City Council was duly held and no persons having appeared to object to the proposed vacation and the City Council having deemed it for the best interests of the City and the public that the area be vacated and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Elko City Council that the portion of Jennings Way right-of-way approximately 7,036 square feet situate in the City of Elko, Nevada, located generally on the east side of Jennings Way adjacent to Assessor's Parcel No. 001-01H-001 is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interest of the City and the public, and that neither the public nor any person will be materially injured thereby; the legal description is set forth in Exhibit A with the map as Exhibit B attached hereto and made a part hereof.

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

I.

That the portion of Jennings Way right-of-way situate in the City of Elko, Nevada, described and shown on Exhibits A and B attached hereto, be, and the same is hereby vacated upon fulfillment of the following conditions:

1. Written response from all non-City utilities shall be placed on file with the City of Elko with regard to the vacation of the right-of-way in accordance with NRS 278.480(6) and all requirements contained in NRS 278.480(6) shall be satisfied before the order of vacation is recorded.
2. The applicant is responsible for all costs associated with the recordation of the vacation.
3. A 7.5' utility easement shall be recorded along the new right of way line for Jennings Way; this shall be included in the City Council's order vacating the right-of-way and shall be shown on the final plat.
4. Prior to recordation of the vacation, Property Owner/Applicant shall sign an agreement with the City of Elko relinquishing all rights associated with the previous agreement between City of Elko and Wyatt and Melinda Chambers.
5. The vacation shall be independently recorded prior to preliminary plat approval.

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

II.

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

III.

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

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

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

PASSED AND ADOPTED this _____ day of _____, 2018.

CITY OF ELKO

By: _____
CHRIS J. JOHNSON, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

EXHIBIT A
JENNINGS WAY STREET VACATION

May 29, 2018

Parcels of land located in Section 8, T.34 N., R.55 E., M.D.B. & M., City of Elko County, Nevada, being portions of Jennings Way as previously dedicated to the City of Elko by deed recorded in the Office of the Elko County Recorder, Elko, Nevada as Document No. 561378 more particularly described as follows:

PARCEL 1

Beginning at Corner No. 1, a point being the Northwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Thence S 12° 43' 29" W, 159.37 feet along the West Line of said Parcel No. 1 also being along the said existing Easterly right of way of Jennings Way to Corner No. 2;

Thence N 00° 02' 17" E, 155.22 feet to Corner No. 3;

Thence N 89° 37' 24" E, 35.00 feet to Corner No. 1, the point of beginning, containing 2,716 Square Feet, more or less.

PARCEL 2

Beginning at Corner No. 1, a point being the Southwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Continued on Page 2

RECEIVED

JUN 01 2018

Continued from Page 1
Jennings Way Street Vacation

Thence N 00° 02' 17" E, 409.34 feet to Corner No. 2, a point being on the Westerly Line of said Parcel No. 1 and also being a point on the said existing Easterly right of way of Jennings Way;

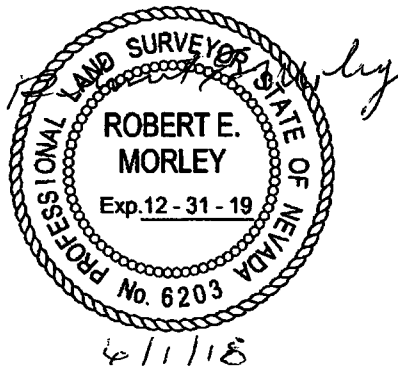
Thence S 05° 40' 21" E, 201.00 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 3;

Thence S 03° 51' 08" W, 75.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 4;

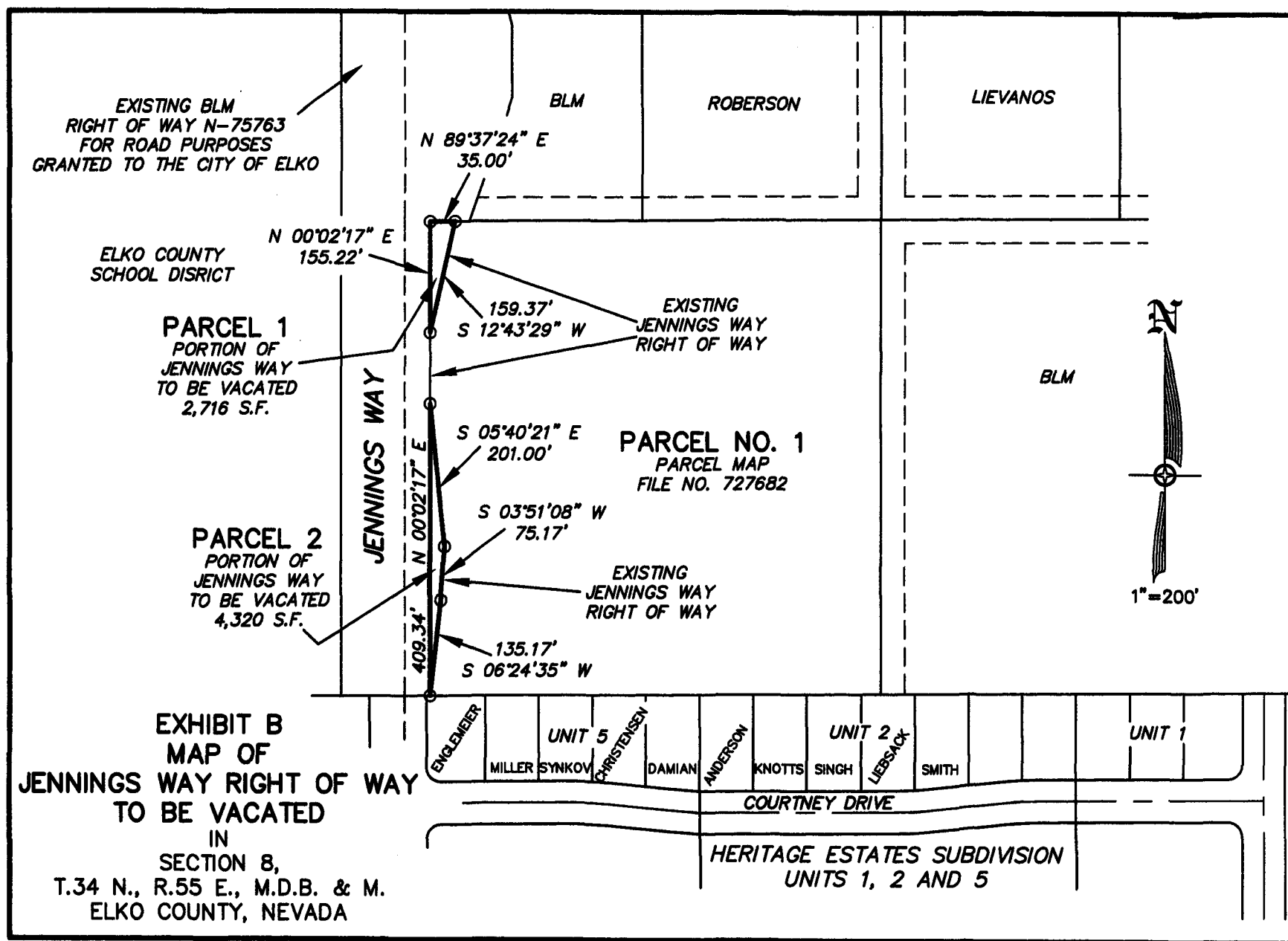
Thence S 06° 24' 35" W, 135.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 1, the point of beginning, containing 4,320 Square Feet, more or less.

The basis of bearings for the above described parcels is the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682.

Reference is hereby made to Exhibit B, Map of Jennings Way Right of Way to Be Vacated attached hereto and made a part hereof.



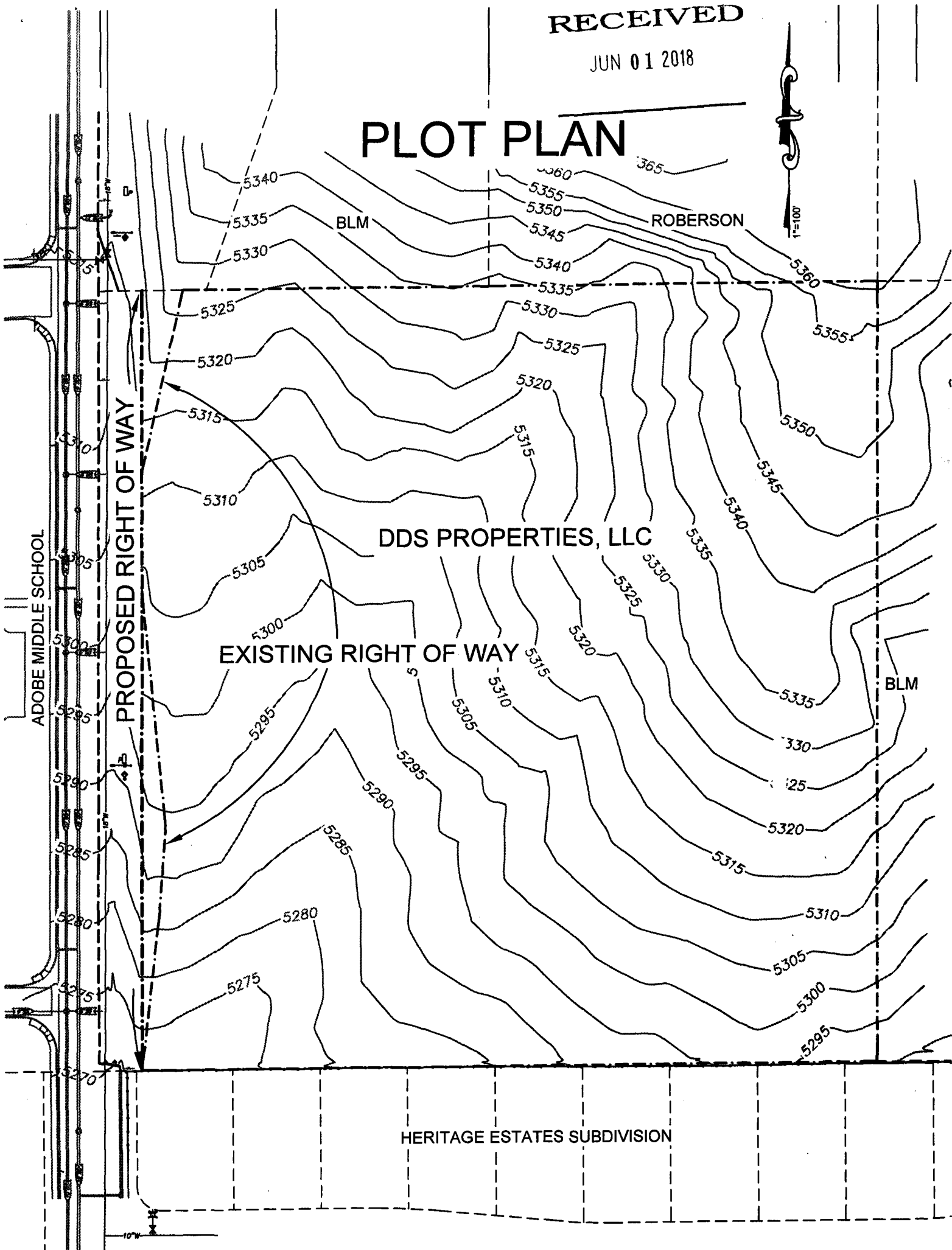
JUN 01 2018

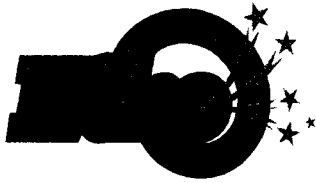


RECEIVED

JUN 01 2018

PLOT PLAN





CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of July 9, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 9, 2018 pursuant to Section 8-7-3 B. of City Code:

Vacation No. 1-18, filed by DDS Properties, LLC, for the vacation of a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area approximately 7,036 square feet, and matters related thereto.

The subject property is located generally on the east side of Jennings Way, approximately 150' north of Courtney Drive. (APN 001-01H-001)

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission forwards a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-18 subject to the conditions listed in the City of Elko Staff Report dated June 20, 2018, listed as follows:

1. **The applicant is responsible for all costs associated with the recordation of the vacation.**
2. **A 7.5' utility easement be recorded along the new right of way line for Jennings Way, this shall be included in the City Council's order vacating the right-of-way and shall be shown on the final plat.**
3. **Property Owner/Applicant shall sign an agreement with the City of Elko relinquishing of all rights associated with previous agreement between City of Elko and Wyatt and Melinda Chambers prior to recordation of the vacation.**
4. **The vacation shall be recorded independent and prior to preliminary plat approval.**
5. **Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**

The Planning Commission's findings to support its recommendation are the proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive. The proposed vacation is in conformance with the Land Use Component of the Master Plan. The proposed vacation is in conformance with the Transportation Component of the Master Plan. The area proposed for vacation is not located within the Redevelopment Area. The proposed vacation is in conformance with Section 3-2-4 and 3-2-5 of City Code. The proposed vacation, with the recommended conditions, is in conformance with Section 8-7 of City Code. The proposed vacation will not materially injure the public and is in the best interest of the City.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Scott Wilkinson, Assistant City Manager (via email)
Kelly Wooldridge, City Clerk



City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 20, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.2
APPLICATION NUMBER:	Vacation 1-18
APPLICANT:	DDS Properties, LLC
PROJECT DESCRIPTION:	APN 001-01H-001
RELATED APPLICATIONS:	Preliminary Plat 7-18

Vacation of slope easements located on the easterly side of Jennings Way approximately 130' north of Cortney Drive associated with the referenced subdivision.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: NA; Jennings Way (a part of)

PARCEL SIZE: 7,036 square feet

PROPOSED ZONING: (R1) Single Family Residential

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

EXISTING LAND USE: Undeveloped, to be merged with proposed Humboldt Hills Subdivision

BACKGROUND:

1. The total area Jennings Way being considered for vacation is 7,036 SF identified as two parcels of varying length and width.
2. A deed of dedication was approved by City Council on September 13, 2005 for the Jennings Way right-of-way, and recorded as document number 561378. The City of Elko had entered into an agreement with the property owners, Wyatt and Melinda Chambers, in lieu of compensation for the land, the City of Elko agreed to install one 8 inch sewer line lateral, two 8 inch line water line laterals and construct the paved roadway and curb and gutter along Jennings Way.
3. The area proposed for vacation will be merged with the area proposed for subdivision under Preliminary Plat 7-18.
4. The area proposed for vacation will be zoned R1 upon merger with the adjacent property.
5. The City Council accepted the petition for vacation at their meeting June 12, 2018.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- North: Agriculture and PQP (County) / Undeveloped
- East: BLM (County) / Undeveloped
- South: R1-Residential (City) / Developed
- West: PQP- Public Quasi Public (City) / Developed

PROPERTY CHARACTERISTICS:

- The property is currently undeveloped.
- The property can be accessed from Jennings Way

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans Sections, Coordinating 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 3-2-4 Establishment of Zoning Districts
- City of Elko Code – Section 3-2-5 Residential Zoning Districts
- City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
3. Per NRS 278.480(6) Public utility companies have been notified of the vacation on June 12, 2018.
4. It does not appear that there are any City utilities located within the area proposed to be vacated.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows a portion of the area as Medium Density Residential.
2. R1- Single Family Residential Zoning District is listed as a corresponding zoning district for Medium Density

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

MASTER PLAN - Transportation:

1. The merged area will be accessed from Jennings Way.
2. This vacation will maintain the same width of roadway for Jennings Way as located at the intersection of Cortney Drive.
3. Jennings Way is classified as a Minor Arterial roadway. The roadway classification is subject to possible change to a Major Arterial once the roadway is connected to East Jennings Way. The reclassification at a point in time will be dependent of the

- functionality of the roadway and may/or may not require additional width.
4. The Master Plan recommends a right of way width of 80 feet for a Minor Arterial and 100 feet for a Major Arterial, and as required in ECC 3-3-22. Jennings Way exists as an 80 foot right of way at all locations of record.
 5. The area proposed for vacation has been determined to be excess right-of-way.

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

REDEVELOPMENT PLAN

The area proposed for vacation is not located within the Redevelopment Area.

ELKO CITY CODE SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

The area proposed for vacation will be merged with the adjacent property. As a result the total area of the merged areas will meet the area requirements for the existing zone district.

The proposed vacation is in conformance with Section 3-2-4 of City code.

ELKO CITY CODE SECTION 3-2-5 RESIDENTIAL ZONING DISTRICTS

1. The area proposed for vacation will be merged with the adjacent property. The merged areas meet all the area and dimensions stipulated in code.

The proposed vacation is in conformance with Section 3-2-5 of City code.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. The proposed vacation is being processed independent of the proposed subdivision in order to address a condition to address the above referenced right-of-way acquisition agreement independent of subdivision approval.
2. A 7.5 foot wide utility easement is required on the proposed Jennings Way alignment and shall be included in the City Council order vacating the right-of-way.

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

FINDINGS

- The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
- The proposed vacation is in conformance with the Land Use Component of the Master Plan.
- The proposed vacation is in conformance with the Transportation Component of the Master Plan.
- The area proposed for vacation is not located within the Redevelopment Area.
- The proposed vacation is in conformance with Section 3-2-4 of City code.
- The proposed vacation is in conformance with Section 3-2-5 of City code.

- The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.
- The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

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

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. A 7.5' utility easement be recorded along the new right of way line for Jennings Way, this shall be included in the City Council's order vacating the right-of-way and shall be shown on the final plat.
3. Property Owner/Applicant shall sign an agreement with the City of Elko relinquishing of all rights associated with previous agreement between City of Elko and Wyatt and Melinda Chambers prior to recordation of the vacation.
4. The vacation shall be recorded independent and prior to preliminary plat approval.
5. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

**NOTICE OF INTENT OF THE CITY OF ELKO
TO VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED
GENERALLY ON THE EAST SIDE OF JENNINGS WAY, ADJACENT TO APN 001-
01H-001 ALL WITHIN THE CITY OF ELKO, STATE OF NEVADA**

NOTICE IS HEREBY GIVEN that the City Council of the City of Elko intends to vacate a portion of the public right-of-way located generally on the east side of Jennings Way, adjacent to APN 001-01H-001 situated in the City of Elko, Nevada, and cause title to revert to the owner of the abutting property; i.e. DDS Properties, LLC. The portion of the public right-of-way to be vacated is more particularly described as follows:

Parcels of land located in Section 8, T.34 N., R.55 E., M.D.B. & M., City of Elko County, Nevada being portions of Jennings Way as previously dedicated to the City of Elko by deed recorded in the Office of the Elko County Recorder, Elko, Nevada as Document No. 561378 more particularly described as follows:

Parcel 1

Beginning at Corner No. 1, a point being the Northwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Thence S 12° 43' 29" W, 159.37 feet along the West Line of said Parcel No. 1 also being along the said existing Easterly right of way of Jennings Way to Corner No. 2;

Thence N 00° 02' 17" E, 155.22 feet to Corner No. 3;

Thence N 89° 37' 24" E, 35.00 feet to Corner No. 1, the point of beginning, containing 2,716 Square Feet, more or less.

Parcel 2

Beginning at Corner No. 1, a point being the Southwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Thence N 00° 02' 17" E, 409.34 feet to Corner No. 2, a point being on the Westerly Line of said Parcel No. 1 and also being a point on the said existing Easterly right of way of Jennings Way;

Thence S 05° 40' 21" E, 201.00 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 3;

Thence S 03° 51' 08" W, 75.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 4;

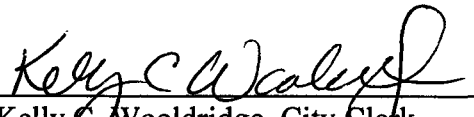
Thence S 06° 24' 35" W, 135.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 1, the point of beginning, containing 4,320 Square Feet, more or less.

The basis of bearings for the above described parcels is the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682.

Reference is hereby made to Exhibit B, Map of Jennings Way Right of Way to Be Vacated attached hereto and made a part hereof.

AND that the Elko City Council shall further consider the advisability of the vacation of the public right-of-way, and the adoption of a Resolution and Order vacating the same with the reversion of title as above stated at a meeting of said Council to be held in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, on July 24, 2018 at 5:30 p.m. All interested persons may appear at the meeting of the Council and be heard.

DATED this 5th day of July 2018.


Kelly C. Wooldridge, City Clerk

PUBLISH: July 10, 2017



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C045
ANDERSON, RICHARD D & MELISSA
638 CORTNEY DR
ELKO NV 89801-2440

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

Please read this notice carefully. The date that has been set for this hearing is Tuesday, July 24, 2018 at 5:30 P.M., in Elko City Hall at 1751 College Avenue, Elko, Nevada.

If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

USPS TRACKING # **9114 9014 9645 0944 5340 51**
& CUSTOMER
RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C065
CHRISTENSEN, RAY L II ET AL
646 CORTNEY DR
ELKO NV 89801-2457

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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& CUSTOMER
RECEIPT

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or call 1-800-222-1811.



CITY OF ELKO

Planning Department

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Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C064
DAMIAN, RICHARD ALLAN
642 CORTNEY DR
ELKO NV 89801-2457

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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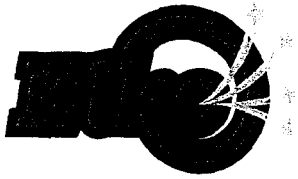
Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

USPS TRACKING #
& CUSTOMER
RECEIPT

9114 9014 9645 0944 5340 75
For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



CITY OF ELKO

Planning Department

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Email: planning@ci.elko.nv.us

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July 10, 2018

00101A017
ELKO COUNTY SCHOOL DISTRICT
PO BOX 1012
ELKO NV 89803-1012

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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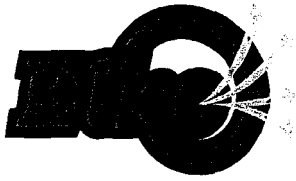
If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

USPS TRACKING # **9114 9014 9645 0944 5340 82**
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CITY OF ELKO

Planning Department

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July 10, 2018

00101A002
ELKO JENNINGS PARTNERS LLC
725 2ND ST
ELKO NV 89801-3009

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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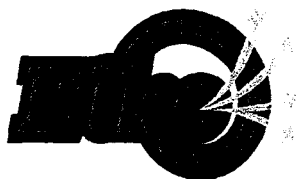
If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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July 10, 2018

00101C068
ENGELMEIER, KEVIN D & DULCY C
658 CORTNEY DR
ELKO NV 89801-2457

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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Planning Department

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Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C043
KNOTTS, RICHARD JOHN ET AL
634 CORTNEY DR
ELKO NV 89801-2440

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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RECEIPT or call 1-800-222-1811.



CITY OF ELKO

Planning Department

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July 10, 2018

00101C039
LIEBSACK, NATHAN J ET AL
626 CORTNEY DR
ELKO NV 89801-2440

Re: Vacation No. 1-18/DDS Properties, LLC

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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CITY OF ELKO

Planning Department

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Email: planning@ci.elko.nv.us

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July 10, 2018

00609J027
LIEVANOS, ISAAC
PO BOX 1452
ELKO NV 89803-1452

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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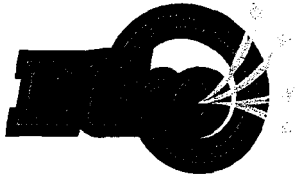
If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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Planning Department

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July 10, 2018

00101C067
MILLER, MATTHEW T
654 CORTNEY DR
ELKO NV 89801-2457

Re: Vacation No. 1-18/DDS Properties, LLC

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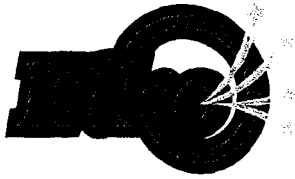
If you have any questions regarding this matter, please do not hesitate to contact the City of Elko Planning Department at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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July 10, 2018

00609J028
ROBERSON, DAVE
746 MONTROSE LN
ELKO NV 89801-2467

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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& CUSTOMER For Tracking or inquiries go to USPS.com
RECEIPT or call 1-800-222-1811.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C041
SINGH, TOCHI ET AL
630 COURTNEY DR
ELKO NV 89801

Re: Vacation No. 1-18/DDS Properties, LLC

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

USPS TRACKING # **9114 9014 9645 0944 5341 67**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101C066
SYNKOV, VASILY
650 CORTNEY DR
ELKO NV 89801-2457

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

USPS TRACKING # **9114 9014 9645 0944 5341 74**
& CUSTOMER RECEIPT For Tracking or inquiries go to USPS.com
or call 1-800-222-1811.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

July 10, 2018

00101A016
USA
C/O BLM-SUPPORT SERVICES AP
3900 E IDAHO ST
ELKO NV 89801-4692

Re: Vacation No. 1-18/DDS Properties, LLC

Enclosed please find a copy of the Notice of Intent of DDS Properties, LLC to vacate a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area of approximately 7,036 acres, located on the east side of Jennings Way, and a map depicting the property.

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Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

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& CUSTOMER
RECEIPT For Tracking or inquiries go to USPS.com
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CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

RE: Vacation No. 1-18/DDS Properties, LLC

In accordance with the Communication Policy between the City of Elko and Elko County, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider Vacation No. 1-18, filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way.

Please find enclosed a copy of the application and related site plan for your review and comment.

Review by the Elko City Planning Commission is scheduled for their July 9, 2018, special meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

NV Energy
Mr. Jake Johnson
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Johnson:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



June 20, 2018

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

RE: Proposed Vacation No. 1-18

Dear Ms. Archuleta:

Per your request in the letter dated June 13, 2018 regarding the proposed vacation of a portion of Jennings Way right-of-way located generally on the west side of APN 001-01H-001. NV Energy has facilities along the east edge of Jennings Way, near the proposed area to be vacated. If these facilities are within the area to be vacated, we request an easement 10 feet in width, centered on the existing facilities.

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

Sincerely,

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

Jake Johnson
NV Energy

Shelby Archuleta

From: Cathy Laughlin
Sent: Monday, July 2, 2018 1:31 PM
To: Shelby Archuleta
Subject: FW: Proposed Vacation No. 1-18

Cathy Laughlin
City Planner

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

City of Elko
1751 College Avenue
Elko, NV 89801

From: Johnson, Jake <JakeJohnson@nvenergy.com>
Sent: Monday, July 02, 2018 1:30 PM
To: Cathy Laughlin <claughlin@elkocitynv.gov>
Subject: RE: Proposed Vacation No. 1-18

That works.

Thanks Cathy!

From: Cathy Laughlin [<mailto:claughlin@elkocitynv.gov>]
Sent: Monday, July 02, 2018 1:28 PM
To: Johnson, Jake <JakeJohnson@nvenergy.com>
Cc: Scott A. Wilkinson <sawilkinson@elkocitynv.gov>; Jeremy Draper <jdraper@elkocitynv.gov>; Shelby Archuleta <sarchuleta@elkocitynv.gov>
Subject: [INTERNET] RE: Proposed Vacation No. 1-18

This message originated outside of Berkshire Hathaway Energy's email system. Use caution if this message contains attachments, links or requests for information. Verify the sender before opening attachments, clicking links or providing information.

Jake,
Here is the preliminary plat for Humboldt Hills subdivision that we are processing and there is a note that they are providing 7.5' wide public utility and drainage easement along all street front lot lines. You can see on this plan that they are proposing to go around your infrastructure with their sidewalk and there is still 17.74' from curb to property line plus another 7.5' easement so I think that you are fine.
Let me know if you have any other questions or concerns,

Cathy Laughlin
City Planner

(775)777-7160 ph

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

City of Elko
1751 College Avenue
Elko, NV 89801

From: Johnson, Jake <JakeJohnson@nvenergy.com>
Sent: Monday, July 02, 2018 12:54 PM
To: Cathy Laughlin <claughlin@elkocitynv.gov>
Subject: Proposed Vacation No. 1-18

Please see the attached letter for NV Energy's response to proposed vacation 1-18.

NOTICE: The information contained in this electronic transmission is intended only for the use of the individual or entity named above. ANY DISTRIBUTION OR COPYING OF THIS MESSAGE IS PROHIBITED, except by the intended recipient(s). Attempts to intercept this message are in violation of 18 U.S.C. 2511(1) of the Electronic Communications Privacy Act, which subjects the interceptor to fines, imprisonment and/or civil damages. If you are not the intended recipient(s), please delete it and notify me.

NOTICE: The information contained in this electronic transmission is intended only for the use of the individual or entity named above. ANY DISTRIBUTION OR COPYING OF THIS MESSAGE IS PROHIBITED, except by the intended recipient(s). Attempts to intercept this message are in violation of 18 U.S.C. 2511(1) of the Electronic Communications Privacy Act, which subjects the interceptor to fines, imprisonment and/or civil damages. If you are not the intended recipient(s), please delete it and notify me.



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

Satview Broadband
Mr. Steve Hallwell
3550 Barron Way, Suite 13A
Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Hallwell:

Please be advised that the City of Elko Planning Department is processing a request filed DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2017

Frontier Communication
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Whitaker:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures

Shelby Archuleta

From: Teresa Gust <teresa.e@canyonconstructionco.com>
Sent: Tuesday, June 19, 2018 1:06 PM
To: Shelby Archuleta
Cc: Pamela Lattin
Subject: Proposed Vaction No.1-18

Elko Heat does not have any interests in the area.

Thank you
Teresa Gust
Accounting Clerk
Canyon Construction &
Elko Heat Co.
Phone: (775) 738-2210 ext 107
Fax: (775) 753-8049
teresa.e@canyonconstructionco.com



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

June 13, 2018

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

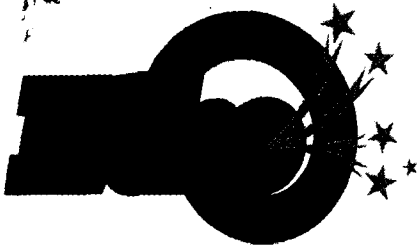
Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

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

APPLICANT(s): DDS PROPERTIES LLC

MAILING ADDRESS: 930 IDAHO STREET, ELKO, NEVADA 89801

PHONE NO (Home) _____ **(Business)** 775-777-2949

NAME OF PROPERTY OWNER (If different): SAME AS APPLICANT

(Property owner's consent in writing must be provided.)

MAILING ADDRESS: _____

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-01H-001 **Address** NOT ADDRESSED

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

Or Parcel(s) & File No. ADJACENT TO PARCEL 1 OF FILE NO 727682

FILING REQUIREMENTS:

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

Fee: A \$600.00 non-refundable fee.

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

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

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

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

RECEIVED

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

DDS PROPERTIES, LLC, 930 IDAHO STREET, ELKO, NEVADA 89801

(Name)

(Address)

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

(Name)

(Address)

1. Describe the nature of the request: The purposes of this request it to vacate two
portions of the existing Jennings Way right of way to create a parallel boundary
with the center line of the street.
2. Describe any utilities currently located in the area proposed for vacation, and if any are present
how they will be addressed: No utilities are located in this requested vacated area.

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 Dusty Shipp
(Please print or type)

Mailing Address 930 Idaho Street
Street Address or P.O. Box
Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-777-2949

Email address: dustyshipp@gmail.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 1-18 **Date Filed:** 6/1/18 **Fee Paid:** \$600 CE# 2115

**Elko City Council
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to adopt Resolution No. 24-18, a resolution of the Elko City Council adopting a change in zoning district boundaries from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public) approximately 2.797 acres of property located generally northeast of 14th Street between Cedar Street and College Avenue, filed by High Desert Engineering on behalf of Elko County, HCPI/Utah LLC & Veterans of Foreign Wars, and processed as Rezone No. 5-18, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 24, 2018**
3. Agenda Category: **PUBLIC HEARING**
4. Time Required: **10 Minutes**
5. Background Information: **The Planning Commission considered the subject zone change request on July 9, 2018 and took action to forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 5-18. 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: **Resolution, P.C. action report, Staff Report and related correspondence**
9. Recommended Motion: **Adopt Resolution No. 24-18 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: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballer@frontiernet.net

VFW Post 2350
P.O. Box 1266
Elko, NV 89803
jhire@frontiernet.net**

HCPI / Utah LLC
c/o Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801
zag@gerberlegal.com

Elko County
c/o Robert Stokes
540 Court Street Suite 101
Elko, NV 89801
rstokes@elkocountynv.net

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

**CITY OF ELKO
RESOLUTION NO. 24-18**

**A RESOLUTION OF THE ELKO CITY COUNCIL
ADOPTING A CHANGE IN ZONING DISTRICT BOUNDARIES**

WHEREAS, the Elko City Council has conducted a public hearing in accordance with Nevada Revised Statutes, Section 278.260 and the Elko City Code, Section 3-2-21(C), and

WHEREAS, the Elko City Council has received and reviewed the application submitted by High Desert Engineering, LLC, on behalf of Veterans of Foreign Wars, HCPI/UTAH, LLC, and Elko County (petitioner), together with any public input, supporting data and evidence, and the previous action taken by the Planning Commission pertaining to Rezone Application No. 5-18.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE ELKO CITY COUNCIL that Rezone Application No. 5-18, involving a change in zoning from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public) involving approximately 3.780 acres of property located generally on east side of 14th Street between Cedar Street and College Avenue, more particularly described in Exhibit A and shown on the map at Exhibit B attached hereto is hereby adopted, subject to the following condition agreed to by the petitioner:

Development Department:

1. A parcel map must be recorded modifying the boundary of parcels 001-200-004 and -005 to follow the building walls and keep the buildings on their own properties so portions of the buildings do not cross a property line.

Planning Department:

1. Variance applications 6-18, 7-18 and 8-18 must be approved and all the Planning Commission conditions must be satisfied.
2. VFW parcel APN 001-200-001 must obtain a revocable permit to occupy the right-of-way and must enter into a license agreement with the City of Elko.
3. All Planning Commission conditions for the rezone must be satisfied prior to the Mayor signing this Resolution to rezone the property

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

IT IS FURTHER RESOLVED AND ORDERED that upon satisfaction of the conditions stated herein, this Resolution shall be signed by the Mayor and attested to by the City Clerk.

PASSED AND ADOPTED this __ day of ____, 2018.

CITY OF ELKO

By: _____
CHRIS JOHNSON, MAYOR

ATTEST:

KELLY C. WOOLDRIDGE, CITY CLERK

VOTE:

AYES:

NAYS:

ABSENT:

ABSTAIN:

VETERANS OF FOREIGN WARS; HCPI/UTAH, LLC; & ELKO COUNTY

Application for Rezone

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged NW'ly line of College Avenue and the NE'ly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E. 605.98 feet, being Corner No. 1;

thence first course N. 48°11' W. along the NE'ly line of 14th Street, 240.00 feet to Corner No. 2;

thence second course N. 41°49' E. along the prolonged SE'ly line of Oak Street, 50.00 feet to Corner No. 3;

thence third course S. 48°11' E. 240.00 feet to Corner No. 4;

thence fourth course S. 41°49' W. along the prolonged NW'ly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.

Containing 12,000 square feet and situated wholly within the SE1/4 SE1/4 Section 10, T. 34 N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE1/4 SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:

Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;

thence N 41°49' E, and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right of way of Fourteenth Street;

thence S 48°11' E, and along the easterly right of way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;

RECEIVED

MAY 23 2018

VETERANS OF FOREIGN WARS; HCPI/UTAH, LLC; & ELKO COUNTY

Application for Rezone

Parcel 2 (con't)

thence continuing S 48°11' E, and along said right of way, a distance of 240.00 feet;

thence S 41°49' W, a distance of 10.00 feet;

thence N 48°11' W, a distance of 240.00 feet;

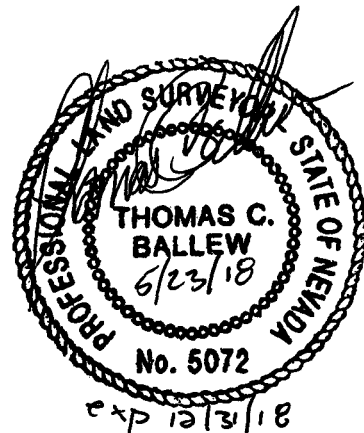
thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

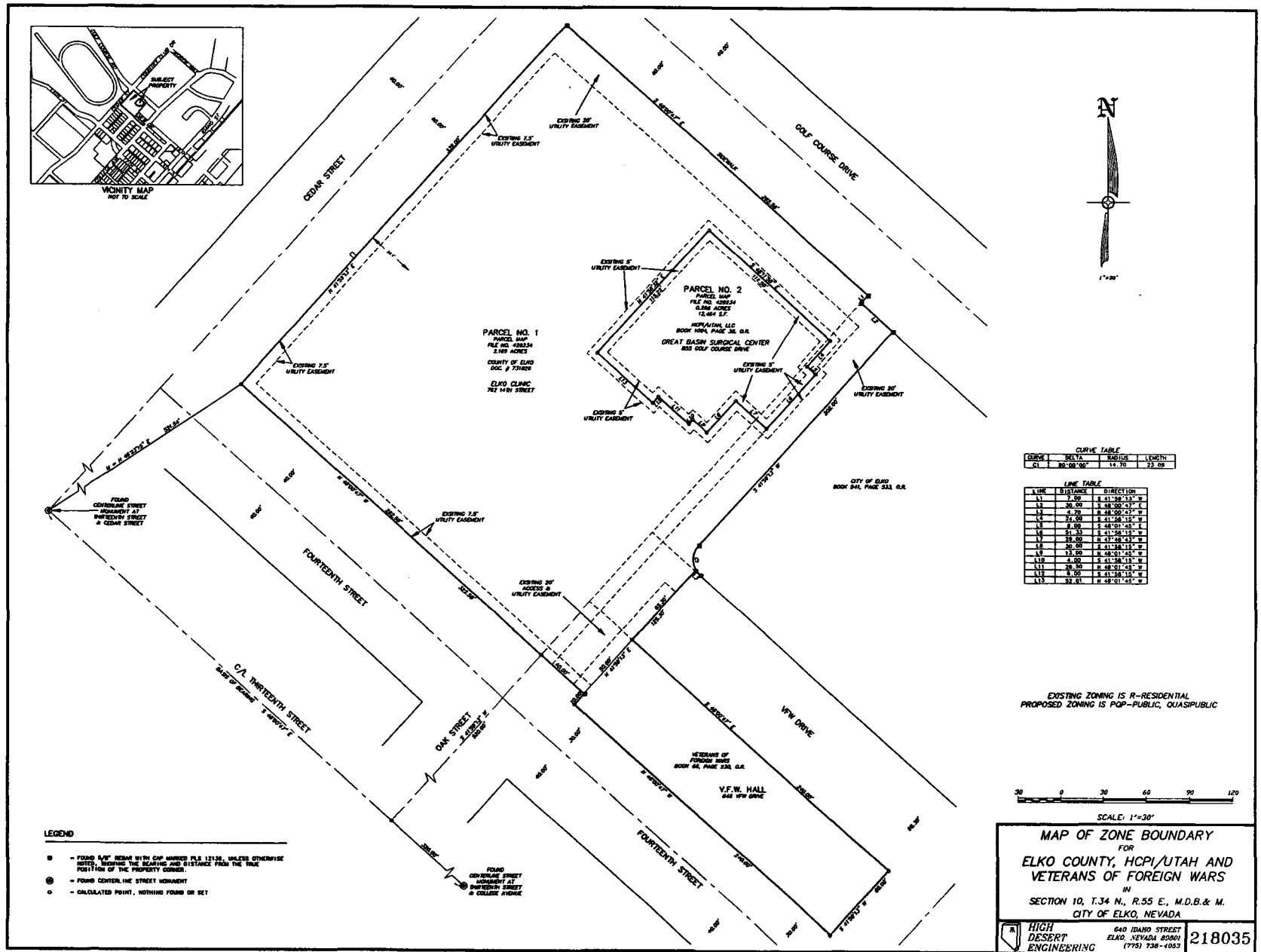
Parcel 4

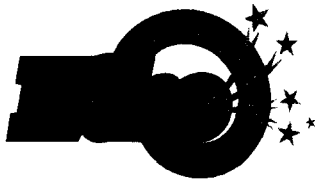
Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.



Veterans of Foreign Wars, HCPI/Utah and Elko County
Application for Rezone

Exhibit B





CITY OF ELKO

Planning Department

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

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

CITY OF ELKO PLANNING COMMISSION ACTION REPORT Special Meeting of July 9, 2018

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on July 9, 2018 under Public Hearing format in accordance with notification requirements contained in N.R.S. 278.260 and Elko City Code Section 3-2-21:

Rezone No. 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign Wars, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately 2.797 acres of property, and matters related thereto.

The subject properties are located generally on the northeast side of 14th Street between Cedar Street and College Avenue. (APNs 001-200-004, 001-200-005, 001-200-001).

NOW THEREFORE, upon review and consideration of the application, supporting data, public input and testimony, the Planning Commission approved the location of the existing accessory structures as shown on the site plan for VFW parcel APN 001-200-001 and forwarded a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 5-18, subject to the conditions listed in the City of Elko Staff Report dated June 5, 2018, listed as follows:

Development Department:


1. A parcel map be recorded modifying the boundary of parcels 001-200-004 and -005 to follow the building walls and keep each building on their own properties so portions of the building do not cross a property line.
2. The Planning Commission consider the location of all accessory structures per ECC 3-2-8

Planning Department:

1. Variance applications 6-18, 7-18 and 8-18 are approved and all the conditions are satisfied.
2. VFW parcel APN 001-200-001 be approved a revocable permit to occupy the right-of-way and enter into a license agreement with the City of Elko.
3. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property

The Planning Commission's findings to support its recommendation are the proposed rezone is in conformance with the Master Plan Land Use Component. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The properties are not located in the Redevelopment Area. The proposed zone district is consistent with City of Elko Wellhead Protection Plan. The proposed zone district is in conformance with City Code 3-2-4(B). The proposed zone district is in conformance with

Section 3-2-8 PQP – Public, Quasi-Public District with the approval of the variance applications. Existing Development meets the requirements under 3-2-17, or will be considered a legal non-conforming use. The proposed zone district is consistent with surrounding land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands, such as waterways, wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.


Cathy Laughlin, City Planner

Attest:


Shelby Archuleta, Planning Technician

CC: Applicant
Scott Wilkinson, Assistant City Manager (via email)
Kelly Wooldridge, City Clerk



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 5, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.2
APPLICATION NUMBER:	Rezone 5-18
APPLICANT:	High Desert Engineering on behalf of Elko County, HCPI / Utah LLC. & Veterans of Foreign Wars
ADDITIONAL APPLICATION:	Variance Application 6-18, 7-18 & 8-18, Rev. 3-18, PM 3-18

A change in zoning district boundary from R- Residential to PQP – Public, Quasi-Public



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-200-001, 001-200-004 & 001-200-005

PARCEL SIZE: 2.797 acres for all three parcels combined

EXISTING ZONING: R- Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (PUBLIC) Public as per Master Plan Amendment 1-18

EXISTING LAND USE: Developed land consistent with Public, Quasi-Public uses

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- Northwest: PQP- Public, Quasi, Public / Developed
- Northeast: PQP- Public, Quasi, Public / Developed
- Southwest: R- Residential / Developed
- Southeast: PQP- Public, Quasi, Public / Developed

PROPERTY CHARACTERISTICS:

- The area is currently developed with public, quasi-public land uses.
- The area is generally flat.
- The area is accessed from Golf Course Road, Cedar Street, 14th Street and College Ave.

MASTER PLAN 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 Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-8 PQP, Public, Quasi-Public District
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

1. APN 001-200-001 is owned by Veterans of Foreign Wars.
2. APN 001-200-004 is owned by Elko County.

3. APN 001-200-005 is owned by HCPI / Utah LLC.
4. The rezone includes all of APN 001-200-001, 001-200-004 & 001-200-005.
5. The area fronts 14th Street, Cedar Street, Golf Course Road, VFW Drive and College Avenue.
6. The properties are currently being served by City of Elko water and sewer and other non-city utilities.
7. Conditional Use Permit 1-97 was approved on April 1, 1997 for the expansion of the existing medical facility for the surgical center.
8. A resolution was approved by City Council on May 13, 1997, recorded on May 15, 1997, vacating a portion of Oak Street right-of-way between 14th Street and Golf Course Road.
9. APN 001-200-004 (Parcel 1 owned by Elko County) and APN 001-200-005 (Parcel 2 owned by HCPI / Utah LLC.) were created by Parcel Map filed with the Elko County Recorder on July 7, 1998 as file number 429234.
10. A declaration of easements, covenants and restrictions was recorded with Elko County Recorder on July 15, 1998 as file number 429561 for the access easement to Parcel 2 as well as miscellaneous CC&R's for both properties.
11. Each parcel will have a variance application to run concurrent with the rezone application in order to be in conformance with the PQP – Public, Quasi-Public zoning district.
12. VFW has applied for a revocable permit 3-18 to occupy the City of Elko right-of-way for existing parking and an existing canopy area.

MASTER PLAN:

Land use:

1. Land Use is shown as Public.
2. Supporting zone districts for Public are PQP-Public, Quasi-public.
3. The existing land use of the properties is consistent with the designated land use.
4. Zone classification of the properties are required to conform to the Master Plan.
5. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

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

Transportation:

1. The area will be accessed from Golf Course Road, Cedar Street, 14th Street, VFW Drive and College Avenue.
2. College Avenue is classified as a Collector.
3. 14th Street and Golf Course Road are classified as Commercial / Industrial Collectors.
4. Cedar Street is classified as a Collector.

The proposed zone district is compatible with the Transportation Component of the Master Plan and is consistent with the existing transportation infrastructure.

ELKO REDEVELOPMENT PLAN:

1. The property is not located within the redevelopment area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property sits within the 5 year capture zone for City of Elko well.
2. The existing uses do not create a hazard to our City of Elko wells.

SECTION 3-2-4 Establishment of Zoning Districts:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered, unless in conformity with all regulations specified in this subsection for the district in which it is located.
2. No yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title. All three properties do not meet the setback requirements for the PQP zoning district.

As a result of the above referenced non-conformance issues, the applicant has applied for variances for the setback requirements under Variance application 6-18, 7-18, and 8-18 for all three developed parcels. Parcel 001-200-005, HCPI / Utah LLC, variance application will also address the non-conformance issue of lot coverage. Parcel 001-200-001 owned by VFW, will also address the non-conformance of the encroachments with a revocable permit application.

SECTION 3-2-8 – PQP Public, Quasi-Public District:

1. All three parcels of the existing development do not meet the requirements under 3-2-8 for front and rear yard setbacks or side yard setbacks.
2. Parcel 001-200-005, HCPI / Utah LLC., does not meet the requirement for maximum lot coverage.
3. The existing uses are consistent with the listed principal uses permitted.
4. The existing development on parcel 001-200-001 owned by VFW, has two accessory structures which will require location approval by the Planning Commission.

As a result of the above referenced non-conformance issues, the applicant has applied for variances for the setback requirements under Variance application 6-18, 7-18, and 8-18 for all three developed parcels. Parcel 001-200-005, HCPI / Utah LLC, variance application will also address the non-conformance issue of lot coverage. Parcel 001-200-001, VFW, will also address the non-conformance of the encroachments with a revocable permit application.

SECTION 3-2-17:

1. Parking for HCPI / Utah LLC parcel 001-200-005 is part of the declaration of easements, covenants and restrictions that was recorded with Elko County Recorder on July 15, 1998 as file number 429561
2. Parking for VFW, parcel 001-200-001 has been requested as part of a revocable permit application 3-18 as it is currently partially or completely within City of Elko right-of-way. The revocable permit is not required as this would be considered a legal non-conforming use, the property owner has decided to request the revocable permit to bring the property into conformance.

Existing development meets the requirements under 3-2-17 or will be considered a legal non-conforming use.

SECTION 3-2-21:

1. The applicant has conformed to this section of code with the filing of the application.

SECTION 3-8:

1. The parcels are not designated in a Special Flood Hazard Area (SFHA).

FINDINGS:

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The properties are not located in the Redevelopment Area.
4. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
5. The proposed zone district is in conformance with City Code 3-2-4(B).
6. The proposed zone district is in conformance with Section 3-2-8 PQP – Public, Quasi-Public District with the approval of the variance applications.
7. Existing development meets the requirements under 3-2-17 or will be considered a legal non-conforming use.
8. The proposed zone district is consistent with surrounding land uses.
9. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

STAFF RECOMMENDATION:

Staff recommends this item be **conditionally approved** with the following conditions:

Development Department:

1. A parcel map be recorded modifying the boundary of parcels 001-200-004 and -005 to follow the building walls and keep each building on their own properties so portions of the building do not cross a property line.
2. The Planning Commission consider the location of all accessory structures per ECC 3-2-8

Planning Department:

1. Variance applications 6-18, 7-18 and 8-18 are approved and all the conditions are satisfied.
2. VFW parcel APN 001-200-001 be approved a revocable permit to occupy the right-of-way and enter into a license agreement with the City of Elko.
3. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR ZONE CHANGE

APPLICANT(s):	High Desert Engineering, LLC		
MAILING ADDRESS:	640 Idaho Street, Elko, NV 89801		
PHONE NO (Home)		(Business)	775-738-4053
NAME OF PROPERTY OWNER (If different):	on behalf of Elko County, HCPI/UTAH, LLC and Veterans of Foreign Wars (Property owner's consent in writing must be provided.)		
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-200-004, 001-200-005 & 001-200-006	Address	
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.			

FILING REQUIREMENTS:

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

Fee: A \$500.00 non-refundable filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

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

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this Rezone Application.

RECEIVED

1. Identify the existing zoning classification of the property: R-Residential

2. Identify the zoning Classification being proposed/requested: PQP-Public, Quasi Public

3. Explain in detail the type and nature of the use anticipated on the property:

The properties are currently occupied. We will not be changing the nature or use of the properties after they are re-zoned.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: The properties are currently zoned R. We are requesting rezoning to PQP per conversations with the City of

Elko staff that this is the appropriate zoning for this property

5. Identify any unique physical features or characteristics associated with the property:

None

(Use additional pages if necessary to address questions 3 through 5)

By My Signature below:

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

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

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

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

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

Applicant / Agent

Thomas c. Ballew, PE,PLS

(Please print or type)

Mailing Address

640 Idaho Street

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

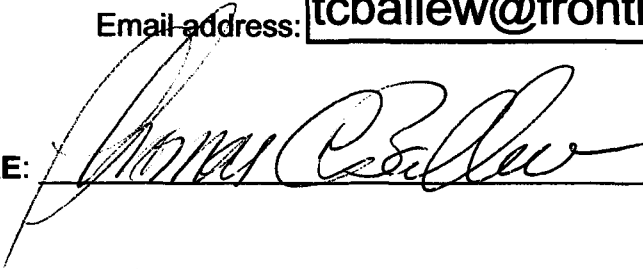
Phone Number:

775-738-4053

Email address:

tcballew@frontiernet.net

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 5-18 **Date Filed:** 5/23/18 **Fee Paid:** \$500 CK# 27652

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.)
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- ☒ 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

VFW Post 2350

(Please print or type)

Mailing Address

PO Box 1266

Street Address or P.O. Box

731 VFW Dr. Elko NV. 89801

City, State, Zip Code

Phone Number:

775-738-7816

Email address:

jhire@frontiernet.net

SIGNATURE:



FOR OFFICE USE ONLY

File No.: _____ **Date Filed:** _____ **Fee Paid:** _____

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.

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☒ 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

HCPV Utah, LLC

(Please print or type)

Mailing Address

C/O Gerber Law Offices, LLP

Street Address or P.O. Box

491 4th Street, Elko NV 89801

City, State, Zip Code

Phone Number:

775-777-4357

Email address:

zag@gerberlegal.com

SIGNATURE:

HCPV Utah, LLC

By: HCP, Inc.'s managing member

By: Angela Playle

By: Angela Playle, SVP and Deputy General Counsel, Real Estate

FOR OFFICE USE ONLY

File No.: _____ **Date Filed:** _____ **Fee Paid:** _____

By My Signature below:

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

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

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

Applicant / Agent

Robert K. Stokes

(Please print or type)

Mailing Address

540 Court St., Suite 101

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

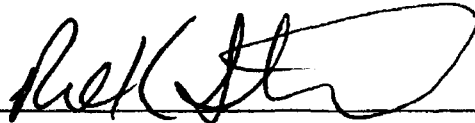
Phone Number:

(775) 738-5398

Email address:

rstokes@elkocountynv.net

SIGNATURE: _____



FOR OFFICE USE ONLY

File No.: _____ Date Filed: _____ Fee Paid: _____

MAY 23 2018

ELKO COUNTY

**RESOLUTION AND ORDER VACATING A STRIP OF
FOURTEENTH STREET, 10 FEET IN WIDTH AND
APPROXIMATELY 240 FEET IN LENGTH, BETWEEN OAK
STREET AND COLLEGE AVENUE, ALL WITHIN THE CITY OF
ELKO, STATE OF NEVADA**

WHEREAS, the Board of Supervisors of the City of Elko, Nevada, unanimously resolved at a regular meeting of the Board held on June 9, 1992, that it publish and mail by certified mail to the abutting property owners a notice of its intentions to vacate a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

WHEREAS, the Notice was duly published and mailed, all as required by law, as more fully appears from the Affidavit of Publication and Mailing and return receipts on file in the City Office of the City of Elko; and,

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 7:30 o'clock p.m., on July 14, 1992, in the City Hall, Elko, Nevada, a hearing before the Board of Supervisors was duly had, and no persons having appeared to object to the proposed vacation, and the Board having deemed it for the best interests of the public that the area be vacated, subject to certain terms and conditions, and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Board of Supervisors that a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue in the City of Elko, Nevada, is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interests of the public, and that neither the public nor any person will be materially injured thereby;

NOW, THEREFORE, upon motion duly made by Supervisor Bill Strickland and seconded by Supervisor Nora Hatfield, IT IS HEREBY UNANIMOUSLY RESOLVED AND ORDERED:

L

That a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue in the City of Elko, Nevada described on Exhibit "A" attached hereto, be, and the same is hereby, vacated and shall revert to and is hereby vested in VETERANS OF FOREIGN WARS OF THE UNITED STATES, GASPER J. SALAZ POST NO. 2350, as owners of the property abutting the parcel being vacated, provided further that this vacation, and the title of the abutting owners received pursuant thereto, shall be subject to all existing poles, lines, cables, pipes, drains, utility

GOODECHEN & DI GIANZA, LTD.
LAND SURVEY COMPANY
250 Lake Street, P.O. Box 1200
Elko, Nevada 89801
Telephone: (702) 739-0001

1998 791 P.C. 703

ELKO COUNTY

installations, easements, rights-of-way and licenses now existing. The City acknowledges the payment from the above-named property owners of all actual costs incurred by the City of Elko, including a \$100.00 attorney fee.

II.

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

III.

That the City Clerk of the City of Elko shall certify to the copy of this Resolution and Order, and this Resolution and Order, or a certified copy hereof, be recorded in the Office of the County Recorder of Elko County, Nevada, and be endorsed by the Elko County Recorder upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue, situate in the City of Elko, County of Elko, State of Nevada.

END OF RESOLUTION AND ORDER.

DATED this 15th day of July, 1992.

CITY OF ELKO

By: 
JAMES POLKINGHORNE, Mayor

ATTEST:


JULIANA MURPHY, City Clerk

GOODECHEN & DE GUNZEN, LTD.
LAW OFFICE GROUP
200 Main Street, P.O. Box 1200
Elko, Nevada 89801
Telephone: (702) 738-0001

BOOK 791 PAGE 704

ELKO COUNTY

STATE OF NEVADA)
(ss
County of Elko)

On this 15th day of July, 1992, personally appeared before me,
a Notary Public, JAMES POLKINGHORNE and JULIANA MURPHY, the Mayor and City
Clerk, respectively, of the CITY OF ELKO, and acknowledged to me that they executed
the foregoing instrument for and on behalf of the CITY OF ELKO.

Dawn Stout
NOTARY PUBLIC



ELKO COUNTY

EXHIBIT "A"

A tract of land situate in the SE1SE1 of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows: commencing at the centerline monument the intersection of Oak Street and Thirteenth Street thence N 41°49' E, and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right of way of Fourteenth Street; thence S 48°11' E, and along the easterly right of way of Fourteenth Street, a distance of 40.00 feet to the point of beginning; thence continuing S 48°11' E, and along said right of way, a distance of 240.00 feet; thence S 41°49' W, a distance of 10.00 feet; thence N 48°11' W, a distance of 240.00 feet; thence N 41°49' E, a distance of 10.00 feet to the point of beginning, containing an area 2400.00 square feet more or less.

INDEXED 324255
FEE 8.00 FILE #
FILED FOR RECORD
AT REQUEST OF
City of Elko
JUL 28 P1 02

RECORDED BY 791 703
JERRY D. REYNOLDS
ELKO CO. RECORDER

324255

GORDON & DI GUAZIA, LTD.
LAND OFFICE CENTER
370 Idaho Street, P.O. Box 1228
Elko, Nevada 89801
Telephone: (702) 735-0201

BOOK 791 PAGE 706

INDEXED
RECEIVED

MAY 23 2018

BOOK 88 Page 230

GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made as of the 27th day of March, 1951, by and between the CITY OF ELKO, a Municipal Corporation and body politic and corporate within the County of Elko, State of Nevada, first party, and VETERANS OF FOREIGN WARS, OF THE UNITED STATES, GASPER J. SALAZ POST NO. 2350, City of Elko, County of Elko, State of Nevada, second party,

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), by the second party to the first party in hand paid, the receipt whereof is hereby acknowledged, said first party does by these presents grant, bargain and sell unto the said second party, its successors and assigns, all those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged NW'ly line of College Avenue and the NE'ly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Streets bears S. 20° 39' 50" E. 605.98 feet, being Corner No. 1; thence first course N. 48° 11' W. along the NE'ly line of 14th Street 240.00 feet to Corner No. 2; thence second course N. 41° 49' E. along the prolonged SE'ly line of Oak Street, 50.00 feet to Corner No. 3; thence third course S. 48° 11' E. 240.00 feet to Corner No. 4; thence fourth course S. 41° 49' W. along the prolonged NW'ly line of College Avenue, 50.00 feet to Corner No. 1, the point of beginning.

Containing 12,000 square feet and situated wholly within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 34 N., R. 55 E., M.D.B. & M.

That the use of said land shall be at all times confined and limited to legally constituted and duly organized fraternal, veterans and auxiliary to veterans' organizations, civic and charitable orders and bodies. That said land shall never be used for any commercial purpose. That the foregoing covenants be and they hereby are declared to be covenants running with the land.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise

ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and
profits thereof.

TO HAVE AND TO HOLD, all and singular the said real
property, together with the appurtenances, subject to the coven-
ants running with the land hereinabove set forth, unto the said
second party, its successors and assigns.

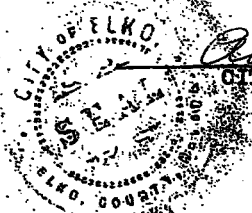
IN WITNESS WHEREOF, the said first party has caused
these presents to be executed in its Corporate name, and its
Corporate Seal to be affixed hereunto by DAVID DOTTA, Mayor of
said City, and attested by ALICE GEYER, City Clerk, hereunto
duly authorized by Resolution of the Board of Supervisors of
said City, all as of the day and year first hereinabove written.



CITY OF ELKO

BY: David Dotta
MAYOR

ATTEST:



Alice Geyer
CITY CLERK

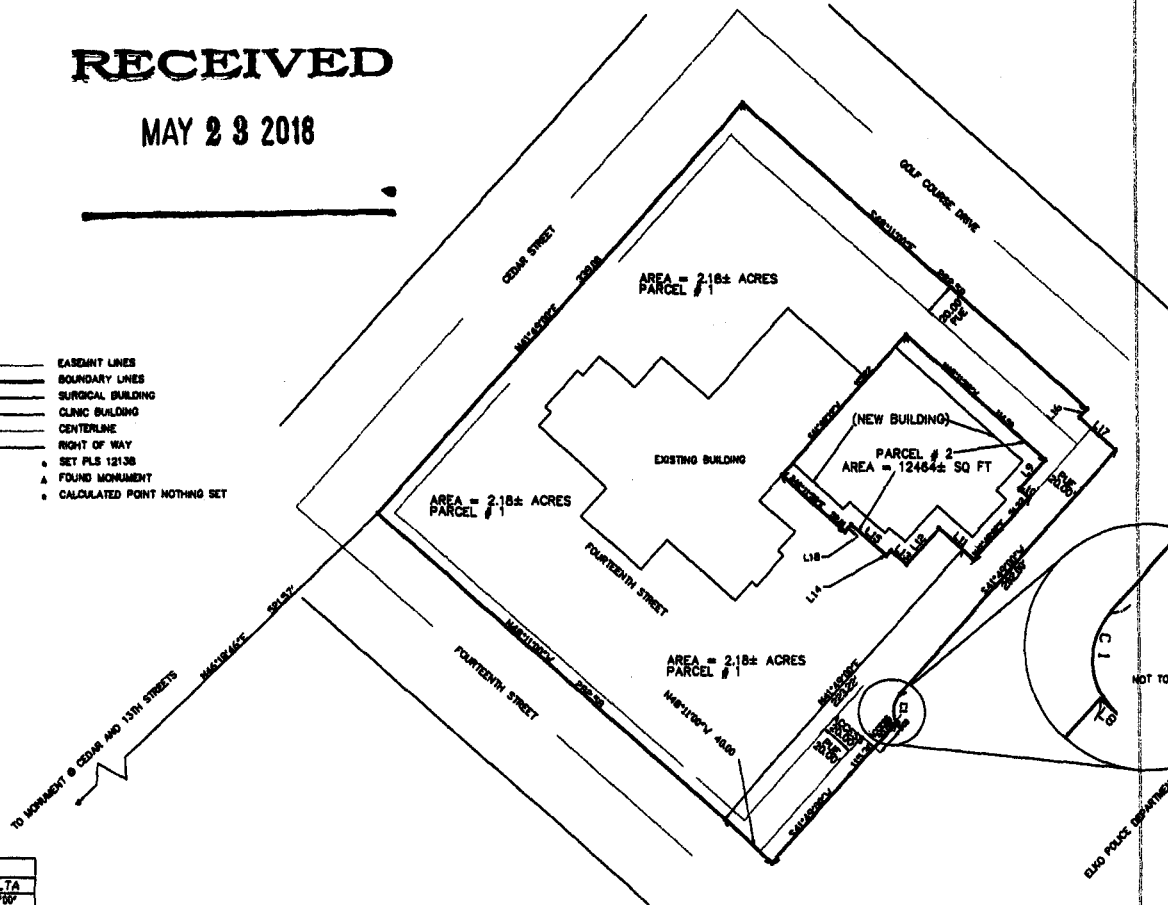
ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

RECEIVED

MAY 23 2018

N
SCALE 1" = 40'
LEGEND

- ===== EASEMENT LINES
- ===== BOUNDARY LINES
- ===== SURGICAL BUILDING
- ===== CLINIC BUILDING
- ===== CENTERLINE
- ===== RIGHT OF WAY
- SET PLS 12138
- ▲ FOUND MONUMENT
- CALCULATED POINT NOTHING SET



CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	83.09	14781.96'

LINE TABLE		
LINE	LENGTH	BEARING
L1	4.70	N48°11'50"W
L2	8.00	N41°49'50"E
L3	8.00	N48°11'50"W
L4	89.00	S47°50'50"E
L5	30.00	N41°49'50"E
L6	13.00	S48°11'50"E
L7	4.00	N41°49'50"E
L8	25.50	S48°11'50"E
L9	7.50	S41°49'50"E
L10	30.00	S48°11'50"E
L11	6.00	S41°49'50"E

NOTES

- 1) BASIS OF BEARINGS = CENTERLINE OF C&N STREET AS SHOWN ON SMITHS ADDITION TO THE CITY OF ELKO, FILED IN THE ELKO COUNTY RECORDERS OFFICE AS FILE NO. 43385.
- 2) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 2.47 ACRES.
- 3) ALL BOUNDARIES WILL HAVE A 7.50' UTILITY EASEMENT ON ROAD FRONTS AND 5.00' ON ALL OTHER BOUNDARIES UNLESS OTHERWISE NOTED.
- 4) AGREEMENTS CONCERNING SHARED PARKING, UTILITIES, AND ACCESS CAN BE FOUND IN THE CC & R's RECORDED ALONG WITH THIS PARCEL MAP.

SURVEYOR'S CERTIFICATE

I, ERIC L. HEARON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF BOYER COMPANY.
2. THE LANDS SURVEYED ARE WITHIN SECTION 10, T.34 N. R.30 E., M.24E., AND THE SURVEY WAS COMPLETED ON JUNE 30, 1998.
3. THIS PLAT COMPLES 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 PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

ERIC L. HEARON, P.L.S.
CERTIFICATE NO. 12138



APPROVAL - CITY OF ELKO PLANNING COMMISSION

THIS MAP IS HEREBY APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.481 - 278.485 INCLUSIVE BY THE CITY OF ELKO PLANNING COMMISSION AS WITNESSED BY THE UNDERSIGNED CHAIRMAN OR ITS AUTHORIZED REPRESENTATIVE.

Dennis C. Crode
CHAIRMAN OR PLANNING REPRESENTATIVE

7-2-98
DATE



FILED DATA
FILE NO. 429234
FILED AT THE REQUEST OF
MILESTONE SURVEYING INC.
DATE 07 July 1998
TIME 01:18 P.M.
James D. Reynolds
JERRY D. REYNOLDS
ELKO COUNTY RECORDER

OWNER'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, DR. DAVID HOBBS, PRESIDENT OF OUTSTANDING LAND COMPANY, BEING THE OWNER OF THESE PARCELS, DO hereby certify to the preparation and recording of this map and open for inspection all of the EXHIBITS, PUBLIC UTILITY, PUBLIC EASEMENTS AND PUBLIC RIGHT OF WAY AS DESIGNATED HEREON. IN WITNESS WHEREOF, I HAVE SET OUR HANDS ON THE DATED SHOW.

OWNER ADDRESS: 702 14TH STREET
ELKO, NEVADA 89801
OWNER TELEPHONE NO. 702-738-3111

David Hobbs
DR. DAVID HOBBS (PRESIDENT OF OUTSTANDING LAND COMPANY) DATE 7-6-98

STATE OF NEVADA } S.S.
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 6 DAY OF July 1998, BY DR. DAVID HOBBS.
Walter J. Reed
NOTARY PUBLIC & JUDICIAL OFFICER, NEVADA
DATE MY COMMISSION EXPIRES April 03, 2001



APPROVAL - PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES, EXCUTING BELOW.

William K. Smith 7-2-98
CITY OF ELKO
Michael M. ... 7-7-98
SOUTHERN PACIFIC POWER CO.
James D. ... 7-2-98
SOUTHWEST GAS CORPORATION
John J. ... 7-2-98
T.O. TABLESON OF NEVADA, INC.

APPROVAL - CITY OF ELKO

ON THE 6 DAY OF July 1998, THIS MAP WAS APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.481 - 278.485 INCLUSIVE AND ANY APPLICABLE LOCAL ORDINANCES, AND ANY OTHERS OF ANY DECISION SHOWN/HEREON WERE ACCEPTED FOR PUBLIC USE.

Samuel J. ... 7-2-98
CITY ENGINEER

COUNTY ASSESSOR'S CERTIFICATE

I, JOE ASSESSOR, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBERS SHOWN ON THIS PLAT ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCEL NO. 001-200-003.

Joe Assemer 7-2-98
ELKO COUNTY ASSESSOR
John D. ...

COUNTY TREASURER'S CERTIFICATE

I, CARMAR SALCHIE, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-200-003 HAVE BEEN PAID FOR THIS FISCAL YEAR.

Carmar Salchie 7-7-98
CARMAR SALCHIE
ELKO COUNTY TREASURER

REFERENCES

REFER TO THE CITY OF ELKO FILE # 43385
PLANNING TITLE REPORT ORDER # 8/10/98 STREET TITLE

PREPARED FOR: BOYER COMPANY BY REQUEST OF RICHARD KENDALL	PREPARED BY: MILESTONE SURVEYING, INC.	P.O. BOX 8400 ELKO, NEVADA 89801 PH. 702 738 4856 FAX 702 738 4877
SCALE 1" = 40'	REVISION	
PARCEL MAP ELKO REGIONAL MEDICAL CENTER	DRAWING NO. 98038.1PM	

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