

**CITY OF ELKO
ORDINANCE NO. 827**

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 SECTIONS 19 AND 20, T. 34 N., R. 55 E., M.D.B. & M., ELKO COUNTY, NEVADA, CONSISTING OF 3.00 ACRES, MORE OR LESS.

WHEREAS, Swire Pacific Holdings, Inc. 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 north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, 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 condition 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 ___th day of _____, 2018 by the following vote of the City Council.

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED this ___th day of _____, 2018.

CITY OF ELKO

BY: _____
CHRIS J. JOHNSON, MAYOR

ATTEST:

SHANELL OWEN, CITY CLERK

**CITY OF ELKO
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SWIRE COCA-COLA, USA ANNEXATION
Exhibit "C"**

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.

Utility Department:

1. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.