

EXHIBIT A

LEGAL DESCRIPTION

A portion of land situated in the Southeast Quarter of Section 6 and the Northeast Quarter of Section 7, Township 19 North, Range 20 East, Mount Diablo Meridian, in Sparks, Washoe County, Nevada, and being more particularly described as follows:

COMMENCING at a found street centerline monument stamped "PLS 3917" at the southerly terminus of a 400-foot radius curve delineating the centerline of Galletti Way as shown on Tract Map No. 4099, "Map to Offer for Dedication a Portion of Galletti Way to the City of Sparks", filed on June 28, 2002, as Document No. 2705052, Official Records of Washoe County, Nevada;

THENCE, South $89^{\circ}05'59''$ East, a distance of 30.00 feet to a point on the easterly right-of-way of Galletti Way as shown on said Tract Map No. 4099, said point being the **POINT OF BEGINNING**;

THENCE, South $00^{\circ}54'01''$ West, a distance of 14.29 feet along said easterly street right-of-way to the northerly right-of-way of the Union Pacific Railroad as shown on said Tract Map No. 4099;

THENCE, along said northerly railroad right-of-way a distance of 921.94 feet along the arc of a non-tangent curve to the right, having a radius of 11524.20 feet, through a central angle of $4^{\circ}35'01''$, and a radial line to the beginning of said curve to the right bearing North $00^{\circ}24'43''$ West, to the northerly right-of-way of Kietzke Lane as shown on Document No. 3864167, "Resolution of Relinquishment of a Portion of State Highway Right-of-Way", filed on March 25, 2010, Official Records of Washoe County, Nevada;

THENCE, North $57^{\circ}39'10''$ East, a distance of 16.71 feet along said northerly street right-of-way to the southerly right-of-way of Interstate 80 as shown on Nevada Department of Transportation Right-of-Way Plans for Project No. I-080-1(15)8, dated July 1965, and last revised on June 12, 1981;

THENCE, North $10^{\circ}36'26''$ West, a distance of 28.01 feet along said southerly highway right-of-way;

THENCE, North $67^{\circ}23'34''$ West, a distance of 657.02 feet along said southerly highway right-of-way;

THENCE, North $76^{\circ}30'43''$ West, a distance of 243.17 feet along said southerly highway right-of-way;

THENCE, South $79^{\circ}16'07''$ West, a distance of 156.77 feet along said southerly highway right-of-way to the easterly right-of-way of Galletti Way as shown on said Tract Map No. 4099;

THENCE, South $18^{\circ}11'41''$ East, a distance of 71.79 feet along said easterly street right-of-way;

THENCE, South 20°38'02" East, a distance of 48.66 feet along said easterly street right-of-way;

THENCE, along said easterly street right-of-way a distance of 161.61 feet along the arc of a tangent curve to the right, having a radius of 430.00 feet, through a central angle of 21°32'03" to the **POINT OF BEGINNING**.

Containing 4.38 acres of land, more or less.

BASIS OF BEARING:

Identical to that of Tract Map No. 4099, "Map to Offer for Dedication a Portion of Galletti Way to the City of Sparks", filed on June 28, 2002, as Document No. 2705052, Official Records of Washoe County, Nevada.

Prepared by:

Glen C. Armstrong, PLS
Nevada Certificate No. 16451
US Geomatics
227 Vine Street
PO Box 3299
Reno, Nevada, 89505



2-16-16



CITY OF SPARKS, NV
COMMUNITY
SERVICES
DEPARTMENT

To: Mayor and City Council
From: Marilie Smith, Administrative Secretary
Subject: Report of Planning Commission Action
PCN15067
Date: March 11, 2016

RE: PCN15067 – Consideration of and possible action, for a site 4.32 acres in size located at 350 Galletti Way, Sparks, Nevada, of:

- A Master Plan Amendment request to change the land use designation from Tourist Commercial (TC) to I (Industrial); and
- A request to rezone the property from TC (Tourist Commercial) to I (Industrial).

Senior Planner Ian Crittenden presented this agenda item with a recommendation of approval to forward the item to City Council for certification of a master plan amendment and rezone associated with PCN15067.

The applicant is Cemex Construction Materials Pacific, LLC. Cemex currently operates a concrete batch plant at 333 Galletti Way in Reno. The site that is the subject of this application is located directly across the street at 350 Galletti Way, Sparks. The applicant is requesting a master plan amendment and rezone to allow them to move their current batch plant from the 333 Galletti Way to 350 Galletti Way. The property's current land use and zoning do not allow for a concrete batch plant.

Public notice was given and a neighborhood meeting was held on February 16, 2016. There were two neighbors in attendance and no objections were raised with regard to the land use change or potential relocation. The concerns raised were with regard to the dust created by the current operation across the street in Reno.

Mr. Crittenden shared that traffic concerns have been voiced by both City Staff as well as NDOT. However, development of the Sparks site as a concrete plant will not be an addition but a replacement plant and, as such, the traffic pattern may change, but volume should not change significantly.

A transition to Industrial zoning is logical due to the Industrial zoning adjacent in Reno and the nearby location of the NDOT construction yard. The proposed zoning is, therefore, consistent with the surrounding land uses. Additionally, the site is currently being used for storage and parking and is not being utilized for its intended purpose.

Mr. Ron Wilson, Cemex representative for the western states, introduced himself and offered additional information with regard to the project. Mr. Wilson shared that the land use change and rezone will provide Cemex an opportunity to use the site more efficiently. Cemex plans to build a new batch plant on the site that will be newer, larger and hopefully cleaner. The current batch plant is cramped and dysfunctional. Cemex plans to dismantle the current plant when a new plant is constructed.

Commissioner Sperber expressed concern regarding the dust generated at the plant. Mr. Wilson shared that there had been numerous attempts to control the dust; a street sweeper and water misters on the stock piles. Most attempts have been 'ok' at best. Mr. Wilson stated that building a new facility will provide Cemex with a chance to streamline current operations. In addition, building a new plant across the road will reduce the traffic going back and forth across the road and as a result reduce the dust.

The public hearing was opened, no public comment was received and the public hearing was closed.

MOTION: Planning Commissioner Voelz moved to forward a recommendation of approval to the City Council for certification of a Master Plan amendment, for PCN15067, including Resolution 210, based on Findings MP1 through MP4, and the facts supporting these findings as set forth in the staff report.

SECOND: Planning Commissioner Lean

AYES: Planning Commissioners Fewins, Cammarota, Lean, Petersen, Sperber, VanderWell and Voelz.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Passed.

MOTION: Planning Commissioner Petersen moved to forward a recommendation of approval to the City Council for the rezoning associated with PCN15067 based on the Findings Z1 through Z3, and the facts supporting these Findings as set forth in the staff report.

SECOND: Planning Commissioner VanderWell.

AYES: Planning Commissioners Fewins, Cammarota, Lean, Petersen, Sperber, VanderWell and Voelz.

NAYS: None.

ABSTAINERS: None.

ABSENT: None.

Passed.

RESOLUTION NO. 210

INTRODUCED BY SPARKS PLANNING COMMISSION

A RESOLUTION ADOPTING A CHANGE IN THE MASTER PLAN LAND USE DESIGNATION FROM TOURISM COMMERCIAL (TC) TO INDUSTRIAL (I) ON APPROXIMATELY 4.32 ACRES LOCATED AT 350 GALLETT WAY, SPARKS, NV.

WHEREAS, the City of Sparks Planning Commission reviews on a regular basis requests for amendment of the City's Master Plan; and

WHEREAS, the proposed Master Plan amendment would be in compliance with the Regional Plan; and

WHEREAS, the proposed Master Plan amendment would implement Goals LU5 and Policy LU5a; and

WHEREAS, the proposed Master Plan amendment would be compatible with surrounding land uses.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sparks that the Master Plan Amendment associated with PCN15067 be adopted by changing the Master Plan from Tourism Commercial (TC) to Industrial (I) on a site approximately 4.32 acres in size located at 350 Galletti Way, Sparks, NV.

PASSED AND ADOPTED the 3rd day of March, 2016, by the following vote of the Planning Commission:

AYES: Commissioners Cammarota, Petersen, Fewins, Lean, Sperber, VanderWell and Voelz

NAYS: None

ABSENT: None

ABSTAIN: None

Approved this 3rd day of March, 2016, by:

George Cammarota
GEORGE CAMMAROTA, CHAIR

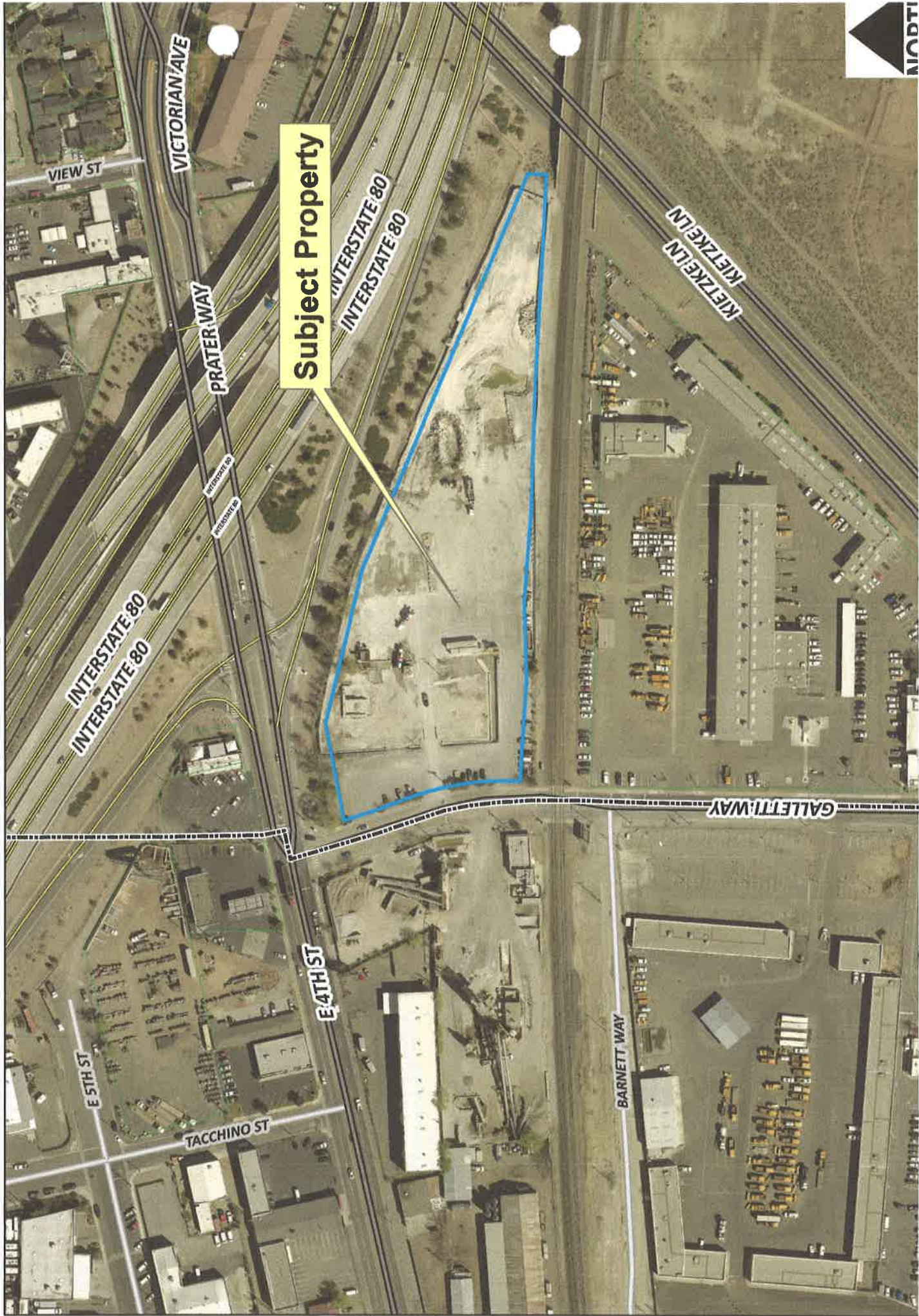
ATTEST:

Marilie Smith
MARILIE SMITH
ADMINISTRATIVE SECRETARY

APPROVED AS TO FORM AND LEGALITY:

Chester H. Adams
CHESTER H. ADAMS
CITY ATTORNEY

Vicinity Map PCN15067



MOBTI

District II
310 Galletti Way
Sparks, Nevada 89431
(775) 834-8300 FAX (775) 834-8319

January 5, 2016

City of Sparks
Department of Planning & Community Services
1675 E Prater Way #107
Sparks, NV 89434

PCN15067
Cemex Sparks Ready Mix Plant
APN: 032-011-08

Attention: Mr. Ian Crittenden, Senior Planner

Dear Mr. Crittenden:

I have reviewed the request to amend the Master Plan to change the land use designation from Tourist Commercial (TC) to I (Industrial) and a request to rezone from TC (Tourist Commercial) to I (Industrial) on site approximately 4.32 acres in size located at 350 Galletti Way, Sparks, NV. I have the following comments:

1. The state defers to municipal government for land use development decisions. Public involvement for Development related improvements within the NDOT right-of-way should be considered during the municipal land use development public involvement process. Significant public improvements within the NDOT right-of-way developed after the municipal land use development public involvement process may require additional public involvement. It is the responsibility of the permit applicant to perform such additional public involvement. We would encourage such public involvement to be part of a municipal land use development process.
2. Although this development is outside of NDOT right-of-way, at times this location experiences heavy congestion. There is minimal spacing between both the proposed approaches to 4th Street and the railroad crossing. There are potential safety concerns regarding increased truck activity at the proposed approaches impacting traffic on Galletti Way, 4th Street, and the Interstate 80 interchange. A traffic study should consider these potential impacts.
3. The provided design vehicle turning templates for the proposed approach does not show existing truck movement at the existing Cemex approach (west side). Having truck movements from the west and east side may be a concern with traffic operations.
4. No other comments at this time.

Thank you for the opportunity to review this development proposal. The Department reserves the right to incorporate further changes and/or comments as the design review advances. I look forward to working with you and your team, and completing a successful project. Please feel free to contact me at (775)834-8309, if you have any further questions or comments.

Sincerely,

DocuSigned by:
Jae Pullen
DC6D2FB6D946439...

1/5/2016

Jae Pullen, PE, PTOE
Traffic Engineer

cc: Janelle Thomas, PE
File

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Prepared by:

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Nevada Certificate No. 16451
US Geomatics
227 Vine Street
PO Box 3299
Reno, Nevada, 89505



2-16-16

DEAR APPLICANT:

THE CITY OF SPARKS APPLICATION PROCESS REQUIRES THAT THE PROPERTY OWNER AUTHORIZE THE APPLICANT TO REQUEST DEVELOPMENT RELATED APPLICATIONS. DEVELOPMENT APPROVALS REMAIN WITH THE LAND; THEREFORE, THE PROPERTY OWNER IS ALWAYS RESPONSIBLE FOR ANY ACTIVITY ON THE PROPERTY.

OWNER AFFIDAVIT

California
STATE OF NEVADA)
El Dorado) SS.
COUNTY OF WASHOE)

I, Tony Skulick being duly sworn, depose and say that I am an owner of property/authorized agent involved in this petition and that I authorize Ronald Wilson to request development related applications on my property. I also give permission for site visitation by the Planning Commission, City Council and City Staff.

Name: Tony Skulick

Title: VP/GM SAC/RENO RM

Signed: [Signature]

Subscribed and sworn to before me this 30 Day of Dec, 2015.

[Signature]
Notary Public in and for said County and State
My commission expires: 3/25/2019



APPLICANT AFFIDAVIT

California
STATE OF NEVADA)
El Dorado) SS.
COUNTY OF WASHOE)

I, Ronald Wilson being duly sworn, depose and say that I am the applicant involved in this petition and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects complete, true and correct to the best of my knowledge and belief. I also give permission for site visitation by the Planning Commission, City Council and City Staff.

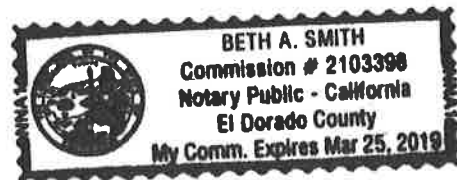
Name: Ronald Wilson

Title: Resource Manager

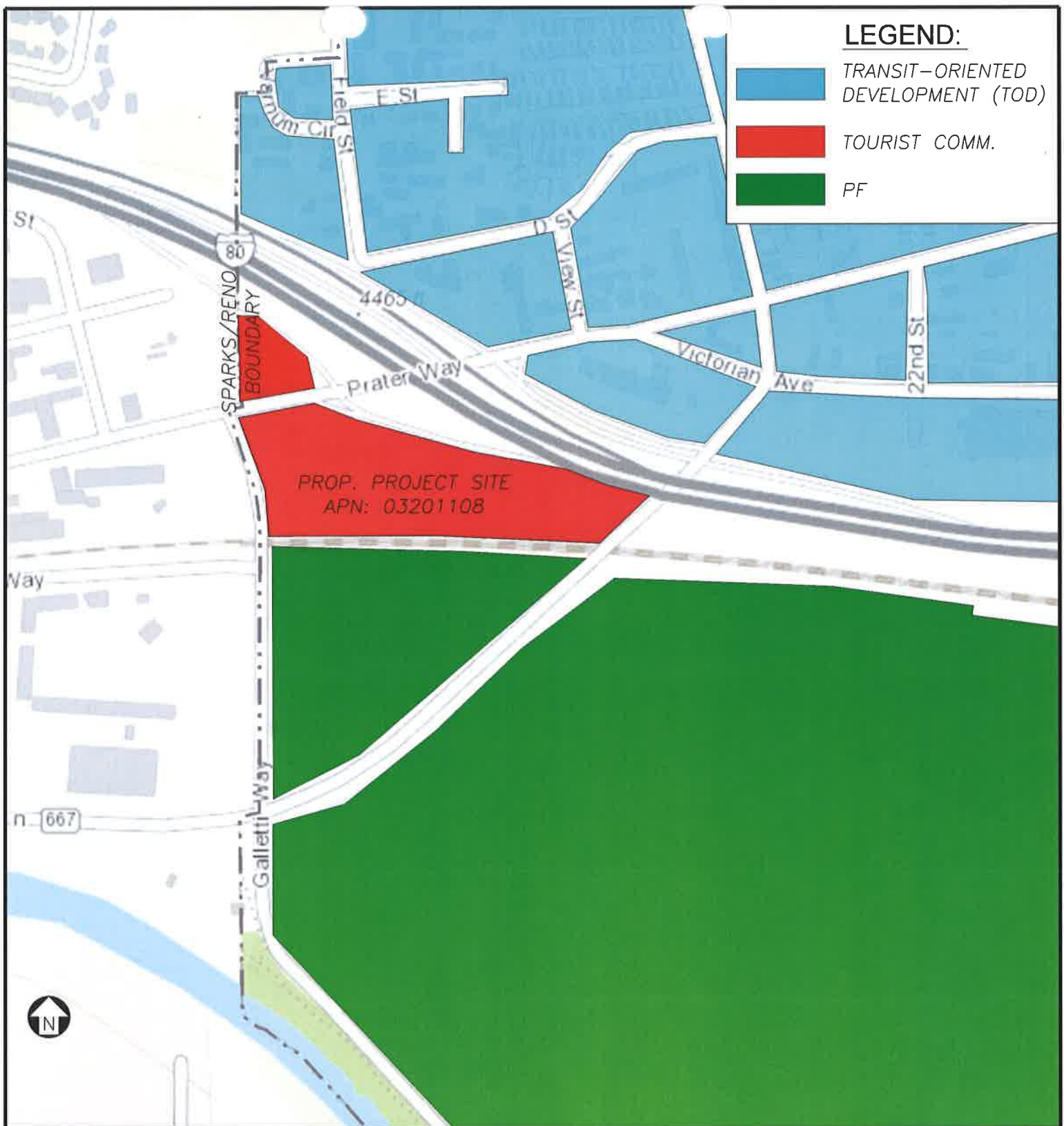
Signed: [Signature]

Subscribed and sworn to before me this 30 Day of Dec, 2015.

[Signature]
Notary Public in and for said County and State
My commission expires: 3/25/2019



CEMEX Construction Materials Pacific, LLC	<u>Managers:</u>	<u>Officers:</u>	
Incorporated: Delaware, 08/01/08	Karl H. Watson, Jr.	President	Karl H. Watson, Jr.
Federal EIN: 26-3068272	Juan Carlos Herrera	Vice President	Juan Carlos Herrera
	Robert J. Capasso	Vice President	Kelly A. Nelson
		Vice President	Eric Wittmann
		Vice President	Rob Cutter
		Vice President	Scott Ducoff
		Vice President	R. Frank Craddock
		Vice President	Luis Oropeza
		Vice President	Guillermo Martinez
		Vice President	Kirk Light
		Vice President	Oscar Frias
		Vice President	Alex Ortiz
		VP, General Counsel, Secretary	Mike F. Egan
		VP, Treasurer, Assistant Secretary	Robert J. Capasso
		Assistant Treasurer	Fernando Reiter
		Assistant Secretary	Eduardo Gonzalez Hinojosa
		Assistant Secretary	John V. Heffeman
		Assistant General Counsel	Janet B. Teebagy



LEGEND:

- TRANSIT-ORIENTED DEVELOPMENT (TOD)
- TOURIST COMM.
- PF

PROP. PROJECT SITE
APN: 03201108



4725 FIRST STREET, STE. 275
PLEASANTON, CA 94566
T: 925.400.4356
www.jmacivil.com

PROJ NO: 15260
SCALE: 1"=400'
DATE: 1/5/2016
DESIGNED BY: WG
DRAWN BY: WG
CHECKED BY: JM

SHEET TITLE

EXISTING ZONING VICINITY MAP

PROJECT

CEMEX FUTURE WET PLANT
FACILITY IMPROVEMENTS
SPARKS, NV

EX-03



4725 FIRST STREET, STE. 275
PLEASANTON, CA 94566
T: 925.400.4356
www.jmacivil.com

PROJ NO: 15260
SCALE: 1"=400'
DATE: 1/5/2016
DESIGNED BY: WG
DRAWN BY: WG
CHECKED BY: JM

SHEET TITLE

PROPOSED ZONING VICINITY MAP

PROJECT

CEMEX FUTURE WET PLANT
FACILITY IMPROVEMENTS
SPARKS, NV

EX-04