



WASHOE COUNTY

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STAFF REPORT

BOARD MEETING: November 12, 2019

DATE: October 7, 2019

TO: Board of County Commissioners

FROM: Eric Crump, Acting Director
Community Services Department, 328-3625, Ecrump@washoecounty.us

THROUGH: Dave Solaro, Interim County Manager

SUBJECT: Recommendation to approve a Right of Entry Agreement retroactive to November 4, 2019, between Washoe County and the Washoe County School District for the relocation and reconstruction of the existing Orr Ditch located on a portion of the Wildcreek Golf Course [Washoe County School District to pay Washoe County \$240,000 for restoration of the property]; and, if approved, authorize the Community Services Department Operations Division Director to sign the Right of Entry Agreement. (Commission District 3.)

SUMMARY

Washoe County, the Washoe County School District (WCSD), and the Reno Sparks Convention and Visitors' Authority (RSCVA) entered into a cooperative agreement for the transfer of property rights relating to the property currently used as the Wildcreek Golf Course. A part of the transfer from RSCVA to Washoe County is a maintenance agreement with the Orr Ditch and Extensions Water Company for the maintenance of the portion of the Orr Ditch across the property.

With the construction of the proposed school, the WCSD has proposed a realignment of the Orr Ditch into a siphon facility located on a Washoe County parcel associated with the golf course. This item provides access to the WCSD for the relocation and reconstruction of the realignment of Orr Ditch on Wildcreek Golf Course, and the payment of \$240,000 from the WCSD to Washoe County for the cost associated with restoration of the disturbed area.

Due to timing of the County Commission meeting schedule and the WCSD Board of Trustees meeting schedule, this agreement is retroactive to November 4, 2019, the date upon which the WCSD Board of Trustees will act on the subject Right of Entry Agreement.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

PREVIOUS ACTION

On May 28, 2019, The Board of County Commissioners (Board) approved an agreement between Washoe County, Washoe County School District, Orr Ditch and Extensions Water Company and Reno Sparks Convention and Visitors' Authority concerning the

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duties and costs of design, construction, maintenance, repair, access and liability associated with the relocation and undergrounding of a portion of the Orr Ditch located on a portion of the Wildcreek Golf Course in Sparks, Nevada.

On February 19, 2019, the Board heard a presentation and update by Pete Etchart, Chief Operations Officer, from the Washoe County School District on the Wildcreek Area High School.

On February 19, 2019, the Board adopted a resolution approving a cooperative agreement between Washoe County, the Washoe County School District and the Reno-Sparks Convention and Visitors' Authority for the transfer of portions of Wildcreek Golf course on Sullivan Lane in Sparks, Nevada, comprising the parcels of Parcel Map No. 5369, and rights and obligations related to those parcels including: personal property, water rights, rights to an effluent agreement, rights to a golf management agreement and a ditch maintenance agreement and matters properly related thereto.

On January 15, 2019, the Board adopted a resolution of intent and, on the basis of the recitals stated therein and all the evidence and testimony on the record of the meetings of the Board, declared it is in the best interests of Washoe County and its citizens to convey Parcel 2 (a portion of the Wildcreek Site) to the School District, and thereby declared its intent to do so.

On May 1, 2017 the Board approved at a concurrent meeting, a letter of intent to cooperate in the planning, development and construction of new high school on a portion of the Wildcreek Site.

BACKGROUND

Washoe County has title to Wildcreek Golf Course and related improvements at 3500 Sullivan Lane in Sparks. The RSCVA developed and operated Wildcreek Golf Course, but the RSCVA's modern focus on attracting overnight visitors to Washoe County lodging properties through tourism marketing, convention sales and facility operation does not include the operation of golf courses. The WCSD identified the Wildcreek Site as a desirable site for a new high school given the proximity to student populations and necessary infrastructure and the needs of the School District ("School Project").

On May 1, 2017 the governing boards of Washoe County, the City of Reno, the City of Sparks, the WCSD Board of Trustees and the RSCVA approved a letter of intent to cooperate in the planning, development and construction of new high school on a portion of the Wildcreek Site. The School District engaged a team of planning, engineering, legal, construction and real estate consultants to conduct a due diligence report of Wildcreek as a school site and the work included evaluations of drainage, soil conditions, environmental constraints (including wetlands studies), utilities, soils, flight path, traffic and site plan alternatives.

The School District's plans allow for the possible continuation of a redesigned and reconstructed public golf course on a remainder portion of the Wildcreek Site which would continue to be owned by Washoe County ("Golf Course Project"). The Golf Course Project could be constructed and operated by Washoe County if it is determined

to be desirable and viable and design alternatives are currently being reviewed by Washoe County and the current golf course operator.

The Orr Ditch has traversed the Wildcreek Golf Course Site for many decades. The ditch is owned by the Orr Ditch and Extensions Water Company which has the right to operate the ditch in its current location. The School District's desire to relocate the ditch off the School District Parcel and onto the County's parcel requires the consent of the Orr Ditch and Extensions Water Company. In exchange for agreeing to allow the School District to relocate the ditch including an underground segment, the Orr Ditch and Extensions Water Company required the County to take on certain maintenance responsibilities and to indemnify and hold the company harmless for liabilities associated with the operation of the ditch across the County parcel. If the County Parcel continues to be used for a golf course, some of the ditch maintenance duties are expected to be passed on to the operator of the golf course.

If approved, the School District would pay Washoe County \$240,000 for the restoration of the disturbed area. The cost associated with the restoration is based on the design alternatives currently under review, and all of the design alternatives include the same design for the area being disturbed. Payment for the restoration instead of requiring the site be restored is a better strategy, as it would prevent the site from being restored and then potentially disturbed again for possible golf course improvements. Additionally, it allows the School District to meet their schedule for the construction of the High School, and offers flexibility to Washoe County while design alternatives are being reviewed.

FISCAL IMPACT

If approved by both agencies, the \$240,000 received from the Washoe County School District will be deposited as revenue in the Golf Course Fund (520). An augmentation will be presented to the Board at a future date for budget authority for the restoration of the existing Orr Ditch.

RECOMMENDATION

It is recommended the Board of County Commissioners approve a Right of Entry Agreement retroactive to November 4, 2019, between Washoe County and the Washoe County School District for the relocation and reconstruction of the existing Orr Ditch located on a portion of the Wildcreek Golf Course [Washoe County School District to pay Washoe County \$240,000 for restoration of the property]; and, if approved, authorize the Community Services Department Operations Division Director to sign the Right of Entry Agreement.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve a Right of Entry Agreement retroactive to November 4, 2019, between Washoe County and the Washoe County School District for the relocation and reconstruction of the existing Orr Ditch located on a portion of the Wildcreek Golf Course [Washoe County School District to pay Washoe County \$240,000 for restoration of the property]; and, if approved, authorize the Community Services Department Operations Division Director to sign the Right of Entry Agreement."