

# City of Las Vegas

RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM  
CITY OF LAS VEGAS INTERNET ADDRESS: [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)  
MARCH 17, 2009  
4:00 P.M.

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2009-9 – Authorizes the administrative issuance of temporary business licenses for privileged businesses. Sponsored by: Councilman Steve Wolfson
4. Bill No. 2009-10 – Annexation No. ANX-27030 – Property location: 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; Petitioned by: Nevada Power Company (NV Energy); Acreage: Approximately 36.60 acres; Zoned: R-U (County zoning), C-V (City equivalent). Sponsored by: Councilman Steven D. Ross
5. Bill No. 2009-11 - Ordinance Creating Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (East of Cimarron Road) Sponsored by: Step Requirement
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2<sup>nd</sup> Floor Skybridge  
Bulletin Board, City Hall Plaza, (next door to Metro Records)  
Las Vegas Library, 833 Las Vegas Boulevard North  
Clark County Government Center, 500 S. Grand Central Parkway  
Grant Sawyer Building, 555 E. Washington Avenue

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**CALL TO ORDER**



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW**



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

Bill No. 2009-9 – Authorizes the administrative issuance of temporary business licenses for privileged businesses. Sponsored by: Councilman Steve Wolfson

**Fiscal Impact**

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

**Amount:**

**Funding Source:**

**Dept./Division:**

**PURPOSE/BACKGROUND:**

Current code provisions authorize the administrative issuance of a temporary license for a limited number of privileged license categories. This bill would expand that authority to apply to all privileged categories. The administratively-issued temporary license would be good for up to 90 days, and could be extended by the City Council for two additional extension periods not to exceed 6 months each.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2009-9
2. Business Impact Statement

1 **BILL NO. 2009-9**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO AUTHORIZE THE ADMINISTRATIVE ISSUANCE OF TEMPORARY  
4 BUSINESS LICENSES FOR PRIVILEGED BUSINESSES, AND TO PROVIDE FOR OTHER  
RELATED MATTERS.

5 Sponsored by: Councilman Steve Wolfson

Summary: Authorizes the administrative  
issuance of temporary business licenses for  
privileged businesses.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN  
8 AS FOLLOWS:

9 SECTION 1: Title 6, Chapter 6, Section 51, of the Municipal Code of the City of Las  
10 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.06.051:** (A) At the request of an applicant, the [City Council or, as authorized by Subsection  
12 (C), the] Director may grant a temporary license, effective for a period not to exceed ninety days,  
13 pending the [Council's decision] City Council's action regarding a license application in order for the  
14 Council to determine:

15 (1) The applicant's fitness for a license; and

16 (2) The appropriateness of the applicant's business location.

17 (B) A temporary license shall not be granted under this Section unless:

18 (1) All principals required to be approved for suitability have submitted a  
19 complete investigation packet for determination of suitability and paid all applicable fees;

20 (2) The Director makes a preliminary finding that all of the principals of  
21 the business are suitable; and

22 (3) The applicant has submitted a completed and accurate license  
23 application and has paid all required application fees.

24 [(C) The Director shall have the authority to issue temporary licenses under this  
25 Section for business licenses within the following categories:

26 (1) Ice cream truck;

27 (2) Mobile food vendor; and

28 (3) Reflexology.]

1                   SECTION 2: Title 6, Chapter 6, Section 52, of the Municipal Code of the City of Las  
2 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **6.06.052:**       (A)     Prior to the expiration of a temporary license issued under LVMC 6.06.051, [A]  
4 the temporary license may be [issued initially] extended by the City Council for [a] an initial extension  
5 period of not to exceed six months.

6                   (B)     The City Council may grant one additional extension of a temporary license for  
7 a period not to exceed six months.

8                   (C)     When granting a temporary license or extension thereof, the City Council may  
9 impose any special conditions and restrictions it deems appropriate.

10                  SECTION 3: Title 6, Chapter 6, Section 53, of the Municipal Code of the City of Las  
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.06.053:**       During a temporary licensing period the applicant shall comply with any requirement  
13 imposed by this Code, or other local, State or Federal law or regulation and any special conditions and  
14 restrictions imposed by the Director or the City Council.

15                  SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or  
16 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
17 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
18 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
19 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
20 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
21 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
22 invalid or ineffective.

23 ...

24 ...

25 ...

26 ...

27 ...

28 ...

SECTION 5: 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 \_\_\_\_\_, 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC  
City Clerk

APPROVED AS TO FORM:

Valsted 2-18-09  
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: \_\_\_\_\_

11

12 APPROVED:

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14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, CMC  
City Clerk

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**BUSINESS IMPACT STATEMENT**  
**BILL NO. 2009-9**  
**(Authorizes the administrative issuance of temporary business**  
**licenses for privileged businesses)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-9 , that will authorize the administrative issuance of temporary business licenses for privileged businesses.

**1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

Not applicable. Unable to identify businesses that might be affected, particularly any that might be affected negatively.

**2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

**Adverse effects:**

Unable to identify

**Beneficial effects:**

Shortened time periods for commencing business

**Direct effects:**

Shortened time periods for commencing business

**Indirect effects:**

Shortened time periods for commencing business

**3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:**

Not applicable

**4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:**

No additional cost

**5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:**

Not applicable

**6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:**

Not applicable

**7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:**

Not applicable

Date: February 18, 2009

**AGENDA SUMMARY PAGE****RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY ATTORNEY****DIRECTOR: BRADFORD R. JERBIC**☐ Consent ☒ Discussion**SUBJECT:**

Bill No. 2009-10 – Annexation No. ANX-27030 – Property location: 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; Petitioned by: Nevada Power Company (NV Energy); Acreage: Approximately 36.60 acres; Zoned: R-U (County zoning), C-V (City equivalent). Sponsored by: Councilman Steven D. Ross

**Fiscal Impact**☒**No Impact**☐**Augmentation Required**☐**Budget Funds Available****Amount:****Funding Source:****Dept./Division:****PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property 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. The annexation is at the request of the private property owner within the annexation area, with a statement of non-objection having been filed by the Bureau of Land Management as to the parcels it owns. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 3, 2009) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2009-10 and Location Map

1  
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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:  
7 Brian Yu, PLS  
8 Public Works, City of Las Vegas,  
731 S. Fourth Street,  
Las Vegas, NV 89101  
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": \_\_\_\_\_

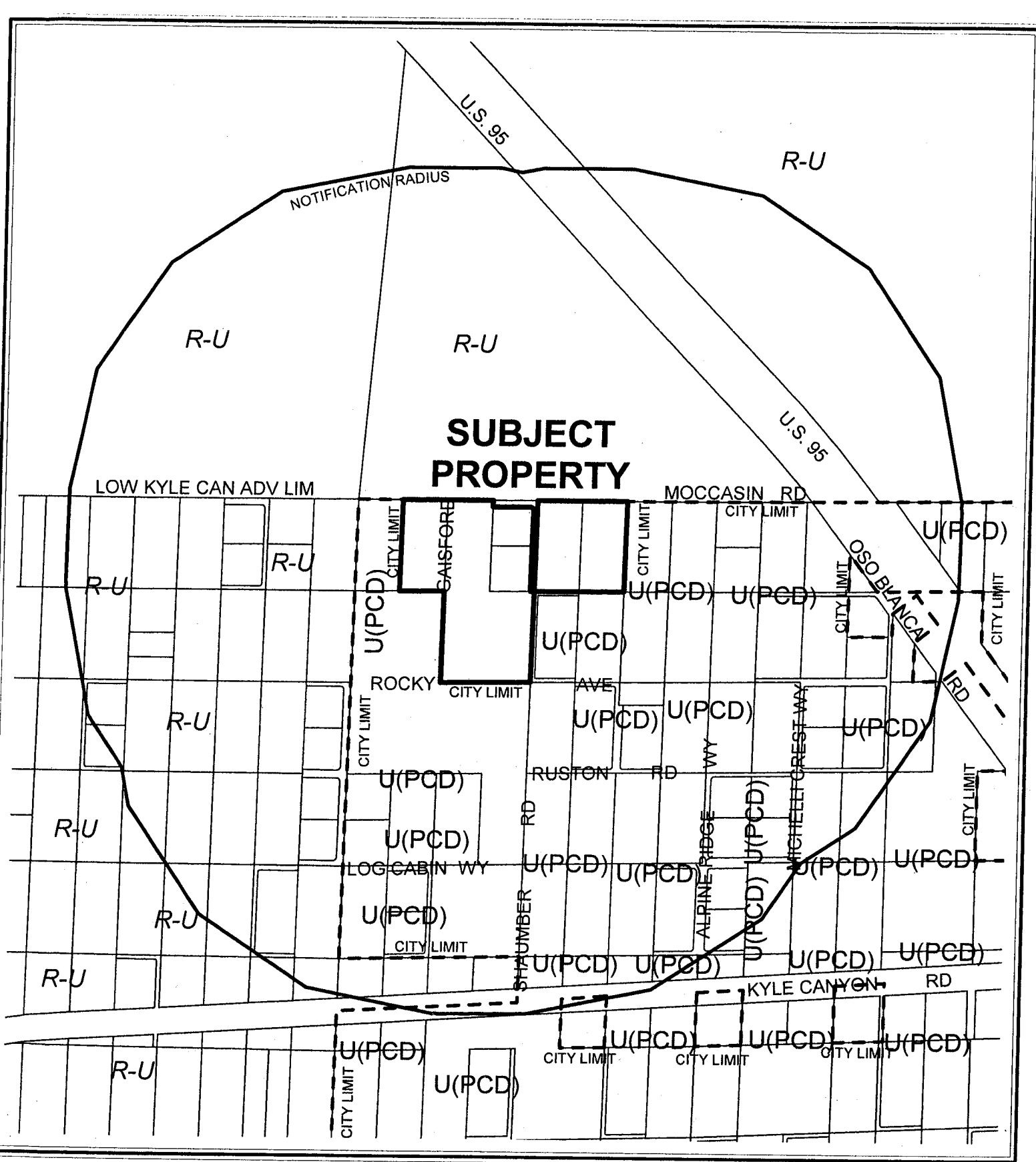
10 ABSENT: \_\_\_\_\_

11  
12 APPROVED:

13 By \_\_\_\_\_  
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 \_\_\_\_\_  
17 BEVERLY K. BRIDGES, CMC  
City Clerk



CASE: **ANX-27030**  
RADIUS: 2500 FT

0 1000 Feet



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

☐ Consent ☒ Discussion

**SUBJECT:**

Bill No. 2009-11 - Ordinance Creating Special Improvement District No. 1513 - Via Olivero Avenue and Valadez Street (East of Cimarron Road) Sponsored by: Step Requirement

**Fiscal Impact**

☐

No Impact

☒

Augmentation Required

☐

Budget Funds Available

**Amount:** \$319,107.49

**Funding Source:** Capital Projects Fund - Special Assessments

**Dept./Division:** Public Works/SID

**PURPOSE/BACKGROUND:**

The construction and installation of pavement, "L" type curb and gutter, sidewalks, and driveways.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2009-11

BILL NO. \_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1513 – VIA OLIVERO AVENUE AND VALADEZ STREET (EAST OF CIMARRON ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the City of Las Vegas, Nevada, Special Improvement District No. 1513 Via Olivero Avenue and Valadez Street (east of Cimarron Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in NRS 271.225, and a Water Project as defined in NRS 271.250, (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessments are to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer together with the City Engineer Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, or if not known, stating the name is "unknown"; a description of each lot,

tract, or parcel of land to be assessed; the market value of each lot; the amount of the estimated assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written complaint, protest or objection on or before Friday, January 30, 2009, and to appear before the City Council on Wednesday, February 4, 2009, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that there are not more than 2,640-feet between existing improvements and that the exception provided by NRS 271.306(2) (b) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and



WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1513 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work and to create the District by this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS:

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1513 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1513 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the "City of Las Vegas, Nevada, Special Improvement District No. 1513 – Via Olivero Avenue and Valadez Street (east of Cimarron Road)" for the purpose of acquiring a Project as more particularly described

below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below). The streets to be improved by the improvements are:

Via Olivero Avenue (NORTH SIDE) - from the centerline of Cimarron Road east along Via Olivero Avenue to the centerline of Valadez Street (60-foot right-of-way).

Valadez Street (WEST SIDE) – from the centerline of Via Olivero Avenue north approximately 346 feet. (60-foot right-of-way).

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The project will consist of the grading, regrading, graveling, and asphalt paving as necessary for approximately 23 feet of roadway width, "L" type curb and gutter, sidewalks, and residential driveway approaches. At the request of the owners of property in the District water and sewer laterals will be installed from existing or proposed main lines in Via Olivero Avenue and Valadez Street to such property (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee and are annexed to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The City Council has determined that a portion of the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

| Total Cost    | Estimated Amount of Special Assessments | Amount Available from Other Sources |
|---------------|-----------------------------------------|-------------------------------------|
| \$ 319,107.49 | \$ 319,107.49                           | \$ 0.00                             |



The amounts to be assessed for the Project will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, and residential driveways. Each property owner will be assessed for the cost of a pavement section, curb, gutter, sidewalks, and driveway approaches, where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1513 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in forty (40) substantially equal semi-annual installments of principal and interest. The City Director of Finance and



Business Services shall provide the rate of interest on unpaid installments of assessments which will not exceed the maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate will not exceed 9%.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the Clark County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before the adoption of this Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1513 – VIA OLIVERO AVENUE AND VALADEZ STREET (EAST OF CIMARRON ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of March, 2009, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 1st day of April, 2009.

/s/ Beverly K. Bridges  
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1513 – VIA OLIVERO AVENUE AND VALADEZ STREET (EAST OF CIMARRON ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on March 4, 2009, and was passed at a regular meeting held on April 1, 2009, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman  
Gary Reese  
Steve Wolfson  
Lois Tarkanian  
Steven D. Ross  
Ricki Y. Barlow  
David W. Steinman (Interim)

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

This Ordinance shall be in full force and effect from and after April 5, 2009, i.e., the day after its publication by title only.

**IN WITNESS WHEREOF**, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This \_\_\_\_\_ day of \_\_\_\_\_, 2009.

/s/ OSCAR B. GOODMAN  
Mayor  
City of Las Vegas, Nevada

(SEAL)

Attest:  
/s/ BEVERLY K. BRIDGES  
City Clerk



Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

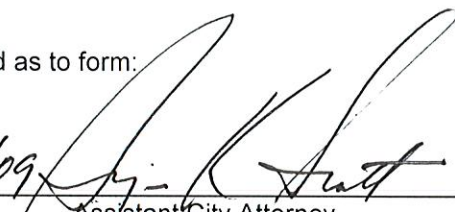
Introduced March 4, 2009, PASSED, ADOPTED AND APPROVED April 1, 2009.

\_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

Attest:

\_\_\_\_\_  
Beverly K. Bridges, CMC  
City Clerk

Approved as to form:

2/10/09   
Date Assistant City Attorney

STATE OF NEVADA            )  
                                      )  
COUNTY OF CLARK         ) SS  
                                      )  
CITY OF LAS VEGAS        )

I, Beverly K. Bridges, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on March 4, 2009, and finally adopted and approved on April 1, 2009.

2. The following members of the City Council were present at the March 4, 2009, Council meeting:

|                 |                             |
|-----------------|-----------------------------|
| Mayor:          | Oscar B. Goodman            |
| Councilmembers: | Gary Reese                  |
|                 | Steve Wolfson               |
|                 | Lois Tarkanian              |
|                 | Steven D. Ross              |
|                 | Ricki Y. Barlow             |
|                 | David W. Steinman (Interim) |

3. The foregoing Ordinance was first proposed and read by title to the City Council on March 4, 2009, and referred to a committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said committee reported favorably on said Ordinance on April 1, 2009, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the April 1, 2009, meeting and voted upon the adoption of the Ordinance as follows:

|                   |                             |
|-------------------|-----------------------------|
| Those Voting Aye: | Oscar B. Goodman            |
|                   | Gary Reese                  |
|                   | Steve Wolfson               |
|                   | Lois Tarkanian              |
|                   | Steven D. Ross              |
|                   | Ricki Y. Barlow             |
|                   | David W. Steinman (Interim) |

|                   |       |
|-------------------|-------|
| Those Voting Nay: | _____ |
|                   | _____ |

|               |       |
|---------------|-------|
| Those Absent: | _____ |
|               | _____ |

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on March 4, 2009, and April 1, 2009. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board  
City Hall Plaza  
2<sup>nd</sup> Floor Skybridge  
Las Vegas, Nevada
- (ii) Bulletin Board  
City Hall Plaza (next door to Metro Records)  
Las Vegas, Nevada
- (iii) Las Vegas Library  
833 Las Vegas Boulevard North  
Las Vegas, Nevada
- (iv) Clark County Government Center  
500 South Grand Central Parkway  
Las Vegas, Nevada
- (v) Grant Sawyer Building  
555 E. Washington Avenue  
Las Vegas, Nevada
- (vi) The City of Las Vegas website

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on March 4, 2009, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on April 1, 2009, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this April 1, 2009.



---

BEVERLY K. BRIDGES, CMC  
City Clerk

(SEAL)

**EXHIBIT A**

**(Attach Copy of Notice of March 4, 2009 Meeting)**

**EXHIBIT B**

**(Attach Copy of Notice of April 1, 2009 Meeting)**

**EXHIBIT C**

**(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)**

**EXHIBIT D**

**(Attach Affidavit of Publication of Title of Creation Ordinance)**

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**

**CITIZENS PARTICIPATION:** Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: MARCH 17, 2009**

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**DEPARTMENT: CITY CLERK**

**DIRECTOR: BEVERLY K. BRIDGES**

☐ Consent ☒ Discussion

**SUBJECT:**  
**ADJOURNMENT**

