

RESOLUTION OF THE RENO CITY COUNCIL DISPENSING WITH CERTAIN COMPLAINTS, PROTESTS AND OBJECTIONS MADE AT THE PUBLIC HEARING ON THE ASSESSMENT ROLL FOR A CITY OF RENO, NEVADA NEIGHBORHOOD IMPROVEMENT PROJECT, OTHERWISE KNOWN AS THE DOWNTOWN RENO BUSINESS IMPROVEMENT DISTRICT; RATIFYING THE COST OF THE PROJECT; AND CONFIRMING SAID ASSESSMENT ROLL AND THE ASSESSMENTS THEREIN; TO AUTHORIZE THE RECORDATION OF PROPERTIES TO BE ASSESSED IN THE OFFICE OF THE COUNTY RECORDER; TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

A. WHEREAS, the City Council of the City of Reno, in the State of Nevada (the “Council”, “City” and “State”, respectively), determined that a public convenience and necessity required it to create the City of Reno, Nevada Neighborhood Improvement Project (“Project”), otherwise known as the Downtown Reno Business Improvement District (“BID”) by adopting Ordinance No. 6455; and,

B. WHEREAS, the Downtown Reno Business Improvement District Engineer’s Report and Management Plan, both modified on May 8, 2019 and effective as of such date, describe the activities, objectives and service area of the BID; and,

C. WHEREAS, per NRS 271.472, the Downtown Reno Partnership (“DRP”), contracted pursuant to NRS 271.332, provided a financial report providing the improvements and operating budget for the BID for fiscal year 2023/2024 and filed the report with the Reno City Clerk on or before March 22, 2023; and,

D. WHEREAS, pursuant to NRS 271.377, on or before June 30 of each year after the governing body acquires or improves a neighborhood improvement project, the governing body shall prepare or cause to be prepared an estimate of the expenditures required in the ensuing fiscal year and a proposed assessment roll assessing an amount not greater than the estimated cost against the benefited property; and,

E. WHEREAS, the basis of the estimate of the expenditures required in the ensuing fiscal year was based upon the improvements and operating budget provided by the DRP report; and,

F. WHEREAS, an assessment roll, completed by a competent engineer and, which contains, among other things, the names of the last known owners of the property to be assessed, or if not known, that the same is “unknown”, a description of each tract or parcel of land to be assessed, and the amount of the proposed assessment thereon was filed in the office of the City Clerk on March 30, 2023; and,

G. WHEREAS, Council tentatively approved said assessment roll by Resolution No. 9115 duly adopted on the 12th day of April 2023 (“Resolution No. 9115”) and is satisfied with the

said assessment roll; and,

H. WHEREAS, Council has determined, and does hereby determine, that the total cost of the Project, including all incidental costs, is in the sum of \$3,687,302.61 for the BID; and,

I. WHEREAS, Council has determined, and does hereby determine, that the \$3,687,302.61 shall be paid for by the property specially benefited by said Project; and,

J. WHEREAS, Council has determined, and does hereby determine, that there shall be assessed to each lot or parcel of land specially benefited its proportionate share of said cost on the basis set forth in the Management Plan and Engineer's Report; and

K. WHEREAS, said assessments in no event exceed the estimated benefits to the property assessed nor that the portion of the total cost of the improvements payable in assessments as heretofore determined; and

L. WHEREAS, pursuant to Resolution No. 9115, Council gave notice to any owner or tenant who resides or owns a business within the BID may object to the regularity, validity and correctness of the proceedings, of said assessment roll, of each assessment contained therein, and of the amount thereof levied on each tract or parcel of land; and,

M. WHEREAS, pursuant to Resolution No. 9115, Council gave notice of the contemplated improvements, preliminary estimate of cost, estimate of maximum benefits and of the time and place of hearing thereon, when specific objections, by the owners of such property, by any party interested in the regularity of the proceedings in making such assessments, and by all parties aggrieved by such assessments, to said assessment roll, including, without limiting the generality of the foregoing, the regularity of the proceedings in making any assessment thereon, and the correctness of such assessment or of the amount levied on any particular tract or parcel of land to be assessed, would be heard by said Council; and,

N. WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the BID, which might directly and adversely affect their legally protected interests; and,

O. WHEREAS, at the time and place so designated for hearing such objections, said Council met to hear and determine all objections so filed by any interested party; and,

P. WHEREAS, all written complaints, protests and objections were heard and considered, along with any other relevant material, by the City Council and were found to be without sufficient merit and overruled; and

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE CITY OF RENO COUNCIL AS FOLLOWS:

SECTION 1: That the Council hereby finds that the foregoing recitals are true

and correct and are incorporated by reference.

SECTION 2: That all action heretofore taken (not inconsistent with the provisions of this Resolution) by the City of Reno and the officers of said City directed toward performing all prerequisites to levying special assessments and fixing the assessment liens against the properties in the BID, be, and the same hereby is ratified, approved and confirmed.

SECTION 3: That the Council has heretofore determined and does hereby determine, that each and every written and spoken protest and objection made in connection with the assessment roll, and the same hereby is, overruled, and finally passed on by said Council.

SECTION 4: That the accurate estimate of costs, as more particularly shown in the assessment roll, have been filed in the City Clerk's Office on the 30th day of March 2023.

SECTION 5: That it is estimated that the total cost of the BID shall be \$3,687,302.61 and is distributed on a cost allocation basis to a database that contains assessed valuations and linear street frontages for all *assessable properties* within standard, premium and premium-plus service zones. Standard zone services will be apportioned based upon the assessable property's assessed valuation and premium and premium-plus zone services will be apportioned based upon the assessable property's linear street frontage and these allocations are in proportion to the special benefits derived by each assessable property. Regardless of the basis used for apportioning assessments, in cases of a wedge or V or any other irregular shaped tracts, any amount apportioned thereto shall be in proportion to the special benefits thereby derived.

SECTION 6: Upon adoption of an ordinance levying assessments, the City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to record the assessments levied in said ordinance in the office of the County Recorder of Washoe County, Nevada, for the purpose of establishing of record the proposed lien or liens that may come into being under said ordinance against the lots, premises and parcels of land to be benefited by the project, or portions thereof, to be improved, all as fully set forth in said ordinance.

SECTION 7: That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this resolution, 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 8: That if any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provisions of this Resolution.

PASSED AND ADOPTED this _____ day of _____, 2023, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSTAIN: _____ ABSENT: _____

APPROVED this _____ day of _____, 2023.

HILLARY L. SCHIEVE
MAYOR

ATTEST:

MIKKI HUNTSMAN
CITY CLERK