

**CITY OF ELKO  
ORDINANCE NO. 826**

**AN ORDINANCE INCREASING THE CORPORATE LIMITS OF THE CITY OF ELKO, NEVADA, PURSUANT TO THE PROVISIONS OF N.R.S. 268.670 ANNEXING THERETO A CERTAIN TRACT OF LAND CONTIGUOUS TO AND NOT EMBRACED WITHIN THE PRESENT LIMITS OF THE CITY OF ELKO DESCRIBED AS FOLLOWS: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 36, T. 35 N., R. 55 E., M.D.B. & M., ELKO COUNTY, NEVADA, CONSISTING OF 62.03 ACRES, MORE OR LESS.**

**WHEREAS**, Surebrec Holdings, LLC is the owner of 100% of the property to be annexed and has petitioned the City Council of the City of Elko to annex such area into the city; and

**WHEREAS**, not less than 15% of the total boundary of the property is coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and

**WHEREAS**, the City Council of the City of Elko desires to annex the property, pursuant to the terms of N.R.S. 268.670, after notifying the Board of Commissioners of Elko County of its intent to annex such area to the City of Elko; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ELKO DOES ORDAIN:**

**SECTION 1:** The City Council of the City of Elko has determined that the territory described above to be annexed has not less than fifteen percent (15%) of the total boundary of the property coterminous with the boundary of the City of Elko and the property is not embraced within the present limits of the City of Elko; and therefore, the City Council of the City of Elko has jurisdiction to annex the property into the City of Elko.

**SECTION 2:** The corporate limits of the City limits of the City of Elko are extended and increased so as to include and embrace within the corporate limits of the City of Elko the territory located generally on the northeast corner of the intersection of Statice Street and Delaware Avenue, and legally described in Exhibit "A" attached hereto, and such territory is hereby annexed and declared to be a part of the City of Elko.

**SECTION 3:** The map and plat attached to this ordinance as Exhibit "B" is an accurate map and plat of the territory annexed, which map and plat shows the legal boundaries thereof, together with all existing easements, streets, alleys and rights-of-ways.

**SECTION 4:** The conditions for annexation and development are attached to the ordinance as Exhibit "C".

**SECTION 5:** The Mayor of the City of Elko is hereby authorized and directed to certify that the map is an accurate map of the territory annexed under the provisions of this ordinance.

**SECTION 6:** This ordinance, with a copy of the legal description, official map and plat and conditions attached hereto, shall be recorded in the office of the Elko County Recorder, Elko County, Nevada.

**SECTION 7:** All ordinances or parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

**SECTION 8:** If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid, unenforceable, or unconstitutional by any court of competent jurisdiction, the invalidity, unenforceability or provision shall not affect any remaining provisions of this ordinance.

**SECTION 9:** Upon adoption, the City Clerk of the City of Elko is hereby directed to have this ordinance published by title only, together with the Councilman voting for or against its passage in a newspaper printed and published in the City of Elko, for at least one publication.

**SECTION 10:** This ordinance shall be effective upon the publication mentioned in Section 8.

**PASSED AND ADOPTED** this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018 by the following vote of the City Council.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this \_\_\_<sup>th</sup> day of \_\_\_\_\_, 2018.

**CITY OF ELKO**

**BY:** \_\_\_\_\_  
**CHRIS J. JOHNSON, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**SHANELL OWEN, CITY CLERK**

**CITY OF ELKO**  
**ORDINANCE NO. 826**  
**SUREBREC HOLDINGS, LLC ANNEXATION**  
**Exhibit "C"**

**Planning Department:**

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

**Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to concurrent with property development.

**Utility Department:**

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.