Item # 10

City of Carson City
Agenda Report

Date Submitted: 12/26/2007

Agenda Date Requested: 1/3/2008
Time Requested: 20 minutes

To: Mayor and Supervisors

From: District Attorney's Office

Subject Title: Possible action to declare The Seasons Limited Partnership in breach of the Ground Lease between Carson City and The Seasons Limited Partnership for a portion of APN 002-121-09 in Carson City, Nevada for failure to pay property taxes as required pursuant to the terms of the lease and to authorize sending of a Notice of Default to The Seasons Limited Partnership.

Staff Summary: Carson City and The Seasons Limited Partnership entered into a ground lease for a portion of APN 001-121-09 in Carson City, Nevada. The Seasons Limited Partnership built the Autumn Village Senior Housing Project on the land that was the subject of the ground lease. Pursuant to the terms of the ground lease, The Seasons Limited Partnership is contractually obligated to pay all real property taxes. After constructing the Autumn Village Senior Housing Project, The Seasons Limited Partnership applied for and was applied for a statutory exemption (NRS 361.082) from real property taxes for low income senior housing. Subsequently, The Seasons Limited Partnership has failed to pay real property taxes, as required pursuant to the terms of the ground lease.

Type of Action Requested: (check one)
(____) Resolution ( ) Ordinance
(__X_) Formal Action/Motion ( ) Other (No action)

Does This Action Require A Business Impact Statement: ( ) Yes (x) No

Recommended Board Action: I move to declare The Seasons Limited Partnership in breach of the Ground Lease between Carson City and The Seasons Limited Partnership for a portion of APN 002-121-09 in Carson City, Nevada for failure to pay property taxes as required pursuant to the terms of the lease and to authorize sending of a Notice of Default to The Seasons Limited Partnership.

Explanation for Recommended Board Action: As Carson City is the aggrieved party to the ground lease, the Board of Supervisors needs to declare The Seasons Limited Partnership in breach of the terms of the ground lease and to authorize the sending of a Notice of Default. Pursuant to the terms of the ground lease, once The Seasons Limited Partnership received the Notice of Default, The Seasons Limited Partnership has an opportunity to remedy the breach.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 361.082.

Fiscal Impact: NA.

Explanation of Impact: NA

Funding Source: NA