

Exhibit 3

APN:  
None for street right of way

Mail tax statements to:  
City of Sparks  
P.O. Box 857  
Sparks, Nevada 89432-0857  
ATTN: City Clerk

When recorded, return original to:  
City of Sparks  
P.O. Box 857  
Sparks, Nevada 89432-0857  
ATTN: City Clerk

(Rev. \_\_\_\_\_)

City of Sparks

AB \_\_\_\_\_  
6/2/2015  
A.I. 7.1

ORDER VACATING STREET RIGHT OF WAY

WHEREAS:

**A. Street Right of Way:** Over the years, the City of Sparks received dedications of right of way for streets and alleys and public plazas located in central downtown Sparks as follows (collectively referred to herein as the “Streets”):

Abandonment Parcel #	General Location	Legal Description
1	Portion of 13 <sup>th</sup> Street lying west of Block 5, T.M.106 and a portion of Victorian Ave lying south of Lots 11 & 12, Block 5, T.M. 106.	Exhibit A
2	Portion of Victorian Ave. lying south of Lots 5, 6, 7 & 8, Block 5, T.M. 106.	Exhibit B
3	Portion of Victorian Ave. lying south of Lots 1 & 2, Block 5, T.M. 106	Exhibit C
4	Portion of B/C Alley	Exhibit D

**B.** The Streets and Public Access Easements lie within the Town Center Redevelopment Area for the City of Sparks, and, pursuant to a redevelopment plan for that area (the Victorian Square Development Plan, as most recently amended February 9, 2015 by Ordinance 2509), the City and other property owners entered into a “Victorian Square Property Exchange Agreement ” on June 22, 2015, (the “**Agreement**”), which, among other things, provides for (i) the vacation of portions of right of way for the streets to abutting property owners, (ii) the dedication of reconfigured right of way for street and public access to the City, (iii) the release of the Public Access Easements, and (iv) the exchange of certain properties. The purpose of the Agreement is, among other things, to (a) provide right of way for streets along the Victorian Square public plaza; (b) reconfigure several parcels for development as residential and mixed uses; and (c) exchange properties to aid in the site assembly for a subsequent phase in the Victorian Square Development Plan. Among other things, the parties agreed in the Agreement to merge and re-configure their land through a parcel map prepared pursuant to NRS 278.4925;

**C.** In Article 2 of the Agreement, the abutting property owners have petitioned the City to vacate portions of the Streets to them in accordance with NRS 278.480 and the City desires to make the vacation of right of way conditioned on the recording of the parcel map contemplated by the Agreement which rededicates the Streets in a new configuration as agreed.

**D.** Notice of the proposed vacation of the right of way and the Public Access Easements was furnished to each abutting property owner and was published in accordance with NRS 278.480(3) and on \_\_\_\_\_, a public hearing was conducted by this Council.

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

**Vacation of Streets Right of Way.**

**Section 1. Findings.** Based on the information provided to this Council by City Staff and at the public hearing, this Council hereby FINDS:

a. That the public will not materially be injured by the proposed vacation of the Streets right of way because, among other things, the Streets will be rededicated and continue to be available for public traffic.

b. That since vacated property will go to abutting property owners, no property owner will be denied legal access to any of the Streets.

c. That it is in the best interests of the city to vacate the right of way to the nearest abutting property owner pursuant to and in exchange for the consideration contained in the Agreement.

**Section 2. Vacation of dedicated property.** That subject to the below reservations and provisions, the City of Sparks does hereby **VACATE TO THE ABUTTING PROPERTY OWNERS**, pursuant to NRS 278.480(7), all of the dedicated property described or depicted in **Exhibits A through D** hereto,

**Section 3. Reservation of existing easements.** That, under the provisions of NRS 278.480(5), if any utility easements have been granted over the land described in Exhibits A through D to someone other than the City such easements shall remain in full force and effect in accordance with their terms.

**Section 4. Conditional Order.** This order is conditioned on the re-dedication of the Streets substantially similar to the Streets as they exist today but with modifications necessary to accommodate the Redevelopment Project in the opinion of the Mayor. If such re-dedication does not occur, this order shall be null and void. The Mayor is authorized to execute any certificates affirming that the foregoing condition has been met, and is authorized to rescind or terminate this Order if the condition is not met. It is contemplated that this Order will be placed in an escrow together with the proposed merger and resubdivision maps or other documents that accomplish the re-dedication.

**Section 5. Power to execute.** The Mayor is hereby authorized and instructed to make all determinations, and execute all maps, deeds and other documents necessary to accomplish the purpose and effects of this Order. The officers of the City are hereby authorized and directed to take all action necessary to effectuate the provisions of this order and to accomplish its purposes, including the recording of this resolution and order in the official records of Washoe County, Nevada. The City Clerk is hereby authorized to execute any documents intended to accomplish the purposes of this order.

**Section 6.** If any provision in this order is deemed invalid or unconstitutional by any court of competent jurisdiction, such offending provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions herein.

PASSED AND ADOPTED ON THE \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Ayes \_\_\_\_\_

Nays \_\_\_\_\_

Absent \_\_\_\_\_

Abstain \_\_\_\_\_

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By \_\_\_\_\_  
GENO MARTINI, Mayor

ATTEST:

By \_\_\_\_\_  
TERESA GARDNER, City Clerk

State of Nevada     )  
                                  ) Acknowledgment in representative capacity  
City of Sparks        )                                   (NRS 240.1665)

This instrument was acknowledged before me on \_\_\_\_\_  
by Geno Martini as Mayor and Teresa Gardner as City Clerk of the City of Sparks,  
Nevada.

\_\_\_\_\_  
Notary Public