

RENO GAZETTE-JOURNAL

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Ord. 753 Bill 928

349008

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August

PROOF OF PUBLICATION

NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 928, Ordinance No. 753, entitled, "An ordinance concerning Washoe County, Nevada, Special Assessment District No. 11 (Scarlet Way and Weems Area); confirming the proceedings taken in providing for the acquisition of a street project and a water project in Washoe County, Nevada, Special Assessment District No. 11 (Scarlet Way and Weems Area); providing for the payment of the costs and expenses of said street and water improvements; assessing a portion of the cost of said street and water improvements against the assessable lots, tracts and parcels of land benefited by said improvements; describing the manner for the collection and payment of said assessments; providing a penalty for delinquent payments; ratifying, approving and confirming all action previously taken directed toward the acquisition of street and water improvements in Special Assessment District No. 11 (Scarlet Way and Weems Area); prescribing details in connection therewith and other matters relating thereto; and providing the effective date hereof." was adopted on August 9, 1988, by Commissioners Beck, Cornwall, McDowell, and Williams.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk.

JUDI BAILEY
County Clerk

349008-Ord. 753
Aug 12, 19-jcb133

STATE OF NEVADA, SS.
COUNTY OF WASHOE

Marina Blasco

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of County Ordinance

of which a copy is hereto attached, was first published in said newspaper in its issue dated the

2th. day of Aug., 19 88 and, Aug. 19th.

the full period of 2 days, the last publication thereof being in the issue of August 19th, 19 88.

Signed

[Handwritten signature of Marina Blasco]

Subscribed and sworn to before me this 19th. day of August, 19 88

[Handwritten signature of Notary Public]

Notary Public



478-88

Summary - An ordinance levying assessments in Washoe County, Nevada, Special Assessment District No. 11 (Scarlet Way and Weems Area), ratifying action taken by County officers toward the levy of assessments, and providing other matters related thereto.

BILL NO. 928

ORDINANCE NO. 753

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 11 (SCARLET WAY AND WEEMS AREA); CONFIRMING THE PROCEEDINGS TAKEN IN PROVIDING FOR THE ACQUISITION OF A STREET PROJECT AND A WATER PROJECT IMPROVEMENTS IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 11 (SCARLET WAY AND WEEMS AREA); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID STREET AND WATER IMPROVEMENTS; ASSESSING THE COST OF SAID STREET AND WATER IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF SAID ASSESSMENTS; PROVIDING A PENALTY FOR DELINQUENT PAYMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION OF STREET AND WATER IMPROVEMENTS IN SPECIAL ASSESSMENT DISTRICT NO. 11 (SCARLET WAY AND WEEMS AREA); PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO); AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners of the County of Washoe in the State of Nevada (the "Board," "County" and "State," respectively), has heretofore, pursuant to the requisite preliminary proceedings, created Washoe County, Nevada, Special Assessment District No. 11 (Scarlet Way and Weems Area) (the "District"), for the purpose of acquiring street and water improvements (the "Project") and has provided that the entire cost and expense of such street and water improvements shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the District has been created by Ordinance No. 86-698 finally adopted and approved on September 9, 1986, under the provisions of the Consolidated Local Improvements Law; and

WHEREAS, the Board, following the publication of the notice to contract bidders, has authorized the proper officer of the County to execute a construction contract on behalf of the County, all as provided by law; and

WHEREAS, the Board has heretofore determined that the entire cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the Board has heretofore determined and does hereby declare that the net cost to the County of all improvements in said District (including all necessary incidentals which either have been or will be incurred in connection with said District) is \$555,954.22, of which \$-0- is available from other sources and \$555,954.22 is to be assessed upon the benefited lots, tracts and parcels of land in the District and the net cost for improvements in Unit 1 is \$525,793.00 and for the improvements in Unit 2 is \$30,161.22; and

WHEREAS, the Board, by a resolution duly adopted on June 28, 1988, directed the County Engineer and Lumos &

Associates, Inc., Engineers, Consultants to the County for the Project (collectively, the "Engineer") to make out a preliminary assessment roll; and

WHEREAS, after determination of the costs of such work to be paid by the property specially benefited, the Board, together with the Engineer made out an assessment roll containing, among other things, the names and addresses of the last-known owners of the property to be assessed, or if not known that the name is "unknown," a description of each lot, tract or parcel of land to be assessed, and the amount of the assessment roll and has filed the assessment roll with the County Clerk; and

WHEREAS, the Board thereupon fixed a time and place, to wit, Tuesday, July 26, 1988, at 10:00 a.m., at the Auditorium, Washoe County Administration Building, 1205 Mill Street, Reno, Nevada, when all complaints, protests and objections to the assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the street and water improvements in said District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the Board; and

WHEREAS, the Board caused said assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the County Clerk on June 28, 1988; and the Clerk by publication and by mail gave the requisite notice of the time and place of such hearing, of the filing of the assessment roll in her office, of the date of filing the same, and of the right of any such person so to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated the Board met to hear and determine all objections so filed or made orally by any interested party; and

WHEREAS, there were -1- written protests and -0- oral complaints, objections and protests received, each of which was duly considered; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled; provided, however, that the Board determined it was necessary to modify, correct and revise the assessment roll in certain aspects; and

WHEREAS, by a resolution duly adopted this July 26, 1988 (the "Assessment Protest Resolution"), the Board so modified, corrected and revised the assessment roll and, as so modified, corrected and revised, confirmed the assessment roll to be in final form; and

WHEREAS, of the \$555,954.22 total cost of the Project, \$-0- is to be paid from other sources and \$555,954.22 is to be assessed against the benefited lots, tracts and parcels of land in the District the cost for improvements in Unit 1 is \$525,793.00 all of which is to be assessed against property in Unit 1 and the cost for improvements in Unit 2 is \$30,161.22 all of which is to be assessed against property in Unit 2; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the Board to provide when said assessment shall become due and the penalties payable after any delinquency.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DO ORDAIN:

Section 1. This ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 11 (Scarlet Way and Weems Area) Assessment Ordinance" (the "Ordinance").

Section 2. The Board has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without

sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the Board, except as provided in the Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the County and the officers thereof (not inconsistent with the provisions of this ordinance) concerning Special Assessment District No. 11, including, but not limited to, the acquisition of the street and water improvements, the publication of the notice to contract bidders, the amount of the construction contract, the levy of assessments for those purposes, and the validation and confirmation of the assessment roll and the assessments therein, be, and the same hereby are, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said street and water improvements) and described in the assessment roll for the District, as filed in the office of the County Clerk on June 28, 1988, and as modified and confirmed by the Assessment Protest Resolution the amounts and assessments shown in the assessment roll (as so filed, modified and confirmed).

Section 5. The assessments shall be due and payable at the office of the County Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided, that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in ten (10) substantially equal annual

installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable annually at the office of said County Treasurer of Washoe County on August 19 in each year, commencing on August 19, 1989. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued) the Board shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than one percent (1%) the rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which is most recently published in Credit Markets before the time the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the County, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the County; and the whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether said option is or is not exercised, bear penalty at the rate of two percent (2%) per month, (or at any higher rate authorized by statute) until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not

been suffered. The owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole installment of the unpaid principal with interest accruing thereon to the next interest payment date, together with the payment of a penalty for such prepayment of five percent (5%) of the principal of the deferred installments so prepaid.

Section 6. The amounts assessed as aforesaid shall be a lien upon said lots, tracts and parcels of land from the effective date of this Ordinance (i.e., August 19, 1988) until paid, co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and title (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment for the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the Board shall forthwith cause the original purchaser or purchasers of the bonds issued in connection with this Special Assessment District No. 11 (Scarlet Way and Weems Area) and any person, partnership and corporation hereafter designated in writing by the original purchaser or purchasers or its successors, as representatives of the owner or owners of the bonds to be hereafter authorized to be issued by ordinance (such bond ordinance to designate definitely said original purchaser or purchasers), and the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last-known address; and if such delinquency shall not be paid within 10

days after such notice shall have been give by deposit in the United State mail, then said assessment shall be enforced by the County Treasurer of Washoe County and other officers of said County, as provided by law with the other taxes in the general assessment roll of said County, and in the same manner. Nothing herein shall be construed as preventing the County from collecting any assessment by suit in the name of the governing body; and the assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If said foreclosure be not promptly filed and prosecuted, then any bondowner may file and prosecute said foreclosure action in the name of said County. Any bondholder may also proceed against the County to protect and enforce the rights of the bondowners under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondowner or bondowners may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondowners so to foreclose such delinquent assessments or so to proceed against the County, or both, shall not relieve the County or any of its officers, agents or employees of any liability for its failure so to foreclose such delinquent assessments.

Section 8. The County Clerk is hereby directed to deliver to the County Assessor and County Treasurer of Washoe County a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner of owners against whom the assessment was made; and said County Treasurer is additionally

directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 9. In accordance with NRS § 271.405(7), the County Clerk shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the 1st day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Such service by publication shall be verified by the affidavit of the publishers and filed with the County Clerk. In accordance with NRS § 271.390(2), the County Clerk or Deputy County Clerk shall also give written notice of the levy of assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the County Clerk or Deputy County Clerk and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning said District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the Office of the County Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Board hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of

assessments which may directly and adversely affect their legally protected interests.

Section 10. The notice provided for in NRS § 271.390(2) and NRS § 271.405(7) and in Section 9 of this Ordinance shall be in substantially the following form:

Section 11. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds therefor.

Section 12. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 13. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least once in the Reno Gazette-Journal, i.e., a newspaper published and having general circulation in the County, at least ten (10) days before the date set for such hearing, i.e, at least ten (10) days before the 9th day of August, such publication to be in substantially the following form:

Section 14. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

Section 15. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on July 26, 1988.

Proposed by Commissioner Williams.

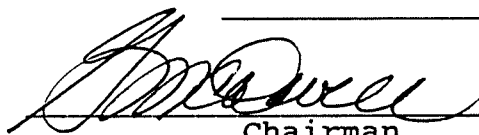
Passed on August 9, 1988.

Ayes:

Gene McDowell
Larry Beck
Dianne Cornwall
James Lillard
Belie Williams

Nays:

Absent:



Chairman
Board of County Commissioners
Washoe County, Nevada

(SEAL)



County Clerk

This Ordinance shall be in force and effect from and after August 19, 1988, i.e., the date of the second publication of such Ordinance by its title only.