

## **WASHOE COUNTY**

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### STAFF REPORT **BOARD MEETING DATE: August 25, 2015**

CM/ACM € Finance Risk Mgt. D HR N/A Comptroller (VS

DATE:

July 17, 2015

TO:

**Board of County Commissioners** 

FROM:

Vahid Behmaram, Water Management Planner Coordinator, Community

Services Department, 954-4647, vbehmaram@washoecounty.us,

THROUGH: Dwayne Smith, P.E., Division Director, Engineering & Capital Projects,

Community Services Department, 328-2043, desmith@washoecounty.us

**SUBJECT:** 

Approve a Water Rights Deed transferring 26.826 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company. (Commission District 2.)

### **SUMMARY**

Washoe County is conveying portions of Orr Ditch Decree Claim #719, Application #84067 to South Reno Land Investors, LLC, A Nevada Limited Liability Company. These water rights were dedicated to Washoe County in support of Palisades Phase 1, a five lot residential subdivision recorded as Tract Map # 4796. This dedication of water rights was in accordance with Water Service Contribution Agreement between Washoe County and the Developers of this project approved by the Board of County Commissioners (Board) on March 27, 2007.

Washoe County Strategic Objective supported by this item: Proactive economic development and diversification.

### PREVIOUS ACTION

The Board approved a Water Service Contribution Agreement on March 27, 2007. This agreement provided for the rights and obligations of the parties in finalizing the Palisades subdivision with 121 residential lots and common areas. The Parties to this agreement were, McCaffery Fine Homes, Ltd., Palisades Land Investors, LLC, Palisades Land Investors Phase 1, LLC and Washoe County.

### **BACKGROUND**

In March 2007, Washoe County entered into a Water Service Contribution Agreement with McCaffery Fine Homes, Ltd., Palisades Land Investors, LLC, Palisades Land Investors Phase 1, LLC, in support of residential development within the South Truckee Meadows. The agreement provided for developer dedication of tributary creek water rights from select creeks in furtherance of the South Truckee Meadows Facility Plan adopted in August 2002. In June 2007, Tract Map #4796 was recorded creating 5 final residential lots within the tentative subdivision boundary. However, due to the economic downturn in the housing market, this project and its five lots were never built. Following foreclosure proceedings, and passage of time, the current owners, South Reno Land Investors, LLC, A Nevada Limited Liability Company reversed this process and recorded Reversion Tract Map 5047, eliminating the five residential lots. The water rights contained in the attached water rights deed are those water rights dedicated in accordance with the agreement in support of the creation of the five-lot subdivision. Furthermore, with the merger of water utility functions of Washoe County and Truckee Meadows Water Authority, there is no need for Washoe County to retain these particular water rights, and the attached deed will re-convey the water rights to the rightful owners.

### **FISCAL IMPACT**

There is no fiscal impact associated with execution of the Water Rights Deed.

### **RECOMMENDATION**

It is recommended that the Board of County Commissioners approve the Water Rights Deed transferring 26.826 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company.

### **POSSIBLE MOTION**

Should the Board agree with staff's recommendation, a possible motion would be: "Move to approve the Water Rights Deed transferring 26.826 acre-feet of Thomas Creek water rights from Washoe County to South Reno Land Investors, LLC, A Nevada Limited Liability Company."

Attachments: Copy of the Reversion Tract Map # 5047

Water Rights Deed

No APN When recorded, return to: South Reno Land Investors, LLC 940 Emmett Avenue, Suite 200 Belmont, CA 94002

### WATER RIGHTS DEED

WASHOE COUNTY, a political subdivision of the State of Nevada, as GRANTOR, hereby conveys to South Reno Land Investors, LLC, A Nevada Limited Liability Company as GRANTEE, the real property consisting of water rights described as follows:

A portion of Orr Ditch Decree Claim # 719 as changed by Application 84067, consisting of 26.826 acre-feet per year along with a pro-rata share of the diversion rate.

# GRANTOR: WASHOE COUNTY A political subdivision of the State of Nevada Marsha Berkbigler, Chair By: Washoe County Commission Date:\_\_\_\_\_ Attest: Nancy Parent, County Clerk By: STATE OF NEVADA ) ss. ) COUNTY OF WASHOE On this day of \_\_\_\_\_\_, 2015, before me, a Notary Public, personally appeared Marsha Berkbigler, personally known to me to be the Chair of the Washoe County Commission, who acknowledged to me that she executed the foregoing document. Notary Public My Commission expires:

# PALISADES PHASE 1A

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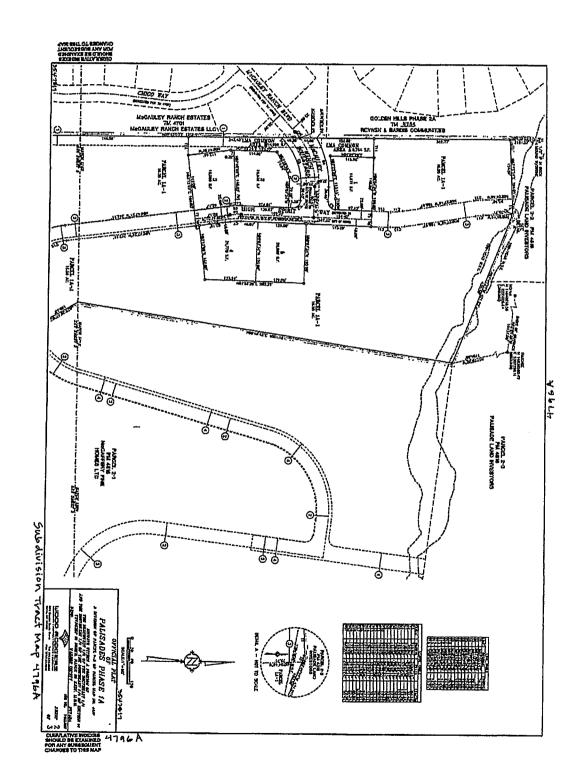


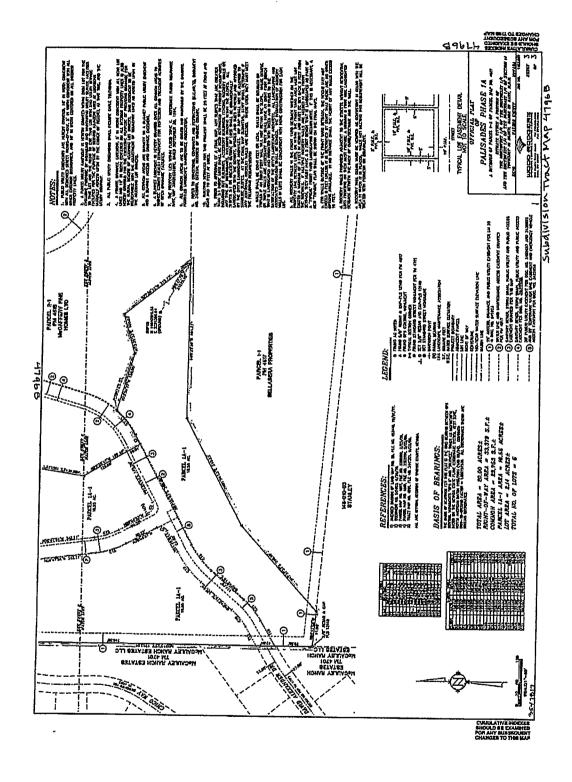
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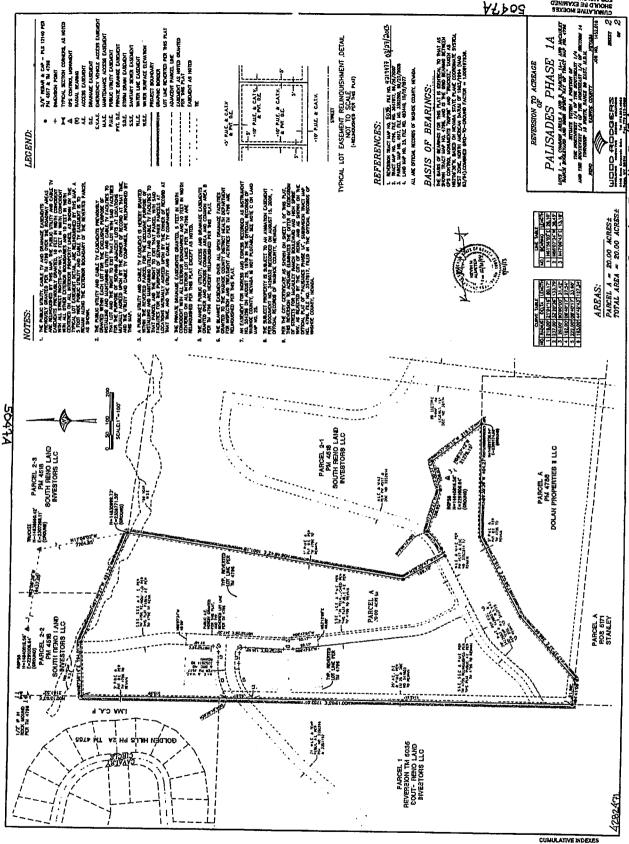
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