Hem# 9-1

City of Carson City Agenda Report

Date Submitted: 01/15/10

Agenda Date Requested: 02/04/10

Time Requested: Consent

To: Mayor

Mayor and Board of Supervisors

From: Public Works Engineering

Subject Title: Action to approve and authorize the Mayor to sign the Release and Cancellation of an Ordinance No. 1987-44 and a Development Agreement between Carson City and the Ruf Family regarding formerly Assessor's Parcel Number 009-031-17 and now 009-031-30 located at 2450 S. Curry Street. (Jeff Sharp)

Staff Summary: The Development Agreement is now more than 22 years old and has never been activated. Any future development of the parcel will be subject to the requirements for frontage improvement in accordance with CCMC 11.12.081, therefore the Development Agreement presents an unnecessary cloud on the property title. The proposed action will cancel the Development Agreement.

Type of Action Requested:				
() Resolution	() Ordina	() Ordinance		
(X) Formal Action/Motion	() Other (Specify)		
Does This Action Require A Business Impact Statement:		() Yes	(X) No	

Recommended Board Action: I move to approve and authorize the Mayor to sign the Release and Cancellation of an Ordinance No. 1987-44 and a Development Agreement between Carson City and the Ruf Family regarding formerly Assessor's Parcel Number 009-031-17 and now 009-031-30 located at 2450 S. Curry Street.

Explanation for Recommended Board Action: The Development Agreement is now more than 22 years old and has never been activated. Any future development of the parcel will be subject to the requirements for frontage improvement in accordance with CCMC 11.12.081, therefore the Development Agreement presents an unnecessary cloud on the property title. The Development Agreement Release and Cancellation document will be recorded, thereby canceling the Development Agreement.

Applicable Statute, Code, Policy, Rule or Regulation: Carson City Municipal Code 17.08 and Nevada Revised Statutes 278.0205.

Fiscal Impact: None

Explanation of Impact: N/A

Board Action Report
Development Agreement Release and Cancellation
Ruf Family – 2450 S. Curry Street
February 4, 2010
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Alternatives:	1) Don't approve the 2) Refer back to staff		ent Release and Cancellation
Supporting M	2) Ordinano	nent Agreement Releas ce No. 1987-44 Development Agreeme	
Prepared By: Reviewed By:	(City Engineer) (Public Works Direction (City Manager)	tor)	Date: 1/26/10 Date: Date: Date:
Board Action	Taken:		
		1)	Aye/Nay
(Vote Recor	ded By)		

Funding Source: N/A

DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION **CARSON CITY, NEVADA** Formerly 009-031-17 and now 009-031-30 APN: Development Agreement between Carson City and Ruf PROJECT: Family located at 2450 S. Curry Street RECORDING: Document #065716 recorded on December 18, 1987 Since this document is 22 years old and has never been activated, the requirements set forth in the Development Agreement will not be pursued at this time. Accordingly, the CITY hereby approves the above-referenced Development Agreement for release. Both the CITY and the BUILDER or the heirs, executors, administrators, successors and assigns consent to the cancellation of the Development Agreement. In addition, the CITY and the BUILDER or the heirs, executors, administrators, successors and assigns agree that this release and cancellation shall be recorded in accordance with Section 17.08.020 of the Carson City Municipal Code and Nevada Revised Statute 278.0205. BUILDER: Ruf Family Limited Partnership County of _____ 20/0, personally appeared before me, a Notary Public in and for said On this __________ , who acknowledged to me that County and State, Dayib she he executed the above instrument. **NOTARY PUBLIC** STATE OF NEVADA CITY: REVIEWED AND RECOMMENDED BY: Sharp, P.E., City Engineer APPROVED FOR LEGALITY AND FORM: 1-96-10 Date Carson City District Attorney APPROVED: Robert Crowell, Mayor Date ATTEST:

Date

Alan Glover, Clerk-Recorder

ORDINANCE NO. 1987-44

BILL NO. 143

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROBERT H. RUF, JR. & PATRICIA A. RUF REGARDING ASSESSOR'S PARCEL NO. 9-031-17 LOCATED AT 2450 S. CURRY STREET, CARSON CITY, NEVADA

Fiscal Effect:

CARSON CITY BOARD OF SUPERVISORS DOES HEREBY ORDAIN:

SECTION I:

WHEREAS, Carson City desires to enter into a Development Agreement with Robert H. Ruf, Jr. and Patricia A. Ruf concerning the development of land known as Assessor's Parcel No. 9-031-17 located at 2450 S. Curry Street, Carson City, Nevada; and

WHEREAS, the Carson City Board of Supervisors finds that the contents of the development agreement conform with Carson City Municipal Code (CCMC) 17.21.020 and NRS 278.0201; and

WHEREAS, The Board finds that the provisions of the development are consistent with Carson City's master plan.

NOW, THEREFORE, The Board hereby approves by ordinance a three page development agreement between Carson City and Robert H. Ruf, Jr. and Patricia A. Ruf and Assessor's Parcel No. 9.031-17 located at 2450 S. Curry Street, Carson City, Nevada, said agreement being attached and incorporated herein as Exhibit "A".

The Board further directs that the City Clerk shall cause a certified copy of this ordinance and the original development agreement to be filed with the Carson City recorder.

- 1	경기는 통한 그는 사람들은 이 이웃에 그 아버지는 사용적으로 가득했다. 이 사용적으로 가득했다.
1	. 전
2	PROPOSED this 3rd day of December , 1987.
3	PROPOSED by Supervisor Tom Fettic
4	PASSED on the 17th day of December , 1987.
5	VOTE: AYES: Ron Swirczek
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7	Marilee_Chirila
8	E. M. "Doc" Scrivner
9	Dan Flammer, Mayor
10	NAYES: None
11	ABSENT: None
12	
13	Van Hamme
14	DAN FLAMMER, MAYOR
15	ATTEST:
16	10 81
17	ALAN GLOVER, CLERK-RECORDER
18	This ordinance shall be in force and effect from and after the
19	day of <u>December</u> , 1987.
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COO 65716

DEVELOPMENT AGREEMENT

ASSESSOR"S PARCEL NO. 09-0310-17

2450 S. Curry Street, Carson City, Nevada

THIS AGREFAENT, dated the <u>3rd</u> day of <u>December</u>, 1987, between Robert H. Ruf and Patricia A. Ruf, hereinafter referred to as "BUILDER(S)", parties of the first part, and CARSON CITY, NEVADA, a municipal corporation, hereinafter referred to as "CITY", party of the second part,

WITNESSETH:

WHEREAS, the BUILDER(S) has an existing building on the subject parcel and desires to construct an addition to a commercial building upon the site; and;

WHEREAS, there are no existing street improvements (sidewalk, curb, gutter, and asphalt pavement) on Rhodes Street and only partial width asphalt pavement on Curry Street; and

WHEREAS, the subject property is zoned General commercial; and WHEREAS, the Carson City municipal Code, Section 11.12.081, places the following requirement upon builders;

11.12.081 Street improvements, curbs, gutters and sidewalks construction required 1. Any person who constructs or causes to be
constructed any new building, or remodels any building within any
commercial, industrial, multifamily residential, office building or
governmental zone as defined in title 18 of the Carson City Municipal
Code, fronting on any dedicated street or their publically-owned street
in the city, shall construct curbs, gutters, sidewalks, storm drainage,
one-half street paving in accordance with the city's specifications and
standards along all street frontage adjoining the property upon which
such building or structure exists; and

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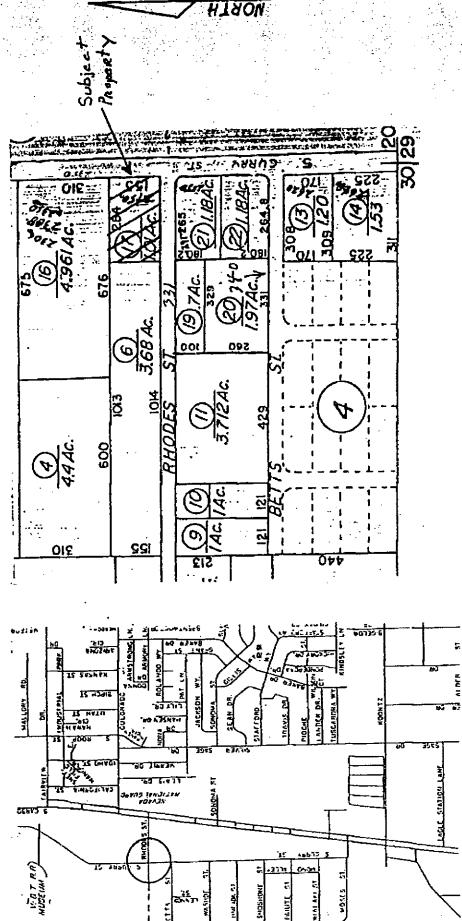
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 NOW, THEREFORE, the parties of this Agreement, in consideration of the provisions herein contained and other good and valuable considerations, do hereby agree as follows:

- 1. BUILDER shall install all required street improvements (sidewalks, curbs and gutters, and % street width of paving) on each street along his Curry Street and Rhodes Street frontages at the time a building permit for a Second building on the subject parcel is requested and approved; or
- 2. BUILDER shall install all required street improvements (as defined in paragraph 1 above) on Curry or Rhodes Streets only opposite the improvements of the property owners adjacent to or across the street from the subject property when they develop their street frontages; or
- 3. BUILDER shall install all required street improvements (as defined in paragraph 1 above) at such time as building development along either Curry Street or Rhodes Street makes in necessary, in the opinion of the Board of Supervisors, that either or both to these street frontages must be improved.
- or thing herein covenanted and agreed to be done or performed, such failure, neglect or refusal shall constitute a default breach of this Agreement. If BUILDER fails, neglects or refuses to cure the default upon the request of CITY, the CITY, at its option, may correct such default and thereupon recover from BUILDER the cost thereof or may require the specific performance by BUILDER of all terms, conditions and covenants of this AGREPMENT. The foregoing shall be in addition to, and not exclusive of, any other remedy now or hereafter provided by law, and the pursuit of any right or remedy shall not be construed as an election.

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Public Works Director



FELCH FOR RECORD
AT THE APPRICATION CITY CLERK-RECORDER
'87 DEC 18 P1:56

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BY REPORTS
BY REPORTS

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