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8 **BILL NO. 2008-26**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-23103)

13 Sponsored by: Councilman Steven D. Ross Summary: Annexes property described
14 generally as located within the area bounded
15 by Witch Mountain Road on the west,
16 Moccasin Road on the north, Shaumber
Road on the east, and Iron Mountain Road
on the south.

17 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
18 ORDAIN AS FOLLOWS:

19 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
20 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
21 following described real property:

22 Those portions of the West Half (W 1/2) of Section 1 and those portions of
23 Section 2, Township 19 South, Range 59 East, M.D.M., in County of Clark,
24 State of Nevada, including the dedicated right-of-way and portions of KYLE
CANYON ROAD (100 feet wide as measured from centerline thereof) as
shown on the 2nd Amended Record of Survey in File 169, Page 61 of Clark
County, Nevada Records, described as follows:

25 BEGINNING at the southeast quarter corner of said Section 2; thence along
26 the south line of the Southeast Quarter (SE 1/4) of said Section 2, North
27 89°00'36" West 2656.56 feet to the south quarter corner of said Section 2;
28 thence along the south line of the Southwest Quarter (SW 1/4) of said Section
2, North 89°02'53" West 1327.27 feet; thence departing said south line, North
00°49'35" East 2744.31 feet; thence North 89°44'33" West 667.00 feet;

1 thence South 00°42'23" West 683.92 feet; thence North 89°34'51" West
2 333.07 feet; thence South 00°43'17" West 341.49 feet; thence South
3 89°30'00" East 332.86 feet; thence South 00°45'23" West 342.05 feet; thence
4 North 89°24'40" West 332.65 feet; thence South 00°43'17" West 1366.18 feet
5 to the south line of the Southwest Quarter (SW 1/4) of said Section 2; thence
6 along said south line North 89°02'53" West 331.82 feet to the southwest
7 quarter corner of said Section 2; thence along the west line of said Southwest
8 Quarter (SW 1/4), North 00°41'11" East 2728.16 feet to the west quarter
9 corner of said Section 2; thence along the west line of the Northwest Quarter
10 (NW 1/4) of said Section 2, North 00°43'27" East 681.86 feet; thence
11 departing the west line of said Northwest Quarter (NW 1/4), South 89°57'14"
12 East 333.80 feet; thence North 00°44'55" East 683.09 feet; thence North
13 89°50'05" East 334.12 feet; thence North 00°46'59" East 1363.99 feet to the
14 north line of the Northwest Quarter (NW 1/4) of said Section 2; thence along
15 said north line, North 89°38'17" East 2009.04 feet to the north quarter corner
16 of said Section 2; thence along the north line of the Northeast Quarter
17 (NE 1/4) of said Section 2, North 89°53'01" East 2673.20 feet to the northeast
18 quarter corner of said Section 2; thence along the east line of said Section 2,
19 South 01°08'23" West 2771.13 feet to the east quarter corner of said Section
20 2; thence continuing along said east line, South 01°05'49" West 698.85 feet;
21 thence departing said east line, North 88°47'59" East 1344.23 feet; thence
22 South 01°03'45" West 341.17 feet to the centerline of said KYLE CANYON
23 ROAD; thence along said centerline, South 86°17'56" West 1348.08 feet to
24 the east line of the Southeast Quarter (SE 1/4) of said Section 2; thence along
25 said east line, South 01°05'49" West 1696.51 feet to the POINT OF
26 BEGINNING.

27 BASIS OF BEARINGS: North 01°05'49" East being the west line of the
28 Southwest Quarter (SW 1/4) of Section 1, Township 19 South, Range 59
 East, M.D.M., as shown on Record of Survey in File 146, Page 59 of Clark
 County, Nevada Records.

 Prepared by:
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 SECTION 2: The City Council hereby determines that the described territory
meets the requirements provided by law for annexation to the City for the following reasons:

 (A) The area to be annexed was contiguous to the City's boundaries at the
time the annexation proceedings were instituted;

 (B) More than one-eighth (1/8) of the aggregate external boundaries of the
area are contiguous to the City;

 (C) The territory proposed to be annexed is not included within the
boundaries of another incorporated city or within the boundaries of any unincorporated town

1 as those boundaries existed as of July 1, 1983;

2 (D) The territory in question is eligible to be annexed to the City because:

3 (1) With respect to territory not owned by a governmental entity,
4 the owners of record of not less than 75 percent of the individual lots or parcels of land
5 within the territory have petitioned the City to annex the territory.

6 (2) With respect to territory owned by a governmental entity, the
7 City has received a written statement from the governmental entity indicating that it owns
8 the territory and does not object to the City's annexation of the territory.

9 (E) In compliance with the procedural requirements of NRS Chapter 268,
10 the City is authorized to annex the territory in question because:

11 (1) In accordance with NRS 268.584, the City Council, on March
12 5, 2008, adopted a resolution of intent to annex, along with the form of a notice of public
13 hearing to be provided to property owners within the annexation area, and set a public
14 hearing for April 16, 2008.

15 (2) In accordance with NRS 268.578 and 268.588, the City
16 Council, on March 19, 2008, approved an annexation report and made it available for
17 inspection and copying thereafter.

18 (3) In accordance with NRS 268.586, the City mailed by certified
19 mail, return receipt requested, a copy of the notice of public hearing to the owners of the
20 property within the annexation area, as determined with reference to the records of the Clark
21 County Assessor.

22 (4) In accordance with NRS 268.586, the City had the notice of
23 public hearing published in a newspaper of general circulation within the territory to be
24 annexed, on three separate occasions in compliance with the requirements of NRS 268.586.

25 (5) In accordance with NRS 268.590, the City Council held a
26 public hearing on April 16, 2008, at which time persons who wished to be heard concerning
27 the matter were given that opportunity. During the public hearing, and within the 15-day
28 period following the public hearing, the number of property owners who protested the

1 annexation, namely zero, was less than a "majority of the property owners" as defined by
2 NRS 268.574(3).

3 (6) In accordance with NRS 268.592, because less than a majority
4 of the property owners protested the annexation, the territory may be annexed by the City.

5 SECTION 3: The City will provide police protection through the Las Vegas
6 Metropolitan Police Department, fire protection, street maintenance, and library services
7 immediately upon annexation. Garbage collection by the company franchised by the City
8 will also be provided immediately. The City sanitary sewer system will serve the proposed
9 annexation area. Any connection to or extension of this sewer line to serve the annexation
10 area shall be at the expense of the landowners. Other services, such as participation in the
11 City's recreational programs, special education classes and programs, public works planning,
12 building inspections, and other City services will also be available immediately. Utilities
13 such as gas, electricity, telephone, and water are provided by private utility companies and
14 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
15 sidewalks and street lights which are not in place at the time of annexation will be installed
16 in the presently developed areas upon the request of the property owners and at their expense
17 by means of special assessment districts. Such improvements will be extended into the
18 undeveloped areas as development takes place and the need therefor arises, and will be
19 located according to the needs of the area at that time. Such installations will also be made
20 at the expense of the property owners, either by means of special assessment districts or as
21 prerequisites to the approval of subdivision plats, building permits or other land use or
22 development applications.

23 SECTION 4: The annexation of the described territory shall become
24 effective on the 13th of June, 2008, and on that date the City will have the funds appropriated
25 in sufficient amount to finance the extension into the described territory of police protection,
26 fire protection, street maintenance, street sweeping, and street lighting maintenance.

27 SECTION 5: The described territory, together with the inhabitants and
28 property thereof, shall, from and after the 13th day of June, 2008, be subject to all debts,

laws, ordinances and regulations in force in the City and shall be entitled to the same privileges and benefits as other parts of the City, and shall be subject to municipal taxes levied by the City.

SECTION 6: The City Engineer is hereby instructed to cause to be prepared an accurate map or plat of the described territory and to record the map or plat, together with a certified copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which recording shall be done prior to the 13th day of June, 2008.

SECTION 7: The described territory, which previously has been zoned in accordance with the County of Clark classifications described below, is hereby classified with the City of Las Vegas classifications that are set forth below, which are deemed to be the equivalents of the County classifications:

PROPERTY DESCRIPTION (BY APN)	COUNTY CLASSIFICATION	CITY CLASSIFICATION
126-02-101-005 126-02-402-005 126-02-801-003 126-02-801-006 126-02-801-017	P-F	U (PF)
126-02-101-003 126-02-101-004 126-02-101-006 126-02-101-007 126-02-101-011 126-02-101-012 126-02-101-013 126-02-201-002 126-02-201-004 126-02-201-005 126-02-201-007 126-02-201-009 126-02-201-013 126-02-201-019 126-02-301-003 126-02-301-004 126-02-301-012 126-02-402-001 126-02-402-006 126-02-601-016 126-02-701-011 126-02-701-014 126-02-701-015	R-U	R-E
All other parcels	R-U	U (PCD)

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____,
2008.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Valsted 4-24-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the ____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for
4 recommendation; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2008, which was a _____ meeting of
6 said Council; that at said _____ meeting, the proposed ordinance was
7 read by title to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12 APPROVED:

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
18 City Clerk
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