

#44



January 24, 2012

NEW CREATION MINISTRIES ETAL
3925 N MARTIN LUTHER KING BLVD
#206
NO LAS VEGAS NV 89032

APN: 125-11-704-005

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
BOB COFFIN

ELIZABETH N. FRETWELL
CITY MANAGER

JORGE CERVANTES, PE
PUBLIC WORKS DIRECTOR

Subject: Protest Discussion on Special Improvement District No. 1507 –
Jones Boulevard (Elkhorn Road to Horse Drive) and Grand Teton Drive (Maverick
Street to Decatur Boulevard)

Dear Property Owner:

Before and during the Public Hearing at the December 7, 2011 City Council Meeting, several property owners sent protest letters and asked questions in regards to Special Improvement District No. 1507. Public Works has reviewed these and discussed the history of SID 1507 with City Council. The purpose of this letter is to answer these questions and provide additional information on the SID process.

The City of Las Vegas Municipal Code Title 19.02.130 requires property owners to install half width street improvements adjacent to their property. Filing a parcel map or final map to split a parcel, requesting a building permit, Rezoning, Special Use Permit, Variance or Site Development Plan will require these off-site improvements to be constructed or secured by a development agreement or covenant running with the land. The agreement or covenant states that the property owner is aware that the improvements are required and will either install them in the future at the request of the City or participate in a Special Improvement District when one is formed. These covenants are recorded with the Clark County Recorder's Office against the property and should be disclosed in title searches for property transactions. Of the seventy two (72) properties in SID 1507, forty five (45) parcels (63%) had agreements or covenants requiring the installation of the improvements. Developers of residential communities along Jones Boulevard and Grand Teton Drive including Iron Mountain Ranch installed these half width street improvements adjacent to their communities at the time the developments were constructed and rolled the cost of these improvements into the price of each new home. Those parcels with completed improvements were not included in the SID.

Jones Boulevard is a 100-foot wide right-of-way, meaning the adjacent property owners would be responsible for 43-foot wide pavement section, 2-foot wide curb and gutter, 5-foot wide sidewalk section and streetlights if no other funding is available. However, Regional Transportation Commission (RTC) funds from gas tax revenues were used to fund all but an 8-foot wide pavement section thus reducing the amount of obligation by the adjacent property owners. Water laterals were included for those properties whose owners requested them, and water mains were extended with the property owners' consent if needed. Extension of sewer mains would typically be a property owner expense; however, for this project, these

DEPARTMENT OF PUBLIC WORKS
CAPITAL PROJECT MANAGEMENT
SECTION
CITY OF LAS VEGAS
335 N. RANCHO DR., 5TH FLOOR
LAS VEGAS, NEVADA 89106

OFFICE 702.229.8276

TTY: 702.385.9108

www.lasvegasnevada.gov

Submitted At Meeting

Date 1/16/12 Item 44

by Godson Eruchalu

expenses were paid with City of Las Vegas Sanitation funds. Sewer laterals were provided unless property owners refused them to minimize cutting the road in the future. Owners are not required to install a meter until they connect to these laterals in the future. The locations of the water and sewer laterals installed onto a parcel should be indicated by an etching in the top of curb signified by a "W" or "S". All laterals were constructed and final construction plans can be provided upon request.

Informational meetings were held in late 2006 and 2007 to inform property owners of the project and discuss the SID. A certified mailing with the preliminary assessment was sent in early February, 2008 with a notice of public hearing. On March 5, 2008, a public hearing was held and this was the time for the property owners to protest creation of the district, their inclusion in the district, the types of improvements and/or basis of assessment, or present evidence why they did not benefit from the proposed improvements. City Council disposed of these protests on April 2, 2008 and any property owner who did not agree with this decision had 30-days from that time to file suit. The district was created on May 7, 2008. The Preliminary Assessment Roll was recorded in the Clark County Recorder's Office on May 13, 2008 (document no. 20080513:03943) and this placed a "potential lien" on the seventy two parcels in SID 1507. Any title searches after this date should have included this document.

The final assessment is the total of the actual engineering and construction costs that have been spent to build the improvements in the SID. Per Nevada Revised Statutes 271.365, the assessment cannot exceed the maximum benefit established when the district was created or the market value of the property as determined by the governing body. The City used the Clark County Assessor's office market value of record. The final assessments for each tract in SID 1507 were reviewed and are less than the amounts of both of these criteria. Public bonds will be sold to finance the district which allows the property owners to pay the assessment over 20 years rather than all at once. The length of the assessment was based on surveys of the property owners before the district was formed and is consistent with the serviceable life cycle of the pavement and concrete improvements.

The Planning Department was consulted whether any of the parcels fronting Jones Boulevard or Grand Teton Drive were included in a Rural Preservation Area. It was determined that both of these roadways are considered arterial streets and thus excluded from the Rural Preservation Area design standards. A portion of the district is included within the Iron Mountain Ranch Master Plan, and streetlights installed in these areas conformed to the Iron Mountain Ranch design standards. These streetlights are more expensive because they are decorative lights and have a concrete pole. This was discussed in the informal property owner meetings and those in attendance preferred the streetlights match the existing poles on the opposite side of the street.

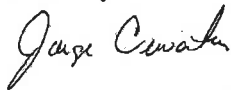
The next item to be considered by City Council is a Resolution Disposing of Protests and Confirming the Final Roll on February 1, 2012. This will be submitted on the consent agenda as is standard practice for this item. **IT IS NOT A PUBLIC HEARING.** The public hearing was properly noticed and held at City Council was on December 7, 2011. This was the time and place to hear evidence related to deficiencies in the construction of the improvements, the validity and correctness of the assessment roll, of each assessment, and of the amount of the assessment levied on each tract. The final assessment for each tract is based on the actual costs for the improvements and did not exceed the reasonable market value for the parcel or the maximum benefit as required by NRS 271.365. Clark County Social Services did not receive any applications for hardship determination. Public Works has

January 24, 2012
SID 1507
Page 3

reviewed the protests submitted before and at the public hearing and is recommending adoption of the resolution without any changes to the final assessment roll.

If you have any additional questions about this Special Improvement District, contact Lorrie Linnert Dunford, Engineering Project Manager, S.I.D. Section, at (702) 229-2136.

Sincerely,

A handwritten signature in black ink, appearing to read "Jorge Cervantes". The signature is fluid and cursive, with the first name "Jorge" and last name "Cervantes" clearly distinguishable.

Jorge Cervantes, PE, PTOE
Director of Public Works

JC:lld

cc: Councilman Ross
David Bowers, PE, PTOE
Lorrie Linnert Dunford, PE