

When Recorded Return to:
Sparks City Clerk
PO Box 857
Sparks, NV 89432

BILL NO. 2769

INTRODUCED BY COUNCIL

ORDINANCE NO. _____

**PCN16050 - 5 RIDGES
(FORMERLY KNOWN AS THE
QUARRY), 386.87 ACRES AT
555 HIGHLAND RANCH
PARKWAY**

AN ORDINANCE BY THE CITY OF SPARKS TO APPROVE A DEVELOPMENT AGREEMENT, AMENDMENT NUMBER 1, WITH QK, LLC, AND 5 RIDGES DEVELOPMENT COMPANY, INC., CONCERNING THE DEVELOPMENT OF A PARCEL 386.87 ACRES IN SIZE LOCATED AT 555 HIGHLAND RANCH PARKWAY, SPARKS, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City is authorized, pursuant to Chapter 278 of the Nevada Revised Statutes and Title 20 of the Sparks Municipal Code, to enter into agreements concerning the development of land with persons having a legal or equitable interest in real property;

WHEREAS, on June 25, 2018, Jackling Aggregates, LLC, owned certain real property situated in the County of Washoe, State of Nevada, more specifically described as Assessor's Parcel Number 083-011-15, more particularly described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by this reference (collectively, the "Property");

WHEREAS, on June 25, 2018, the City entered into a development agreement concerning the Property with Jackling Aggregates, LLC, the owner of the Property on that date; and QK, LLC, the master developer on that date. The June 25, 2018 development agreement was recorded in the official records of Washoe County as Document 4827784 on June 29, 2018;

WHEREAS, QK, LLC, filed annexation, comprehensive plan, and zoning applications with the City of Sparks to annex the Property into the City of Sparks and change the comprehensive plan and zoning designations on the Property, more particularly described as City of Sparks Application Nos. PCN16-0050, AX16-0003, MPA17-0005, and RZ17-0006 (collectively, the "Applications");

WHEREAS, in conjunction with the June 25, 2018 development agreement, the City processed and approved the Applications; and

WHEREAS, QK, LLC, acquired the Property from Jackling Aggregates, LLC, in March of 2019, and 5 Ridges Development Company, Inc., has assumed the role of master developer for the Property;

WHEREAS, the City, QK, LLC, and 5 Ridges Development Company, Inc. (collectively, the "Parties"), acknowledge that Amendment Number 1 to the Agreement will (i) promote the health, safety, and general welfare of the City and its inhabitants; (ii) minimize uncertainty in planning for and securing orderly development of the Property and surrounding areas; (iii) ensure attainment of the maximum efficient utilization of resources within the City at the least economic cost to its citizens; and (iv) otherwise achieve the goals and purposes for which the laws governing development agreements were enacted;

WHEREAS, Amendment Number 1 amends and supersedes the June 25, 2018 development agreement but does not affect the Entitlement Requests approved in conjunction therewith;

WHEREAS, the Parties desire to enter into Amendment Number 1 to the Agreement in order to provide for development of the Property; and

WHEREAS, NRS 278.0203 and SMC 20.05.009 allow the Sparks City Council to approve a development agreement or an amendment thereto by ordinance.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF SPARKS DOES ORDAIN:

SECTION 1: The City hereby releases Jackling Aggregates, LLC, and QK, LLC, from their respective obligations arising under the June 25, 2018 development agreement.

SECTION 2: The Development Agreement, Amendment Number 1, by and between the City of Sparks, QK, LLC, and 5 Ridges Development Company, Inc. is approved.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4: The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record the approved Development Agreement, Amendment Number 1, as provided by law.

SECTION 5: This ordinance shall become effective upon passage, approval, publication, and recordation.

SECTION 6: The provisions of this ordinance shall be liberally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

SECTION 7: If any subsection, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 7: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation, or expansion of a business, or is otherwise exempt from Nevada Revised

Statutes Chapter 237.

PASSED AND ADOPTED this _____ day of _____,
2019, by the following vote of the City Council:

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED this _____ day of _____,
2019 by:

RONALD SMITH, Mayor

ATTEST:

APPROVED AS TO FORM & LEGALITY:

LISA HUNDERMAN, City Clerk

CHESTER H. ADAMS, City Attorney