

DRAFT

SUMMARY: A Bill proposing to adopt a Development Agreement with Solar Reserve's Tonopah Solar Energy LLC for the proposed development of the Crescent Dunes Solar Energy Project, located in Nye County northwest of Tonopah, and all other matters properly related thereto.

TITLE: A BILL PROPOSING TO ADOPT A DEVELOPMENT AGREEMENT WITH SOLAR RESERVE'S TONOPAH SOLAR ENERGY LLC FOR THE PROPOSED DEVELOPMENT OF THE CRESCENT DUNES SOLAR ENERGY PROJECT, LOCATED IN NYE COUNTY NORTHWEST OF TONOPAH, AND ALL OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF NYE, STATE OF NEVADA, DOES HEREBY ORDAIN:

1. In accordance with the provisions of Section 278.0203 of the Nevada Revised statutes and Chapter 16.32 (Development Agreements) of the Nye County Code, a Development Agreement for the development of a 100 megawatt (MW) solar energy project on 1,600-acres of BLM managed lands located northwest of Tonopah within the County of Nye is hereby adopted.
2. Severability. If any provision of this Ordinance or amendments thereto, or the application thereof to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity of provisions or applications of this Ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provision of this Ordinance and amendments thereto are declared to be severable.
3. Constitutionality. If any section, clause or phrase of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall continue in full force and effect.

This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the ____ day of _____, 2008

Proposed on the ____ day of _____, 2011.

Proposed by Commissioner _____.

Adopted on the ____ day of _____, 2011.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____

Gary Hollis, Chairman
Nye County Board of
County Commissioners

ATTEST: _____

Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board