

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

**BILL NO.2770**

**INTRODUCED BY COUNCIL**

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

**PCN18-0005 - WINGFIELD COMMONS,  
65 ACRES GENERALLY LOCATED EAST  
OF GOLDEN EAGLE REGIONAL PARK  
AND SOUTH OF VISTA BOULEVARD.**

**AN ORDINANCE BY THE CITY OF SPARKS TO APPROVE AMENDMENT NUMBER 1  
TO A DEVELOPMENT AGREEMENT WITH FOOTHILLS AT WINGFIELD, LLC, AND  
ALBERT D. SEENO CONSTRUCTION COMPANY CONCERNING THE DEVELOPMENT  
OF PARCELS TOTALING 65 ACRES IN SIZE LOCATED EAST OF GOLDEN  
EAGLE REGIONAL PARK AND SOUTH OF VISTA BOULEVARD, SPARKS,  
NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO.**

WHEREAS, Foothills at Wingfield, LLC, owns certain real property  
situated in the County of Washoe, State of Nevada, more  
specifically described as three parcels with Assessor's Parcel  
Numbers 084-550-02, 084-550-07, and 084-550-08, more  
particularly described in Exhibit A and depicted in Exhibit B  
attached hereto and incorporated herein by this reference  
(collectively, the "Property");

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 such as this Agreement with persons having a legal or  
equitable interest in real property;

WHEREAS, the City approved the original Agreement on November 13, 2018, and the Agreement was recorded in the official records of Washoe County as document number 4868469 on November 26, 2018;

WHEREAS, Foothills at Wingfield, LLC, and Albert D. Seenno Construction Company, requested to amend certain sections of the approved Agreement;

WHEREAS, the City, Foothills at Wingfield, LLC, and Albert D. Seenno Construction Company (collectively, the "Parties") acknowledge that amending this Agreement as set forth in Amendment Number 1 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, the Parties desire to amend the Agreement as set forth in Amendment Number 1 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:** Amendment Number 1 to the Development Agreement by and between the City of Sparks, Foothills at Wingfield, LLC and Albert D. Seenno Construction Company is approved.

**SECTION 2:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3:** The City Clerk is instructed and authorized to publish the title to this ordinance as provided by law and to record Amendment Number 1 to the Development Agreement as provided by law.

**SECTION 4:** This ordinance shall become effective upon passage, approval, publication, and recordation.

**SECTION 5:** 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 6:** 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:

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**Ron Smith, Mayor**

ATTEST:

APPROVED AS TO FORM & LEGALITY:

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LISA HUNDERMAN, City Clerk

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CHESTER H. ADAMS, City Attorney