

BILL #273
CITY OF FERNLEY
ORDINANCE # _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FERNLEY, NEVADA, RELATING TO COMMUNITY REDEVELOPMENT; ADOPTING A REDEVELOPMENT PLAN AND ESTABLISHING FERNLEY REDEVELOPMENT AREA NUMBER ONE

WHEREAS, the City Council of the City of Fernley (“City Council”) has received from the Fernley Redevelopment Agency (“Agency”) a proposed Redevelopment Plan (“Redevelopment Plan”) for Fernley Redevelopment Area Number One (“Redevelopment Area”), as approved and adopted by the Agency on [REDACTED], 2018, together with the Agency’s Report to City Council in accordance with the requirements of Nevada Revised Statutes Chapter 279;

WHEREAS, in accordance with state law, the Redevelopment Plan was submitted to the Fernley Planning Commission for its report and recommendation and review of the Redevelopment Plan’s conformity to the City’s Comprehensive Plan;

WHEREAS, on December 12, 2018, the Fernley Planning Commission determined that the Redevelopment Plan is consistent with and conforms to the City’s Comprehensive Plan and recommended adoption of the Redevelopment Plan;

WHEREAS, the Agency approved and adopted the Rules Governing Participation and Assistance by Property Owners in Fernley Redevelopment Area One on [REDACTED], 2018;

WHEREAS, on [REDACTED], 2019, the City Council held a public hearing concerning the adoption of the Redevelopment Plan, notice of which was published and posted in accordance with the requirements of state law; and

WHEREAS, the City Council has reviewed and considered the report and recommendation of the Fernley Planning Commission, the Agency’s Report to City Council, and the Redevelopment Plan, including the proposed methods of financing the Redevelopment Plan, the economic feasibility of the Redevelopment Plan, and all evidence and testimony for or against the adoption of the Redevelopment Plan.

NOW, THEREFORE, the City Council of the City of Fernley, Nevada, do ordain:

Section 1: The recitals set forth above are incorporated herein and made part hereof as if set forth at length.

Section 2: The Redevelopment Plan, including all maps, legal descriptions, and other documents incorporated therein by reference and attached thereto, having been duly reviewed and considered, is hereby incorporated into this ordinance as Exhibit A, containing 135 pages, and made a part hereof, and, as so incorporated, is hereby approved, adopted and designated as the official “Redevelopment Plan for Fernley Redevelopment Area Number One.”

Section 3: The map and legal description of the land within the boundaries of the Redevelopment Area so created are attached and incorporated into this ordinance as Exhibit B, containing 7 pages, and Exhibit C, containing 6 pages, respectively.

Section 4: The City Council hereby finds and determines that:

- A. The Redevelopment Area includes blighted sites, the redevelopment of which is necessary to effectuate the public purposes declared in Nevada Revised Statutes Chapter 279. This finding is made based upon a growing or complete lack of proper utilization of sites within the Redevelopment Area, resulting in stagnant and unproductive conditions of land which would otherwise be useful and valuable to the public health, safety and welfare of the citizens of the City.
- B. The Redevelopment Plan will redevelop the Redevelopment Area in conformity with state and local law and is in the interests of the peace, health, safety and welfare of the citizens of the City. This finding is supported by the anticipated elimination of conditions of blight and provision for higher economic and more beneficial use of underutilized property as a result of the implementation of the Redevelopment Plan.
- C. The Redevelopment Plan conforms to the City's Comprehensive Plan. This finding is based on the report and recommendation and findings of the Fernley Planning Commission and is the result of independent review and consideration of the same by the Fernley City Council.
- D. If condemnation of real property is necessary to effectuate the Redevelopment Plan, adequate provisions will be made for payment for the property pursuant to state and federal law.
- E. The Redevelopment Plan is not anticipated to result in the displacement of any occupant of housing in the Redevelopment Area, however, if displacement were to occur, adequate permanent housing is or will be made available in the City for such occupants at rents comparable to those in the City at the time of displacement.
- F. All land included in the designated Redevelopment Area satisfies the requirements for inclusion prescribed by state law.
- G. The inclusion of certain land, buildings or improvements which are not otherwise detrimental to public health, safety and welfare is necessary for the effective and successful execution of the Redevelopment Plan.
- H. Should the Redevelopment Agency issue any bonds to finance the implementation of the Redevelopment Plan, adequate provisions will be made for the payment of principal and interest on any such instrument.

- I. Based on the Redevelopment Plan and the information presented to City Council, the adoption and execution of the Redevelopment Plan is economically feasible.

Section 5: The purposes and intent of the City Council regarding the Redevelopment Area is to accomplish to the greatest feasible extent:

- A. The elimination and prevention of the spread of blight and deterioration in the Redevelopment Area and the conservation, rehabilitation and redevelopment of the Redevelopment Area in accord with the Comprehensive Plan, the Redevelopment Plan and local codes and ordinances;
- B. The achievement of an environment in the Redevelopment Area reflecting a high level of concern for architectural, landscape, and urban design and land use principles appropriate for attainment of the Redevelopment Plan;
- C. The control of unplanned growth in the Redevelopment Area by guiding revitalization activities and new development in such fashion as to meet the needs of the Redevelopment Area, the City and its citizens;
- D. The encouragement of investment by private parties in the development and redevelopment of the Redevelopment Area by eliminating impediments to such development and redevelopment;
- E. The encouragement of maximum participation of residents, businesses, property owners and community organizations in the redevelopment of the Redevelopment Area;
- F. The replanning, redesigning and redeveloping of sites in the Redevelopment Area which are stagnant or improperly used;
- G. The elimination of sites in the Redevelopment Area which are suffering from economic dislocation and disuse;
- H. The replanning, redesigning and redevelopment of sites in the Redevelopment Area which cannot be accomplished by private enterprise acting alone or without public participation and assistance;
- I. The protection and promotion of sound development and redevelopment of blighted sites in the Redevelopment Area and the general welfare of the citizens of the City by remedying such conditions by the implementation of appropriate means; and
- J. The installation of new or replacement of existing public improvements, facilities and utilities in areas which are currently inadequately served with regard to such improvements, facilities and utilities.

Section 6: Pursuant to law, upon effectiveness of this ordinance, the City Clerk is hereby directed to send a copy of the ordinance to the Fernley Redevelopment Agency, whereupon the Redevelopment Agency is vested with the authority and responsibility of carrying out the Redevelopment Plan.

Section 7: Pursuant to law, upon effectiveness of this ordinance, the City Clerk, on behalf of the City Council, is hereby authorized and directed to file with the County Recorder a description of the land included in the Redevelopment Area and a statement that proceedings for redevelopment of the Redevelopment Area have been instituted. The City Clerk is also authorized and directed to record with the County Recorder a copy of this ordinance and the Redevelopment Plan.

Section 8: Pursuant to law, upon effectiveness of this ordinance, the City Clerk is authorized and directed to transmit a copy of description and statement recorded pursuant to Section 7 hereof (including any exhibits thereto), a copy of this ordinance, and a map indicating the boundaries of the Redevelopment Area to: the auditor and tax assessor of Lyon County, the officer who performs the functions of auditor or tax assessor for any taxing agency which, in levying or collecting its taxes, does not use the Lyon County assessment roll or does not collect its taxes through the county, and the governing body of each taxing agency which levies taxes upon any property in the Redevelopment Area.

Section 9: Pursuant to law, upon effectiveness of this ordinance, the City Clerk is authorized and directed to notify the City's Building Department of the adoption of the Redevelopment Plan, and the Building Department shall, during the effective period of the Redevelopment Plan, advise all applicants for building permits in the Redevelopment Area that the site for which a permit is sought is within a redevelopment area.

Section 10: The Redevelopment Plan, and any amendments to the Redevelopment Plan, shall terminate thirty (30) years after the effective date of this ordinance.

Section 11: All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed.

Section 12: The City Clerk is instructed and authorized to publish the title to this ordinance and post the ordinance in full as provided by law.

Section 13: This ordinance shall become effective 20 days after such publication.

Section 14: The provisions of this ordinance must be liberally construed to effectively carry out its purposes in the interest of the public health, safety welfare and convenience.

Section 15: If any provision in this ordinance is deemed void, invalid or unenforceable by a court of competent jurisdiction, then such offending provisions shall be severed from this ordinance and all remaining provisions shall remain in full force and effect.

Section 16: The City Council finds that this ordinance is not likely to impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business or is otherwise exempt from the requirements of Nevada Revised Statutes Chapter 237.

BILL #273 BEING HEREBY PROPOSED on the ____ day of February 2019.

BILL #273 BEING HEREBY PASSED, APPROVED AND ADOPTED this ____ day of February 2019, by the following vote of the Fernley City Council:

AYES: ____ NAYS: ____ ABSTENTIONS: ____ ABSENT: ____

FERNLEY CITY COUNCIL

By: _____
Roy Edgington, Mayor

ATTEST:

By: _____
Kim Swanson, City Clerk