

RESOLUTION NO. _____

A RESOLUTION APPROVING THE APPORTIONMENT BY THE CITY TREASURER OF SURPLUS AMOUNTS REMAINING IN THE SPECIAL FUND CREATED FOR THE PAYMENT OF BONDS AND INTEREST FOR MARINA AREA SPECIAL ASSESSMENT DISTRICT NO. 2.

WHEREAS, the City Council of the City of Sparks, Nevada (hereinafter the "City Council" and the "City" respectively) has created by ordinance a special fund (hereinafter the "Fund"), to which Fund have been paid assessments for improvements made in the City of Sparks, Nevada, Marina Area Special Assessment District No. 2 (hereinafter the "District"), and from which Fund have been paid the principal, interest, and prior redemption premiums, if any, on the bonds relating to the District's improvements; and

WHEREAS, all outstanding bonds, principal, interest and prior redemption premiums, if any, of the District have been paid; and

WHEREAS, surplus amounts remain in the Fund, which surplus amounts must be refunded in accordance with Nevada Revised Statutes ("NRS") 271.429; and

WHEREAS, no amounts were advanced from the City's general fund or surplus and deficiency fund for the payment of any bonds or interest thereon of the District; and

WHEREAS, the City Treasurer (hereinafter the "Treasurer") has determined the surplus remaining in the Fund after deduction therefrom the amount of administrative costs of returning the surplus and any other administrative costs incurred by the City related to the District or the project which have not been otherwise reimbursed to be \$130,448.00 (which may increase depending on assessments received after bond call); and

WHEREAS, pursuant to NRS 271.429(1)(e)(1), when the surplus is more than \$25,000, the Treasurer must deposit \$25,000 in the surplus and deficiency fund and apportion the amount of the surplus in excess of \$25,000 among the tracts of land assessed in the District; and

WHEREAS, the remaining surplus, after deduction of the administrative costs and the \$25,000.00 deposited in the surplus and deficiency fund, is \$105,448; and

WHEREAS, the Treasurer has apportioned the remaining surplus among the tracts of land assessed in the District, which apportionment is hereby reported to the City Council, a copy of

which is attached hereto as Exhibit A; and

WHEREAS, the approval by the City Council of the Treasurer's apportionment is required pursuant to NRS 271.429 before the apportioned surplus may be made available for refund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPARKS, NEVADA:

Section 1. The City Council hereby approves the apportionment of the surplus as prepared by the Treasurer and as found in Exhibit A attached hereto.

Section 2. The Treasurer is hereby authorized to provide notice by mail and by publication of the availability of the surplus for refund in the amounts found in Exhibit A attached hereto.

Section 3. In accordance with NRS 271.429, the Treasurer shall give notice by publication in the Reno Gazette Journal, a newspaper of general circulation in the City, and published at least once a week, for three consecutive weeks, by three weekly insertions, the first publication being at least 60 days prior to the end of the refund period wherein the owner or owners of record on the date specified by the notice of the tracts of land assessed in the District may request a refund. It shall not be necessary that the notice be published on the same day of the week in each of the three calendar weeks 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 publisher and filed with the City Clerk. In accordance with NRS 271.429, the Treasurer shall also give written notice of the availability of the surplus for refund by mailing a copy of such notice in the United States mail, postage prepaid as first-class mail, to the last known owner or owners of record on the date specified by the notice of each tract within the District at his or her last-known address or addresses. Proof of such mailing shall be made by the affidavit of the Treasurer and such proof shall be filed with the City Clerk. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all claims for refund are perpetually barred by an appropriate statute of limitations. The City Council 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 right to claim a refund.

Section 4. The notice provided for in NRS 271.429 and in Section 3 of this resolution shall be in substantially the following form:

Notice of the Availability of a Refund on Surplus Assessments in
the City of Sparks, Nevada, Marina Area Special Assessment
District No. 2

NOTICE IS HEREBY GIVEN to the owners of property within City of Sparks, Nevada, Marina Area Special Assessment District No. 2 (hereinafter the "District") and other interested persons that the City Council of the City of Sparks, Nevada (hereinafter the "City" and "City Council" respectively), adopted on _____, 2015, a resolution which approved the apportionment and refund of a portion of the surplus amounts assessed against lots, tracts and parcels of land within the District (hereinafter the "Surplus") in accordance with Nevada Revised Statutes ("NRS") 271.429.

The owner or owners of record on May 1, 2015 of each tract of land which was assessed in the District may claim the refund apportioned to such tract by filing a claim therefor with the City Treasurer within sixty (60) days after the date of the mailing of this notice (i.e., within 60 days of _____, the date of mailing of this notice). Thereafter, claims for such refund are perpetually barred.

Valid claims for refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Dated this _____, 2015

City of Sparks
City Treasurer
431 Prater Way
Sparks, NV 89436
775-353-2315

*Parcel No. of property _____

*Amount of Surplus available for refund on this property \$_____

(*Included in mailed, not published, notice.)

TO BE COMPLETED BY PROPERTY OWNER OF RECORD ON MAY 1, 2015

*Property Owners may use this Form to Request a Refund

Dear City of Sparks:

I am the property owner of record on May 1, 2015 of Parcel No. _____, found in Marin Area Special Assessment District No. 2.

I request that I be mailed a refund check as explained in your notice dated May 1, 2015

Signature

Print Name

Address

If submitted in person to the City Treasurer, please bring two forms of identification.

If mailed, form must be notarized.

State of Nevada
County of Washoe

This instrument was acknowledged before me on _____, 2015 by _____ . This person is personally known to me or has provided identifications:

Signature of Notary

(Notary stamp)

Printed name _____ My commission expires _____

RETURN TO:

City of Sparks

431 Prater Way, Sparks, NV 89431

Section 5. Surplus amounts, if any, remaining after the payment of all valid claims filed with the Treasurer within the 60-day period will be transferred to the City's Surplus and Deficiency Fund.

Section 6. Valid claims for the refund filed in excess of the surplus available for each separate tract may be apportioned ratably among the claimants by the City Treasurer.

Section 7. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 8. This resolution shall be effective on passage and approval.

PASSED and APPROVED on _____, 2015.

AYES _____

NAYS _____

ABSENT _____

ABSTAIN _____

Approved the __ day of _____, 2015, by:

Mayor

Attest:

City Clerk

Approved as to Form:

Deputy City Attorney

EXHIBIT A
APPORTIONMENT OF SURPLUS

STATE OF NEVADA)
)
COUNTY OF WASHOE) ss
)
CITY OF SPARKS)

I am, the duly chosen and qualified City Clerk of the City of Sparks (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (the "Council") at a meeting held on _____, 2015.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of Council as follows:

Those Voting Aye:

Mayor:

Councilmembers:

Those Voting Nay:

Those Absent:

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting held on _____, 2015. Pursuant to NRS 241.020, written notice of the meeting was given no later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days

before the meeting at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Sparks City Hall
431 Prater Way
Sparks, Nevada
- (ii) Sparks Legislative Building
745 4th Street
Sparks, Nevada
- (iii) Sparks Recreation Center
98 Richards Way
Sparks, Nevada
- (iv) Alf Sorensen Community Center
1400 Barding Blvd,
Sparks, Nevada
- (v) Sparks Library
1125 12th Street
Sparks, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

5. A copy of such notice so given of the meeting of the Council on _____, 2015 is attached to this certificate as Exhibit I.

6. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed resolution or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this

_____, 2015.

City Clerk

EXHIBIT I

(Attach copy of posted notice of agenda of the meeting of the City Council)