

Official Record

Recording requested By
LINCOLN COUNTY COMMISSIONERS

Lincoln County - NV
Leslie Boucher - Recorder

Fee: Page 1 of 6
RPTT: Recorded By: LB
Book- 253 Page- 0668



APN _____

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APN _____

First Amendment to the Coyote Springs Development Agreement
Title of Document

Affirmation Statement

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the social security number of any person or persons. (Per NRS 239B.030)

I, the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the social security number of a person or persons as required by law: _____
(State specific law)

[Signature] _____
Signature Title

Leslie C. Lloyd _____
Print

1-25-10 _____
Date

Grantees address and mail tax statement:



Summary: An ordinance adopting an agreement between Lincoln County and Coyote Springs Investment LLC for the first amendment to the Coyote Springs Development Agreement.

BILL NO. 2009-__

ORDINANCE NO. 2009-11

AN ORDINANCE ADOPTING THE AGREEMENT BETWEEN THE COUNTY OF LINCOLN, STATE OF NEVADA, AND COYOTE SPRINGS INVESTMENT LLC, A NEVADA LIMITED LIABILITY COMPANY, FOR THE FIRST AMENDMENT TO THE COYOTE SPRINGS DEVELOPMENT AGREEMENT.

WHEREAS, the County of Lincoln, State of Nevada (the "County"), and Coyote Springs Investment LLC, a Nevada limited liability company (the "Owner") entered into that certain Development Agreement dated as of June 6, 2005, authorized by Ordinance No. 2004-03, and recorded June 30, 2005 in Book 203, Page 190, as instrument No. 124827, Official Records, Lincoln County, Nevada (the "Development Agreement");

WHEREAS, the Development Agreement may be amended by agreement of County and Owner;

WHEREAS, both the County Master Plan and Lincoln County Code Title 15 contemplate and anticipate providing development flexibility to Owner in response to changing community and market needs as the planning area develops;

WHEREAS, County recognizes the potential economic and employment benefits of development within the planning area;

WHEREAS, County and Owner have agreed to the first amendment of the Development Agreement;



THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF LINCOLN DO ORDAIN:

Section 1. In accordance with the provisions of the Development Agreement, for the master planned community known as Coyote Springs, the Board hereby approves and adopts the agreement between County and Owner for the first amendment to the Development Agreement which is attached hereto as Appendix A and incorporated into this ordinance.

Section 2. If any section of this ordinance or any part thereof, as applicable, is for any reason held invalid, unenforceable or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

Section 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Lincoln County Code in conflict with this ordinance are hereby repealed.

Section 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having general circulation in Lincoln County, Nevada, at least once a week for a period of two (2) weeks.



PROPOSED on 12-7-09.

PROPOSED by COMMISSIONER Higbee.

PASSED: January 19, 2010

Vote:

Ayes:

Commissioner

Paul Mathews

Commissioner

William T. Lloyd

Commissioner

Ed. High Jr

Commissioner

George T. Rowe

Commissioner

[Signature]

Nays:

Commissioner

none

Commissioner

Abstain:

Commissioner

none

Commissioner

Absent:

Commissioner

none

Commissioner

Attest:

[Signature]

Lisa Lloyd, County Clerk

Paul Mathews

Paul Mathews, Chairman of the Board



**FIRST AMENDMENT TO
THE COYOTE SPRINGS DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO THE COYOTE SPRINGS DEVELOPMENT AGREEMENT ("First Amendment") is dated as of ~~December~~ ^{Jan 4, 2010}, 2009, by and between the County of Lincoln, State of Nevada (the "County"), and Coyote Springs Investment LLC, a Nevada limited liability company (the "Owner").

WHEREAS, County and Owner desire to amend that certain development agreement which, was approved by the Lincoln County Board of County Commissioners on December 20, 2004, subject to the addition of (i) a provision providing for a review period starting 180 days after December 20, 2004 (Section 9.01 of the Agreement), and (ii) a provision providing interim funding to Lincoln County (Section 12.02 of the Agreement), which provisions were added to and made a part of the original agreement. Thereafter, on June 6, 2005, the original development agreement was approved without any conditions and the County Commission adopted Ordinance No. 2004-03 approving the original agreement and authorizing the execution thereof by duly constituted officers of the County. Said Ordinance took effect on February 5, 2005. County recorded a certified copy of the ordinance as required by NRS Chapter 278.0207, recorded June 30, 2005, in Book 203, Page 190, as Instrument No. 124827, Official Records, Lincoln County, Nevada, and as modified by that certain Settlement Agreement between County and Owner dated November 9, 2006. The foregoing description of the development agreement between County and Owner, shall be collectively referred to herein as the "Original Development Agreement".

WHEREAS, Owner is the owner and lessee, respectively, of the real property to which the Original Development Agreement and this First Amendment are subject, all of which is specifically described on Exhibit "A" to the Original Development Agreement.

WHEREAS, this First Amendment was prepared pursuant to Sections 3.03 and 12.05 of the Original Development Agreement, and following the adoption of Ordinance 2009-~~08~~ amending Title 15 of the Lincoln County Code for the Coyote Springs Planning Area.

NOW THEREFORE, County and Owner agree that the Original Development Agreement is amended as set forth herein:

1. Electric Generation Station property use. Section 3.05(a)(ii) of the Original Development Agreement is hereby amended and restated in its entirety as follows:
 - (ii) Up to nine thousand (9,000) net acres (or such lesser number as Owner may elect) of the Planned Community may be developed and constructed with non-residential and/or commercial private uses, including without limitation for Electric Generation, Station (as defined in the CSPUD Code) use.
3. Except as modified hereby, the Original Development Agreement, and its terms and provisions, are hereby ratified and affirmed, and shall remain in full force and effect.



IN WITNESS WHEREOF, this First Amendment has been executed by the parties on the day and year first above written, to be effective upon the date of adoption by ordinance of the Lincoln County Board of County Commissioners.

COUNTY: BOARD OF COUNTY COMMISSIONERS,
COUNTY OF LINCOLN, STATE OF NEVADA

By: *Paul Mathews*
Name: Paul Mathews, its Chairperson

Attest: *[Signature]*
Lisa Lloyd, County Clerk

OWNER: COYOTE SPRINGS INVESTMENT LLC
a Nevada limited liability company

By: *Harvey Whittemore*
Name: Harvey Whittemore, its Manager

STATE OF NEVADA)
COUNTY OF Clark) ss.

This instrument was acknowledged before me on the 15th day of January, 2009, by Harvey Whittemore, a Manager of Coyote Springs Investment LLC, a Nevada Limited Liability Company.

Emilia Kargill
Notary Public
Exp 5/23/2012

