

**Parks and Recreation Commission  
Staff Report**

**Meeting Date:** July 1, 2014

**Agenda Item Number:** 3C

**Applicant:** Roger Moellendorf, Parks & Recreation Director

**Request:** **For Possible Action:** To recommend to the Board of Supervisors approval of a “Notice and Acceptance of Exercise of Option” for the purchase by the City of property owned by the Boys and Girls Club of Western Nevada, located along Russell Drive for the construction of the Multi-purpose Athletic Center (MAC).

**General Discussion:** Attached as Exhibit A is a “Notice and Acceptance of Exercise of Option” for the purchase by the City of property owned by the Boys and Girls Club of Western Nevada, located along Russell Drive for the construction of the Multi-purpose Athletic Center (MAC). This property which contains approximately 4.55 acres includes the future MAC including parking lots and grounds. The property is shown on the attached proposed parcel map as parcel 2. On June 18, 2009, the Board of Supervisors approved the purchase of an option for ten years to acquire the property for a fee of \$375,000. The acquisition will be completed through an additional fee of \$10.00 and the consideration of a joint use agreement.

**Recommended Action:** I move to recommend to the Board of Supervisors approval of a “Notice and Acceptance of Exercise of Option” for the purchase by the City of property owned by the Boys and Girls Club of Western Nevada, located along Russell Drive for the construction of the Multi-purpose Athletic Center (MAC).

# Exhibit A

## NOTICE AND ACCEPTANCE OF EXERCISE OF OPTION

This Notice And Acceptance Of Exercise Of Option (“Notice”) is effective on the \_\_\_ day of \_\_\_\_\_, 2014 by and between BOYS AND GIRLS CLUB OF WESTERN NEVADA, INC., a Nevada non-profit corporation, (the “Club”) and CARSON CITY, a consolidated municipality and political subdivision of the STATE OF NEVADA (the “City”), hereinafter collectively referred to as the “Parties.”

### RECITALS

**WHEREAS**, the Club is the owner of certain real property located in Carson City, in the State of Nevada, being Assessor’s Parcel Number 002-101-85 (“the Property”);

**WHEREAS**, the City and the Club executed an Option Agreement on or about June 18, 2009, through which the City purchased an option to acquire a portion of the Property to develop a recreation center, which shall include a gym. As consideration for the Option, the City and Club agreed that they would ultimately share joint use of each other’s facilities on the Property;

**WHEREAS**, the City and Club Amended the Option Agreement on or about October 20, 2011;

**WHEREAS**, by this Notice, the City does hereby exercise its Option to purchase the portion of the Property depicted on Exhibit “A,” attached hereto and incorporated herein;

**WHEREAS**, by this Acceptance, the Club acknowledges that the City has properly and timely exercised its Option to purchase the portion of the Property depicted on Exhibit “A,” attached hereto and incorporated herein; and

**WHEREAS**, this Notice and Acceptance of the City’s exercise of the Option is premised upon the City and the Club executing a Joint Use Agreement in the substantial form and substance as the Joint Use Agreement attached hereto as Exhibit “B;”

**NOW THEREFORE**, in consideration of the mutual promises, covenants and conditions contained herein, the parties agree as follows:

### **Article 1 Rights and Obligations of Parties**

#### **1.1 The Club Shall:**

- 1.1.1 Complete parceling of the Property in conformance with the illustration attached hereto as Exhibit “A.”
- 1.1.2 Convey the parcel of the Property upon which the multipurpose athletic complex (“MAC”) shall be constructed, as shown on the illustration attached hereto as Exhibit “A,” to the City.

- 1.1.3 Complete construction of the MAC upon the portion of the Property shown on Exhibit "A" attached hereto.
- 1.1.4 Execute and effectuate a Joint Use Agreement with the City in the substantial form and substance as the Joint Use Agreement attached hereto as Exhibit "B."

**1.2 The City Shall:**

- 1.2.1 Complete construction of the MAC upon the portion of the Property shown on Exhibit "A" attached hereto.
- 1.2.2 Execute and effectuate a Joint Use Agreement with the Club in the substantial form and substance as the Joint Use Agreement attached hereto as Exhibit "B."

**Article 2  
General Provisions**

- 2.1 **Preemptory Clause.** This Notice and Acceptance shall supersede the original Option Agreement between The Club and the City, as well as any amendment thereto. Upon satisfactory performance of the obligations hereunder, both the City and the Club agree that all obligations under any Option Agreement between the parties have been fully and finally satisfied and discharged.
- 2.2 **Joint Use Agreement.** This Notice and Acceptance is specifically premised upon the material obligation of the City and the Club to enter a Joint Use Agreement for all facilities located upon the Property. A draft Joint Use Agreement is attached hereto as Exhibit B. The draft Joint Use Agreement is dependent upon approval thereof by the City's Board of Supervisors.
- 2.3 **Time is of the Essence.** The City and Club each acknowledge that time is of the essence in completing the obligations hereunder, including without limitation, parceling the Property, conveying the subject portion thereof as discussed above, constructing the MAC, and approving and executing a Joint Use Agreement.

**IN WITNESS WHEREOF**, the parties here to have executed this Agreement as of the date entered on the first page hereof.

CARSON CITY, a political subdivision  
of the State of Nevada

BOYS AND GIRLS CLUB OF WESTERN  
NEVADA, a Nevada non-profit corporation

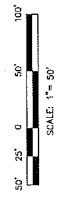
By: \_\_\_\_\_  
Robert L. Crowell, Mayor

By: \_\_\_\_\_  
Laurie Gorris, CPO

REV	DATE	DESCRIPTION

**C1**

DATE: 08/21/11  
DRAWN BY: CSP  
DESIGNED BY:  
CHECKED BY:  
JOB NO.: 7581-009 TASK 002



**NOTES**

1. CURRENT ZONING = RR (PUBLIC REGIONAL)