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349008

Bill # 1021

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MONTH

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PROOF OF PUBLICATION

STATE OF NEVADA,  
COUNTY OF WASHOE

SS.

Michelle L. Thompson

being first duly sworn, deposes and says: That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice of Ordinance #846

of which a copy is hereto attached, was first published in said newspaper in its issue dated the 23 day of Mar, 1992 and, Mar 30, the full period of 2 days, the last publication thereof being in the issue of Mar 30 19 92.

Signed *Michelle L. Thompson*

Subscribed and sworn to before me this

30 day of March, 19 92

*Joanne F. Wessel*  
Notary Public

JOANNE F. WESSEL  
Notary Public - State of Nevada  
Appointment Recorded in Washoe County  
MY APPOINTMENT EXPIRES NOV. 18, 1992

PUBLIC NOTICE

BILL NO. 1021  
ORDINANCE NO. 846  
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 4 (SOUTH SUN VALLEY); RECEIVING AND APPROVING A REPORT FROM THE COUNTY TREASURER APPORTIONING A SURPLUS OF ASSESSMENTS ON TRACTS IN SUCH DISTRICT; AMENDING THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE AMENDED ASSESSMENT ROLL; AUTHORIZING A REFUND OF THOSE SURPLUS ASSESSMENTS ALREADY PAID; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada; and that said ordinance was proposed February 25, 1992, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on March 17, 1992, by the following County Commissioners:

Gene McDowell  
Larry Beck  
Dianne Cornwall  
Rene Reid

Commissioner Tina Leighton was absent.

This ordinance shall be in full force and effect from and after March 30, 1992, i.e., the date of the second publication of such ordinance by its title only, IN WITNESS WHEREOF, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. Dated this March 17, 1992.

/s/ Gene McDowell  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)  
Attest:  
/s/ Judi Bailey  
County Clerk

349008-Bill No. 1021  
Mar 23, 30-h1133

Summary - An ordinance amending the assessment ordinance adopted October 28, 1986, for Washoe County, Nevada, Special Assessment District No. 4 (South Sun Valley).

BILL NO. 1021  
ORDINANCE NO. 846  
(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 4 (SOUTH SUN VALLEY); RECEIVING AND APPROVING A REPORT FROM THE COUNTY TREASURER APPORTIONING A SURPLUS OF ASSESSMENTS ON TRACTS IN SUCH DISTRICT; AMENDING THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE AMENDED ASSESSMENT ROLL; AUTHORIZING A REFUND OF THOSE SURPLUS ASSESSMENTS ALREADY PAID; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the Board of County Commissioners (herein the "Board") of the County of Washoe (herein "County"), the State of Nevada, created Washoe County, Nevada, Special Assessment District No. 4 (South Sun Valley) (herein "District") and ordered the acquisition of sewer improvements and determined to defray a portion of the entire cost and expense of such sewer improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land in said District; and

WHEREAS, the Board has by Ordinance No. 703, adopted October 28, 1986 (the "Assessment Ordinance"), levied assessments in the amount of \$1,240,961.55 against the property benefited by the improvements in said District, and at the close of the 30-day cash payment

period on December 11, 1986, there remained unpaid valid assessments in the aggregate amount of not less than \$936,924.55; and

**WHEREAS**, said unpaid valid assessments are payable in fifteen (15) substantially equal annual installments of principal, with interest in all cases on the unpaid and deferred installments from the effective date of the Assessment Ordinance, i.e., November 11, 1986, both principal and interest payable annually at the Office of the County Treasurer on November 11 of each year, commencing November 11, 1987; and

**WHEREAS**, \$3,596.99, the amount per unit lot of a full assessment originally levied by the Assessment Ordinance, included \$579.71 per unit lot to cover the potential costs of a possible unfavorable outcome on then pending litigation; and

**WHEREAS**, the outcome of the litigation is now finalized, and having determined and deducted the costs of the litigation, including the administrative costs of returning any over-assessment, the County Treasurer has determined an over-assessment of \$381.24 per unit lot; and

**WHEREAS**, the Board desires to amend the assessment roll to reduce the assessments and to make available a refund of those portions of the over-assessment already paid by the owners of parcels found within the District; and

**WHEREAS**, the total of all over-assessments is greater than \$10,000; and

**WHEREAS**, the Board has previously established a Local Improvement District's Special Surplus and Deficiency Fund (herein the "Surplus and Deficiency Fund") by a resolution, duly adopted on March 17, 1987, in accordance with NRS 271.428; and

**WHEREAS**, no funds have been advanced from the general fund of the County or from the Surplus and Deficiency Fund for the payment of bonds of the District or for interest thereon.

**NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE, IN THE STATE OF NEVADA, DO ORDAIN:**

Section 1. This ordinance shall be known as, and may be cited by, the short title "Amendment to the Special Assessment District No. 4 Assessment Ordinance" (the "Ordinance").

Section 2. All action, proceedings, matters and things heretofore taken, had, and done by the County and the officers and employees thereof (not inconsistent with the provisions of this ordinance) concerning the District, be, and the same hereby is, ratified, approved and confirmed.

Section 3. The Board approves the apportionment of the over-assessment and the new assessment roll prepared by the County Treasurer.

Section 4. Section 4 of the Assessment Ordinance is amended to read as follows:

For the purpose of paying a portion of the costs and expenses of the Project, there are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said sanitary sewer improvements) and described in the assessment roll for the District, as filed in the office of the County Clerk on September 16, 1986, and as modified and confirmed by the Assessment Protest Resolution, and as amended by the assessment roll filed on February 25, 1992, the amounts and assessments shown in the assessment roll (as so filed, modified, amended and confirmed).

Section 5. The Board hereby validates and confirms the assessment roll for the District, as made out by the Board, together with the Chief Sanitary Engineer, and filed in the records of the office of the County Clerk on September 16, 1986, as modified by ordinance adopted October 28, 1986, and as hereinabove amended and revised.

Section 6. The owner or owners of each parcel in the District against whom has been levied an assessment and who has paid all or a portion of such assessment, whether during the 30-day cash payment period which ended December 11, 1986, or in subsequent installment payments, is eligible to obtain a refund of the amount of the over-assessment already paid on that parcel and interest earned thereon (collectively, the "Refund Amount"). Upon the mailing by the County of the notice, owners of parcels may elect to be immediately reimbursed the Refund Amount, or may elect to have the Refund Amount apportioned as a deduction against all future District assessment installment payments. Any owner or owners desiring an immediate reimbursement must request a refund within 60 days after the mailing by the County of a refund notice. Refunds shall be mailed to those persons listed as the owner of record as

of May 29, 1992, the 60th day following the mailing of notice. Any owner of property within the District not responding in writing within 60 days of the mailing of notice by the County shall be deemed to have elected the apportionment of the Refund Amount against future District installment payments. If owners not responding have no future district installment payments, the Refund Amount shall be held for distribution to such owners upon their future request until the related Special Assessment District No. 4 (South Sun Valley) Local Improvement Bonds, Series March 1, 1987 are paid in full, at which time all remaining Refund Amounts shall be transferred to the County's Local Improvement District's Special Surplus and Deficiency Fund.

Section 7. This Ordinance does not reopen the 30 day period during which cash payments of assessments may be made without interest, as outlined at NRS 271.405, nor the 15 day period during which appeals from adverse assessment determinations may be made, pursuant to NRS 271.395, for assessments effected or not effected by this amendment.

Section 8. In accordance with NRS 271.429, the County Treasurer shall give notice by publication in the Reno Gazette-Journal, a newspaper of general circulation in the County, and published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 60 days prior to the end of the refund period wherein owners of parcels within the District may petition a refund. It shall not be necessary that the notice be published on the same day of the week, 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 publishers and filed with the County Clerk of the County. In accordance with NRS 271.429 (6), the County Treasurer shall also give written notice of the right to petition a refund by mailing a copy of such notice in the United States mails, postage prepaid as first-class mail, to the last known owner or owners 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 County Treasurer and such proof shall be filed with the County Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning said District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the County Clerk until all special assessments and special assessment bonds issued shall have been paid in full, as to both principal and interest, or

until any claim is barred by an appropriate statute of limitations. The Board 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 petition a refund.

Section 9. The notice provided for in NRS 271.390 (2) and NRS 271.429 and in Section 8 of this Ordinance shall be in substantially the following form:

(Form of Notice)

NOTICE OF THE AVAILABILITY OF A REFUND ON SURPLUS ASSESSMENTS  
AND OF  
AN AMENDMENT TO THE ASSESSMENT ORDINANCE  
IN WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 4  
(SOUTH SUN VALLEY)

**NOTICE IS HEREBY GIVEN** to the owners of property within Washoe County, Nevada, Special Assessment District No. 4 (South Sun Valley) (respectively, the "property owners" and the "District") and other interested persons that, by an ordinance duly passed, adopted, signed and approved on March 17, 1992 (the "Ordinance"), there was determined a refund for the lots, tracts and parcels of land within the District of a portion of the cost and expense of such improvements.

The Board of County Commissioners (the "Board") of Washoe County, Nevada, adopted on March 17, 1992, an ordinance which approved the apportionment and refund of a portion of the amounts assessed in the District (the "Surplus") and approved a modified assessment roll submitted by the County Treasurer to the Board, and on file with the County Clerk for public inspection. The Surplus relates to assessments imposed on the property owners by the Assessment Ordinance adopted by the Board on October 28, 1986 (the "Assessment Ordinance") for possible expenses relative to litigation then pending between the County and the Contractor for certain expenses in the District. Such expenses now having been determined, the Surplus, together with interest earned thereon, is now available for refund to the owners.

The owner of each tract of land in the District against whom has been levied an assessment and against which has been paid all or a portion of such assessment, whether during the 30-day cash payment period which ended on December 11, 1986, in subsequent installment payments, or in any other payment subsequent to December 11, 1986, is eligible to obtain a refund of any amount of that Surplus already paid for that tract of land and the interest earned thereon (the "Refund Amount").

The owner of each tract of land assessed in the Assessment Ordinance, may elect to be immediately reimbursed the Refund Amount, or may elect to have the Refund Amount apportioned as a deduction against future District assessment installment payments. Any owner of property within the District not responding in writing within 60 days of the mailing of this notice by the County shall be deemed to have elected the apportionment of the Refund Amount against future District installments payments. Refunds shall be mailed to the owner of record of a tract or parcel of land as of May 29, 1992, the date 60 days after the mailing of this notice, unless another party can demonstrate that he is entitled to receive the refund pursuant to an agreement or agreements with the owner of the tract. Valid claims for refund filed in excess of the Refund Amount available for each separate tract may be apportioned ratably among the claimants by the County Treasurer.

The amount of the amended assessments on file with the County Clerk and adopted by the Board on March 17, 1992, shall continue to constitute a lien upon said lots, tracts and parcels of land, which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such amended assessment or the lien therefor.

Dated this March 17, 1992.

/s/ Gary Simpson  
County Treasurer

\*Amount of Refund (including interest) \$ \_\_\_\_\_

\*Amount of Amended Assessment \$ \_\_\_\_\_

\*Description of property assessed \_\_\_\_\_

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



----- TO BE COMPLETED BY PROPERTY OWNER -----

\*Property Owners may use this Form to Request a Reimbursement

Dear Mr. Simpson:

My property in Assessment District No. 4 is Parcel No. \_\_\_\_\_.

/\_\_\_\_\_/ I request that I be mailed a refund check of \$\_\_\_\_\_ as explained in your notice dated March 17, 1992.

or

/\_\_\_\_\_/ I request that my future assessments be reduced by the amount of my refund of \$\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_

RETURN TO:

Washoe County Treasurer  
c/o Assessment Department  
P.O. Box 30039  
Reno, Nevada 89520

(End of Form of Notice)

Section 10. The officers of the County be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the completion of the levying of the amended assessments and of the refunding of the Refund Amounts for the District.

Section 11. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 12. In accordance with NRS § 244.100, this Ordinance when first proposed is to be read by title to the Board, immediately after which several copies of the proposed ordinance are to be filed with the office of the County Clerk for public examination; thereafter, the County Clerk is authorized and directed to give notice of the filing together with the title of the Ordinance and an adequate summary of the Ordinance, and the date upon which a public hearing will be held on such ordinance by publication at least ten (10) days before the date set for such hearing, i.e., at least ten (10) days before the 17th day of March, 1992, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing of Bill for an Ordinance)

Bill No. \_\_\_\_\_

Ordinance No. \_\_\_\_\_

(of Washoe County, Nevada)

**NOTICE OF PUBLIC HEARING BEFORE THE  
WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of Washoe County, Nevada, will hold a Public hearing at the Commissioner's Chambers, 1001 East Ninth Street, in Reno, Washoe County, Nevada at 9:00 o'clock a.m., on the 17th day of March, 1992, for the purpose of hearing objections to the adoption of a proposed ordinance. At such hearing, interested persons may present their views. The ordinance is entitled:

**BILL NO. \_\_\_\_**

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

**(of Washoe County, Nevada)**

**AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA,  
SPECIAL ASSESSMENT DISTRICT NO. 4 (SOUTH SUN  
VALLEY); RECEIVING AND APPROVING A REPORT FROM  
THE COUNTY TREASURER APPORTIONING A SURPLUS OF  
ASSESSMENTS ON TRACTS IN SUCH DISTRICT; AMENDING  
THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING  
THE AMENDED ASSESSMENT ROLL; AUTHORIZING A  
REFUND OF THOSE SURPLUS ASSESSMENTS ALREADY PAID;  
PRESCRIBING OTHER DETAILS IN CONNECTION  
THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT**

**WITH THE PROVISIONS HEREOF; AND PROVIDING THE  
EFFECTIVE DATE HEREOF.**

An adequate summary of the ordinance is as follows:

The preambles of the ordinance recite that the Board of County Commissioners (the "Board") has previously created Washoe County, Nevada, Special Assessment District No. 4 (South Sun Valley) (the "District") for the purpose of acquiring sewer improvements; that the Board has levied assessments against the property benefited by the improvements in the District; that certain assessments were paid during the 30-day cash payment period that ended December 11, 1986; that those assessments remaining unpaid at the close of the 30-day cash payment period were payable in fifteen (15) annual installments; that the assessments originally levied included an amount to cover a possible unfavorable outcome of then pending litigation; that the litigation has subsequently been finalized; that the Board desires to amend the assessment roll and make available a refund of the excess amount already paid by property owners; that the excess assessment exceeds \$10,000; that the Surplus and Deficiency Fund has already been established and that no funds have been advanced from the general fund of the Surplus and Deficiency Fund for the payment of bonds or interest thereon of the District.

The ordaining clause is then set forth.

Section 1. Provides that the ordinance shall be designated "Amendment to the Special Assessment District No. 4 Assessment Ordinance."

Section 2. Ratified, approves and confirms all consistent prior action taken in connection with District.

Section 3. Approves the apportionment of the over-assessment and the new assessment roll.

Section 4. Restates Section 4 to the Assessment Ordinance adopted by the Board on October 28, 1986.

Section 5. Validates and confirms the assessment roll as amended and revised.

Section 6. Provides for the obtaining of a refund by owners of parcels within the District, or the apportioning of any refund amount against future District assessment installments.

Section 7. States that the ordinance does not reopen the 30-day cash payment period, outlined at NRS 271.405, nor the 15-day appeal period described at NRS 271.395.

Section 8. Provides for notice by publication and by mail, in accordance with statute, of the availability of a refund; provides for the verification of such publication and mailing by affidavit; provides for the retention of such proof of publication and mailing by the County until all special assessments and special assessment bonds have been paid in full; recites that the provided manner of giving notice is reasonably calculated to inform interested parties of the proceedings concerning the District and the right to petition a refund.

Section 9. Provides the form of the notice to be published and mailed.

Section 10. Authorizes the County officials to take any action necessary to effectuate the ordinance.

Section 11. Provides a repealer clause for conflicting provisions.

Section 12. Provides for notice by publication of this summary of provisions.

Section 13. Provides that the ordinance shall be in effect from and after its publication for two weeks following its final adoption on March 17, 1992; and provides the form for such publication which includes the names of the Commissioners voting for and against the adoption of the ordinance.

Section 14. Provides a severability clause.

Copies of Bill No. \_\_\_\_\_ are on file in the office of the County Clerk in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada, for public examination. The Board shall adopt or reject the ordinance (or the ordinance as amended) within 35 days after the date of the final public hearing.

**IN WITNESS WHEREOF**, the Board of County Commissioners, Washoe County, Nevada, has caused this notice to be published this 25th day of February 1992.

/s/ Judi Bailey  
County Clerk  
and Ex-Officio Clerk of the  
Board of County Commissioners

(SEAL)

(End of Form of Notice)

Section 13. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette-Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two (2) weeks by two (2) insertions, pursuant to NRS 244.100 and all laws thereunto enabling, such publication to be in substantially the following form:

(Form for Publication)

BILL NO. \_\_

ORDINANCE NO. \_\_

(of Washoe County, Nevada)

AN ORDINANCE CONCERNING WASHOE COUNTY, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 4 (SOUTH SUN VALLEY); RECEIVING AND APPROVING A REPORT FROM THE COUNTY TREASURER APPORTIONING A SURPLUS OF ASSESSMENTS ON TRACTS IN SUCH DISTRICT; AMENDING THE ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE AMENDED ASSESSMENT ROLL; AUTHORIZING A REFUND OF THOSE SURPLUS ASSESSMENTS ALREADY PAID; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that said ordinance was proposed February 25, 1992, and passed and adopted without amendment at a regular meeting held not more than 35 days thereafter, i.e., at the regular meeting on March 17, 1992, by the following vote of the Board of County Commissioners:

Those Voting Aye:

Gene McDowell

Larry Beck

Dianne Cornwall

Tina Leighton

Rene Reid

Those Voting Nay: \_\_\_\_\_

\_\_\_\_\_

Those Absent and Not Voting: \_\_\_\_\_

\_\_\_\_\_

This ordinance shall be in full force and effect from and after March 30, 1992, i.e., the date of the second publication of such ordinance by its title only.

**IN WITNESS WHEREOF**, The Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only.

Dated this March 17, 1992.

/s/ Gene McDowell  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

/s/ Judi Bailey  
County Clerk

(End of Form of Publication)



Section 14. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Proposed on February 25, 1992.

Proposed by Commissioner Reid.

Passed on March 17, 1992.

Ayes:

Gene McDowell

Larry Beck

Dianne Cornwall

~~Tina Leighton~~

Rene Reid

Nays:

\_\_\_\_\_

\_\_\_\_\_

Absent:

Tina Leighton

\_\_\_\_\_

Gene McDowell

Chairman  
Board of County Commissioners  
Washoe County, Nevada

(SEAL)

Attest:

Judi Baul  
County Clerk

This Ordinance shall be in force and effect from and after March 30, 1992, i.e., the date of the second publication of such Ordinance by its title only.