

STAFF REPORT

Date: February 12, 2020

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **C.4.2. Staff Report (For Possible Action): Resolution dispensing with certain protests and objections made at the public hearing on the Provisional Order for the City of Reno, Nevada 2020 Special Assessment District No. 1; directing that the City Engineer prepare an accurate revised estimate of costs, revised full and detailed plans and specifications, revised map and assessment plat; ratifying action previously taken in connection with said district; together with general subject matter properly relating thereto.**

From: Jon Simpson, Senior Civil Engineer

Summary: See attached Resolution

Recommendation: Staff recommends Council adopt the Resolution.

Proposed Motion: I move to adopt the Resolution.

Attachments:

- Sidewalk SAD Criteria
- SAD Policy, Revised and Adopted, 10-10-18

RESOLUTION NO.

RESOLUTION DISPENSING WITH CERTAIN PROTESTS AND OBJECTIONS MADE AT THE PUBLIC HEARING ON THE PROVISIONAL ORDER FOR THE CITY OF RENO, NEVADA 2020 SPECIAL ASSESSMENT DISTRICT NO. 1; DIRECTING THAT THE CITY ENGINEER PREPARE AN ACCURATE REVISED ESTIMATE OF COSTS, REVISED FULL AND DETAILED PLANS AND SPECIFICATIONS, REVISED MAP AND ASSESSMENT PLAT; RATIFYING ACTION PREVIOUSLY TAKEN IN CONNECTION WITH SAID DISTRICT; TOGETHER WITH GENERAL SUBJECT MATTER PROPERLY RELATING THERETO.

WHEREAS, the City Council of the City of Reno, in the State of Nevada, by Resolution No. 8741, passed and adopted November 13, 2019, directed the City Engineer of the City of Reno, Nevada, to file with the City Clerk, who is also the Clerk of said City Council, certain preliminary plans, a preliminary estimate of cost and an assessment plat; all in connection with the proposed acquisition and improvement, pursuant to the Consolidated Local Improvements Law and all laws amendatory thereof and supplemental thereto, of the following project to wit:

(1) Four street projects consisting of 16 street segments, including without limitation, grading, graveling, oiling, paving, sealing, sidewalks, driveway approaches, alley approaches, saw cuts, curbs, gutters, valley gutters, handicapped pedestrian ramps, culverts, drains, sewers, manholes, inlets, outlets, retaining walls, off-site adjustments, and all appurtenances and incidentals (or any combination thereof), including all real and other property therefore, with intersections (said Street Projects being hereafter sometimes referred to as “Assessment Unit No. 1”); and

WHEREAS, pursuant to the Consolidated Local Improvements Law and Resolution No. 8751 passed and adopted the 11th day of December 2019, the City Council declared its determination to create the District for the purpose of making said improvements, described the proposed projects, what portion of the entire costs thereof shall be paid by special assessments and the methods for apportioning assessments, designating the District by apt description,

including the lands to be assessed and locating the improvements to be made, and setting a hearing thereon; and

WHEREAS, pursuant to said Resolution, notice was given of the time and place of hearing thereon in the manner specified by the Consolidated Local Improvements Law; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before said Council on the 12th day of February 2020, and be heard as to the propriety and advisability of acquiring and improving the projects provisionally ordered, as to the cost thereof, and manner of payment therefore, and as to the amount thereof to be assessed against said property; and

WHEREAS, at the public hearing held on the 12th day of February 2020, the City Council accepted written and oral complaints, protests and objections, and heard all persons who wished to make any complaint, protest or objection against the formation of the District, or against any of the individual Assessments contained therein; and

WHEREAS, pursuant to NRS 271.306 (2) (a), the City of Reno is paying one-half or more of the total cost of the project with money derived from a source other than the levy of the assessments, and after extensive consideration, the City Council found any objections to be without sufficient merit, and found that the same should be overruled and denied; and

WHEREAS, the Council desires that the cost of replacement of all deteriorated curb and gutter become the responsibility of the City of Reno, and that the cost of replacement of all deteriorated and/or displaced sidewalks and driveway approaches which meet the revised criteria, together with all incidental costs, be established as the responsibility of the abutting property-owners, and that all such costs be assessed and levied against the respective abutting parcels of property, with the provision that any property owners who specifically request replacement of curb and gutter which has not otherwise been identified by the City Engineer as deteriorated, also be assessed for such replacement of non-deteriorated curb and gutter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENO DOES
RESOLVE:

Section 1. That the City Council of the City of Reno has determined and does hereby determine that all protests and objections filed, or otherwise made in connection with the City of Reno, Nevada 2020 Special Assessment District No. 1, represent less than one-half of the frontage to be assessed in said Assessment District; and, the City of Reno is paying one-half or more of the total cost of the project with money derived from a source other than the levy of the assessments, and that said protests are without sufficient merit, and that the same be, and hereby are, overruled by said City Council.

Section 2. That the City Council has determined and does hereby determine that all sidewalks and driveway approaches which meet the revised deterioration and/or displacement criteria as approved by said City Council at its regular meeting held on October 10, 2018, be and the same hereby are, included within the improvements as provided by City of Reno Resolution 8751 (the Provisional Order Resolution).

Section 3. That the City Council has determined and does hereby determine that the cost of replacement of all deteriorated curb and gutter become the responsibility of the City of Reno, and that the cost of replacement of all deteriorated and/or displaced sidewalks and driveway approaches which do not meet the revised criteria, together with all incidental costs, be established as the responsibility of the abutting property-owners, and that all such costs be assessed and levied against the respective abutting parcels of property, with the provision that any property owners who specifically request replacement of curb and gutter which has not otherwise been identified by the City Engineer as deteriorated, also be assessed for such replacement of non-deteriorated curb and gutter.

Section 4. That the City Council has determined and does hereby determine that the improvements as provided by City of Reno Resolution No.8751 (the Provisional Order Resolution) be made and acquired within said Assessment District and assessments levied therefore.

Section 5. That the City Engineer, be and is hereby are ordered and directed to prepare and present to the Council:

(1) A revised and detailed estimate of the total cost of said street projects, said estimate being made in a lump sum, and further including in said total a revised estimate of all incidental costs;

(2) Full and detailed plans and specifications, as revised, for said street projects;

(3) Revised map and revised assessment plat showing, respectively, the location

of said street projects within said Assessment District, and the tracts and parcels of land to be assessed for the cost thereof, respectively.

Section 6. That the officers of the City of Reno are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 7. That all resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 8. That if any section, paragraph, clause or provision of the Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this Resolution.

Upon motion by Councilmember _____, and seconded by Councilmember _____, the foregoing Resolution was passed and adopted this _____ day of _____, 2020, by the following vote of the Council:

AYES: _____
NAYS: _____
ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, 2020.

HILLARY L. SCHIEVE
MAYOR

ATTEST:

ASHLEY D. TURNEY
CITY CLERK