

REDEVELOPMENT PLAN
For the
ELKO REDEVELOPMENT AREA
(As Adopted on February 12, 2008)

I. INTRODUCTION

This is the Redevelopment Plan (the "Plan") for the Redevelopment Area (the "Redevelopment Area") which is located in the territorial jurisdiction of the City of Elko (the "City"), in Elko County, in the State of Nevada. This Plan consists of the contents of the Preliminary Plan, which has been approved by the City of Elko Planning Commission and the City of Elko Redevelopment Agency. The Plan also includes text and maps describing the content and extent of Redevelopment planned for the Area. Additionally, the Plan includes the Redevelopment Area Map: **Exhibit "A"**; a Legal Description of the Redevelopment Area: **Exhibit "B"**; and, the Property Owners Participation Rules: **Exhibit "C"**. The Redevelopment Plan Report prepared by the Redevelopment Agency is identified as **Exhibit "D"**; the Report by the Planning Commission is identified as **Exhibit "E"**; the photographs of Blighted Conditions through the Designated Area are identified as **Exhibit "F"**, and the Preliminary Plan is incorporated as a separate attached document identified as **Exhibit "G"**.

This Plan has been prepared pursuant to Nevada Revised Statutes (NRS) 279.382 through 279.685 which provide for the exercise of redevelopment authority by a redevelopment agency and includes an Introduction; the Redevelopment Area Boundary and Legal Description; Proposed Redevelopment Activities; Land Uses and Development Requirements; the Proposed Method of Financing the Area; Actions by the City; Enforcement; Duration of the Plan; the Procedure for Amendment, and Severability.

Implementation of this Plan by the City and the Redevelopment Agency of Elko is governed by the provisions contained in this Plan and also in accordance with the provisions and limitations contained in NRS 279.685, the City of Elko Charter and the Official Code of the City of Elko, as they may be amended from time to time. Hereinafter the term "Agency" refers to the Redevelopment Agency of the City of Elko, Nevada. The term "Legislative Body" refers to the City Council of the City of Elko, Nevada.

The definitions of general terms which are contained in Nevada Revised Statutes govern the construction of this Plan, unless more specific terms

and definitions are otherwise provided for in this Plan. All statutory references hereinafter shall be made to the Nevada Revised Statutes.

Many of the requirements contained in this Plan are necessitated by and in accord with statutory provisions in effect at the time of adoption of this Plan. Such statutory provision may be changed from time to time. In the event that any such changes affect this Plan's requirements, and would be applicable to the Agency, the Redevelopment Area, or this Plan, whether or not this Plan were formally amended to reflect such changes, then the requirements of this Plan that are so affected shall be superseded by such changes, to the extent necessary to be in conformity with such changes.

The Redevelopment Area includes all properties within the boundary shown on the Redevelopment Area Map and described in the Legal Description of the Redevelopment Area. Also existing within the Designated Area are open-spaces, parks, bicycle and pathways and other spaces designated for community gatherings set forth in a variety of existing plans for the City, its Master Plan and in the Preliminary Redevelopment Plan.

The proposed redevelopment of the Redevelopment Area as described in this Plan conforms to the Master Plan for the City of Elko, pursuant to NRS 279.568 as applicable and as applied in accord with local codes and ordinances.

This Redevelopment Plan is based upon the Preliminary Plan which was formulated and adopted, and Amended by the City of Elko Planning Commission (the "City Planning Commission") to insure conformity to the Master Plan and NRS 279.526 Preliminary Plan Sufficiency requirements on November 6, 2007.

This Plan provides the Agency with powers, duties and obligations to implement and further the redevelopment program generally formulated in this Plan for the redevelopment, rehabilitation, and revitalization of the Redevelopment Area. This Plan does not present a specific plan or establish priorities for specific projects for the redevelopment, rehabilitation, and revitalization of any particular area within the Redevelopment Area.

Instead, this Plan presents a series of ideas and recommendations for revitalization and redevelopment which are programmed and designed to stimulate new investment, stabilize the tax base and to strengthen the viability of existing businesses. This Plan also provides a basic framework within which specific future development plans will be prepared and presented; it provides for priorities for specific projects to be established, and for new tools that will forge for the Agency the ability to fashion,

develop, and proceed with necessary specific plans, projects, and solutions.

In general, the goals and objectives of the redevelopment program in the Redevelopment Area are as follows:

1. To promote and insure public safety and welfare; to eliminate and prevent the spread of blight and deterioration, and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Master Plan, the Redevelopment Plan and local codes and ordinances.
2. To promote and support a pedestrian oriented downtown; and, to achieve an environment reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the objectives of the Redevelopment Plan.
3. To benefit, sustain and support the visual enhancement and beautification; and to minimize unplanned growth by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens.
4. To ensure adequate vehicular access and circulation; to retain and sustain existing businesses by means of redevelopment and rehabilitation activities, and encourage cooperation and participation of owners, businesses and public agencies in the revitalization of the Redevelopment Area.
5. To promote historic and cultural interest in the Redevelopment Area; and, encourage investment by the private sector in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment.
6. To respect the efforts and accomplishments of the past; and, encourage maximum participation of residents, business persons, property owners, and community organizations in the redevelopment of the Redevelopment Area through enduring public/private partnerships.
7. To achieve Plan conformance and advancement through re-planning, redesign and the redevelopment of areas which are stagnant or improperly used.

Redevelopment of the Redevelopment Area pursuant to this Redevelopment Plan and the above goals and objectives will attain the purposes established within the City's Master Plan and Nevada Revised Statutes Chapter 279 by:

- (1) The elimination of blighting influences and the correction of environmental deficiencies including among others, buildings in which it is unsafe for persons to live or work, incompatible and uneconomic land uses, and small and/or irregular lots.
- (2) The assembly of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation.
- (3) The re-planning, re-design, and redevelopment of areas which are stagnant or improperly used in ways which could not be accomplished solely by private enterprise without public participation and assistance.
- (4) The provision of opportunities for participation by owners and tenants in the revitalization of their properties.
- (5) The strengthening of retail and other commercial functions within the Redevelopment Area.
- (6) The strengthening of the economic base of the Redevelopment Area by stimulating new investment.
- (7) The expansion of employment opportunities.
- (8) The provision of an environment for social and economic growth.
- (9) The expansion and improvement of housing for low and moderate income persons through research, policies, financial programs and standards.
- (10) The installation of new, or replacement of existing public improvements, facilities, and utilities in areas which are currently inadequately served in regard to such improvements, facilities, and utilities.
- (11) Other means as deemed appropriate.

II. REDEVELOPMENT AREA BOUNDARY AND LEGAL DESCRIPTION

The boundaries of the Redevelopment Area are shown on the Redevelopment Area Map attached as **Exhibit "A"**, and are described in the Legal Description of the Redevelopment Area attached as **Exhibit "B"**.

III. PROPOSED REDEVELOPMENT ACTIVITIES

A. General

The Agency proposes to eliminate and prevent the spread of blight and blighting influences, and strengthen the economic base of the Redevelopment Area and the City of Elko, by some or all of the following:

1. Encouraging participation through developing enduring public/private partnerships in the redevelopment process by owners, occupants and developers of properties located in the Redevelopment Area, consistent with this Plan and rules adopted by the Agency;
2. Providing for the acquisition of real property;
3. Providing for the management of property under the ownership and control of the Agency;
4. Providing relocation assistance to displaced occupants of property acquired by the Agency in the Redevelopment Area;
5. Providing for demolition of property for uses in accordance with this Plan;
8. Providing for redevelopment of land by private enterprise and public agencies for uses in accordance with this Plan;
9. Providing for and encouraging the rehabilitation of structures and improvements by present owners, their successors, and the Agency;
10. Providing for the provision of ageing and/or new utilities, roads, streets, landscaping, parking facilities and other public improvements.
11. Providing for the consideration of the implementation of land use controls or regulations.

Pursuant to NRS 279.598, the Agency through its authority shall initiate safeguards to insure that the work of redevelopment is carried out pursuant to the Plan, including provisions for the retention of controls and the establishment of restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the Legislative Body, the City Council, deems necessary to effectuate the purposes of NRS 279. The establishment of such controls is deemed a public purpose under the Chapter's provisions.

In the accomplishment of these activities, and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers to the extent now or hereafter permitted by law, which powers are not expressly limited by this Plan.

B. Owner Participation and Business Reentry Preferences.

1. Owner Participation.

Owners of real property within the Redevelopment Area shall be extended reasonable opportunities to participate in the redevelopment of property in the Redevelopment Area if such owners agree to participate in the redevelopment in conformity with this Redevelopment Plan and the owner participation implementation rules adopted by the Agency. The Agency will also extend participation opportunities to tenants within the Redevelopment Area.

In appropriate circumstances where such action would foster the goals and objectives contemplated by the Redevelopment Plan, an owner may participate in substantially the same location either by retaining all or portions of his property; retaining all or portions of his property and purchasing adjacent property if needed and available for development; rehabilitating or demolishing all or part of his existing buildings; initiating new development; or selling property to the Agency.

The final decision concerning acquisition of real property by the Agency, if any, will be based upon the conditions existing at the time the Agency purchases property or enters into participation agreements.

Participation opportunities shall necessarily be subject to and limited by factors including but not limited to the following:

- (1) the elimination and/or modification, if any, of existing land uses;
- (2) the construction, vacation, realignment and/or alteration, if any, of existing streets;
- (3) the ability of participants to finance and complete proposed developments and rehabilitations;
- (4) the capability and/or experience of the owner participant and/or its developer as determined by the Agency, to implement the proposed development;
- (5) the proposed land uses for redevelopment of the Redevelopment Area;
- (6) intensification of certain land uses;

(7) the construction or expansion of public facilities.

2. Participation by Tenants.

Non-property owners who are tenants engaged in business or residing in the Redevelopment Area shall be extended reasonable preferences if they wish to purchase property at their present location for the purpose of rehabilitating and/or expanding existing improvements or to build new improvements in conformance with the designated land uses and other requirements of this Plan. However, the preference provided to such businesses or residential tenants will be subordinate to, or follow, the preference provided to the existing property owners.

Businesses and residential tenants may also submit proposals for rehabilitation and/or new development at locations other than their existing location, as long as said property conforms to the Plan and is within the Redevelopment Area.

3. Participation Agreements.

The Agency may require that, as a condition to participating in redevelopment hereof, each participant shall enter into a binding written participation agreement with the Agency by which the participant agrees to contribute, sell, lease, acquire, rehabilitate, develop or use the property in conformance with this Plan and to be subject to the provisions hereof and such other provisions and conditions to which the parties may agree. As appropriate to the project, the Agency may additionally obligate participants to establish an employment plan addressing conditions described in NRS 279.482.2. In all agreements, the Agency may require participants who retain real property to sign and join in the recordation of such documents as required by law necessary to make the provisions of this Plan and such participation agreement applicable to their properties. The rights of an owner participant under an approved participation agreement may or may not, at the Agency's option, be transferable upon sale or other disposition of the property.

Whether or not a participant enters into a participation agreement with the Agency, the provisions of this Plan are

applicable to all public and private property in the Redevelopment Area.

4. Limitations on Property Acquisitions:

The agency shall not acquire real property on which an existing building is to be continued on its present site under the Redevelopment Plan and in its present form and use without the consent of the Owner.

5. Implementing Rules:

The provisions shall be implemented according to the rules adopted by the Agency at its December 11, 2007 meeting and the same may be from time to time amended by the Agency.

C. Real Property Acquisition.

1. Acquisition of Real Property.

The Agency may acquire, but is not required to acquire, any real property located in the Redevelopment Area by purchase, lease, option, gift, grant, or bequest.

The Agency is authorized to acquire structures without acquiring the land upon which those structures are located. The Agency is also authorized to acquire any other interest in real property less than a fee simple.

D. Property Management.

During such time as property, if any, in the Redevelopment Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt. Whenever property in any redevelopment project has been redeveloped and thereafter leased by the Redevelopment Agency to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned property, and the lease or contract shall provide that the lessee shall pay taxes upon the assessed value of the leasehold interest.

At the conclusion of each year the Agency shall provide the Assessor's office with information regarding all leases so that possessory interest taxes can be calculated and assessed.

E. Relocation of Persons (Including Individuals and Families), Business Concerns and Others Displaced by the Project.

1. Assistance In Finding Other Locations.

The Agency shall assist all persons, business concerns, and others displaced by Agency action in the Redevelopment Area in finding other locations and facilities. In order to carry out the Redevelopment Plan with a minimum of hardship to persons, business concerns, and others, if any, displaced from their respective places of residence or businesses, the Agency shall assist such persons, business concerns and others in finding new locations that are decent, safe, sanitary, within their respective financial means, in reasonably convenient locations, and otherwise suitable to their respective needs.

2. Relocation Payments.

The Agency shall make relocation payments for moving expenses and direct losses of personal property to persons, business concerns, and other displaced by Agency action in the Redevelopment Area and shall make additional relocation payments as may be required by Law. Such relocation payments shall be made pursuant to Chapter 342 of Nevada Revised Statutes and the regulations adopted by the Agency pursuant thereto. The Agency, at its option, may make such other payments as may be appropriate and for which funds are available.

The Agency shall provide assistance for relocation and shall make all of the payments required in regulations adopted by the Director of the Department of Transportation pursuant to Nevada Revised Statutes Section 342.105 for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

F. Demolition, Clearance, Public Improvements, Building and Site Preparation.

1. Demolition and Clearance.

The Agency is authorized to demolish and clear buildings, structures, and other improvements from any real property acquired in the Redevelopment Area as necessary to carry out the purposes of this Plan.

2. Public Improvements.

The Agency is authorized to install and construct, or to cause to be installed and constructed, the public improvements, facilities and utilities necessary to carry out this Plan. Such public improvements, facilities and utilities include, but are not limited to, the following:

- (1) porticos/canopies;
- (2) sewers;
- (3) storm drains;
- (4) electrical, natural gas, telephone and water distribution systems;
- (5) parks, plazas, graphic designs and site art;
- (6) playgrounds;
- (7) parking, signage, transportation and bicycle facilities;
- (8) landscaped areas;
- (8) walkways, paths, street and circulation improvements;
- (10) flood control improvements and facilities;
- (11) entryway and memorial features;
- (12) recreational improvements; and
- (13) other public facilities serving the needs of Redevelopment Area occupants.

3. Preparation of Building Sites.

The Agency is authorized to prepare, or cause to be prepared, as building sites, any real property in the Redevelopment Area owned or acquired by the Agency.

G. Property Disposition and Development.

1. Real Property Disposition and Development.

a. General.

For the purposes of this Plan, the Agency is authorized to sell, lease for a period not to exceed ninety-nine (99) years, exchange, subdivide, transfer,