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8 **BILL NO. 2009-10**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY
11 DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE
12 LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER
RELATED MATTERS. (ANX-27030)

13 Sponsored by: Councilman Steven D. Ross

Summary: Annexes property described as
generally located in the vicinity of State Route
157 (Kyle Canyon Road), in the general area
between Moccasin Road and Rocky Avenue,
east and west of Shaumber Road.

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

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

21 That portion of the North Half (N 1/2), of the Northwest Quarter (NW 1/4), of
22 Section 1, Township 19 South, Range 59 East, M.D.M., in the County of Clark, State
23 of Nevada, being Government Lot 23, Government Lot 24, Government Lot 29,
24 Government Lot 30, Government Lot 31, Government Lot 35, and Government Lot
36, together with the right of way as dedicated by Document Number 920303:00535
of Clark County, Nevada Records, described as follows:

25 COMMENCING at the northwest quarter corner of said Section 1; thence along the
26 north line thereof, North 89°51'09" East 328.84 feet to the POINT OF BEGINNING;
27 thence continuing along said north line, North 89°51'09" East 1,012.01 feet to the west
28 sixteenth corner common to said Section 1, and Section 36, Township 18 South, Range
59 East M.D.M.; thence continuing along the north line of said Section 1,
North 89°51'39" East 657.69 feet; thence departing said north line, South 00°31'51"
West 673.90 feet; thence South 89°50'08" West 664.32 feet; thence South 01°05'39"
West 691.91 feet to the northwest sixteenth corner of said Section 1; thence

1 South 89°33'22" West 671.06 feet; thence North 00°35'01" East 695.08 feet; thence
2 South 89°50'08" West 332.12 feet; thence North 00°51'43" East 674.56 feet to the
POINT OF BEGINNING.

3 BASIS OF BEARINGS: North 89°21'44" East being the bearing of the north line of
4 the Northeast Quarter (NE 1/4) of Section 1, Township 19 South, Range 59 East,
M.D.M., as shown on that Record of Survey in File 123, Page 32 of Clark County,
5 Nevada Records.

6 Prepared by:
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731 S. Fourth Street,
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byu@lasvegasnevada.gov

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

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

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

15 (C) The territory proposed to be annexed is not included within the boundaries of
16 another incorporated city or within the boundaries of any unincorporated town as those boundaries
17 existed as of July 1, 1983;

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

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

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

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

27 (1) In accordance with NRS 268.584, the City Council, on December 17,
28 2008, adopted a resolution of intent to annex, along with the form of a notice of public hearing to be

1 provided to property owners within the annexation area, and set a public hearing for February 4, 2009.

2 (2) In accordance with NRS 268.578 and 268.588, the City Council, on
3 January 7, 2009, approved an annexation report and made it available for inspection and copying
4 thereafter.

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

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

11 (5) In accordance with NRS 268.590, the City Council held a public hearing
12 on February 4, 2009, at which time persons who wished to be heard concerning the matter were given
13 that opportunity. During the public hearing, and within the 15-day period following the public
14 hearing, the number of property owners who protested the annexation, namely zero, was less than a
15 "majority of the property owners" as defined by NRS 268.574(3).

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

18 SECTION 3: The City will provide police protection through the Las Vegas
19 Metropolitan Police Department, fire protection, street maintenance, and library services immediately
20 upon annexation. Garbage collection by the company franchised by the City will also be provided
21 immediately. The City sanitary sewer system will serve the proposed annexation area. Any
22 connection to or extension of this sewer line to serve the annexation area shall be at the expense of
23 the landowners. Other services, such as participation in the City's recreational programs, special
24 education classes and programs, public works planning, building inspections, and other City services
25 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided
26 by private utility companies and other services to the area will not be affected by annexation. Street
27 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation
28 will be installed in the presently developed areas upon the request of the property owners and at their

1 expense by means of special assessment districts. Such improvements will be extended into the
2 undeveloped areas as development takes place and the need therefor arises, and will be located
3 according to the needs of the area at that time. Such installations will also be made at the expense of
4 the property owners, either by means of special assessment districts or as prerequisites to the approval
5 of subdivision plats, building permits or other land use or development applications.

6 SECTION 4: The annexation of the described territory shall become effective on the
7 3rd of June, 2009, and on that date the City will have the funds appropriated in sufficient amount to
8 finance the extension into the described territory of police protection, fire protection, street
9 maintenance, street sweeping, and street lighting maintenance.

10 SECTION 5: The described territory, together with the inhabitants and property
11 thereof, shall, from and after the 3rd day of June, 2009, be subject to all debts, laws, ordinances and
12 regulations in force in the City and shall be entitled to the same privileges and benefits as other parts
13 of the City, and shall be subject to municipal taxes levied by the City.

14 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an
15 accurate map or plat of the described territory and to record the map or plat, together with a certified
16 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which recording
17 shall be done prior to the 3rd day of June, 2009.

18 SECTION 7: The described territory, which previously has been zoned R-U (County
19 of Clark classification), is hereby classified as C-V (City of Las Vegas classification), which is deemed
20 to be the City equivalent of the County classification.

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

1 SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases,
2 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
3 1983 Edition, in conflict herewith are hereby repealed.

4 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 _____
11 BEVERLY K. BRIDGES, CMC
12 City Clerk

13 APPROVED AS TO FORM:

14 Valteed 2-18-09
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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15 ATTEST:

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BEVERLY K. BRIDGES, CMC
17 City Clerk

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