

SUMMARY: Approves a an Amendment of Conditions to amend the Development Agreement with Sun Mesa pursuant to Nevada Revised Statutes 278.0201 through 278.0207 approving Amendment of Conditions Case Number WAC19-0001, amending Development Agreement DA09-002, originally approved in 2009 and previously amended in 2013 (Amendment of Conditions AC13-006), to extend the deadline for filing the next final map for Sun Mesa Tentative Map TM04-001 to April 28, 2020, with all subsequent final maps submitted for filing after April 28, 2020 being subject to the deadlines set forth in NRS 278.360.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

TITLE: Ordinance pursuant to Nevada Revised Statutes 278.0201 through 278.0207, approving Amendment of Conditions Case Number WAC19-0001, amending Development Agreement DA09-002, originally approved in 2009 and previously amended in 2013 (Amendment of Conditions AC13-006), to extend the deadline for filing the next final map for Sun Mesa Tentative Map TM04-001 (approved for 207 lots) to April 28, 2020, with all subsequent final maps submitted for filing after April 28, 2020 being subject to the deadlines set forth in NRS 278.360.

The applicant and property owner is Landstar Sun Mesa, LLC. The parcel (APN 504-460-02) is located at the eastern terminus of Sun Mesa Drive in the Sun Valley planning area and is approximately 37-acres in size. It has a master plan category of Suburban Residential and regulatory zones of Medium Density Suburban and Open Space. The property is within the boundaries of the Sun Valley Citizen Advisory Board.

THE WASHOE COUNTY BOARD OF COMMISSIONERS DOES ORDAIN:

SECTION 1.

Development Agreement DA09-002 for Sun Mesa has been amended per Amendment of Conditions WAC19-0001 and as detailed in SECOND AMENDMENT TO DEVELOPMENT AGREEMENT.

**The Amended Development Agreement reads as follows:**

## **SECOND AMENDMENT TO DEVELOPMENT AGREEMENT**

This SECOND AMENDMENT TO DEVELOPMENT AGREEMENT (the "Amendment") is made this 23rd day of April, 2019, by and between **LANDSTAR SUN MESA, LLC**, a Nevada limited liability company (herein "Landowner"), and **COUNTY OF WASHOE**, a political subdivision of the State of Nevada (herein "County")

### **RECITALS**

A. County and Nevada State Bank ("NSB") entered into that certain Development Agreement regarding Washoe County Assessor Parcel No. 504-460-02 (the "Property"), recorded on September 20, 2010 as Washoe County Recorder Document No. 3924186 (the "Original Agreement").

B. County and Nevada Saltwater, LLC ("NS") entered into that certain Development Agreement, known as FIRST AMENDMENT TO DEVELOPMENT AGREEMENT regarding Washoe County Assessor Parcel No. 504-460-02 (the "Property"), recorded on November 21, 2013 as Washoe County Recorder Document No. 4302103 (the "First Amended Agreement").

C. Landowner purchased the Property from NS on December 7, 2016.

D. Landowner and County now wish to amend the First Amended Agreement as more particularly set forth below.

NOW, THEREFORE, for good and valuable consideration, Landowner and County agree as follows:

1. Section 2.1.2 of the First Amended Agreement shall be deleted in its entirety and the following is inserted in lieu thereof:

Section 2.1.2 The duration of the Agreement shall be extended until April 28, 2020 or for one (1) year from the date of signing by the Board of County Commissioners, whichever comes later. The Sun Mesa Phase 3 Final Map shall be recorded within that timeframe or Tentative Subdivision Map TM04-001 will expire. The timing of expiration for any subsequent final maps shall be in accordance with NRS 278.360, and those final maps shall otherwise meet the terms of this agreement.

2. This Amendment may be executed in several counterparts, each of which shall be deemed an original and all of which when taken together shall constitute one and the same Amendment.

3. In the event of any conflict between the terms of the Original Agreement, First Amended Agreement, and the terms of this Amendment, the terms of this Amendment shall

prevail. All capitalized terms not defined herein shall have the meaning ascribed to them in the Original Agreement.

4. Except as modified herein, the Original Agreement and First Amended Agreement remain unchanged and are hereby ratified and confirmed in all respects.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date last written below.

**COUNTY:**

COUNTY OF WASHOE, a political  
subdivision of the State of Nevada, by its  
BOARD OF COUNTY COMMISSIONERS

By: \_\_\_\_\_

Name: Vaughn Hartung

Title: Chairman

**LANDOWNER:**

Landstar Sun Mesa, LLC, a Nevada Limited  
Liability Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

**ATTEST:**

By: \_\_\_\_\_  
County Clerk

**APPROVED AS TO FORM:**

By: \_\_\_\_\_  
County Counsel

Passage and Effective Date

Ordinance Relating to WAC19-0001 Amending DA09-002 (Sun Mesa)

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chair  
Washoe County Commission

This ordinance shall be in force and effect from and after the  
\_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.