



CITY OF FERNLEY
CITY COUNCIL
AGENDA REPORT

Meeting Date: March 3, 2021

REPORT TO: Mayor and City Council
REPORT THRU: Derek Starkey, City Engineer
REPORT FROM: Kari Weitzel, Admin III
REVIEWED BY: David Rigdon, Special City Water Attorney
REVIEWED BY: Denise Lewis, City Treasurer

FINANCIAL IMPACT:

Yes: No:

CURRENTLY BUDGETED:

Yes: No:

FUND/ACCOUNT:

510-810-698

ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: Staff Report (For Possible Action):

Possible action to authorize the execution of the Water Right Banking and Dedication Agreement with Edward W. King and Jaynee R. King as Trustee of the King Family Trust, APN 021-151-17, TCID serial number 1039-A-3 in the amount of 9 acre feet.

Business Impact (per NRS Chapter 237):

- A Business Impact Statement is Attached.
- A Business Impact Statement is not required because this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B).

Agenda Item Brief:

Staff is seeking Council approval to authorize the execution of the Water Right Banking and Dedication Agreement with Edward W. King and Jaynee R. King as Trustee of the King Family Trust, APN 021-151-17, TCID serial number 1039-A-3 in the amount of 9 acre feet.

See attached report for background, analysis, alternatives.

RECOMMENDED MOTION:

“I move to authorize the to authorize the execution of the Water Right Banking and Dedication Agreement with Edward W. King and Jaynee R. King as Trustee of the King Family Trust, APN 021-151-17, TCID serial number 1039-A-3 in the amount of 9 acre feet.”

ALTERNATIVES:

The City Council could choose to reject the dedication of water rights. This alternative is not recommended by staff and would be contrary to existing city policies.

PROJECT SUMMARY:

1. This dedication of Water Rights will assist in Fernley’s quest to protect our most valuable resource and support the City’s economic development goals.
2. The dedicator is dedicating 9 acre feet for future development.

BACKGROUND:

It is policy for the City of Fernley to have City Council approve all water right dedication agreements.

Edward W. King and Jaynee R. King as Trustee of the King Family Trust is proposing to dedicate 9 acre-feet of water rights appurtenant to Lyon County APN 021-151-17 (TCID Serial Number 1039-A-3) to the City of Fernley. The deed and dedication package were reviewed and approved by Taggart and Taggart, Ltd. The water will be used to support future development projects.

ANALYSIS:

None.

FINDINGS:

None.

LEGAL IMPLICATIONS:

FMC 32.09.035 requires developers to dedicate sufficient water rights to support their proposed development projects. Water dedicated to the City and banked under a banking agreement such as the one proposed here may be used to meet that requirement.

FINANCIAL IMPLICATIONS:

This dedication is being made to support future will serve commitment requests. Pursuant to prior Council direction on December 3, 2014, the City will cover all legal and engineering costs associated with the dedication.

ATTACHMENTS:

- **Draft Water Rights Banking and Dedication Agreement**
- **Draft Water rights Grant, Bargain, and Sale Deed**