City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS · 495 SOUTH MAIN STREET · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
COUNCIL MEMBERS: CAROLYN G. GOODMAN, MAYOR (At-Large)
COUNCILMAN STAVROS S. ANTHONY, MAYOR PRO TEM (Ward 4)
LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6), RICKI Y. BARLOW (Ward 5)
BOB COFFIN (Ward 3), Ward 2 (Vacant)

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. 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. The City's TDD number is 386-9108.

March 21, 2012

Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

THE MAYOR AND CITY COUNCIL WELCOME YOUR ATTENDANCE, PUBLIC COMMENT RELATED TO THE ITEMS ON THE AGENDA AND CITIZEN PARTICIPATION ON ITEMS UNDER THE JURISDICTION OF THE CITY COUNCIL AT THIS MEETING. IF YOU WISH TO SPEAK, WE RESPECTFULLY ASK YOU TO COMPLETE AND SUBMIT A SPEAKER CARD TO THE CITY CLERK. CARDS ARE AVAILABLE ONLINE, IN THE CLERK'S OFFICE OR AT THE FRONT OF THE CHAMBERS AS YOU ENTER.

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. PLEASE NOTE SOME CUSTOMERS OF COX COMMUNICATIONS WHO DO NOT HAVE A CABLE BOX CAN VIEW THIS MEETING ON DIGITAL CHANNEL 89.5. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

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

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

1. CALL TO ORDER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

3. INVOCATION – PASTOR KHOSROW ALIGHCHI, EVANGELICAL FRIENDS CHURCH

4. PLEDGE OF ALLEGIANCE

5. RECOGNITION OF THE EMPLOYEE OF THE MONTH

6. ACCEPTANCE OF A DONATION FROM THE INTERNATIONAL CODE COUNCIL TO FUND TODDLER SWIM LESSONS

7. RECOGNITION OF AMERICAN RED CROSS MONTH

8. RECOGNITION OF THE ZELZAH SHRINERS OF LAS VEGAS

BUSINESS ITEMS - MORNING

PUBLIC COMMENT

9. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

BUSINESS ITEMS

10. For Possible Action - Any items from the morning session that the Council, staff and/or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

11. For possible action to approve the Final Minutes by reference of the Special City Council meeting of February 6, 2012 and the regular City Council meeting of March 7, 2012

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

ECONOMIC AND URBAN DEVELOPMENT - CONSENT

12. For possible action to approve an Errata Amendment between the City of Las Vegas, Nevada, a political subdivision of the State of Nevada, and City Hall, LLC, a Delaware limited liability company, for the sale of land and improvements at 400 Stewart Avenue and 221 North Las Vegas Boulevard and purchase option for vacant parcels northeast of Las Vegas Boulevard and Stewart Avenue, totaling approximately 6.88 acres - Ward 5 (Barlow)

FINANCE - CONSENT

13. For possible action to approve Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

14. For possible action to approve a Notice of Intent to Augment and Amend the Fiscal Year 2012 annual budget of the City of Las Vegas General Fund

FINANCE - PURCHASING & CONTRACTS CONSENT

15. For possible action to revise Purchase Order No. 295034, Temporary Oracle Developer Professional Services - Department of Information Technologies - Award recommended to: ROBERT HALF INTERNATIONAL, INC. ($20,600 - Computer Services Internal Services Fund) - All Wards

16. For possible action to approve Bid No. 11.53541.04-EV, Durango Hills Resource Center Improvements located at 3271 North Durango Drive and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: J.A. TIBERTI CONSTRUCTION COMPANY, INC. ($9,087,000 - Sanitation Enterprise Fund) - Ward 4 (Anthony)

17. For possible action to approve award of Modification No. 4 to Contract No. 040250-LW, Large Case Management and Utilization Review Services - Department of Human Resources - Award recommended to: MEDICAL MANAGEMENT SPECIALISTS, LLC ($72,000 - Employee Benefits Internal Services Fund)

OPERATIONS AND MAINTENANCE - CONSENT

18. For possible action to approve a Third Amendment to the Lease Agreement between the City of Las Vegas and the Las Vegas Indian Center, Inc. which will provide for overflow parking for the Development Services Center and will amend the legal description of property located at 2300 West Bonanza Road - Ward 5 (Barlow)

19. For possible action to approve staff to quitclaim real property and easement interests to the City of North Las Vegas on Martin Luther King Boulevard north of Carey Avenue, with regard to the Martin Luther King Boulevard Improvement Project, for APN 139-16-899-020 and a portion of 139-16-801-007 - North Las Vegas, near Ward 5 (Barlow)

PLANNING - BUSINESS SERVICES CONSENT

20. ABEYANCE ITEM - For possible action to approve an Extension of a Temporary Class II Secondhand Dealer License, Main Street California LLC dba REUSEIT, 1201 South Main Street, Cima Mizrachi, Mgr 100% - Ward 3 (Coffin)

21. For possible action to approve a Beer/Wine/Cooler On-Sale License, BJC Enterprises LLC dba Fremont Mediterranean Cafe, 450 Fremont Street, Suite 123, Bernard Joseph Cheater, Mmbr, Mgr 100% - Ward 5 (Barlow)

22. For possible action to approve an Extension of a Temporary Beer/Wine/Cooler On-Sale License, A L Y LLC dba Panini Cafe, 2521 South Fort Apache Road, Suites 100 and 101, Dror Midany, Mgr, Mmbr 50%, Izhak Kalderon, Mgr, Mmbr 50% - Ward 2 (Vacant)

23. For possible action to approve a Tavern License for a Change of Ownership, FROM: Rampart Resort Management, LLC, TO: Hotspur Resorts Nevada, LTD dba Rampart Casino at the Resort at Summerlin, 221 North Rampart Boulevard, Hotspur Resorts Nevada, Inc., Owner 100%, Thaddas L. Alston, Pres, Secy, Treas, Dir - Ward 2 (Vacant)

24. For possible action to approve a New Non-Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Hotspur Casinos Nevada, Inc. dba Rampart Casino at the Resort at Summerlin, 221 North Rampart Boulevard, Hotspur Resorts Nevada, LTD, Owner 100%, Thaddas L. Alston, Pres, Secy, Treas, Dir - Ward 2 (Vacant)

25. For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Silver Saddle Inc. dba Club 2100, 2100 Fremont Street, Suite 110, Saeed Shakeri 2008 Gaming Trust, Owner 100%, Saeed Shakeri, Pres, Secy, Treas, Settlor-Trustee - Ward 3 (Coffin)

26. For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Golden Route Operations, LLC db at Resnick's Grocery, 900 South Las Vegas Boulevard, Suite 120, Golden Gaming Inc., Owner 100%, Matthew Flandermeyer, VP, CFO - Ward 3 (Coffin)

27. For possible action to approve a New Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Nevada Gaming Partners, LLC db at Durango Market, 6955 North Durango Drive, Suite 1114, Bruce I. Familian, Mgr, Mmbr 65%, Jon M. Athey, Mmbr 35% - Ward 6 (Ross)

28. For possible action to approve an Extension of a Temporary Massage Establishment Ancillary License, Sola Salons Summerlin LLC dba Sola Salons, 8975 West Charleston Boulevard, Suite 130, Russell Grant Nordstrom, Mgr 50%, Ralph Gunn Campbell, Mgr 50% - Ward 2 (Vacant)

29. For possible action to approve a Pistol Permit, Sportsman’s Warehouse, Inc. dba Sportsman’s Warehouse, 5647 Centennial Center Boulevard, Sportsman’s Warehouse Holdings, Inc. (Utah), Owner 100%, Chris Utgaard, Pres, Matthew G. French, Secy, Kevan Talbot, Treas, John Schaefer, Dir - Ward 6 (Ross)

30. For possible action to approve an Extension of a Temporary Secondhand Dealer Class III A License, Shalewis Holdings, LLC dba Golden Trade, 1750 North Buffalo Drive, Suite 110, Ygal Sharoni, Managing Mmbr 100% - Ward 1 (Tarkanian)

PUBLIC WORKS - CONSENT

31. For possible action to approve Amendments No. 6 to the Grant and Cooperative Agreements L04AC13847 and L06AC12980 between the City of Las Vegas and the Bureau of Land Management (BLM) to extend the contract date to December 31, 2013 for the Las Vegas Bonanza Trails project funded under the Southern Nevada Public Lands Management Act (SNPLMA), located along Summerlin Parkway and US-95, west of Buffalo Drive to Valley View Boulevard – Wards 1, 4 and 5 (Tarkanian, Anthony and Barlow)

RESOLUTIONS - CONSENT

32. R-19-2012 - For possible action to approve an Amended Resolution Establishing the Green Building Special Revenue Fund - All Wards

33. R-20-2012 - For possible action to approve a Resolution authorizing the City Manager, or a designee, to donate City of Las Vegas funds to a charitable organization under certain circumstances - All Wards

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

34. Report for possible action regarding the unfunded liabilities of the City- All Wards

PLANNING - BUSINESS SERVICES DISCUSSION

35. ABEYANCE ITEM - Discussion for possible action regarding a Beer/Wine/Cooler Off-Sale License, Mulugeta Bour dba CJ Market, 1000 South Torrey Pines Drive, Suite A, Mulugeta Kebede Bour, Owner 100% - Ward 1 (Tarkanian)

BOARDS & COMMISSIONS - DISCUSSION

36. ABEYANCE ITEM - For Possible Action - CIVIL SERVICE BOARD OF TRUSTEES – Priscilla Rocha, Term Expiration 2-21-2012

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

37. Bill No. 2012-12 - For Possible Action - Updates various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles. Sponsored by: Mayor Carolyn G. Goodman

38. Bill No. 2012-13 - For Possible Action - Authorizes the issuance of the City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (additionally secured by pledged revenues), Series 2012B for the purpose of refunding certain outstanding bonds

39. Bill No. 2012-14 - For Possible Action - Authorizes the issuance by the City of Las Vegas, Nevada of its General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A in the aggregate principal amount of not to exceed $8,500,000 for the purpose of acquiring, constructing improving and equipping street projects related to the reopening of F Street

40. Bill No. 2012-15 - For Possible Action - Authorizes the issuance of the City of Las Vegas, Nevada General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (additionally secured by pledged revenues), Series 2012C for the purpose of refunding certain outstanding bonds

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

41. Bill No. 2012-2 - Establishes the means of allowing the use "community garden" in certain residential, commercial and industrial zoning districts. (TXT-43411) Sponsored by: Councilman Ricki Y. Barlow

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

42. Bill No. 2012-16 – Amends the Downtown Centennial Plan to update the approval process for outdoor dining and entertainment; conform provisions regarding temporary outdoor events in the district known as "18b The Las Vegas Arts District" to other applicable Code provisions; and clarify that the Symphony Park area is a subdistrict of the Parkway Center District. (TXT-41610, TXT-43042, TXT-43393) Proposed by: Flinn Fagg, Director of Planning

CLOSED SESSION

43. Closed Session - A closed meeting in accordance with NRS 288.220 to discuss labor issues

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

44. For Possible Action - Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

HEARINGS - DISCUSSION

45. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 4712 Dover Place for fees in the amount of $4,010.25 (General Fund) and assess a maximum of $27,950 in daily and failed inspection civil penalties for a total of $31,960.25. PROPERTY OWNER: FRANCISCO ONGACO - Ward 1 (Tarkanian)

46. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 2713 Howard Drive for fees in the amount of $4,474.25 (General Fund), and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $32,124.25. PROPERTY OWNER: THOMAS GUY CONTE JR - Ward 3 (Coffin)

47. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1401 Ardmore Street for fees in the amount of $2,706.50 (General Fund) and assess a maximum of $25,000 in daily and failed inspection civil penalties for a total of $27,706.50. PROPERTY OWNER: EVALE INVESTMENTS LLC C/O EDWIN C B VALENTIN - Ward 3 (Coffin)

48. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of Dangerous Building Demolition located at 827 Hassell Avenue for fees in the amount of $23,858.65 (General Fund) and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $51,508.65. PROPERTY OWNER: MARION D BENNETT - Ward 5 (Barlow)

49. Public Hearing for possible action to consider a request for a waiver and/or reduction of fees totaling $2,381.25 recorded against the property and civil penalties in the amount of $42,000, pending recording against the property, for a total of $44,381.25 for property located at 1923 South 6th Street. PROPERTY OWNER: AMTRUST REO I LLC C/O RESIDENTIAL CREDIT SOLUTIONS - Ward 3 (Coffin)

PLANNING

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING - ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE CITY COUNCIL NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

50. RQR-44040 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC. - For possible action on a Required Review of an approved Special Use Permit (SUP-3269) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 1203 East Sahara Avenue (APN 162-02-401-001), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

51. RQR-44049 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: MER-CAR CORPORATION - For possible action on a Required Review of an approved Special Use Permit (SUP-2290) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 4506 East Charleston Boulevard (APN 140-32-401-006), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

52. RQR-44051 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST - For possible action on a Required Review of an approved Special Use Permit (SUP-2467) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 208 East Sahara Avenue (APN 162-03-413-023), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

53. RQR-44084 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS - For possible action on a Required Review of an approved Special Use Permit (U-0171-89) FOR A 40-FOOT TALL, 12-FOOT BY 24-FOOT OFF-PREMISE SIGN at 1323 South Main Street (APN 162-03-110-088), C-M (Commercial/Industrial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PLANNING - DISCUSSION

54. RQR-44401 - ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LESLEE WILBURN - OWNER: LUKE LOBATO, LLC - For possible action on a request for a Required Review of a previously approved Special Use Permit (SUP-38866) FOR A 775 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS OF THE DISTANCE SEPARATION REQUIREMENTS TO ALLOW 100 FEET FROM A SCHOOL WHERE 400 FEET IS REQUIRED, ZERO FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED, AND 230 FEET FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 9061 West Sahara Avenue, Suite #104 (APN 163-08-121-019), C-1 (Limited Commercial) Zone, Ward 2 (Vacant). Staff recommends APPROVAL.

55. VAR-43723 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC - For possible action on a request for a Variance TO ALLOW TEN 210 SQUARE-FOOT PROJECTING SIGNS ON AN EXISTING BUILDING WHERE EIGHT SIGNS WITH A MAXIMUM AREA OF 32 SQUARE FEET PER SIGN ARE ALLOWED at 321 South Casino Center Boulevard (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

56. VAR-43956 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: WISEMAN LIVING TRUST - For possible action on a request for a Variance TO ALLOW A THREE-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND A SIX-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED ATTACHED CARPORT on 0.14 acres at 2300 East Mesquite Avenue (APN 139-35-513-022), R-1 (Single Family Residential) Zone, Ward 3 (Coffin). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

57. VAR-43359 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Variance TO ALLOW 21 PARKING SPACES WHERE 27 PARKING SPACES ARE REQUIRED on 0.88 acres at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

58. SUP-43358 - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-43359 - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Special Use Permit FOR A CAR WASH, FULL SERVICE OR AUTO DETAILING at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone , Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

59. SDR-43360 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-43359 AND SUP-43358 - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 3,985 SQUARE-FOOT CAR WASH, FULL SERVICE OR AUTO DETAILING on 0.88 acres at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone , Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

60. SUP-43987 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC - For possible action on an Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER at 1200 East Charleston Boulevard and 1125 South Maryland Parkway (APNs 162-02-110-015 and 018), C-2 (General Commercial) Zone, Ward 3 (Coffin). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

61. ROC-44234 - ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: SLE INVESTMENTS, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (U-0052-99) TO DELETE CONDITION #3 WHICH STATES, "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE SHALL BE PROHIBITED" at 6698 Sky Pointe Drive (APN 125-21-710-002), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends DENIAL.

62. SUP-43285 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: ROCK SPRING PLAZA, LLC - For possible action on a request for a Special Use Permit FOR A 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 7175 West Lake Mead Boulevard (APN 138-22-701-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

63. SUP-44154 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NADA HAMIKA - OWNER: BONANZA/LAMB BUSINESS PK - For possible action on a request for a Special Use Permit FOR A 20 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 1,680 SQUARE-FOOT CONVENIENCE STORE at 4550 East Bonanza Road, Suite A (APN 140-29-411-217), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (5-1 vote) and Staff recommend APPROVAL.

64. SUP-44164 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WGTO, INC. - OWNER: 7-ELEVEN, INC. - For possible action on a request for a Special Use Permit FOR A 12 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 2,940 SQUARE-FOOT CONVENIENCE STORE at 1601 West Oakey Boulevard (APN 162-04-603-001), M (Industrial) Zone, Ward 3 (Coffin). The Planning Commission (5-1 vote) and Staff recommend APPROVAL.

65. SUP-44165 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC - For possible action on a request for a Special Use Permit FOR A 29 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING MOTEL at 1213 South Las Vegas Boulevard (APN 162-03-112-028), C-2 (General Commercial) and C-1 (Limited Commercial) Zones, Ward 3 (Coffin). The Planning Commission (5-0-1 vote) and Staff recommend APPROVAL.

66. SUP-44167 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,958 SQUARE-FOOT TAVERN-LIMITED ESTABLISHMENT WITH A 1,055 SQUARE-FOOT OUTDOOR SEATING AREA at 525 East Fremont Street (APN 139-34-611-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

67. ROC-44510 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: WAL-MART STORES, INC. DBA WAL-MART #3655 - OWNER: WAL-MART REAL ESTATE BUSINESS TRUST - For possible action on a request for a Review of Condition of a previously approved Special Use Permit (SUP-3653) TO DELETE CONDITIONS #6 AND #7 THAT STATE "THE SALE OF ALCOHOLIC BEVERAGES SHALL BE LIMITED TO THE SALE OF BEER AND WINE ONLY," AND "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATION AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED" at 10440 West Cheyenne Avenue (APN 137-12-817-002), PD (Planned Development) Zone, Ward 4 (Anthony). Staff recommends APPROVAL.

68. SDR-44168 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: WSC REO, LLC - For possible action on a request for a Major Amendment to an approved Site Development Plan Review (SDR-18693) FOR A PROPOSED 2,800 SQUARE-FOOT RESTAURANT (WITH DRIVE-THROUGH) WITH WAIVERS TO ALLOW NO LANDSCAPE BUFFER ALONG THE NORTH AND WEST PERIMETERS WHERE EIGHT FEET IS REQUIRED on approximately 0.77 acres at the northwest corner of Sahara Avenue and Richfield Boulevard (APN 162-05-403-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

SET DATE

69. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

70. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL 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

COUNCIL MEMBER RECOGNITION

71. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

City of Las Vegas Agenda Item No.: **1.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
CALL TO ORDER

City of Las Vegas

Agenda Item No.: **2.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

City of Las Vegas Agenda Item No.: **3.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
INVOCATION – PASTOR KHOSROW ALIGHCHI, EVANGELICAL FRIENDS CHURCH

City of Las Vegas Agenda Item No.: **4.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
PLEDGE OF ALLEGIANCE

City of Las Vegas Agenda Item No.: **5.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE EMPLOYEE OF THE MONTH

City of Las Vegas Agenda Item No.: **6.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

ACCEPTANCE OF A DONATION FROM THE INTERNATIONAL CODE COUNCIL TO FUND TODDLER SWIM LESSONS

City of Las Vegas Agenda Item No.: **7.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF AMERICAN RED CROSS MONTH

City of Las Vegas Agenda Item No.: **8.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:
RECOGNITION OF THE SHRINERS OF LAS VEGAS

City of Las Vegas Agenda Item No.: **9.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

City of Las Vegas

Agenda Item No.: **10.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

For Possible Action - Any items from the morning session that the Council, staff and/or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **11.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BUSINESS ITEMS:

For possible action to approve the Final Minutes by reference of the Special City Council meeting of February 6, 2012 and the regular City Council meeting of March 7, 2012

City of Las Vegas Agenda Item No.: **12.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: ECONOMIC AND URBAN DEVELOPMENT
DIRECTOR: WILLIAM ARENT ☒ **Consent** ☐ **Discussion**

SUBJECT:

For possible action to approve an Errata Amendment between the City of Las Vegas, Nevada, a political subdivision of the State of Nevada, and City Hall, LLC, a Delaware limited liability company, for the sale of land and improvements at 400 Stewart Avenue and 221 North Las Vegas Boulevard and purchase option for vacant parcels northeast of Las Vegas Boulevard and Stewart Avenue, totaling approximately 6.88 acres - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:

On June 15, 2011, the City Council approved the Comprehensive Amendment to Disposition and Development Agreement with Resort Gaming Group, LLC, and on February 1, 2012 approved the Amended and Restated Disposition and Development Agreement. This Errata Amendment corrects signature blocks, notice information, exhibit lettering, parties to Parking Lease, definition of terms and substitutes an exhibit. (APNs 139-34-501-003, -019, -020, -512-001, -004, -005, -008, -009 to -015, -018 to -025, -034 to -039, -048, -050 to -053, -055, -056, -099 and -100).

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Errata Amendment
2. Disclosure of Principals

ERRATA AMENDMENT

[Amended and Restated Disposition and Development Agreement]

THIS ERRATA AMENDMENT (this "*Amendment*") is entered as of the dates set forth below by and between the CITY OF LAS VEGAS, NEVADA, a political subdivision of the State of Nevada (the "*City*"), and CITY HALL LLC, a Delaware limited liability company, ("*Developer*"), as Parties to that certain Amended and Restated Disposition and Development Agreement dated effective February 1, 2012(the "*DDA*"). The City and the Developer hereby make the following corrective amendments to the DDA:

1. The signature block for the Developer is corrected to read as follows in the DDA and the Exhibits thereto (as applicable):

CITY HALL LLC, a
Delaware limited liability company

By: Resort Gaming Group, LLC, a
Nevada limited liability company,
its Managing Member

By: _____
Andrew B. Donner
Manager

2. The signature block for City Hall Option is corrected to read as follows in the Option and Option Assignment:

CITY HALL OPTION LLC, a
Delaware limited liability company

By: Resort Gaming Group, LLC, a
Nevada limited liability company,
its Managing Member

By: _____
Andrew B. Donner
Manager

3. The Developer representation and warranty set forth in Section 11.2 of the DDA is corrected to read as follows: "Developer is a limited liability company duly organized and existing, and in good standing, under the laws of the State of Delaware, and is qualified to transact business in the State of Nevada."

4. The notice address for the Developer and City Hall Option in the DDA and the Exhibits thereto is corrected to read as follows post-Closing:

PO Box 1570
Las Vegas, NV 89125

5. The notice address for Mr. Niarchos in the DDA and the Exhibits thereto is corrected to read as follows:

Rosenfeld, Bauman & Forbes
401 North Buffalo Drive, Suite 100
Las Vegas, Nevada 89145
Phone: (702) 386-8637
Attn: Michael C. Niarchos, Esquire

6. Paragraph 1(n) of the Option is corrected to revise the Exhibit lettering for the definitions of "Option Parcel(s)," the "Developer Option Parcel(s)" and the "End User Option Parcel(s)" to read Exhibit B (rather than Exhibit B-1) and to substitute Exhibit B attached to this Amendment for Exhibit B attached to the Option. Paragraph 1(n) of the Option Assignment is corrected to revise the Exhibit lettering for the definition of "Option Parcel(s)" to read Exhibit B (rather than Exhibit A-1), and to substitute Exhibit B attached to this Amendment for the Exhibit depiction of the Option Parcel(s) attached to the Option Assignment.

7. Paragraph 1(s) of the Option and the Option Assignment each is corrected to reflect that the Parking Lease is between the City and the Developer (rather than City Hall Option).

8. The definition of Lease Term in the Parking Lease is restated in its entirety as follows in order to conform to the End User Lease:

> ""Lease Term" means that period commencing on the Effective Date and expiring on the earliest to occur of (i) the last day of the one hundred eightieth (180th) full calendar month after the Commencement Date, (ii) the termination of the Zappos Lease and, (iii) as to any portion(s) of the Site, the date of closing of the acquisition of such portion(s) pursuant to that certain Option Agreement and Partial Assignment of even date herewith by and between the City and City Hall Option LLC, a Delaware limited liability company or that certain Option Agreement of even date herewith by and between the City and Zappos."

9. The definition of "Premises Address" in the Parking Lease is deleted.

10. Exhibit C to the Parking Lease (the "Tenant Improvements") hereby is completed to read: "Overlot grading; utilities; entrance, exit and security features; fencing; striping; pedestrian access and landscaping features; and lighting improvements."

11. The Encroachment Easement comprising Exhibit "O" to the DDA is replaced with Exhibit "O" attached to this Amendment in order to expand the Easement therein created to include any encroachment of the existing South Garage improvements into a 5 foot perimeter easement reserved to the City in that certain Order of Vacation recorded on May 15, 1996 in the Office of the Recorder of Clark County, Nevada in Book 960515 as instrument 01399.

12. The foregoing is without limitation of miscellaneous typographical and formatting corrections, and completion of blanks as contemplated within the DDA and the Exhibits thereto (as applicable).

13. Capitalized terms used in this Amendment without definition have the respective meanings assigned to such terms in the DDA and the Exhibits thereto (as applicable).

SIGNATURES APPEAR ON NEXT PAGE

IN WITNESS WHEREOF, the undersigned have executed this Errata Amendment as of dates set forth below.

CITY

City of Las Vegas, Nevada

By: _____
Carolyn G. Goodman, Mayor

ATTEST:

_____
Beverly K. Bridges, MMC
City Clerk

APPROVED AS TO FORM:

_____

Date: March 1, 2012

DEVELOPER

CITY HALL LLC, a
Delaware limited liability company

By: Resort Gaming Group, LLC, a
Nevada limited liability company,
its Managing Member

By: _____
Andrew B. Donner
Manager

March _____, 2012

EXHIBIT B TO
OPTION AGREEMENT
AND PARTIAL ASSIGNMENT

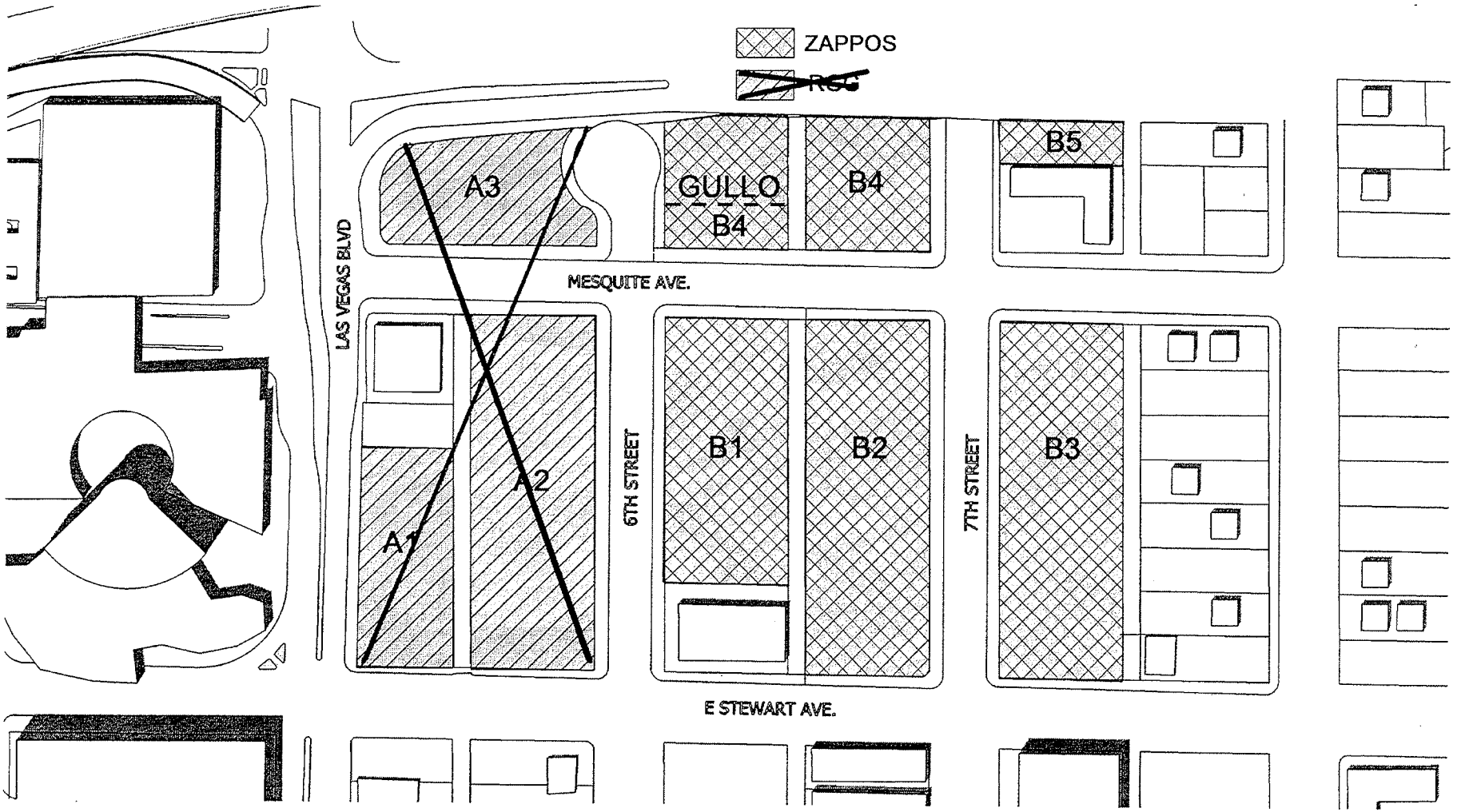


EXHIBIT B TO
OPTION AGREEMENT

Exhibit O

APN: 139-34-501-003 and 139-34-510-045

Recording requested by
and when recorded mail to:

City Hall LLC
206 N. 3rd Street
Las Vegas, Nevada 89101
Attention: Andrew B. Donner

GRANT OF ENCROACHMENT EASEMENT

THIS GRANT OF ENCROACHMENT EASEMENT ("Agreement") is made and entered into this _____ day of _____, 2012, by and between the City of Las Vegas Nevada, a political subdivision of the State of Nevada ("Grantor"), and City Hall LLC, a Delaware limited liability company ("Grantee"). The Grantor and Grantee are individually or collectively referred to herein as "Party" or "Parties."

RECITALS

WHEREAS, on even date herewith Grantor has sold and conveyed to Grantee that certain real property described on Exhibit A attached hereto (the "Property") and being parcel 1 ("Parcel 1") and parcel 2 ("Parcel 2") of that parcel map on file in the Office of the County Recorder, Clark County, Nevada in file 118 of parcel maps, at page 15;

WHEREAS, Grantor owns certain public rights-of-ways that are contiguous to the Property as described on Exhibit B attached hereto (collectively the "Public Rights-of-Way");

WHEREAS, certain portions of the Property improvements encroach into the airspace over the Public Right-of-Way as described on Exhibit C attached hereto (the "Aerial Improvements");

WHEREAS, Grantor also is the beneficiary of an easement over, across and under the Northeasterly 5 feet of Parcel 2 for public fire hydrant and public street light purposes and appurtenances thereto, together with the reasonable rights of ingress thereto and egress therefrom (the "Perimeter Easement Area"), and certain portions of the Parcel 2 improvements (the "Parcel 2 Improvements") may encroach over the Perimeter Easement Area; and

WHEREAS, the Parties hereto intend, by this Agreement, for Grantor to grant to Grantee for the benefit of the Property an exclusive and alienable easement (the "Easement") for the continued encroachment of the Aerial Improvements in the airspace over the Public Rights-of-Way and the continued encroachment of any Parcel 2 Improvements in the Perimeter Easement Area, with the right to maintain, repair, reconstruct and use and enjoy the same, on the terms and conditions set forth herein.

NOW, THEREFORE, in consideration of the purchase of the Property by Grantee from Grantor and of other good and valuable consideration, the receipt of which is hereby acknowledged by Grantor, Grantor and Grantee hereby agree as follows:

1. Grant of Easement. Grantor hereby grants to Grantee, its successors and assigns, and their respective tenants, occupants and invitees, the Easement upon, under, over, and into the air space over the Public Rights-of-Way and the Perimeter Easement Area (collectively, the "Easement Area"), for the continued encroachment, respectively, of the Aerial Improvements in the airspace over the Public Rights-of-Way and the Parcel 2 Improvements in the Perimeter Easement Area, and with the right to maintain, repair, reconstruct and use and enjoy the Aerial Improvements and the Parcel 2 Improvements (collectively, the "Encroachment Improvements"). The Easement hereby granted is subject to the remaining terms and conditions contained herein.

2. Nature of Easement; Public Rights-of-Way: Grantee agrees that the Easement upon, under, over, and into the air space over the Public Rights-of-Way is the grant of an easement only and shall not be deemed to transfer any fee interest of Grantor in and to any of the Easement Area over the Public Rights-of-Way or any of the Public Rights-of-Way.

3. Term: The Easement is effect on as of the date hereof and shall remain in effect until terminated in accordance with Paragraph 5 hereof, at which time all of the rights that are enjoyed by Grantee by virtue of this Agreement shall cease.

4. Repairs and Maintenance; Aerial Improvements: For so long as the Easement is in effect, the maintenance and use of the Aerial Improvements, and the use of the space occupied thereby, shall be maintained in good physical condition and repair by Grantee. Upon any failure of the Grantee to so maintain the Aerial Improvements, then, after prior notice given to the Grantee and the reasonable opportunity of the Grantee to cure, the City shall have the right at its option, and at the cost of Grantee, to perform such maintenance and repair, provided, that the same shall not interfere with the peaceful use and enjoyment of the Aerial Improvements by Grantee and its successors and assigns, and their respective tenants, occupants and invitees.

5. Indemnification and Release: Grantee hereby agrees to indemnify, defend, and save Grantor, members of its governing body, its officers, agents, and employees, harmless from and against any and all liability, loss, damage, cost, claim, lien, judgment, or demand of any kind whatsoever that it or they may incur, suffer, or be required to pay by reason of any death or bodily injury that may result to any person or persons, or of any injury or damage to, or destruction or loss of, any property, that may arise as a result of, or incidental to, related in any way to the use and enjoyment of the Easement and/or the existence, use or occupancy, or maintenance of the Aerial Improvements, or any act or omission of the Grantee or its officers, agents, employees, or contractors, unless arising out of the negligence or willful misconduct of Grantor or the physical condition or state of repair of the Aerial Improvements as of the date hereof.

   Grantee acknowledges that the Aerial Improvements are over Public Rights-of-Way that are open to public vehicular traffic and pedestrian access and other public uses. Grantee further acknowledges that Grantor does not control the activities on the Public Rights-of-Way and shall have no obligation or liability whatsoever in connection with any loss to the Property or the Aerial Improvements arising from the public use of the Public Rights-of-Way and hereby releases Grantor from any claims, causes of action, liabilities or losses arising therefrom (unless arising out of the negligence or willful misconduct of Grantor or the physical condition or state of repair of the Aerial Improvements as of the date hereof).

6. Termination: This Agreement and the Easement shall automatically terminate upon the earlier to occur of (a) the date of permanent removal or destruction of all of the Encroachment Improvements (as the same from time to time may be reconstructed); or (b) the Grantor taking ownership of the fee interest in the Property under the common law doctrine of merger. Upon its termination, this Easement shall automatically transfer and revert to Grantor without any further action of Grantor. Upon written request by Grantor or Grantee subsequent to the termination of the Easement, Grantee and Grantor shall, within thirty (30) days of such written request, provide to other, in recordable form, a fully executed termination of this Agreement and the Easement.

7. Notices: Any notice given under this Agreement shall be delivered in person or mailed to the Parties and addresses listed below:

To Grantor:	City of Las Vegas, Seventh Floor c/o City Manager's Office 495 South Main Street, Las Vegas, Nevada 89101
And to:	City of Las Vegas, Sixth Floor c/o City Attorney Office 495 South Main Street Las Vegas, NV 89101City of Las
To Grantee:	City Hall LLC PO Box 1570 Las Vegas, Nevada 89125 Attention: Andrew B. Donner

8. Binding Upon Successors: The Easement granted by this Agreement shall run with and be binding upon land and the ownership of the Public Rights-of-Way and the Easement Area, and shall be binding upon any subsequent owner, assign, and transferee of, and any successor in interest to the Public Rights-of-Way and the Easement Area, and shall inure to the benefit of and shall binding upon Grantee and any subsequent owner, assign, transferee , tenant and occupant of, and any successor in interest to, the Property or any portion or interest thereof.

9. Recordation: This Easement shall be filed and recorded in the Office of the County Recorder of Clark County, Nevada.

10. Paragraph Headings: The paragraph headings appearing herein are for convenience of reference only and shall not be construed as defining, limiting or extending the scope or intent of the paragraphs to which they pertain.

SIGNATURES ON NEXT PAGE

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF LAS VEGAS
"GRANTOR"

By:_____
Carolyn Goodman, Mayor

Attest:

_____
Beverly K. Bridges, MMC, City Clerk

Approved as to form:

_____
Deputy City Attorney Date

CITY HALL LLC, a
Delaware limited liability company
"GRANTEE"

By: RESORT GAMING GROUP, LLC, a Nevada limited liability company, its Managing Member

By: _____
Andrew B. Donner
Manager

Notary statement attached.

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

This instrument was acknowledged before me on _____, 2012 by _____, as _____, a signatory to the within Agreement.

WITNESS my hand and official seal.

_____
Notary Public

[Notarial Seal]

My Commission Expires:

_____

STATE OF NEVADA)
) SS
COUNTY OF CLARK)

This instrument was acknowledged before me on _____, 2012 by Andrew B. Donner, as the Manager of Resort Gaming Group, LLC, a Nevada limited liability company, as Managing Member of City Hall LLC, a Delaware limited liability company, a signatory to the within Agreement.

WITNESS my hand and official seal.

_____
Notary Public

[Notarial Seal]

My Commission Expires:

_____

LIST OF EXHIBITS

EXHIBIT A	CITY HALL LEGAL DESCRIPTION
EXHIBIT B	PUBLIC RIGHT-OF-WAY LEGAL DESCRIPTION
EXHIBIT C	LEGAL DESCRIPTION OF AERIAL ENCROACHMENTS

Exhibit A

LEGAL DESCRIPTION

Being parcel 1 of that parcel map on file in the Office of the County Recorder, Clark County, Nevada in file 118 of parcel maps, at page 15.

Being parcel 2 of that parcel map on file in the Office of the County Recorder, Clark County, Nevada in file 118 of parcel maps, at page 15.

Exhibit B

PUBLIC RIGHT-OF-WAY LEGAL DESCRIPTION

Being that portion of the Stewart Avenue right-of-way (80 feet wide) adjacent to parcels 1 and 2 of that parcel map on file in the Office of the County Recorder, Clark County, Nevada in file 118 of parcel maps, at page 15, together with that portion of the Las Vegas Boulevard right-of-way (width varies) adjacent to parcel 1 of said parcel map.

EXHIBIT C

APN: 139-34-501-003

BY:TJB
CK: TJB
JOB#: 3119614.00
DATE: 06/28/11

LEGAL DESCRIPTION
'CITY HALL AERIAL ENCROACHMENT 1"

THOSE PORTIONS OF "STEWART AVENUE" AS SHOWN BY THAT CERTAIN FINAL MAP ENTITLED "CLARK'S LAS VEGAS TOWNSITE" ON FILE IN BOOK 1 OF PLATS, PAGE 37, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SITUATED IN NORTHEAST QUARTER (NE ¼) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF "LAS VEGAS BOULEVARD" AND "STEWART AVENUE" AS SHOWN BY THAT CERTAIN RECORD OF SURVEY ON FILE IN FILE 104 OF SURVEYS, PAGE 88, OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE ALONG THE CENTERLINE OF SAID "STEWART AVENUE", NORTH 62°04'45" WEST, 183.62 FEET; THENCE LEAVING SAID CENTERLINE, SOUTH 27°55'15" WEST, 40.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY OF SAID "STEWART AVENUE" AND THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 62°04'45" WEST, 16.39 FEET;

THENCE NORTH 21°02'16" EAST, 41.10 FEET TO THE BEGINNING OF A 134.63 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, TO WHICH A RADIAL LINE BEARS SOUTH 24°41'21" WEST;

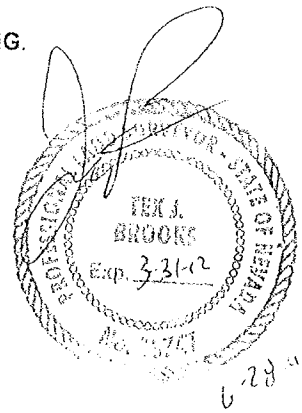
THENCE NORTHWESTERLY ALONG SAID 134.63 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 27°40'52" (THE LONG CHORD OF WHICH BEARS NORTH 51°28'13" WEST, 64.41 FEET) FOR AN ARC LENGTH OF 65.05 FEET TO THE BEGINNING OF A 141.69 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, TO WHICH A RADIAL LINE BEARS SOUTH 53°01'45" WEST;

THENCE NORTHWESTERLY ALONG SAID 141.69 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 19°26'54" (THE LONG CHORD OF WHICH BEARS NORTH 27°14'48" WEST, 47.86 FEET) FOR AN ARC LENGTH OF 48.09 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID "STEWART AVENUE";

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 62°04'45" EAST, 114.42 FEET;

THENCE SOUTH 21°08'51" WEST, 80.56 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 4,102 SQUARE FEET, MORE OR LESS.



TEX J. BROOKS
NEVADA PROFESSIONAL LAND SURVEYOR
NEVADA LICENSE NO. 13747

CARDNO WRG
10649 JEFFREYS STREET
HENDERSON, NEVADA 89052 PH: (702) 990-9300

EXHIBIT C

APN: 139-34-501-003

BY:TJB
CK: TJB
JOB#: 3119614.00
DATE: 06/28/11

LEGAL DESCRIPTION
'CITY HALL AERIAL ENCROACHMENT 2"

THOSE PORTIONS OF "STEWART AVENUE" AND "LAS VEGAS BOULEVARD" AS SHOWN BY THAT CERTAIN PARCEL MAP FOR "LAS VEGAS CITY HALL" ON FILE IN BOOK _____ OF PARCEL MAPS, PAGE ____, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SITUATED IN NORTHEAST QUARTER (NE ¼) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF "LAS VEGAS BOULEVARD" AND "STEWART AVENUE" AS SHOWN BY THAT CERTAIN RECORD OF SURVEY ON FILE IN FILE 104 OF SURVEYS, PAGE 88, OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE ALONG THE CENTERLINE OF SAID "STEWART AVENUE", NORTH 62°04'45" WEST, 100.39 FEET; THENCE LEAVING SAID CENTERLINE, NORTH 27°55'15" EAST, 46.37 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID "STEWART AVENUE" AND THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT, SAID POINT ALSO BEING THE BEGINNING OF A 70.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTH TO WHICH A RADIAL LINE BEARS SOUTH 3°17'36" WEST;

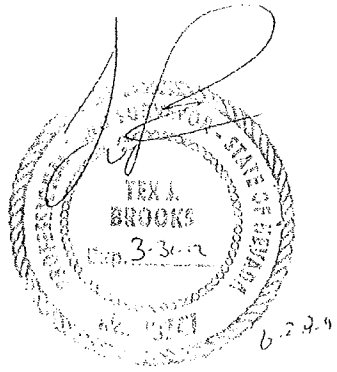
THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, EASTERLY ALONG SAID 70.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 50°22'31" (THE LONG CHORD OF WHICH BEARS NORTH 68°06'21" EAST, 59.58 FEET) FOR AN ARC LENGTH OF 61.54 FEET;

THENCE SOUTH 27°40'35" WEST, 19.35 FEET;

THENCE SOUTH 35°10'24" EAST, 7.94 FEET TO THE BEGINNING OF A 127.71 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTH TO WHICH A RADIAL LINE BEARS SOUTH 9°54'31" EAST;

THENCE NORTHWESTERLY ALONG SAID 127.71 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 22°59'11" (THE LONG CHORD OF WHICH BEARS NORTH 88°24'55" WEST, 50.89 FEET) FOR AN ARC LENGTH OF 51.23 FEET TO THE **POINT OF BEGINNING**.

CONTAINS 356 SQUARE FEET, MORE OR LESS.



6-29-11

TEX J. BROOKS
NEVADA PROFESSIONAL LAND SURVEYOR
NEVADA LICENSE NO. 13747

CARDNO WRG
10649 JEFFREYS STREET
HENDERSON, NEVADA 89052 PH: (702) 990-9300

EXHIBIT C

APN: 139-34-501-003

BY:TJB
CK: TJB
JOB#: 3119614.00
DATE: 06/28/11

LEGAL DESCRIPTION
'CITY HALL AERIAL ENCROACHMENT 3"

THOSE PORTIONS OF "STEWART AVENUE" AS SHOWN BY THAT CERTAIN FINAL MAP ENTITLED "CLARK'S LAS VEGAS TOWNSITE" ON FILE IN BOOK 1 OF PLATS, PAGE 37, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SITUATED IN NORTHEAST QUARTER (NE ¼) OF SECTION 34, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

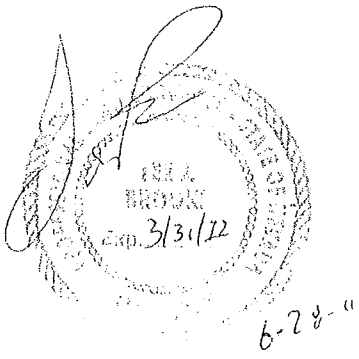
COMMENCING AT THE CENTERLINE INTERSECTION OF "LAS VEGAS BOULEVARD" AND "STEWART AVENUE" AS SHOWN BY THAT CERTAIN RECORD OF SURVEY ON FILE IN FILE 104 OF SURVEYS, PAGE 88, OFFICIAL RECORDS, CLARK COUNTY, NEVADA; THENCE ALONG THE CENTERLINE OF SAID "STEWART AVENUE", NORTH 62°04'45" WEST, 322.07 FEET; THENCE LEAVING SAID CENTERLINE, NORTH 27°55'15" EAST, 40.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF SAID "STEWART AVENUE" AND THE **POINT OF BEGINNING** OF THE HEREIN DESCRIBED TRACT;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY, SOUTH 62°04'45" EAST, 5.45 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY, SOUTH 57°17'30" WEST, 4.38 FEET TO THE BEGINNING OF A 158.61 FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, TO WHICH A RADIAL LINE BEARS SOUTH 76°10'12" WEST; THENCE NORTHWESTERLY ALONG SAID 158.61 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 1°49'26" (THE LONG CHORD OF WHICH BEARS NORTH 12°55'05" WEST, 5.05 FEET) FOR AN ARC LENGTH OF 5.05 FEE TO THE **POINT OF BEGINNING**.

CONTAINS 10 SQUARE FEET, MORE OR LESS.

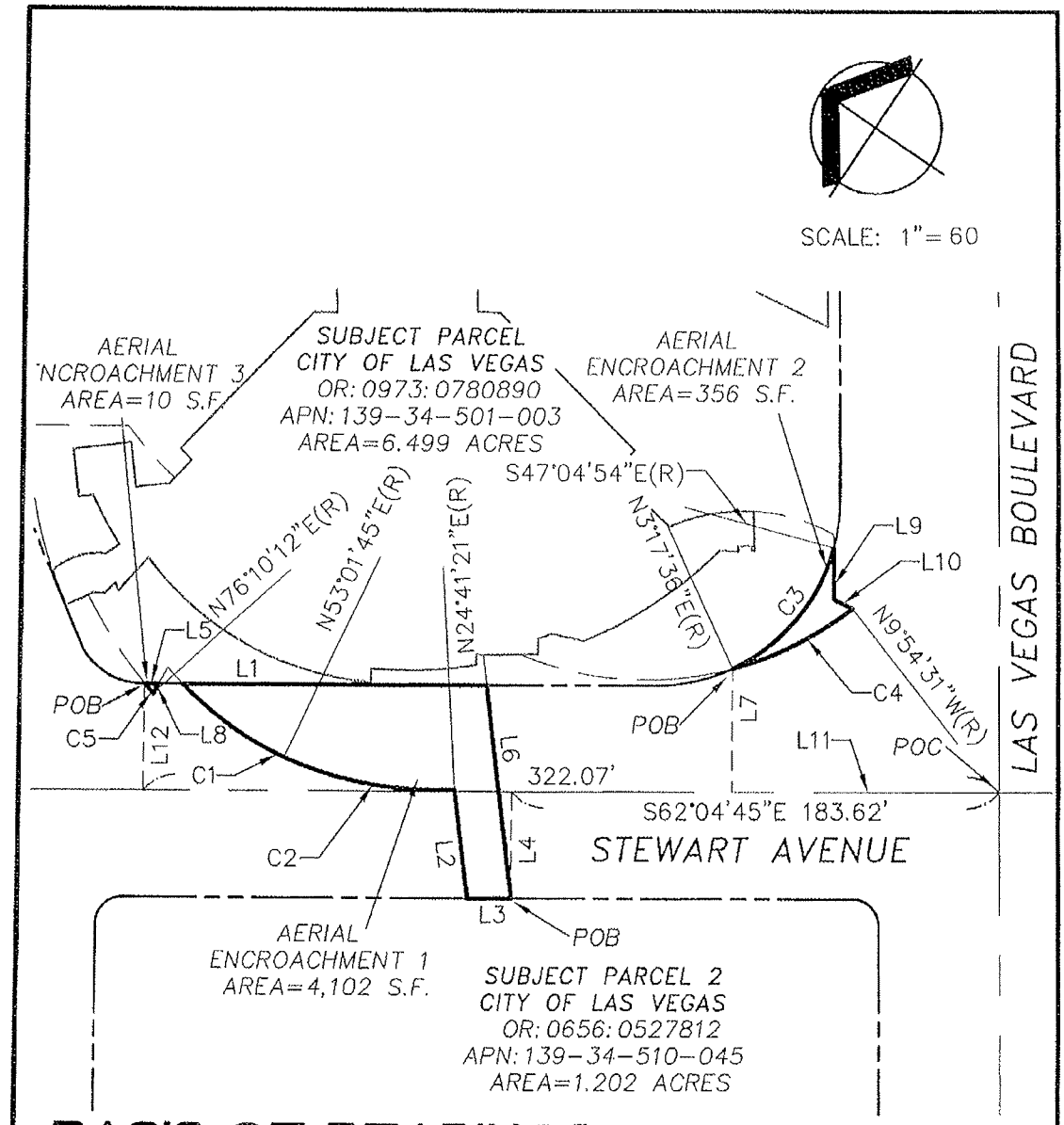
TEX J. BROOKS
NEVADA PROFESSIONAL LAND SURVEYOR
NEVADA LICENSE NO. 13747

CARDNO WRG
10649 JEFFREYS STREET
HENDERSON, NEVADA 89052 PH: (702) 990-9300



6-28-11

EXHIBIT C



BASIS OF BEARINGS

NORTH 62°04'45" WEST, BEING THE CENTERLINE OF A PORTION OF STEWART AVENUE AS SHOWN BY MAP IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER IN BOOK 112, PAGE 0041 OF PARCEL MAPS.

Cardno WRG
LAS VEGAS
10648 JEFFREYS ST, HENDERSON, NV 89052
TEL: (702) 990-9300 FAX: (702) 990-9305
www.cardnowrg.com
PLANNERS • ENGINEERS • LANDSCAPE ARCHITECTS • SURVEYORS

AERIAL ENCROACHMENTS
4TH STREET

CITY OF LAS VEGAS - CITY HALL
LAS VEGAS, NEVADA

PROJECT NO.	3119614
DATE:	6/28/2011
BY:	TJB
SCALE:	1"=50'
SHEET NO.	1 OF 2

EXIBIT C

COURSE TABLE:

Line #	Length	Bearing
L1	114.42'	N62° 04' 45"W
L2	41.10'	N21° 02' 16"E
L3	16.39'	S62° 04' 45"E
L4	40.00'	N27° 55' 15"E
L5	5.45'	N62° 04' 45"W
L6	80.56'	N21° 08' 51"E
L7	46.37'	S27° 55' 15"W
L8	4.38'	N57° 17' 30"E
L9	19.35'	N27° 40' 35"E
L10	7.94'	S35° 10' 24"E
L11	100.39'	S62° 04' 45"E
L12	40.00'	S27° 55' 15"W

CURVE TABLE:

CURVE #	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	48.09	141.69'	19°26'54"	47.86'	S27°14'48"E
C2	65.05	134.63'	27°40'52"	64.41'	S51°28'13"E
C3	61.54	70.00'	50°22'31"	59.58'	N68°06'21"E
C4	51.23	127.71'	22°59'11"	50.89'	S88°24'55"E
C5	5.05	158.61'	1°49'26"	5.05'	S12°55'05"E

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AERIAL ENCROACHMENTS
4TH STREET

CITY OF LAS VEGAS - CITY HALL
LAS VEGAS, NEVADA

PROJECT NO.	3119614
DATE:	6/28/2011
BY:	TJB
SCALE:	1"=50'
SHEET NO.	2 OF 2

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Block 1	Contracting Entity
Name	City Hall LLC
Address	PO Box 1570, Las Vegas, NV 89125
Telephone	702-953-4320
EIN or DUNS	45-4139632

Block 2 Description:

Subject Matter of Contract/Agreement:

(1) Sale of City Hall, related north and south parking garages and KCLV TV Studio by City to Contracting Entity; and
(2) Option granted by City to Contracting Entity to acquire parcels adjacent to City Hall site, all of the foregoing as further described in the Disposition and Development Agreement effective as of December 1, 2010, by and between City and Contracting Entity.

RFP #: N/A

Block 3 Type of Business

☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation

Block 4 Disclosure of Ownership and Principals

In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Passion Bucket, LLC – Todd Kessler, Sole Member	PO Box 1570 Las Vegas, NV 89125	702-953-4320
2.	Downtown Las Vegas City Hall, LLC – Oakland Avenue Holdings, LP, Sole Member, Andrew D. Donner, General Partner	PO Box 1570 Las Vegas, NV 89125	702-953-4320
3.	Downtown City Hall, LLC – Marilyn Grace Spiegel 50% Member and Thomas Spiegel 50% Member	9101 Alta Drive #102 Las Vegas, NV 89145	702-562-0045
4.			
5.			
6.			
7.			
8.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: _____

Block 5	**Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate.

Name Andrew B. Donner, Manager

1-04-2012

Date

State of Nevada
County of Clark

This instrument was acknowledged before me on

January 4, 2012 (date) by

Andrew B. Donner
(name of person)

Notary Public -

MARILYN SALDANA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 4-01-14
Certificate No: 02-74470-1

City of Las Vegas Agenda Item No.: **13.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $22,212,536.06
Funding Source: All Funds
Dept./Division: Finance

PURPOSE/BACKGROUND:
In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance Department.

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
Summary of Cash Expenditures for the period 2/16/12 - 2/29/12

City of Las Vegas

Summary of Cash Expenditures

For period of 2/16/12 to 02/29/12

Total Services & Materials Checks :	**$9,028,312.34**
Total Services & Materials EFT Payments :	**$3,273,783.30**
Total Wire Transfers:	**$3,465,422.24**
Total Payroll Checks:	**$6,445,018.18**
Grand Total:	**$22,212,536.06**

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

Candace Falder
Director of Finance

Beverly K. Bridges, MMC
City Clerk

On March 21, 2012 the City Council approved the above cash expenditures.

Carolyn G. Goodman
Mayor

City of Las Vegas Agenda Item No.: **14.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Notice of Intent to Augment and Amend the Fiscal Year 2012 annual budget of the City of Las Vegas General Fund

Fiscal Impact

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

PURPOSE/BACKGROUND:
Publish notice of the City's intent to act on a resolution to augment and amend the FY2012 Budget of the General Fund in an amount not to exceed $13,000,000 in order to effect an increase in appropriations, pursuant to NRS 354.598005. Public hearing to be held in City Council Chambers April 4, 2012.

RECOMMENDATION:
Accept intent to augment and amend the City of Las Vegas General Fund and authorize notice to be properly posted and published.

BACKUP DOCUMENTATION:
Notice for Publication

CITY OF LAS VEGAS NOTICE OF INTENTION TO ACT ON RESOLUTION TO AUGMENT AND AMEND THE GENERAL FUND BUDGET

NOTICE IS HEREBY GIVEN, that City Council of the City of Las Vegas, State of Nevada, will act on a resolution to augment and amend the General Fund budget for fiscal year 2012 in an amount not to exceed $13M in order to effect an increase in appropriations made available from actual beginning fund balance and revenue in excess of budget, pursuant to NAC 354.410 through NAC 354.450, at a meeting to be held in City Council Chambers, 495 S. Main Street, April 4, 2012, at the hour of 9:00 a.m. at which time all persons may attend and be heard. Prior to the meeting, written comments may be filed with Beverly K. Bridges, City Clerk, and will be considered.

CAROLYN G. GOODMAN
Mayor
City of Las Vegas, Nevada

Published: March 23, 2012

City of Las Vegas Agenda Item No.: **15.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to revise Purchase Order No. 295034, Temporary Oracle Developer Professional Services - Department of Information Technologies - Award recommended to: ROBERT HALF INTERNATIONAL, INC. ($20,600 – Computer Services Internal Services Fund) - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $20,600
Funding Source: Information Technologies ISF
Dept./Division: Information Technologies

PURPOSE/BACKGROUND:
On September 8, 2011 Purchase Order No. 295034 was awarded to provide professional services in support of the implementation of Oracle release 12 in the amount of $41,200 and subsequently modified by the Purchasing Manager on November 21, 2011 in the amount of $49,440. This revision increases the purchase order amount by $20,600 to continue these services.

PCC: J. R. Lonborg
POC: Daniel Cho - (702) 866-2869

RECOMMENDATION:
That City Council approve the revision of Purchase Order No. 295034, Temporary Oracle Developer Professional Services to Robert Half International, Inc. in the amount of $20,600.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **16.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve Bid No. 11.53541.04-EV, Durango Hills Resource Center Improvements located at 3271 North Durango Drive and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: J.A. TIBERTI CONSTRUCTION COMPANY, INC. ($9,087,000 – Sanitation Enterprise Fund) - Ward 4 (Anthony)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $9,087,000
Funding Source: Sanitation EF
Dept./Division: Public Works

PURPOSE/BACKGROUND:
This project consists of upgrading existing treatment units and modifications of, and additions to, existing treatment equipment/facilities and construction of new chlorine tank and chemical storage facilities to provide more effective treatment.

PCC: E. Vandyck
POC: Renaldo Tiberti - (702) 248-4000

RECOMMENDATION:
That City Council approve award of Bid No. 11.53541.04-EV, Durango Hills Resource Center Improvements to J.A. Tiberti Construction Company, Inc. in the amount of $9,087,000 and approve the construction conflicts and contingency reserve of $908,700. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
Bid Abstract

BID ABSTRACT

11.53541.04-EV Durango Hills Water Resource Center Process Upgrades

	J.A. Tiberti Construction Company, Inc.	Boulder Construction, Inc.	Sletten Construction of Nevada, Inc.
DESCRIPTION	**Lump Sum Amount**	Lump Sum Amount	Lump Sum Amount
BASE BID: All Work indicated in the Drawings and Specifications in accordance with the General Conditions of the Contract.	**$8,987,000.00**	$9,061,706.00	$9,096,000.00
Allowance for Permit Fees and First Inspections	**$100,000.00**	$100,000.00	$100,000.00
Total Base Bid Amount	**$9,087,000.00**	$9,161,706.00	$9,196,000.00
% Greater than Lowest Responsive & Responsible Bidder		0.82%	1.20%
Bidder's Preference Claimed	Yes	Yes	Yes
Bidder's Preference Received	YES		
Responsive Bidder	YES		
Responsible Bidder	YES		
Architect Estimate: $6,500,000.00			

TO: Dept. Director or Designee Please review and approve recommended award to

J.A. Tiberti Construction Company, Inc. in the amount of $ $9,087,000.

Purchasing & Contracts Representative — 2/23/2012 Date

Department/Division Signature — 2/27/2012 Date

BID ABSTRACT

11.53541.04-EV Durango Hills Water Resource Center Process Upgrades

	Harber Company, Inc. DBA Mountain Cascade of Nevada	The Whiting-Turner Contracting Company	KG Walters Construction Co., Inc.
DESCRIPTION	Lump Sum Amount	Lump Sum Amount	Lump Sum Amount
BASE BID: All Work indicated in the Drawings and Specifications in accordance with the General Conditions of the Contract.	$9,650,000.00	$9,683,133.00	$10,415,000.00
Allowance for Permit Fees and First Inspections	$100,000.00	$100,000.00	$100,000.00
Total Base Bid Amount	$9,750,000.00	$9,783,133.00	$10,515,000.00
% Greater than Lowest Responsive & Responsible Bidder			
Bidder's Preference Claimed	Yes	Yes	Yes
Bidder's Preference Received			
Responsive Bidder			
Responsible Bidder			
Architect Estimate: $6,500,000.00			

BID ABSTRACT

11.53541.04-EV Durango Hills Water Resource Center Process Upgrades

	MMC, Inc.	Morgen & Oswood Constrcution Co., Inc. of NV
DESCRIPTION	Lump Sum Amount	Lump Sum Amount
BASE BID: All Work indicated in the Drawings and Specifications in accordance with the General Conditions of the Contract.	$10,457,000.00	$10,509,000.00
Allowance for Permit Fees and First Inspections	$100,000.00	$100,000.00
Total Base Bid Amount	$10,557,000.00	$10,609,000.00
% Greater than Lowest Responsive & Responsible Bidder		
Bidder's Preference Claimed	Yes	Yes
Bidder's Preference Received		
Responsive Bidder		
Responsible Bidder		
Architect Estimate: $6,500,000.00		

City of Las Vegas Agenda Item No.: **17.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: FINANCE
DIRECTOR: CANDACE FALDER ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve award of Modification No. 4 to Contract No. 040250-LW, Large Case Management and Utilization Review Services - Department of Human Resources - Award recommended to: MEDICAL MANAGEMENT SPECIALISTS, LLC ($72,000 - Employee Benefits Internal Services Fund)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $72,000
Funding Source: Employee Benefits ISF
Dept./Division: Human Resources

PURPOSE/BACKGROUND:
On March 3, 2004 City Council approved award of Contract No. 040250-LW to provide large (medical) case management and utilization review services. This modification will provide for the extension of the contract through March 31, 2013 and includes two one-year renewal options. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: C. White
POC: Debra Caszatt - (702) 878-6714

RECOMMENDATION:
That City Council approve award of Modification No. 4 to Contract No. 040250-LW, Large Case Management and Utilization Review Services to Medical Management Specialists, LLC in the estimated annual amount of $72,000. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:
1. Modification No. 4 to Contract No. 040250-LW
2. Certificate - Disclosure of Ownership/Principals

CONTRACT MODIFICATION NO. 4

Large Case Management and Utilization Review Services

THIS CONTRACT MODIFICATION No. 4 is being entered into this _____ day of _____, 2012, by and between the CITY OF LAS VEGAS (hereinafter, "City"), a municipal corporation within the State of Nevada having its principal office at 495 Main Street, Las Vegas, Nevada 89101, and MEDICAL MANAGEMENT SPECIALISTS, LLC (hereinafter, "Company"), having its principal office at P.O. Box 27318, Las Vegas, Nevada 89126.

Contract No. 040250 between the City and the Company, dated April 1, 2004, for Large Case Management and Utilization Review Services, modified on February 23, 2007, April 7, 2008, and March 17, 2010, is hereby modified as follows:

1. **Paragraph B-3, "Prices Costs".** Add Item 5 to extend pricing from April 1, 2012 through March 31, 2013 at the amount of $6,000.00 per month.

2. **Paragraph B-4 (c), "Performance Period".** Add an additional performance period of April 1, 2012 through March 31, 2013 and add two additional option years of April 1, 2013 through March 31, 2014 and April 1, 2014 through March 31, 2015.

3. **Paragraph B-5 "Invoices".** Change mailing address.

DELETE: B-5 in its entirety.

REPLACE WITH:

B-5 "Invoices"

(a) The Company shall submit a monthly invoice to the City for the previous month's charges for services rendered. The invoice should identify the performance dates covered, the Contract services against which charges are made, the date of the invoice, and should reference the associated purchase order number. Upon reconciliation of all errors, corrections, credits, and disputes, payment to the Company will be made within ten (10) calendar days. The Company shall submit an original invoice to:

Department of Finance
Attn. Accounts Payable
City of Las Vegas
495 South Main Street, 4th Floor
Las Vegas, Nevada 89101

(b) A representative of the Company shall sign and certify the invoice in the following manner: "I hereby certify, under penalty of perjury, that the above invoice is just and correct and that reimbursement for such expenses listed on this invoice has not been previously received from the City of Las Vegas or any other source".

4. Paragraph D-1 Legal Notice. Change address for the City.

DELETE: D-1 in its entirety.

REPLACE WITH:

D-1 Legal Notice

(a) All legal notices required pursuant to the terms and conditions of this Contract shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this Contract shall be deemed to have been given when (i) received by the party to whom it is directed by hand delivery or personal service, (ii) transmitted by facsimile with confirmation of transmission, or (iii) sent by U.S. mail via certified mail-return receipt requested at the following addresses:

FOR THE CITY: City of Las Vegas
Manager, Purchasing and Contracts
City Hall, Third Floor
495 South Main Street
Las Vegas, Nevada 89101

FOR THE COMPANY: Debra Caszatt
Medical Management Specialists, LLC
P.O. Box 27318
Las Vegas, Nevada 89126

(b) The parties shall provide written notification of any change in the information stated above.

(c) An original signed copy, via U. S. Mail, shall follow facsimile transmissions.

5. ALL OTHER TERMS AND CONDITIONS OF THE CONTRACT REMAIN UNCHANGED.

THE REMAINDER OF THIS PAGE INTENTIONALLY IS LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have caused this Contract Modification No. 4 to be executed by their duly authorized representatives.

CITY OF LAS VEGAS

KATHLEEN C. RAINEY, Manager
Purchasing and Contracts

"City"

ATTEST:

BEVERLY K. BRIDGES, MMC Date
City Clerk

APPROVED AS TO FORM:

Robert D. Sylvain 3-1-12
Deputy City Attorney Date

MEDICAL MANAGEMENT SPECIALIST, LLC

DEBRA CASZATT, President

"Company"

CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity," means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members; (e) trust – the trustee and beneficiaries.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

Block 1 Contracting Entity

Medical Management Specialists

Name P.O. Box 27318

Address Las Vegas, NV 89126

Telephone 702-878-6114

EIN or DUNS 86-1052535

Block 2 Description

Subject Matter of Contract/Agreement

Large Case Management Utilization Review

Contract No. 040250-LC

Block 3 Type of Business

☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Trust ☐ Other:

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 **Disclosure of Ownership and Principals**
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	DEBRA CASZATT	P.O. BOX 27318 LV NV 89126	702-878-6114
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: ____.

Block 5 **DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity

State of Nevada
County of Clark

Debra Caszatt
Name

3/6/2012
Date

Subscribed and sworn to before me this 6th day of March, 2012

Sydne L. Everback
Notary Public

Notary Public - State of Nevada
County of Clark
SYDNE L. EVERBACK
My Appointment Expires
March 18, 2013

City of Las Vegas Agenda Item No.: **18.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OPERATIONS AND MAINTENANCE
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Third Amendment to the Lease Agreement between the City of Las Vegas and the Las Vegas Indian Center, Inc. which will provide for overflow parking for the Development Services Center and will amend the legal description of property located at 2300 West Bonanza Road - Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: Operations and Maintenance/Real Estate

PURPOSE/BACKGROUND:
The Indian Center agrees to allow the City use of the unimproved parcel of land to the north of the Center to construct a parking lot for use as overflow parking of the Development Services Center City Vehicles pursuant to the terms of the Third Amendment. This Amendment also corrects the legal description for the area of the Premises being leased.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Third Amendment to Lease Agreement

THIRD AMENDMENT TO LEASE AGREEMENT BETWEEN CITY OF LAS VEGAS AND LAS VEGAS INDIAN CENTER, INC.

This Third Amendment to Lease Agreement ("Third Amendment") is entered into and effective for all purposes as of the _____ day of _____, 2012 by and between the City of Las Vegas, a municipal corporation in the State of Nevada ("City"), and the Las Vegas Indian Center, Inc., ("Center"). City and Center are individually or collectively referred herein as the "Party" or "Parties."

RECITALS

WHEREAS, the City and Center entered into a Lease Agreement dated December 5, 1984 as amended by the First Amendment to Lease dated July 12, 1988 and as amended by the Second Amendment to Lease dated June 2, 1993 (collectively, the "Lease"), for the lease of certain real property located at 2300 W. Bonanza Road, Las Vegas, NV 89106, APN# 139-29-704-034 (hereinafter referred to as "Premises") from the City to Center subject to, and in accordance with the covenants, terms and conditions of the Lease; and

WHEREAS, the Parties agree to amend, modify or delete various sections of the Lease; and

NOW, THEREFORE, in consideration of the Premises and of the mutual promises and agreement which are hereinafter contained, foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Center hereby agree to amend the Lease as follows:

1. Section 1. Lease of Premises. Legal description is amended as follows:

   The legal description has been amended to reflect the area of the Premises. Exhibit "A" to the Lease shall hereby be deleted and replaced by Exhibit "A" attached hereto and made a part hereof by this reference to this Third Amendment.

2. Section 8. Notice. Notice language shall hereby be amended as follows:

   All notices, demands or other writings in this Lease Agreement provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited with the United States Postal Service as certified mail, with postage prepaid, and addressed as follows:

   CITY: City of Las Vegas
   Attn: Real Estate Administrator
   333 N. Rancho Drive, 8th Floor
   Las Vegas, Nevada 89106
   Office: (702) 229-1021
   Fax: (702) 464-2522

CENTER: Las Vegas Indian Center
2300 W. Bonanza
Las Vegas, Nevada 89106
Office: (702) 647-5842
Fax: (702) 647-2647

The address to which any notice, demand or other writing may be given to any Party as above provided may be changed by written notice given by such Party as above provided.

3. City and Center agree to the following:

A. The Center agrees to allow the City use of the unimproved parcel of land to the north of the Center as depicted on Exhibit "B" to construct a parking lot, at sole cost to the City, for use as overflow parking for City vehicles ("City Parking Lot").

B. Concurrent with the City Parking Lot construction, the City will rehabilitate the existing landscaping on the west perimeter of the Center's existing parking lot as visually depicted in Exhibit "C." The City assumes no landscape maintenance responsibility for the rehabilitated west perimeter landscaping after the installation.

C. The Center shall grant the City access to the overflow parking lot through the Center's existing parking lot entrance along Bonanza Road. During the term of the Lease and while the City is using the Center's existing parking lot to access the City Parking Lot, the City shall be responsible for repair of any damage to the Center's existing parking lot caused by City vehicles.

D. When the Center desires to use the City Parking Lot for additional improvements on the Property and the Center has(i) documents a funding source for the additional improvements on the Property; and (ii) receives a building permit for said additional improvements on the Property, the City will vacate the Parking Lot upon written notification from the Center ninety (90) days prior to commencement of construction of the additional improvements.

E. Upon completion of construction of the City Parking Lot, the City agrees to slurry seal and restripe the Center's existing parking lot within sixty (60) days of completion of the construction of the City Parking Lot.

F. The City agrees to replace the existing chain link fence surrounding the east and south side of the Center's facility with wrought iron fencing to match the City Parking Lot fencing to be constructed by the City as visually depicted in Exhibit "C."

4. Incorporation. Except as otherwise amended herein, all other terms and conditions of the Lease shall remain in full force and effect and Center hereby ratifies and confirms its obligations thereunder. Center represents and acknowledges that as of the date of this Third Amendment, Center (i) is not in default under the terms of the Lease; (ii) has no defense, set off or counterclaim to the enforcement by City of the terms of the Lease; and (iii) is not aware of any action or inaction by City that would constitute an Event of Default by City under the Lease.

5. Counterparts; Electronic Delivery. This Third Amendment may be executed in counterparts, all such counterparts will constitute the same contract and the signature of any Party to any counterpart will be

deemed a signature to, and may be appended to, any other counterpart. Executed copies hereof may be delivered by facsimile or e-mail and upon receipt will be deemed originals and binding upon the Parties hereto, regardless of whether originals are delivered thereafter.

IN WITNESS WHEREOF, Center and City have executed this Third Amendment as of the day and year first written above.

CITY OF LAS VEGAS

By: _____
Carolyn G. Goodman, Mayor

ATTEST:

By: _____
Beverly K. Bridges, MMC, City Clerk

APPROVED AS TO FORM:

By: John S. Ridilla 2/22/12
Deputy City Attorney Date

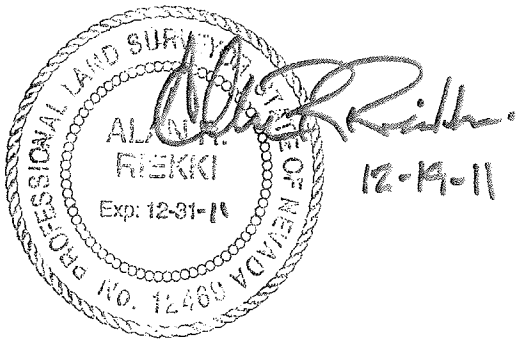
John S. Ridilla
Deputy City Attorney

LAS VEGAS INDIAN CENTER

By: _____
Debra Reed, Executive Director

EXHIBIT "A"

LEGAL DESCRIPTION



12-19-11

DECEMBER 19, 2011
BY: HJB
P.R. BY ARR

LAS VEGAS INDIAN CENTER

EXPLANATION:
THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED WEST OF DIKE LANE AND NORTH OF BONANZA ROAD FOR LEASE PURPOSES.

LAND DESCRIPTION

BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

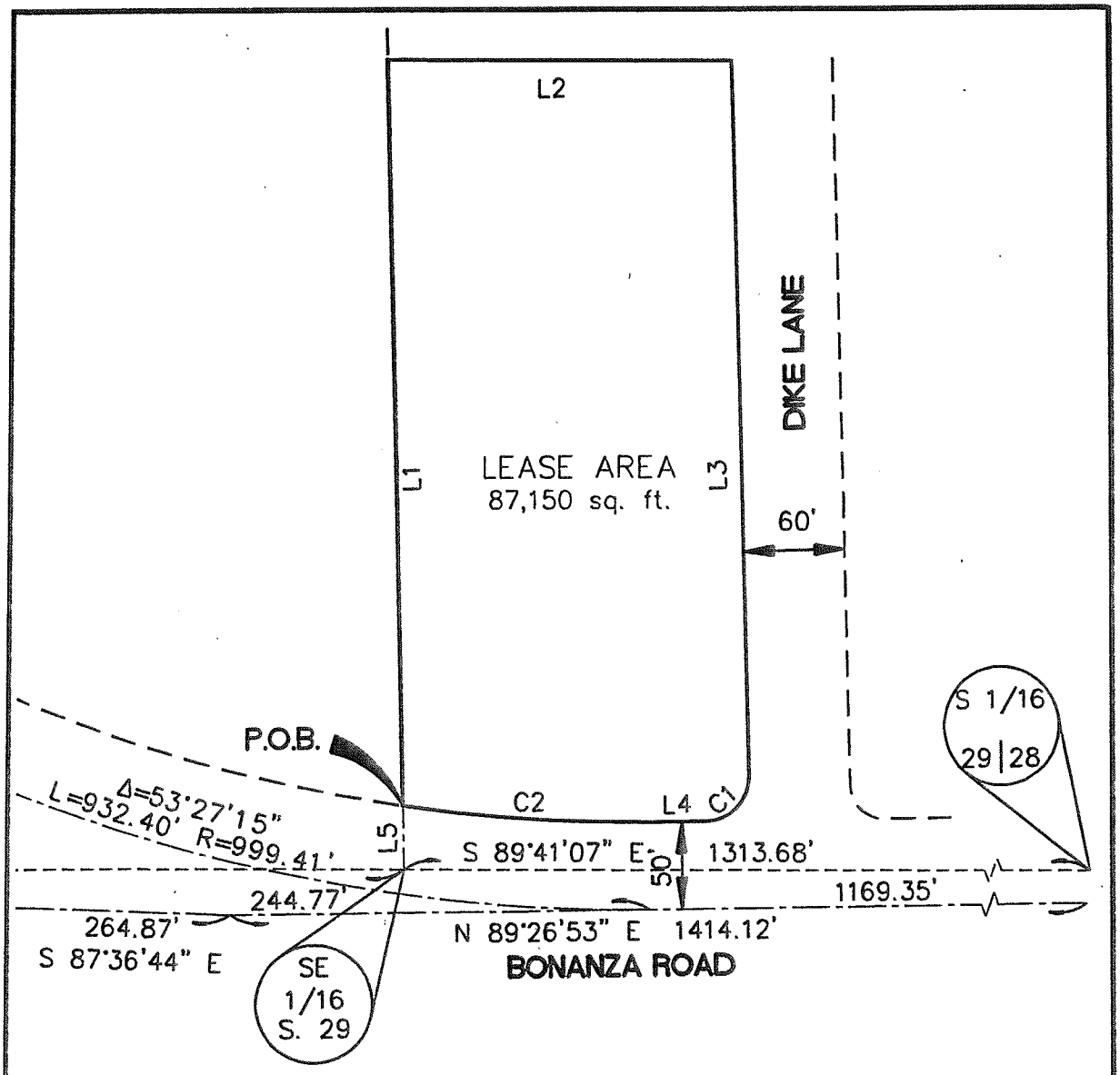
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE NORTH 01°23'13" WEST, ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE 1/4) 36.38 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF BONANZA ROAD, SAME BEING **THE POINT OF BEGINNING**;
THENCE NORTH 01°23'13" WEST, CONTINUING ALONG SAID WEST LINE, 423.40 FEET; THENCE SOUTH 89°48'22" EAST, DEPARTING SAID WEST LINE, 202.83 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF DIKE LANE; THENCE SOUTH 01°22'57" EAST ALONG SAID WESTERLY RIGHT-OF-WAY-LINE, 406.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY 39.63 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°49'50" TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID BONANZA ROAD; THENCE SOUTH 89°26'53" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, 32.76 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 949.41 FEET; THENCE WESTERLY 145.35 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°46'18" TO THE **POINT OF BEGINNING**, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 87,150 SQUARE FEET, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

NOTE: THIS LEGAL DESCRIPTION IS PROVIDED AS A CONVENIENCE AND IS NOT INTENDED FOR THE PURPOSE OF SUBDIVIDING LAND NOT IN CONFORMANCE WITH NEVADA REVISED STATUTES.

BASIS OF BEARINGS:
SOUTH 89°41'07" EAST, BEING THE BEARING OF THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THAT COMMERCIAL SUBDIVISION MAP KNOWN AS "COX COMMUNICATIONS", ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN BOOK 108 OF PLATS, AT PAGE 66.

END OF DESCRIPTION.



NORTH

N.T.S.
SHEET 1 OF 1

CURVE TABLE				
CURVE	DELTA	RADIUS	LENGHT	TANG.
C1	90°49'50"	25.00'	39.63'	25.37'
C2	8°46'18"	949.41'	145.35'	72.82'

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N01°23'13"W	423.40'
L2	S89°48'22"E	202.83'
L3	S01°22'57"E	406.50'
L4	S89°26'53"W	32.76'
L5	N01°23'13"W	36.38'

EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
A PORTION OF NE 1/4 OF SE 1/4 OF S. 29 T. 20S., R. 61E. M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

CITY OF LAS VEGAS – SURVEY
3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217

DRAWING: 1249-1 BONANZA PARKING
DRAWN BY: HJB
CHECKED BY: ARR
DATE: DECEMBER 2011

EXHIBIT "B"

PARKING LOT IMPROVEMENTS

Exhibit "B"

Unimproved Parcel
DIKE
Indian Center
BONANZA
SITE MAP
CITY OF LAS VEGAS
NEVADA
N
Prepared by the City of Las Vegas
Real Estate Section
1/10/12

EXHIBIT "C"

VISUAL DEPICTION OF IMPROVEMENTS

Exhibit "C"

City of Las Vegas Agenda Item No.: **19.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: OPERATIONS AND MAINTENANCE
DIRECTOR: LARRY HAUGSNESS ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve staff to quitclaim real property and easement interests to the City of North Las Vegas on Martin Luther King Boulevard north of Carey Avenue, with regard to the Martin Luther King Boulevard Improvement Project, for APN 139-16-899-020 and a portion of 139-16-801-007 - North Las Vegas Ward 5 (Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: Operations and Maintenance/Right-of-Way

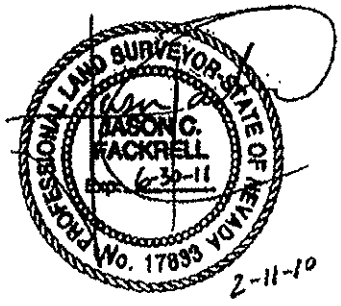
PURPOSE/BACKGROUND:
Acquisitions on the Martin Luther King Boulevard Improvement Project extended north of Carey Avenue into City of North Las Vegas jurisdiction. This property was purchased in the name of the City of Las Vegas to complete the project and can now be transferred to the proper jurisdiction. Improvements include a bus turnout and an easement for a bus shelter pad. Legal Description: Being a portion of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of Section 16, Township 20 South, Range 61 East, Mount Diablo Meridian, City of North Las Vegas, Clark County, Nevada.

RECOMMENDATION:
Staff recommends approval

BACKUP DOCUMENTATION:
Exhibit "A"

Exhibit "A"

vtn nevada
CONSULTING ENGINEERS ● PLANNERS ● SURVEYORS
2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148



W.O. 6224
SEPTEMBER 28, 2009
REV: 12/9/2009
REV: 2/10/2010
BY: KAK
P.R. BY: MSC

EXPLANATION:
THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTHEASTERLY OF CAREY AVENUE AND MARTIN LUTHER KING BOULEVARD, BEING A PORTION OF APN 139-16-801-007, FOR RIGHT-OF-WAY PURPOSES.

LEGAL DESCRIPTION
RIGHT-OF-WAY

BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING A PORTION OF APN 139-16-801-007, FOR RIGHT-OF-WAY PURPOSES.

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 16 AND 21, SAID TOWNSHIP AND RANGE, SAME BEING THE CENTERLINE INTERSECTION OF MARTIN LUTHER KING BOULEVARD AND CAREY AVENUE; THENCE NORTH 01°36'14" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 16, COINCIDENT WITH THE CENTERLINE OF SAID MARTIN LUTHER KING BOULEVARD, 175.01 FEET; THENCE NORTH 88°49'47" EAST, DEPARTING SAID WEST LINE AND SAID CENTERLINE, 52.98 FEET TO THE EASTERLY RIGHT-OF-WAY OF SAID MARTIN LUTHER KING BOULEVARD; THENCE NORTH 01°36'38" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY, 78.01 FEET TO THE **POINT OF BEGINNING:**

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY THROUGH THE FOLLOWING COURSES: NORTH 01°36'38" WEST, 123.51 FEET; THENCE NORTH 02°53'01" WEST, 61.75 FEET TO THE POINT OF CUSP OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 87°06'59" WEST; THENCE SOUTHERLY, 4.87 FEET DEPARTING SAID EASTERLY RIGHT-OF-WAY AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°57'30"; THENCE SOUTH 16°50'31" EAST, 35.34 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHERLY, 7.31 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°57'30"; THENCE SOUTH 02°53'01" EAST, 15.51 FEET; THENCE SOUTH 01°36'38" EAST, 59.48 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 30.00 FEET;

THENCE SOUTHERLY, 4.95 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'45"; THENCE SOUTH 07°51'07" WEST, 56.69 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 20.00 FEET; THENCE SOUTHERLY, 3.30 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°27'45" TO THE POINT **OF BEGINNING** AS SHOWN ON THE **"EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION"**, ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 1,311 SQUARE FEET (0.030 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PROJECT IS SOUTH 89°49'47" WEST, BEING THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON A RECORD OF SURVEY ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN FILE 148 AT PAGE 79.

PREPARED BY: JASON C. FACKRELL , PLS 17833, VTN NEVADA, 2727 S. RAINBOW BOULEVARD, LAS VEGAS, NV. 89146

END OF DESCRIPTION.

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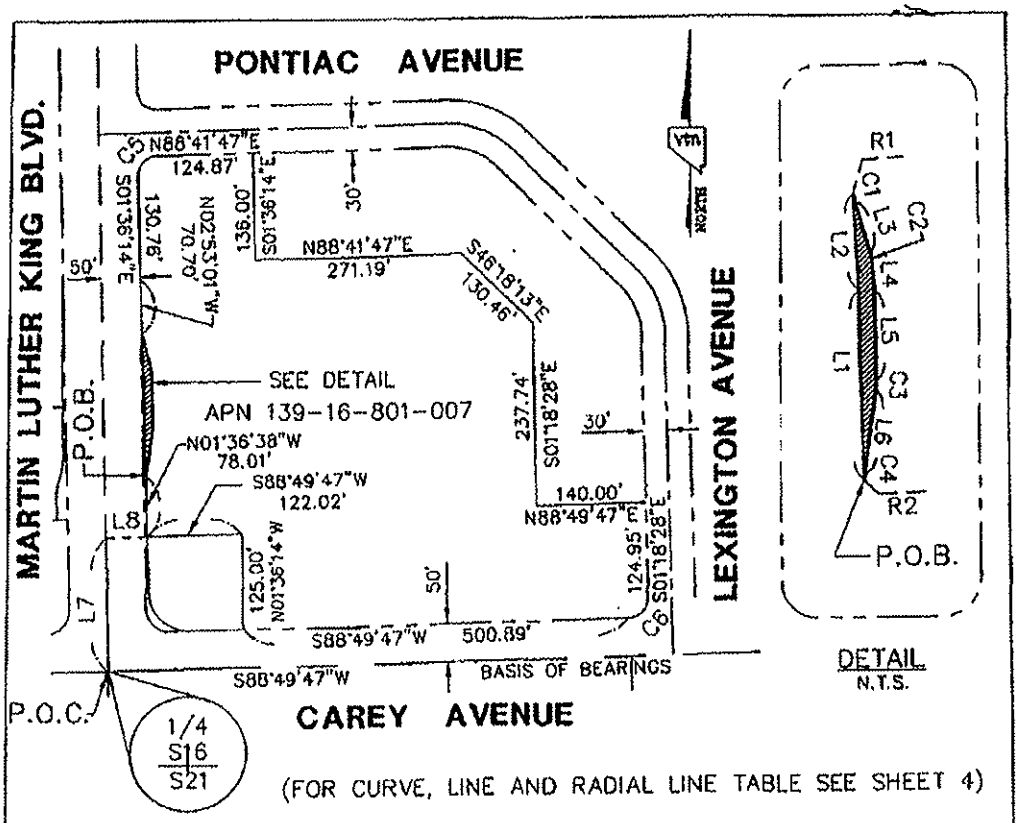
REF:G:\6224\6224LEGAL-OPT4.DWG(BR-16-801-007RW-REV2)



(FOR CURVE, LINE AND RADIAL LINE TABLE SEE SHEET 4)

AREA OF ROW

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

OWNER COUNTY OF CLARK (ADMINISTRATIVE)
PARCEL NO. 139-16-801-007
SECTION, TOWNSHIP, RANGE SECTION 16, T. 20 S., R. 61 E., M.D.M.
TOTAL AREA OF PARCEL 6.58 ACRES (RECORD)
AREA OF R/W 1,311 S.F. (0.03 ACRES)
AREA OF R/W COVERED BY EXISTING STREET IMPROVEMENTS NA
TOTAL REMAINING AREA OF PARCEL 6.55 ACRES
REFERENCE: 19941222:00998

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	PROJECT: MARTIN LUTHER KING. BLVD. EXHIBIT TO ACCOMPANY LEGAL APN 139-16-801-007	SCALE	HORZ. 1"=200'
			VERT. --
		W.O. NO.	6224
		DRAWN BY:	KAK
	FOR: CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS	DATE:	REV:2/10/10
2727 S. RAINBOW BOULEVARD LAS VEGAS, NEVADA 89146-5148		SHEET	3 OF 4

CURVE TABLE				
NO.	RADIUS	DELTA	LENGTH	TANGENT
C1	20.00'	13°57'30"	4.87'	2.45'
C2	30.00'	13°57'30"	7.31'	3.67'
C3	30.00'	09°27'45"	4.95'	2.48'
C4	20.00'	09°27'45"	3.30'	1.66'
C5	25.00'	90°18'01"	39.40'	25.13'
C6	25.00'	90°08'15"	39.33'	25.06'

LINE TABLE		
NO.	BEARING	LENGTH
L1	N01°36'38"W	123.51'
L2	N02°53'01"W	61.75'
L3	S16°50'31"E	35.34'
L4	S02°53'01"E	15.51'
L5	S01°36'38"E	59.48'
L6	S07°51'07"W	56.69'
L7	N01°36'14"W	175.01'
L8	N88°49'47"E	52.98'

RADIAL TABLE	
NO.	BEARING
R1	S87°06'59"W
R2	S88°23'22"W

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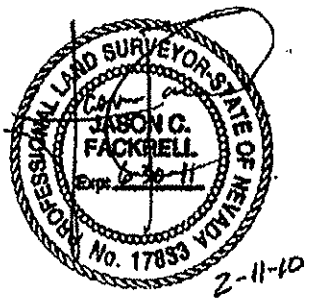
vtn nevada
2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

MARTIN LUTHER KING BLVD.
EXHIBIT TO ACCOMPANY LEGAL
APN 139-16-801-007

CITY OF LAS VEGAS
DEPARTMENT OF PUBLIC WORKS

SCALE	HORZ. 1"=200'
	VERT. ---
W.O. NO.	6224
DRAWN BY:	KAK
DATE:	REV:2/10/10
SHEET	4 OF 4

CONSULTING ENGINEERS ● PLANNERS ● SURVEYORS
2727 SOUTH RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148



W.O. 6224
DECEMBER 10, 2009
REV: 1/21/10
REV: 2/10/10
BY: KAK
P.R. BY: TZ

EXPLANATION:
THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED NORTHEASTERLY OF CAREY AVENUE AND MARTIN LUTHER KING BOULEVARD, BEING A PORTION OF APN 139-16-801-007, FOR AMERICAN DISABILITY ACT EASEMENT (A.D.A.) PURPOSES.

LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 16 AND SAID SECTION 21, SAID TOWNSHIP AND RANGE, SAME BEING THE CENTERLINE INTERSECTION OF MARTIN LUTHER KING BOULEVARD AND CAREY AVENUE; THENCE NORTH 01°36'14" WEST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 16, COINCIDENT WITH THE CENTERLINE OF MARTIN LUTHER KING BOULEVARD, 361.27 FEET; THENCE NORTH 88°23'46" EAST, DEPARTING SAID WEST LINE AND SAID CENTERLINE, 62.96 FEET TO THE **POINT OF BEGINNING;**

THENCE NORTH 01°36'38" WEST, 14.96 FEET; THENCE NORTH 02°53'01" WEST, 10.37 FEET; THENCE NORTH 88°23'22" EAST, 5.00 FEET; THENCE SOUTH 02°53'01" EAST, 10.32 FEET; THENCE SOUTH 01°36'38" EAST, 15.02 FEET; THENCE SOUTH 88°23'22" WEST, 5.00 FEET TO THE **POINT OF BEGINNING** AS SHOWN ON THE **"EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION"**, ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING A TOTAL OF 127 SQUARE FEET (0.003 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PROJECT IS NORTH 01°36'14" WEST BEING THE WEST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 16, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON A RECORD OF SURVEY ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA IN FILE 148 OF SURVEYS, AT PAGE 79.

PREPARED BY: JASON C. FACKRELL, PLS 17833, VTN NEVADA, 2727 S. RAINBOW BOULEVARD, LAS VEGAS, NV. 89146

END OF DESCRIPTION.

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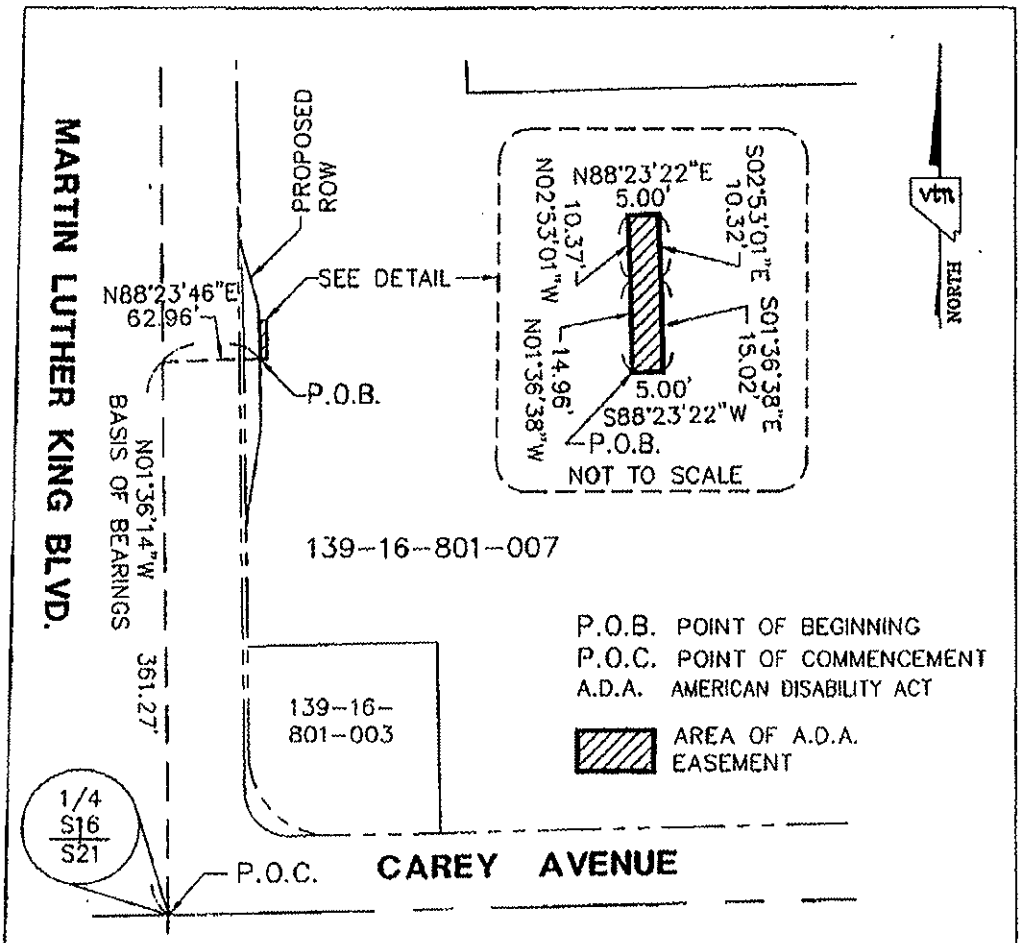

OWNER COUNTY OF CLARK (ADMINISTRATIVE)
PARCEL NO. 139-16-801-007
SECTION, TOWNSHIP, RANGE SECTION 16, T. 20 S., R. 61 E., M.D.M.
TOTAL AREA OF PARCEL 6.58 ACRES (RECORD)
AREA OF A.D.A. 127 S.F. (0.003 ACRES)
REFERENCE: 19941222:00998

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nevada
2727 S. RAINBOW BOULEVARD
LAS VEGAS, NEVADA 89146-5148

PROJECT:	MARTIN LUTHER KING BLVD. EXHIBIT TO ACCOMPANY LEGAL APN 139-16-801-007
FOR:	CITY OF LAS VEGAS DEPARTMENT OF PUBLIC WORKS
SCALE	HORZ. 1"=100' VERT. -
W.O. NO.	6224
DRAWN BY:	KAK
DATE:	REV: 2/10/10
SHEET	3 OF 3

City of Las Vegas Agenda Item No.: **20.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
ABEYANCE ITEM - For possible action to approve an Extension of a Temporary Class II Secondhand Dealer License, Main Street California LLC dba REUSEIT, 1201 South Main Street, Cima Mizrachi, Mgr 100% - Ward 3 (Coffin)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve an Extension of a Temporary Class II Secondhand Dealer License. This item was held in Abeyance from the February 15, 2012 City Council meeting.

RECOMMENDATION:
Recommend approval of an Extension of the Temporary License with the authority of the Director or designee to issue a permanent license upon receipt of a favorable investigative report.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **21.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Beer/Wine/Cooler On-Sale License, BJC Enterprises LLC dba Fremont Mediterranean Cafe, 450 Fremont Street, Suite 123, Bernard Joseph Cheater, Mmbr, Mgr 100% - Ward 5 (Barlow)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a Beer/Wine/Cooler On-Sale License.

RECOMMENDATION:
Recommend Approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **22.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve an Extension of a Temporary Beer/Wine/Cooler On-Sale License, A L Y LLC dba Panini Cafe, 2521 South Fort Apache Road, Suites 100 and 101, Dror Midany, Mgr, Mmbr 50%, Izhak Kalderon, Mgr, Mmbr 50% - Ward 2 (Vacant)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve an Extension of a Temporary Beer/Wine/Cooler On-Sale License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the Director or designee to issue a permanent license upon receipt of a favorable investigative report.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **23.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Tavern License for a Change of Ownership, FROM: Rampart Resort Management, LLC, TO: Hotspur Resorts Nevada, LTD dba Rampart Casino at the Resort at Summerlin, 221 North Rampart Boulevard, Hotspur Resorts Nevada, Inc., Owner 100%, Thaddas L. Alston, Pres, Secy, Treas, Dir - Ward 2 (Vacant)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a Tavern License for a Change of Ownership. Previous business name was Rampart Casino.

RECOMMENDATION:
Recommend Approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **24.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a New Non-Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Hotspur Casinos Nevada, Inc. dba Rampart Casino at the Resort at Summerlin, 221 North Rampart Boulevard, Hotspur Resorts Nevada, LTD, Owner 100%, Thaddas L. Alston, Pres, Secy, Treas, Dir - Ward 2 (Vacant)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a New Non-Restricted Gaming License

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **25.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Silver Saddle Inc. dba Club 2100, 2100 Fremont Street, Suite 110, Saeed Shakeri 2008 Gaming Trust, Owner 100%, Saeed Shakeri, Pres, Secy, Treas, Settlor-Trustee - Ward 3 (Coffin)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a Restricted Gaming License for 10 Slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **26.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Golden Route Operations, LLC db at Resnick's Grocery, 900 South Las Vegas Boulevard, Suite 120, Golden Gaming Inc., Owner 100%, Matthew Flandermeyer, VP, CFO - Ward 3 (Coffin)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a Restricted Gaming License for 3 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **27.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a New Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Nevada Gaming Partners, LLC db at Durango Market, 6955 North Durango Drive, Suite 1114, Bruce I. Familian, Mgr, Mmbr 65%, Jon M. Athey, Mmbr 35% - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a New Restricted Gaming License for 7 slots.

RECOMMENDATION:
Recommend approval subject to confirmation of approval by the Nevada Gaming Commission.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **28.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve an Extension of a Temporary Massage Establishment Ancillary License, Sola Salons Summerlin LLC dba Sola Salons, 8975 West Charleston Boulevard, Suite 130, Russell Grant Nordstrom, Mgr 50%, Ralph Gunn Campbell, Mgr 50% - Ward 2 (Vacant)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve an Extension of a Temporary Massage Establishment Ancillary License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the Director or designee to issue a permanent license upon receipt of a favorable investigative report and subject to the following conditions:

1. Area dedicated for massage does not exceed 150 sq feet.
2. No exterior signage advertising massage.
3. Hours of operation are limited to the period between 6:00 am and 10:00 pm and cannot exceed those of the primary business.
4. Massage therapists have valid State Massage licenses and City Business Licenses.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **29.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve a Pistol Permit, Sportsman's Warehouse, Inc. dba Sportsman's Warehouse, 5647 Centennial Center Boulevard, Sportsman's Warehouse Holdings, Inc. (Utah), Owner 100%, Chris Utgaard, Pres, Matthew G. French, Secy, Kevan Talbot, Treas, John Schaefer, Dir - Ward 6 (Ross)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve a Pistol Permit.

RECOMMENDATION:
Recommend Approval.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **30.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☒ **Consent** ☐ **Discussion**

SUBJECT:
For possible action to approve an Extension of a Temporary Secondhand Dealer Class III A License, Shalewis Holdings, LLC dba Golden Trade, 1750 North Buffalo Drive, Suite 110, Ygal Sharoni, Managing Mmbr 100% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
For possible action to approve an Extension of a Temporary Secondhand Dealer Class III A License.

RECOMMENDATION:
Recommend approval of an extension of the temporary license with the authority of the Director or designee to issue a permanent license upon receipt of a favorable investigative report.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **31.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PUBLIC WORKS
DIRECTOR: JORGE CERVANTES ☒ **Consent** ☐ **Discussion**

SUBJECT:

For possible action to approve Amendments No. 6 to the Grant and Cooperative Agreements L04AC13847 and L06AC12980 between the City of Las Vegas and the Bureau of Land Management (BLM) to extend the contract date to December 31, 2013 for the Las Vegas Bonanza Trails project funded under the Southern Nevada Public Lands Management Act (SNPLMA), located along Summerlin Parkway and US-95, west of Buffalo Drive to Valley View Boulevard – Wards 1, 4 and 5 (Tarkanian, Anthony and Barlow)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: PW/City Engineer

PURPOSE/BACKGROUND:

The City of Las Vegas entered into Grant and Cooperative Agreements L04AC13847 on March 22, 2004 and L06AC12980 on November 16, 2007 with the Bureau of Land Management (BLM) for the Las Vegas Bonanza Trails project. These amendments will extend the contract date to December 31, 2013 in order to complete construction and submit for reimbursements. These agreements have been reviewed by the City Attorney's office and stamp verified accordingly.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Grant and Cooperative Agreement L04AC13847 – Amendment No. 6
2. Grant and Cooperative Agreement L06AC12980 – Amendment No. 6

Grant and Cooperative Agreement

CHOOSE ONE:
- [X] COOPERATIVE AGREEMENT
- [ ] GRANT

CHOOSE ONE: [ ] EDUCATION [ ] FACILITIES [ ] RESEARCH [ ] SDCR [ ] TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE	4. COMPLETION DATE
L04AC13847	0006	04/20/2012	

5. ISSUED TO
NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
LAS VEGAS, CITY OF
Attn: UNKNOWN
400 STEWART AVENUE
LAS VEGAS

6. ISSUED BY BLM NV-STATE OFC BGT&FIN SVC(NV955)
Mailing Address: 1340 FINANCIAL BLVD.
RENO NV 89502

7. TAXPAYER IDENTIFICATION NO. (TIN)

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (*Name & Phone*)
Connie Diso
702-229-2142

10. RESEARCH, PROJECT OR PROGRAM TITLE
City of Las Vegas Bonanza Trails Project US-95 SNPLMA , Priority 3/7 , Project LV03

11. PURPOSE
See Schedule

12. PERIOD OF PERFORMANCE (*Approximately*)
03/22/2004 through 12/31/2013

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	$10,319,764.58	PREVIOUS	$10,319,764.58
THIS ACTION	$0.00	THIS ACTION	$0.00
CASH SHARE	$0.00	**TOTAL**	$10,319,764.58
NON-CASH SHARE	$0.00		
RECIPIENT SHARE	$0.00		
TOTAL	$10,319,764.58		

14. ACCOUNTING AND APPROPRIATION DATA
01

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER	Jeff Wilbanks			jwilbanks@blm.gov
NEGOTIATOR				
ADMINISTRATOR	Susan Kaller		775-861-6559	susan_kaller@blm.gov
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF :
Southern Nevada Public Land Management Act of 1998 P.L. 105- 263, as amended

Approved as to form
John S. Ridilla 2/15/12
John S. Ridilla Date
Deputy City Attorney

17. APPLICABLE STATEMENT(S), IF CHECKED:
- [ ] NO CHANGE IS MADE TO EXISTING PROVISIONS
- [ ] FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT

18. APPLICABLE ENCLOSURE(S), IF CHECKED:
- [ ] PROVISIONS
- [ ] SPECIAL CONDITIONS
- [ ] REQUIRED PUBLICATIONS AND REPORTS

UNITED STATES OF AMERICA		COOPERATIVE AGREEMENT RECIPIENT	
		Carolyn G. Goodman, Mayor	
CONTRACTING/GRANT OFFICER Susan Kaller	DATE	AUTHORIZED REPRESENTATIVE	DATE

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	CFDA Number: 15.235 DUNS Number: 030381610+0000 L04AC13847 11. PURPOSE: The purpose of this modification number 6 is to extend the period of performance; provide guidance for any future extension; and incorporate required language in the terms and conditions. A. Provides for a no cost period of performance extension to 12/31/2013. No further extension requests will be granted. These revisions were approved by the SNPLMA Executive Committee on 01/20/2012. B. Section VI. CCR Registration is revised to add the following: The recipient must register on FedConnect for the purpose of submitting Federal Financial Reports electronically. This web portal provides an open channel of communication with the government that is both secure and auditable. FedConnect registration or maintenance can be done on-line at: https://www.fedconnect.net/Fedconnect/ C. Section VIII Reports is revised to add the following: Please note: The GMO will review all OMB required reports, which include those required in parts A., B., and D of this Section. The SNPLMA Division will review the SNPLMA Division reports in part C. A. Federal Financial Reports: 1. Reports of expenditures are required as documentation of the financial status of awards according to the official accounting records of the recipient's organization. The recipient shall submit a quarterly the Federal Financial Report (FFR) SF-425, to report the status of funds for Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	this agreement. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information or SF 424C, Budget Information (whichever one applies). The reporting periods are: First quarter - October 1 through December 31; Second quarter - January 1 through March 31; Third quarter - April 1 through June 30; Fourth quarter - July 1 through September 30; and will continue through the life of the agreement. The quarterly reports shall be sent to the GMO via FedConnect and are due 30 calendar days after the end of the quarterly reporting period. The recipient will report program outlays on the basis of their financial management system, as identified on the SF-425, cash or accrual. 2. The final FFR will be submitted as delineated in part D of this Section, and will be submitted no later than 90 calendar days after the expiration or termination of this agreement. 3. Recipients who are placed on agency review will submit an original and one completed copy of the SF 270, Request for Advance or Reimbursement, to report the status of funds for each payment requested before reimbursement payments are made. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information. This does not relieve the recipient of the quarterly FFR requirement. 4. The GMO may review the report for patterns of cash expenditures, including accelerated or delayed drawdowns, and to assess whether performance or financial management problems exist. Before submitting FFRs to the GMO, grantees must ensure that the information submitted is accurate, complete, and consistent with the recipient's accounting system. The Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	recipient's Authorized Certifying Official's signature on the FFR certifies that the information in the FFR is correct and complete and that all outlays and obligations are for the purposes set forth in agreement documents, and represents a claim to the Federal government. Filing a false claim may result in the imposition of civil or criminal penalties. B. Performance/Progress Reports 1. Recipient shall submit an annual brief summary progress report to the GMO via FedConnect within 90 days after the end of the reporting period which for annual reports is September 30th (end of the fiscal year). The progress report must be prepared in accordance with 43 CFR, Subpart C, Section 12.80 for State, local and Indian tribal governments. The progress report will include a summary both of completed activities and activities in progress, a calculation of percent of completed work based on work identified in the recipient's submitted proposal, Project Management Plan, the reason for slippage if objectives or milestones are not met, a prediction of future activities and how they will be accomplished, and a discussion of issues and problems which may impact the ability to complete the work on time. Recommendations to overcome problems shall also be provided. The final progress report shall be submitted no later than 90 days following the expiration or termination of the agreement as part of the close out package as described in part D of this Section. C. SNPLMA Project Report Requirements 1. Project Work Plan: Required to be updated annually, at the end of the fiscal year, all recipients are required to complete a Project Work Plan (PWP) for each project, which shall be submitted to the SNPLMA Division for approval Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	prior to receiving authorization for the expenditure of funds. The PWP shall include: Descriptions of the project deliverables, Tasks and subtasks, Project target start and end dates, Schedule of periodic expenditures reflecting logical phases of the project 2. Quarterly - Status Report Cover Letter: The cover letter must be signed by an Authorized Representative certifying the amount of projected funding, in total and per project, being requested for draw down in the following quarter and project compliance with the policies procedures and guidelines in the current SNPLMA IA, project nomination package, and project cooperative agreement. 3. Quarterly - Status Report: In order to achieve authorization for a quarterly ASAP drawdown, a quarterly status update report must be submitted to the SNPLMA Division, due on the 15th of the month, prior to the beginning of the next quarter. This report will include: Progress on the deliverables detailed in the Project Work Plan, A description of the deliverable and the progress made in the quarter, Percentage of deliverable complete, Targeted start and end dates vs. actual start and end dates 4. Quarterly - Projected ASAP Funding Request: Submit a request for the projected amount of funding needed for each project cost reimbursement for the upcoming quarter. 5. Quarterly - Project Detailed Cost Worksheet: Submit this worksheet for the previous quarter. This worksheet tracks costs incurred on the project over its lifecycle, categorized by expenditure activity (e.g. Planning, Environmental Compliance, & Preconstruction Engineering & Design; FWS Consultation-Endangered Species Act; Construction Contract Costs; Direct Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	Labor; Official Vehicle; Other Direct and Contracted Labor Use; and Other Necessary Expenses). D. Project Closeout/Reports and Sequence of Events for SNPLMA Projects Prior to any final project closeout the SNPLMA Division will perform a final review the project files and financial records. 1. The SNPLMA Division will finalize total expenses and complete their review within 90 days and prior to the final closeout process completed by the GMO. 2. Once the SNPLMA Division completes their process, the PD will complete a signed closeout letter confirming that the project has been completed within the context of the project, as approved by the Secretary, and outlined in the SNPLMA IA and submit it to the SNPLMA Division and the GMO. This letter will detail final administrative funding needs and draw downs, include the Final FFR, SF-425 which reflects funds to be de-obligated. 3. The recipient will comply with reporting requirements outlined above, due no later than 90 calendar days after the expiration or termination of this agreement. 4. Any remaining funds not expended as identified in box 10.h of the Final SF-425 will be de-obligated by the GMO by unilateral administrative modification to the agreement. The award amounts in Box 13A reflect only the remaining balance at the time of the BLM's conversion to a new financial system in FY2009. The actual total award for project LV03 under agreement number L04AC14387 is as follows: Previous obligation = $13,310,000.00 this action = $0.00 total obligation = $13,310,000.00. All other terms and conditions remain unchanged. Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	Legacy Doc #: NAF04LV03 Delivery Location Code: 0004276516 BLM-NV NEVADA STATE OFFICE* BUDGET & FINANCIAL SVCS. BRANCH RENO NV 89520-0006 US Period of Performance: 03/22/2004 to 12/31/2013 BLM Point of Contact (POC) is Susan Kaller Grants and Agreements Specialist, 775-861-6559. Jeff Wilbanks is the BLM Program Officer, SNDO Phone 702-515-5160.				

Grant and Cooperative Agreement

CHOOSE ONE:
- [X] COOPERATIVE AGREEMENT
- [ ] GRANT

CHOOSE ONE: [ ] EDUCATION [ ] FACILITIES [ ] RESEARCH [ ] SDCR [ ] TRAINING

1. GRANT/COOPERATIVE AGREEMENT NUMBER	2. SUPPLEMENT NUMBER	3. EFFECTIVE DATE	4. COMPLETION DATE
L06AC12980	0006	04/20/2012	

5. ISSUED TO
NAME/ADDRESS OF RECIPIENT (No., Street, City/County, State, Zip)
LAS VEGAS, CITY OF
Attn: UNKNOWN
400 STEWART AVENUE
LAS VEGAS

6. ISSUED BY: BLM NV-STATE OFC BGT&FIN SVC(NV955)
Mailing Address: 1340 FINANCIAL BLVD.
RENO NV 89502

7. TAXPAYER IDENTIFICATION NO. (TIN)

8. COMMERCIAL & GOVERNMENT ENTITY (CAGE) NO.

9. PRINCIPAL INVESTIGATOR/ORGANIZATION'S PROJECT OR PROGRAM MGR. (*Name & Phone*)
Connie Diso
702-229-2142

10. RESEARCH, PROJECT OR PROGRAM TITLE
CITY OF LAS VEGAS BONANZA TRAILS PROJECT US-95 SNPLMA , PRIORITY 3/7 , PROJECT LV03

11. PURPOSE
See Schedule

12. PERIOD OF PERFORMANCE (*Approximately*)
11/16/2007 through 12/31/2013

13A.	AWARD HISTORY	13B.	FUNDING HISTORY
PREVIOUS	$730,000.00	PREVIOUS	$730,000.00
THIS ACTION	$0.00	THIS ACTION	$0.00
CASH SHARE	$0.00	**TOTAL**	$730,000.00
NON-CASH SHARE	$0.00		
RECIPIENT SHARE	$0.00		
TOTAL	$730,000.00		

14. ACCOUNTING AND APPROPRIATION DATA
01

PURCHASE REQUEST NO.	JOB ORDER NO.	AMOUNT	STATUS

15. POINTS OF CONTACT

	NAME	MAIL STOP	TELEPHONE	E-MAIL ADDRESS
TECHNICAL OFFICER	Jeff Wilbanks			jwilbanks@blm.gov
NEGOTIATOR				
ADMINISTRATOR	Susan Kaller		775-861-6559	susan_kaller@blm.gov
PAYMENTS				

16. THIS AWARD IS MADE UNDER THE AUTHORITY OF :
Southern Nevada Public Land Management Act of 1998 P.L. 105- 263, as amended

Approved as to form
John S. Ridilla 2/15/12
John S. Ridilla Date
Deputy City Attorney

17. APPLICABLE STATEMENT(S), IF CHECKED:
- [ ] NO CHANGE IS MADE TO EXISTING PROVISIONS
- [ ] FDP TERMS AND CONDITIONS AND THE AGENCY-SPECIFIC REQUIREMENTS APPLY TO THIS GRANT

18. APPLICABLE ENCLOSURE(S), IF CHECKED:
- [ ] PROVISIONS
- [ ] SPECIAL CONDITIONS
- [ ] REQUIRED PUBLICATIONS AND REPORTS

UNITED STATES OF AMERICA		COOPERATIVE AGREEMENT RECIPIENT	
		Carolyn G. Goodman, Mayor	
CONTRACTING/GRANT OFFICER	DATE	AUTHORIZED REPRESENTATIVE	DATE
Susan Kaller			

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	CFDA Number: 15.235 DUNS Number: 030381610+0000 L06AC12980 11. PURPOSE: The purpose of this modification number 6 is to extend the period of performance; provide guidance for any future extension; and incorporate required language in the terms and conditions. A. Provides for a no cost period of performance extension to 12/31/2013. No further extension requests will be granted. These revisions were approved by the SNPLMA Executive Committee on 01/20/2012. B. Section VI. CCR Registration is revised to add the following: The recipient must register on FedConnect for the purpose of submitting Federal Financial Reports electronically. This web portal provides an open channel of communication with the government that is both secure and auditable. FedConnect registration or maintenance can be done on-line at: https://www.fedconnect.net/Fedconnect/ C. Section VIII Reports is revised to add the following: Please note: The GMO will review all OMB required reports, which include those required in parts A., B., and D of this Section. The SNPLMA Division will review the SNPLMA Division reports in part C. A. Federal Financial Reports: 1. Reports of expenditures are required as documentation of the financial status of awards according to the official accounting records of the recipient's organization. The recipient shall submit a quarterly the Federal Financial Report (FFR) SF-425, to report the status of funds for Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	this agreement. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information or SF 424C, Budget Information (whichever one applies). The reporting periods are: First quarter - October 1 through December 31; Second quarter - January 1 through March 31; Third quarter - April 1 through June 30; Fourth quarter - July 1 through September 30; and will continue through the life of the agreement. The quarterly reports shall be sent to the GMO via FedConnect and are due 30 calendar days after the end of the quarterly reporting period. The recipient will report program outlays on the basis of their financial management system, as identified on the SF-425, cash or accrual. 2. The final FFR will be submitted as delineated in part D of this Section, and will be submitted no later than 90 calendar days after the expiration or termination of this agreement. 3. Recipients who are placed on agency review will submit an original and one completed copy of the SF 270, Request for Advance or Reimbursement, to report the status of funds for each payment requested before reimbursement payments are made. In addition include separately, detailed information of costs, by budget categories that reflects the approved SF 424A, Budget Information. This does not relieve the recipient of the quarterly FFR requirement. 4. The GMO may review the report for patterns of cash expenditures, including accelerated or delayed drawdowns, and to assess whether performance or financial management problems exist. Before submitting FFRs to the GMO, grantees must ensure that the information submitted is accurate, complete, and consistent with the recipient's accounting system. The Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	recipient's Authorized Certifying Official's signature on the FFR certifies that the information in the FFR is correct and complete and that all outlays and obligations are for the purposes set forth in agreement documents, and represents a claim to the Federal government. Filing a false claim may result in the imposition of civil or criminal penalties. B. Performance/Progress Reports 1. Recipient shall submit an annual brief summary progress report to the GMO via FedConnect within 90 days after the end of the reporting period which for annual reports is September 30th (end of the fiscal year). The progress report must be prepared in accordance with 43 CFR, Subpart C, Section 12.80 for State, local and Indian tribal governments. The progress report will include a summary both of completed activities and activities in progress, a calculation of percent of completed work based on work identified in the recipient's submitted proposal, Project Management Plan, the reason for slippage if objectives or milestones are not met, a prediction of future activities and how they will be accomplished, and a discussion of issues and problems which may impact the ability to complete the work on time. Recommendations to overcome problems shall also be provided. The final progress report shall be submitted no later than 90 days following the expiration or termination of the agreement as part of the close out package as described in part D of this Section. C. SNPLMA Project Report Requirements 1. Project Work Plan: Required to be updated annually, at the end of the fiscal year, all recipients are required to complete a Project Work Plan (PWP) for each project, which shall be submitted to the SNPLMA Division for approval Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	prior to receiving authorization for the expenditure of funds. The PWP shall include: Descriptions of the project deliverables, Tasks and subtasks, Project target start and end dates, Schedule of periodic expenditures reflecting logical phases of the project 2. Quarterly - Status Report Cover Letter: The cover letter must be signed by an Authorized Representative certifying the amount of projected funding, in total and per project, being requested for draw down in the following quarter and project compliance with the policies procedures and guidelines in the current SNPLMA IA, project nomination package, and project cooperative agreement. 3. Quarterly - Status Report: In order to achieve authorization for a quarterly ASAP drawdown, a quarterly status update report must be submitted to the SNPLMA Division, due on the 15th of the month, prior to the beginning of the next quarter. This report will include: Progress on the deliverables detailed in the Project Work Plan, A description of the deliverable and the progress made in the quarter, Percentage of deliverable complete, Targeted start and end dates vs. actual start and end dates 4. Quarterly - Projected ASAP Funding Request: Submit a request for the projected amount of funding needed for each project cost reimbursement for the upcoming quarter. 5. Quarterly - Project Detailed Cost Worksheet: Submit this worksheet for the previous quarter. This worksheet tracks costs incurred on the project over its lifecycle, categorized by expenditure activity (e.g. Planning, Environmental Compliance, & Preconstruction Engineering & Design; FWS Consultation-Endangered Species Act; Construction Contract Costs; Direct Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	Labor; Official Vehicle; Other Direct and Contracted Labor Use; and Other Necessary Expenses). D. Project Closeout/Reports and Sequence of Events for SNPLMA Projects Prior to any final project closeout the SNPLMA Division will perform a final review the project files and financial records. 1. The SNPLMA Division will finalize total expenses and complete their review within 90 days and prior to the final closeout process completed by the GMO. 2. Once the SNPLMA Division completes their process, the PD will complete a signed closeout letter confirming that the project has been completed within the context of the project, as approved by the Secretary, and outlined in the SNPLMA IA and submit it to the SNPLMA Division and the GMO. This letter will detail final administrative funding needs and draw downs, include the Final FFR, SF-425 which reflects funds to be de-obligated. 3. The recipient will comply with reporting requirements outlined above, due no later than 90 calendar days after the expiration or termination of this agreement. 4. Any remaining funds not expended as identified in box 10.h of the Final SF-425 will be de-obligated by the GMO by unilateral administrative modification to the agreement. All other terms and conditions remain unchanged. Legacy Doc #: NAF04LV03 Delivery Location Code: 0004276516 BLM-NV NEVADA STATE OFFICE* BUDGET & FINANCIAL SVCS. BRANCH RENO NV 89520-0006 US Period of Performance: 11/16/2007 to 12/31/2013 Continued ...				

Grant and Cooperative Agreement

ITEM NO. (A)	ITEM OR SERVICE (Include Specifications and Special Instructions) (B)	QUANTITY (C)	UNIT (D)	ESTIMATED COST	
				UNIT PRICE (E)	AMOUNT (F)
	BLM Point of Contact (POC) is Susan Kaller Grants and Agreements Specialist, 775-861-6559. Jeff Wilbanks is the BLM Program Officer, SNDO Phone 702-515-5160.				

City of Las Vegas Agenda Item No.: **32.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-19-2012 - For possible action to approve an Amended Resolution Establishing the Green Building Special Revenue Fund - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
On May 7, 2008, the City Council established a Special Revenue Fund to facilitate the receipt, distribution and documentation of funding attributable to the administration of the City of Las Vegas' Green Building Program. This amended resolution meets the revised government accounting standards for revenue and expenditures of the Fund. This resolution replaces R-22-2008.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Resolution No. R-19-2012

AMENDED RESOLUTION ESTABLISHING THE GREEN BUILDING SPECIAL REVENUE FUND

WHEREAS, on October 20, 2006, by means of Resolution R-81-2006, the City Council adopted the City of Las Vegas Green Building Program (the "Program"); and

WHEREAS, on May 7, 2008, the City Council adopted Resolution R-22-2008, which established the Green Building Special Revenue Fund (the "Fund"); and

WHEREAS, as expressed in those resolutions, the Program and the Fund were to be supported with certain franchise fee revenue (the "Franchise Fee Revenue"), described as follows:

> **Beginning with Fiscal Year 2008. the City will dedicate 25% of any incremental increase in the aggregate amount of franchise fees collected from providers of electricity, gas, and solid waste collection services over the aggregate amount of those fees collected in 2007, not to exceed $2,500,000 in any single year;**

and

WHEREAS, the stated purpose of the Fund was to fund "any increased costs associated with the construction of new public buildings, costs for the renovation or maintenance of existing facilities to LEED-Silver level or other equivalent standard, and the funding of green building and sustainability incentives and the development of public education programs"; and

WHEREAS, it is the intent of the City Council to set forth additional revenue sources for the Fund, as well as additional purposes for which the Fund may be used and applied.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, AS FOLLOWS:

1. In addition to the Franchise Fee Revenue described above, funding sources for the Fund may also include grants, refunds, rebates, donations, energy savings and proceeds from recycled materials (collectively, the "Additional Revenue").

2. The purpose of the Franchise Fee Revenue and Additional Revenue is to provide funding for the following:

A. Any increased costs associated with the construction of new public buildings that are appropriate for certification to LEED-Silver or equivalent standard;

B. Any increased costs associated with energy efficient upgrades in the design and construction of new public buildings or facilities that are not appropriate or eligible for green

building certification;

C. Construction of renewable energy systems for public buildings and facilities;

D. Implementation of energy conservation measures for public buildings and facilities;

E. Planning and development of sustainable public facilities and related infrastructure;

F. Completion of the goals, objectives and purposes of any accepted grant or rebate program;

G. Recycling programs;

H. Green building and sustainability incentives; and

I. Development of education and outreach programs for City employees and the public generally.

3. This Resolution shall replace and supersede Resolution R-22-2008.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2012.

CITY OF LAS VEGAS

BY _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM

Val Steed 3-5-12
Date

City of Las Vegas Agenda Item No.: **33.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: TED J. OLIVAS ☒ **Consent** ☐ **Discussion**

SUBJECT:
RESOLUTIONS:

R-20-2012 – For possible action to approve a Resolution authorizing the City Manager, or a designee, to donate City of Las Vegas funds to a charitable organization under certain circumstances - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
On occasion it may be appropriate for the City of Las Vegas to express sympathy to the families of certain members of the community who have passed away. Approval of this resolution authorizes the City Manager, or designee, to expend City funds for the purpose of making a donation to a charitable organization in the name of a member of the community who has passed away in lieu of flowers or similar expressions of sympathy.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Resolution No. R-20-2012

R-20-2012

RESOLUTION AUTHORIZING THE CITY MANAGER, OR A DESIGNEE, TO DONATE CITY FUNDS TO A CHARITABLE ORGANIZATION UNDER CERTAIN CIRCUMSTANCES

WHEREAS, the City has established an Entertainment and Gift Expenditure Policy that sets forth guidelines for expenditures and reimbursements relating to entertainment and gifts, which can include gifts and donations related to expressions of sympathy; and

WHEREAS, on occasion it may be appropriate for the City to express sympathy to the families of certain members of the community who have passed away; and

WHEREAS, family members in such cases often request that donations be made to charitable organizations in lieu of flowers or similar expressions of sympathy; and

WHEREAS, it is in the interest of the City and the public generally to express sympathy in such cases, where deemed appropriate, whether in the form of flowers or similar expressions of sympathy or in the form of a donation to a charitable organization pursuant to a family request.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL to authorize the City Manager, or the City Manager's designee, to expend City funds for the purpose of making a donation to a charitable organization in the name of a member of the community who has passed away, in lieu of flowers or similar expressions of sympathy. The expenditure, which shall not exceed the amount of $150.00, may be in the nature of a direct donation or in reimbursement of such donation made by a City employee.

PASSED, ADOPTED, AND APPROVED this _____ day of _____, 2012.

CITY OF LAS VEGAS

BY _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM

Val Steed 3-5-12
Date

City of Las Vegas Agenda Item No.: **34.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: CITY MANAGER
DIRECTOR: ELIZABETH N. FRETWELL ☐ **Consent** ☒ **Discussion**

SUBJECT:
ADMINISTRATIVE:

Report for possible action regarding the unfunded liabilities of the City - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
The city has long-term obligations to employees and retirees for certain benefits, as well as for the maintenance of infrastructure assets like road, flood, sewer, park, recreation, and administrative facilities. Currently, most of these obligations are funded on a pay-as-you-go basis, but the long term obligations are significant and will grow over time.

RECOMMENDATION:
Accept report and direct staff as appropriate.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **35.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
ABEYANCE ITEM - Discussion for possible action regarding a Beer/Wine/Cooler Off-Sale License, Mulugeta Bour dba CJ Market, 1000 South Torrey Pines Drive, Suite A, Mulugeta Kebede Bour, Owner 100% - Ward 1 (Tarkanian)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Beer/Wine/Cooler Off-Sale License. This item was held in Abeyance from the February 15, 2012 City Council meeting.

RECOMMENDATION:
Recommendation to be provided following the discussion of this item at the City Council Meeting.

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **36.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:
BOARDS & COMMISSIONS:

ABEYANCE ITEM - For Possible Action - CIVIL SERVICE BOARD OF TRUSTEES – Priscilla Rocha, Term Expiration 2-21-2012

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount: $50.00 per meeting
Funding Source: Human Resources
Dept./Division: General Fund

PURPOSE/BACKGROUND:
The Board of Civil Service Trustees is comprised of 5 members appointed by the City Council. Members of this board must be City residents and attendance is compensatory. Members are limited to two full terms and there is no requirement to fill an unexpired portion of a term. Ms. Rocha has completed two full terms and is not eligible to be reappointed. This item was held in Abeyance from the 3/7/2012 City Council Meeting.

RECOMMENDATION:
Procedure for this Board requires appointment by the City Council. Option is for any member of the City Council to appoint a new member to fill the seat.

BACKUP DOCUMENTATION:
Current Listing and Authority

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.

Board of Civil Service Trustees

	Name	Appointment Date	Expiration Date	Recommended By:
1	**Andreas (Andy) Spurlock**	8 /17/2011 **Reapp: N/A**	8/17/2015	Council
2	**Evelyn Beals**	7 /6 /2005 **Reapp: 7/15/2009**	7/6/2013	Council
3	**Priscilla Rocha** Effective 2/21/2004	2 /18/2004 **Reapp: 1/16/2008**	2/21/2012	Council
4	**David W. Steinman**	9 /16/2009 **Reapp: N/A**	9/16/2013	Council
5	**Malcolm White** Effective 11/8/2006	10/18/2006 **Reapp: 10/20/2010**	11/8/2014	Council

AUTHORITY: City Charter Article 10 - L.V.M.C. 3.04 - Amended per Bill 2001-70, Ordinance 5346, of 8-1-2001 indicating Financial Disclosures requirement.

TERM: 4 year terms (do not have to fill unexpired terms).
Members are limited to two full terms. (Ord. 3321, 11-4-87)

APPOINTED: 5 members appointed by the City Council.

COMPENSATION: $50.00 for each meeting attended.

NOTES: **MUST BE CITY OF LAS VEGAS RESIDENT (Ord. 3527, LVMC 2.49).**

PURPOSE: The Board of Civil Service Trustees administers the system of civil service.

City of Las Vegas Agenda Item No.: **37.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2012-12 - For Possible Action - Updates various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles. Sponsored by: Mayor Carolyn G. Goodman

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will update various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles. The update is largely concerned with reorganization of the administrative and enforcement function in accordance with the recently-approved Parking Asset Management Plan. The bill includes a few clarifying changes but makes no substantive changes to the regulations that govern nonmoving violations.

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. 2012-12
2. Business Impact Statement

BILL NO. 2012-12

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE VARIOUS PROVISIONS OF THE MUNICIPAL CODE RELATING TO THE STOPPING, STANDING, PARKING AND LOADING OF VEHICLES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Carolyn G. Goodman

Summary: Updates various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles.

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

SECTION 1: Title 11, Chapter 2, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 100, reading as follows:

11.02.100: "Code enforcement authority" means any department or function of the City assigned to the enforcement of the nuisance ordinances or zoning ordinances of the City.

SECTION 2: Title 11, Chapter 4, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 25, reading as follows:

11.04.025: The City Traffic Engineer may delegate or assign to another department, division, function or officer or employee of the City any power or duty that:

(A) Is assigned to the City Traffic Engineer under this Title; and

(B) Relates to the stopping, standing, parking or loading of vehicles.

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

11.10.010: (A) It is a civil infraction, for which both the registered owner and the operator of a vehicle are liable, for such vehicle to be parked or found in violation of any of the parking laws which are set forth in this Title.

(B) Nothing in this Title shall prohibit the parking of a vehicle, consistent with public safety, by a physically handicapped person, a disabled veteran or a person transporting a physically handicapped person or disabled veteran in compliance with NRS 484.407.

(C) Definitions. For purposes of the provisions of this Title[,] that pertain to the parking, stopping, standing or loading of vehicles, unless otherwise indicated:

(1) "Operator" means and includes every individual who operates a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or is in actual physical control of a vehicle.

(2) "Park" or "parking" means the standing, stopping or halting of a vehicle, whether occupied or not, upon a street, including temporarily for the purpose of, and while engaged in, receiving or discharging passengers or loading or unloading freight, cargo, merchandise or other goods, but not including in obedience to traffic regulations, signs or signals or an involuntary stopping of the vehicle by reason of causes beyond the control of the operator of the vehicle.

(3) "Parking meter" means and includes any mechanical device or meter not inconsistent with this Title placed or erected for the regulation of parking by authority of this Title. Each parking meter installed shall indicate by proper legend the legal parking time established by the City and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

(4) "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle between parking meters, between a parking meter and a prohibited or restricted parking area or area so designated by line painted or otherwise durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

(5) "Parking meter zone"[means and] includes any [restricted] street upon which parking meters are installed and in operation[.], as well as any City-owned parking lot.

(6) "Street" means any public street, avenue, road, alley, highway, lane, path or other public place located in the City and established for the [use of vehicles.] conveyance of vehicular traffic.

(7) "Vehicle" means any device in, upon or by which any person or property is or may be transported upon a highway, except a device which is operated upon rails or tracks.

SECTION 4: Title 11, Chapter 10, Section 30, of the Municipal Code of the City of

Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.10.030: (A) A Notice of Infraction issued under this Chapter must contain the following information:

(1) The state and license number and the make of the vehicle which is parked in violation of the provisions of this Code;

(2) The location at which the violation occurred;

(3) The date and time of the violation;

(4) The number of the applicable parking meter, if the vehicle is violating a parking regulation respecting the use of parking meters, as provided for in Chapter 11.54;

(5) The name of the person who issues the Notice of Infraction;

(6) The section of this Code which allegedly is being violated;

(7) The names of the operator and/or the registered owner of the vehicle, if they are known to the person who issues the Notice of Infraction;

(8) Information which advises of the manner in which, and the time within which, the Notice of Infraction must be answered;

(9) [Any other reasonable information which is prescribed by the Department of Detention and Enforcement or Department of Business Activity.] Such other information as the Parking Division of the Department of Economic and Urban Development may prescribe.

(B) No error concerning or omission of any of the above-described information is not grounds for the dismissal of an action relating to a Notice of Infraction unless the person requesting such a disposition demonstrates substantial prejudice therefrom by a preponderance of the evidence.

(C) Where the Notice of Infraction data is entered into and stored in a computer or similar device, any printout or other output readable by sight which accurately reflects such data is an "original" Notice of Infraction for purposes of this Chapter. Any such recording which is moved or copied into another computer or similar device and is intended to have the same effect by the issuing officer is also an "original" Notice of Infraction for purposes of this Chapter.

(D) Any Notice of Infraction issued pursuant to this Chapter, shall constitute a declaration which is subject to the penalty of perjury.

SECTION 5: Title 11, Chapter 10, Section 40, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.10.040: The Notice of Infraction may be issued by any peace officer or by any [person who is authorized to do so by the Director of the Department of Detention and Enforcement.] officer of the unit of the Department of Economic and Urban Development assigned to parking enforcement.

SECTION 6: Title 11, Chapter 10, Section 50, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.10.050: An original Notice of Infraction, or a facsimile thereof, must be filed with and retained by the Parking Division of the Department of [Finance and Business Services and retained by that Department] Economic and Urban Development and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein. An original or duplicate of the Notice of Infraction must be served on the person to whom it is issued as provided in Section 11.10.060.

SECTION 7: Title 11, Chapter 10, Section 80, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11.10.080: (A) The owner or operator of a vehicle concerning which a Notice of Infraction has been issued and served in accordance with this Chapter must:

(1) "Admit" responsibility for the commission of the infraction and liability for the penalty imposed and pay the appropriate civil fine and penalty;

(2) Contact the [Director of Finance and Business Services, or his authorized designee,] Parking Division of the Department of Economic and Urban Development, "admit" responsibility and liability for the commission of the infraction and any penalties thereon and arrange a schedule for the payment of such fines and penalties; or

(3) Request a binding hearing, as provided for in Subsections (B) to (J), inclusive, of this Section in order to disclaim responsibility as the owner or operator, or to dispute the propriety of the issuance of the Notice of Infraction and any penalties related thereto.

(B) A person may initiate a hearing pursuant to Paragraph (3) of Subsection (A) of this Section by personally contacting the [Director of Finance and Business Services, or his authorized designee,] Parking Division of the Department of Economic and Urban Development, identifying his/her name, current address and the Notice(s) of Infraction(s) and penalties thereon which such person wishes to subject to such hearing, and receiving a date for such hearing. Any person initiating such a hearing in this manner (the "defendant") shall be bound by the decision of the Hearing Officer concerning liability for the infraction(s) and responsibility for the penalties thereon. If any defendant scheduling a hearing before the Hearing Officer fails to appear at such hearing without having first sought and obtained a continuance of such hearing, the Hearing Officer may enter a decision against the defendant for the full amount of fines and penalties scheduled to be reviewed. In connection with the request for a hearing, the defendant must acknowledge the binding nature of the hearing and the Hearing Officer's authority in the event the defendant fails to appear at a hearing. The acknowledgment shall be in substantially the following form:

I _____, hereby request a binding hearing before the Hearing Officer. My address is _____. I request that this hearing involve Notice(s) of Infraction(s) Number _____. I understand that the Hearing Officer is an attorney and not an elected or appointed judge.

I understand that I am bound by the decision of the Hearing Officer. I understand that if I fail to appear for the scheduled hearing before the Hearing Officer without first obtaining a continuance of such hearing, the Hearing Officer may enter a decision against me for the full amount and penalties scheduled to be reviewed. I understand and agree that if necessary due to my lack of timely payment, the City of Las Vegas can and will use this binding decision to have a formal civil judgment entered against me in the Las Vegas Municipal Court.

I understand that if a civil judgment is obtained, the City may seek and obtain a writ of execution against me. I understand that if a writ of execution is obtained, my wages and/or bank accounts may be garnished, liens may be put on my property and my vehicle(s) may be towed or immobilized. I also understand that my vehicle(s) may be immobilized without a writ of execution if:

1. I accumulate more than $500.00 in unpaid civil fines, judgments and penalties for parking violations, or

2. At least five Notices of Infraction have been issued and served with respect to vehicles I own and have not been responded to within the time set forth in LVMC 11.10.090.

Knowing all of the above, I still wish to request a binding hearing before the Hearing Officer on the above-described Notice(s) of Infraction(s). I hereby acknowledge the above and further acknowledge that at my request a hearing has been set for _____, 20_____ at the hour of _____ m.

_____

Defendant

(C) Any hearing conducted pursuant to Subsection (A), Paragraph (3) and Subsection (B) of this Section shall be presided over by a Hearing Officer who shall be an attorney licensed to practice law in the State of Nevada.

(D) With respect to any hearing conducted pursuant to Subsection (A), Paragraph (3) and Subsection (B) of this Section, a properly filed Notice of Infraction shall constitute a claim of liability and a claim for relief and no other such claim shall be required. Prima facie proof of the violation alleged shall be established by the City providing the Hearing Officer with either a certified copy of the Notice of Infraction or the data stored in a computer or other device as described in Subsection (B) of Section 11.10.030. No formal appearance by the City Attorney's office is required. The hearings and dispositions of all such actions shall be informal, with the Hearing Officer receiving witness statements or testimony and other evidence for the sole purpose of dispensing fair and speedy justice between the parties.

(E) The burden of proving any defense shall be upon the person raising such defense.

(F) If the Hearing Officer finds that the infraction did not occur or that an infraction was committed, but one or more of the defenses set forth below is applicable, the Hearing Officer shall enter his decision for the defendant. Such a decision shall release the registered owner and/or operator from all liability thereunder. Such defenses include, but are not limited to:

(1) At the time of the receipt of the notice, possession of the subject vehicle had been acquired by another in violation of the laws of the State of Nevada;

(2) If the notice alleges a violation of any ordinance pertaining to a meter, such meter was mechanically malfunctioning to the extent that its reliability was questionable;

(3) Compliance with the subject ordinances would have presented an imminent danger to persons or property;

(4) The area of the alleged violation was so inadequately marked or lit as to fail to give sufficient notice that access to the area was restricted or prohibited;

(5) A mechanical malfunction of the vehicle caused it to be parked in the area alleged and it was removed as soon as could be reasonably expected thereafter;

(6) At the time of the issuance of the Notice of Infraction, the vehicle was parked consistent with public safety, by a physically handicapped person, a disabled veteran or a person transporting a physically handicapped person or disabled veteran in compliance with NRS 484.407.

(G) Except as provided in Subsection (H) of this Section, the defendant shall pay the total civil fines and penalties forthwith or at such times and on such conditions as the Hearing Officer shall prescribe if it is found that the person has either failed to appear or otherwise defend against the issuance of the infraction as agreed or that the infraction has been committed and no applicable defense exists. It is the defendant's burden to establish by a preponderance of the evidence that, through no fault of himself or his agent, he failed to receive notice of the issuance of the Notice of Infraction as provided in this Chapter. If the defendant meets this burden, he is not liable for any civil penalties which would otherwise apply and such penalties shall not be included in any decision against the defendant.

(H) Upon request and proper proof, the Hearing Officer may reduce his or her decision concerning liability by up to twenty-five percent of the original amount found due in consideration of the timely payment of the prior balance if satisfied by the defendant that a preponderance of the evidence shows that the defendant has become indigent and will be unable to pay the balance.

(I) Upon reaching a decision, the Hearing Officer shall, as soon as practicable thereafter, file a written decision substantially conforming to the following form:

City of Las Vegas, Clark County, Nevada, City of Las Vegas, Plaintiff v. _____, Defendant. Before, _____, Hearing Officer for the City of Las Vegas, Clark County, Nevada, decision is entered in favor of _____, (plaintiff or defendant) for $_____ (enter $0.00 if judgment is for the defendant), on the _____day of _____, 20_____. I certify that the foregoing is a correct reflection of the decision entered in the action properly brought for my consideration pursuant to Section 11.10.080.

_____

Hearing Officer

(J) The City Attorney may petition the Las Vegas Municipal Court for the entry of a civil judgment against the defendant in an amount equal to that stated in the written decision of the Hearing Officer if the City Attorney determines this action to be necessary to enforce such decision. Service of such petition on the defendant must be made by certified mail, return receipt requested, restricted delivery, addressed to the registered owner of the vehicle at his last known address, as indicated by the vehicle registration which is maintained by the Nevada Department of Motor Vehicles or in any other manner which is authorized by law. An affidavit or declaration of mailing, a signed, returned receipt, or other evidence of service shall be filed upon such service of the petition. Once a petition for civil judgment pursuant to this Subsection (J) has been filed with the Municipal Court, the assigned judge has jurisdiction to grant or deny the relief prayed for therein.

SECTION 8: Title 11, Chapter 24, Section 30, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.24.030: Any officer of the Metropolitan Police Department, [or any officer of] the Department of Detention and Enforcement, or the unit of the Department of Economic and Urban Development assigned to parking enforcement who has reasonable grounds to believe that a vehicle has been abandoned or has been parked in violation of LVMC 11.24.010 may affix a Notice of Infraction to the vehicle. An authorized employee of the [Department of Neighborhood Services] code enforcement authority who has reasonable grounds to believe that a vehicle has been abandoned or parked on

private property in violation of LVMC 11.24.020 may affix a Notice of Infraction to the vehicle. The officer or employee may also affix a warning notice advising that the vehicle is subject to tow because it is in violation, and may mark one or more tires of the vehicle to indicate the current date. Subject to the provisions of NRS Chapters 484B and 487, [Any] any such officer or employee is authorized to immediately remove or have such vehicle removed from any street, highway, public thoroughfare, public or private property, for the purpose of storage or disposition, to any garage within the City as designated by the officer or employee if the vehicle:

(A) Has not been removed within seventy-two hours after the warning notice is affixed.

(B) Has been parked for more than twenty-four hours while in violation of a parking prohibition, restriction or time limitation.

(C) Is parked at a location or in a manner so as to constitute a traffic hazard or an obstruction to the normal movement of traffic or pedestrians.

(D) Is parked within a fire lane, whether on public or private property, which has been designated and posted as such pursuant to Section 503.3 of the International Fire Code, as adopted by the City.

(E) Is parked within fifteen feet of a fire hydrant located on either public or private property, whether or not:

(1) A sign has been posted to indicate "No Parking"; or

(2) The adjacent curb or road surface has been painted red.

(F) Has obviously been abandoned upon a street, highway, public thoroughfare or on public property.

(G) Has been abandoned or parked in violation of LVMC 11.24.020, and has not been removed within seventy-two hours after a warning notice has been affixed.

(H) Is parked upon a street, highway, public thoroughfare or public property and is so disabled or in such a state of disrepair that its normal operation is impossible or impractical.

(I) Is parked upon a street, highway, public thoroughfare or public property and displays no valid registration permit or license plate issued for that vehicle by the Nevada Department

of Motor Vehicles [for that vehicle.] or by another state or nation.

(J) Is parked on private property to which the public has access and has been damaged or is in such a state of disrepair as to constitute an imminent hazard to the public.

SECTION 9: Title 11, Chapter 52, Section 90, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.52.090: The City Traffic Engineer is authorized to issue special permits to permit the backing of a vehicle to the curb or building in alleys for the purposes of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized herein. The City Traffic Engineer shall immediately provide notice to the Department of Detention and Enforcement, and to the Parking Division of the Department of Economic and Urban Development of the issuance of a permit under this Section. [by causing a copy thereof to be forwarded to such Department.]

SECTION 10: Title 11, Chapter 54, Section 20, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.020: Those streets or portions of streets or areas described in Schedule 3-I, a copy of which is to be maintained for public inspection in the offices of the City Clerk and City Traffic Engineer, and such other streets, [or] portions of streets or other areas as may be added to said Schedule by written finding of the City Traffic Engineer shall constitute a parking meter zone. [All frontages on such streets or areas in said zones are to be included therein.]

SECTION 11: Title 11, Chapter 54, Section 30, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.030: The placement or removal of parking meters on those streets, [and parts of streets] portions of streets and other areas identified in LVMC 11.54.020[,] shall be done by written finding of the City Traffic Engineer approving such placement or removal.

SECTION 12: Title 11, Chapter 54, Section 50, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.050: In parking meter zones, the Traffic Engineer shall cause parking meters to be installed

at the appropriate locations so as to control the metered parking spaces established under this Chapter. The [Department of Detention and Enforcement] Parking Division of the Department of Economic and Urban Development shall be responsible for the enforcement, installation, operation, maintenance and use of parking meters. Each device shall be so set as to display a signal showing legal parking for the period of time established under this Chapter, upon the deposit of the appropriate coin in lawful money of the United States of America or upon the activation of an approved debit or credit payment. Each device shall be so arranged so that upon the expiration of the lawful time it will indicate by a proper visible signal that the lawful parking period has expired, and in such cases the right of the vehicle to occupy such space shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided in this Title.

SECTION 13: Title 11, Chapter 54, Section 170, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.170: It shall be the duty of the [Department of Detention and Enforcement] Parking Division of the Department of Economic and Urban Development to designate some employee or employees, [of that Department,] who shall be bonded, to make regular collections of the money deposited in said meters and it shall be the duty of such employees so designated to remove the coins so deposited in the meters and deliver the same to the Director of Finance who shall count the funds contained therein and deposit such funds with the Treasurer.

SECTION 14: Title 11, Chapter 54, Section 210, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.210: Notices of Infractions whose issuance is based upon a malfunctioning parking meter or is otherwise in error may be referred [by the issuing agency to the Parking Citations and Hearing Office] to the Parking Division of the Department of Economic and Urban Development for formal withdrawal of the Notice of Infraction and any [Complaint and/or Summons or Affidavit of Complaint and Order previously filed] enforcement-related documents previously processed.

SECTION 15: Title 11, Chapter 54, Section 230, of the Municipal Code of the City of Las Vegas, Nevada 1983 Edition, is hereby amended to read as follows:

11.54.230: The [Director of Detention and Enforcement, or the Director(s designee,] Parking

Division of the Department of Economic and Urban Development may issue to a person, company, contractor or agency, upon application therefor, a parking space occupancy permit authorizing the occupancy of one or more metered parking spaces for extended periods of time in order to provide supplies, materials, or services, on a temporary basis, in the immediate area of the parking spaces. Issuance of such an occupancy permit shall be in the discretion of the [Director or the Director's designee.]Parking Division of the Department of Economic and Urban Development. In connection with the issuance of an occupancy permit, the City is authorized to charge an occupancy permit fee, which shall be paid by the applicant before any permit is issued or space reserved for the applicant. The amount of the occupancy permit fee shall be determined by the [Director]Parking Division of the Department of Economic and Urban Development and shall be in an amount that represents the sum of:

(A) The maximum parking meter revenue otherwise collectible for parking a vehicle or vehicles, for the period of time requested, in the metered parking spaces to be occupied under the occupancy permit; and

(B) An amount representing the costs of processing the application and occupancy permit.

SECTION 16: Title 10, Chapter 78, Section 40, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.78.040: (A) The following [Members of the Las Vegas Metropolitan Police Department, the Department of Neighborhood Services, and the Department of Detention and Enforcement] are authorized to remove or cause to be removed, to a designated garage or storage area, any motor vehicle which is being displayed in violation of this Chapter if the vehicle has not been removed, or compliance with this Chapter achieved, within twenty-four hours after a written notice to remove is attached to the vehicle[.]:

(1) Officers of the Las Vegas Metropolitan Police Department;

(2) Officers of the Department of Detention and Enforcement;

(3) Parking enforcement officers assigned to the Department of Economic and Urban Development; and

(4) Employees of the Department of Building and Safety who are assigned responsibility for code enforcement.

(B) The costs of vehicle removal and storage pursuant to Subsection (A) shall be borne by the owner or operator of the vehicle.

SECTION 17: Title 13, Chapter 4, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13.04.070: (A) It is unlawful for any person to sell or to display for the purpose of sale any motor vehicle or merchandise on or within any unimproved portion of a public right-of-way. For purposes of this Section, "merchandise" means goods or wares, including, but not limited to, produce, nursery stock, ceramics and other similar items. A violation of this Subsection (A) may be enforced either by means of a criminal proceeding or as a civil violation under LVMC Chapter 11.10.

(B) Members of the Las Vegas Metropolitan Police Department and designated officers of the Department of Detention and Enforcement and the Department of Economic and Urban Development are authorized to remove or cause to be removed, to a designated garage or storage area, any motor vehicle which is being displayed in violation of this Section if the vehicle has not been removed within seventy-two hours after a written notice to remove is attached to the vehicle. The costs of removal and storage shall be borne by the owner or operator of the vehicle.

(C) Nothing in this Section shall be deemed to authorize any sale or display on any improved portion of a public right-of-way except that which is otherwise expressly permitted by this Code.

SECTION 18: 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 19: 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 _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 1-31-12
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2012, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2012, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2012-12
(Updates various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2012-12, that will update various provisions of the Municipal Code relating to the stopping, standing, parking and loading of vehicles.

1. The following constitutes a description 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

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:

Not applicable

Beneficial effects:

Not applicable

Direct effects:

Not applicable

Indirect effects:

Not applicable

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:

Not applicable

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 why such duplicative or more stringent provisions are necessary:

Not applicable

Date: January 31, 2012

City of Las Vegas Agenda Item No.: **38.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2012-13 - For Possible Action - Authorizes the issuance of the City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (additionally secured by pledged revenues), Series 2012B for the purpose of refunding certain outstanding bonds

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $8,500,000
Funding Source: General Fund and Municipal Golf Course Enterprise Fund
Dept./Division: Finance Department

PURPOSE/BACKGROUND:
This bill will authorize the issuance of the City's Golf Course Refunding Bonds associated with the Durango Hills Golf Course. Refunding allows for possible interest savings.

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. 2012-13

Summary -An ordinance authorizing the issuance by the City of Las Vegas of its General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2012B (Taxable), and providing other matters relating thereto.

BILL NO. 2012-13
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE ISSUANCE OF ITS "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) GOLF COURSE REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2012B" FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, the City operates a municipal golf course known as the Cheyenne-Durango Golf Course (the "Golf Course"); and

WHEREAS, pursuant to the Charter, pursuant to NRS 268.672 through 268.740, inclusive (the "City Bond Law"), and pursuant to chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being NRS 350.500 through 350.720, and all laws amendatory thereof (the "Bond Act"), the City has previously issued its City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Bonds (Additionally Secured by Pledged Revenues), Series 2001 (the "2001 Bonds") for the purpose of defraying wholly or in part the cost of acquiring, constructing, improving and equipping a recreational project in the City as defined in NRS 268.710, including, without limitation, the City's Golf Course; and

WHEREAS, the 2001 Bonds are secured by and payable from the Net Revenues (as defined herein) of the Golf Course and other than the Outstanding 2001 Bonds, there are no Outstanding obligations which are secured in whole or in part by the Net Revenues of the Golf Course; and

WHEREAS, interest rates have declined since the issuance of the 2001 Bonds; and

WHEREAS, NRS 350.684 provides that the City may issue refunding bonds to refund, pay and discharge all or any part of the outstanding bonds of any one or more issues for the purpose of reducing interest costs or effecting other economies; and

WHEREAS, if it is determined by the City's Chief Financial Officer (the "Chief Financial Officer"), that the City will achieve interest rate savings, the Chief Financial Officer is hereby authorized to specify in the Certificate of the Chief Financial Officer (defined below) which maturities of the 2001 Bonds, if any, will be refunded (the "Refunded Bonds"); and

WHEREAS, if after receiving bids for the purchase of the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2012B (Taxable)" (the "Bonds" or "2012 Bonds") herein authorized to be issued for the purpose of refunding, paying and discharging the Refunded Bonds (the "Refunding Project"; or the "Project"), it is determined that interest rate savings will be effected, the Chief Financial Officer is authorized to accept a binding bid for the Bonds from the best bidder therefor (the "Purchaser"); the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") and accepted by the Chief Financial Officer, at a purchase price equal to the principal amount thereof, plus accrued interest to the date of delivery of the Bonds, less a discount or plus a premium not to exceed 9 percent of the principal amount of the Bonds, all as specified by the Chief Financial Officer in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Chief Financial Officer"), which purchase price does not result in an effective interest rate on the Bonds in excess of 3% over the index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds; and

WHEREAS, the City desires to additionally pledge to the repayment of the Bonds a 15% portion of all income and revenue derived by the City from NRS chapter 360 and distributed thereto pursuant to NRS 360.698 and authorized to be pledged to the repayment of bonds (the "Sales Tax Revenues"); and

WHEREAS, there remain unpaid and outstanding certain bonds and obligations previously issued by the City designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Redevelopment Projects Bonds (Additionally Secured by Pledged Revenues), Series November 1, 1998A" (the "1998A Bonds"), "City of Las Vegas, Nevada General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues), Series 2002A" (the "2002 Bonds"), the "City of Las Vegas, Nevada General Obligation (Limited Tax) Various Purpose Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005B" (the "2005 Bonds"), the "City of Las Vegas, Nevada General Obligation (Limited Tax) Taxable Various Purpose Bonds (Additionally Secured by Pledged Revenues), Series 2006A" (the "2006A Bonds"), the "City of Las Vegas, Nevada General Obligation (Limited Tax) Tax-Exempt Various Purpose Bonds (Additionally Secured by Pledged Revenues), Series 2006B" (the "2006B Bonds"), the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Adjustable Rate Various Purpose Bonds (Additionally Secured by Pledged Revenues), Series 2006C" (the "2006C Bonds") and certain obligations related to the 2006C Bonds pursuant to a Letter of Credit and Reimbursement Agreement dated as of August 1, 2006 between the City and Lloyds TSB Bank PLC, acting through its New York Branch (the "2006C Reimbursement Agreement") which 1998A Bonds, 2002 Bonds, 2005 Bonds, 2006A Bonds, 2006B Bonds, 2006C Bonds and obligations under the 2006 Reimbursement Agreement (collectively, the "Superior Securities") are secured by a lien on the Sales Tax Revenues which is superior to the lien thereon of the Bonds; and

WHEREAS, there have been filed with the City Clerk:

(i) the form of an escrow agreement (the "Escrow Agreement") between the City and The Bank of New York Mellon Trust Company, N.A. (the "Escrow Agent"); and

(ii) the form of the Official Statement (the "Official Statement") for the Bonds; and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, the City has determined and hereby determines that it is necessary and in the best interests of the City and its citizens to finance the Project; and

WHEREAS, the Council has determined and hereby declares:

A. It is necessary and for the best interests of the City to effect the Project and to issue the Bonds;

B. Each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to § 350.708, Bond Act, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

C. This ordinance pertains to the sale, issuance and payment of the Bonds; and

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2012 Golf Course Refunding Bond Ordinance."

SECTION 2. Definitions. The terms in this section and in the preambles hereof defined for all purposes of this Ordinance and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document relating hereto, except where the context by clear implication otherwise requires, shall have the meanings in this section and in said preambles specified:

"Bond Requirements" means the principal of, interest on and any prior redemption premiums due in connection with the Bonds.

"Bond Year" means the 12 month period commencing on the second day of the month of the date of delivery of the Bonds of a calendar year and ending on first day of the month of the date of delivery of the Bonds of the following calendar year.

"Commercial Bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation, including without limitation "trust bank" as herein defined.

"Cost of the Project," or any phrase of similar import, means all or any part designated by the Council of the cost of the Project which cost, at the option of the Council (except as limited by law), may include all or any part of the incidental costs pertaining to the Project, including, without limitation:

(a) Preliminary expenses advanced by the City from funds available for use therefor or any other source, so including any interfund loan of the City, or advanced with the approval of the City from funds available therefor or from any other source, or any combination thereof;

(b) The costs in the making of surveys, audits, preliminary plans, other plans, specifications, estimates or costs, and other preliminaries;

(c) The costs of premiums for builders risk insurance and performance bonds, or a reasonable allocable share thereof;

(d) The costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help, or other agents or employees;

(e) The costs of making, publishing, posting, mailing, and otherwise giving any notice in connection with the Project, the filing or recordation of instruments, the taking of options, the issuance of Bonds pertaining to the Project, the purchase or other acquisition of Federal Securities or other investments in connection therewith, and bank fees and other expenses;

(f) The costs of contingencies;

(g) The costs of the capitalization with the proceeds of the Bonds of any interest on the Bonds for any period not exceeding the period of time estimated by the Council to effect the Project plus two years, and of any discount on the Bonds, of any replacement expenses (except as proscribed by law), and of any other cost of the issuance of the Bonds; and

(h) All other expenses necessary or desirable and pertaining to the Project including all other expenses as estimated or otherwise ascertained by the Council.

"Federal Government" means the United States, or any agency, instrumentality or corporation thereof.

"Federal Securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States.

"General Taxes" means general (ad valorem) taxes levied by the City against all taxable property within the boundaries of the City (unless otherwise qualified).

"Golf Course" means the City's Cheyenne-Durango golf course facilities, including without limitation, golf house facilities, club houses, appurtenant shower, locker and other bathhouse facilities, of the City which are financed or refinanced with the proceeds of the Bonds

or that may hereafter be financed with any Parity Securities or Subordinate Securities which are expressly included within the definition of Golf Course.

"Gross Revenues" means all income and revenues derived directly or indirectly by the City from the operation and use and otherwise pertaining to the Golf Course consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City, through purchase, construction or otherwise, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, and appurtenant machinery, apparatus, structures, and buildings, and related or appurtenant furniture, fixtures and other equipment or any combination thereof or any part thereof, excluding:

(a) any moneys borrowed and used for the acquisition of capital improvements; and

(b) any moneys received as grants, appropriations, or gifts from the United States, the State, or other sources, the use of which is limited by the grantor or donor to the construction of capital improvements for the Golf Course, except to the extent any such moneys shall be received as payments for the use of the Golf Course. "Gross Revenues" shall also include all income or other gain from the investment of such income and revenues and of the proceeds of securities payable from Gross Revenues or Net Revenues.

"Net Revenues" means the Gross Revenues remaining after the deduction of Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining, and repairing the Golf Course, including, without limitation:

(a) engineering, auditing, reporting, legal and other overhead expenses relating to the administration, operation and maintenance of the Golf Course;

(b) fidelity bond and property and liability insurance premiums pertaining to the Golf Course or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the Golf Course;

(c) payments to pension, retirement, health and hospitalization funds, and other insurance and to any self-insurance fund as insurance premiums not in excess of such premiums which would otherwise be required for such insurance;

(d) any general taxes, assessments, excise taxes or other charges which may be lawfully imposed upon the City, the Golf Course, revenues there from or the City's income from or operations of any properties under its control and pertaining to the Golf Course, or any privilege in connection with the Golf Course or its operations;

(e) the reasonable charges of any Paying Agent or Registrar and any other depository bank pertaining to the Bonds or any other securities payable from Gross Revenues or otherwise pertaining to the Golf Course;

(f) contractual services, professional services, salaries, other administrative expenses and costs of materials, supplies, repairs and labor pertaining to the Golf Course or to the issuance of the Bonds as herein defined, or any other securities relating to the Golf Course, including, without limitation, the expenses and compensation of any receiver or other fiduciary under the Bond Act;

(g) the costs incurred by the City Council in the collection and any refunds of all or any part of Gross Revenues;

(h) any costs of utility services furnished to the Golf Course;

(i) any lawful refunds of any Gross Revenues; and

(j) all other administrative, general and commercial expenses pertaining to the Golf Course including, without limitation, any payments of arbitrage rebate to the United States required by Section 148 of the Tax Code;

(k) but excluding:

(i) any allowance for depreciation;

(ii) any costs of extensions, enlargements, betterments and other improvements, or any combination thereof;

(iii) any reserves for major capital replacements, other than normal repairs;

(iv) any reserves for operation, maintenance or repair of the Golf Course;

(v) any allowance for the redemption of any Bond or other security or the payment of any interest thereon or any prior redemption premium due in connection therewith;

(vi) any liabilities incurred in the acquisition or improvement of any properties comprising any project or any existing facilities, or any combination thereof, pertaining to the Golf Course, or otherwise; and

(vii) any liabilities imposed on the City for any legal liability not based on contract, including, without limitation, negligence in the operation of the Golf Course.

"Outstanding" when used with reference to the Bonds or any other designated securities payable from Net Revenues and as of any particular date means all of the Bonds in any manner theretofore and thereupon being executed and delivered:

(a) Except any bond or other security canceled by the City, the Registrar, Paying Agent, or otherwise on the City's behalf, at or before such date;

(b) Except any bond or other security for the payment or the redemption of which moneys at least equal to its Bond Requirements to the date of maturity or to any applicable Redemption Date shall have heretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in Section 55 hereof; and

(c) Except any bond or other security in lieu of or in substitution for which another Bond or other security shall have been executed and delivered.

"Parity Securities" means securities of the City payable from and secured by all or a portion of the Pledged Revenues on a parity with the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Paying Agent" means the paying agent or any successor thereto as paying agent for the Bonds as designated in the Certificate of the Chief Financial Officer.

"Person" means a corporation, firm, other body corporate (including, without limitation, the Federal Government, the State or any other body corporate and politic other than the City), partnership, association, or individual, and also includes an executor, administrator, trustee, receiver, or other representative appointed according to law.

"Pledged Distributed Local Tax Act" means, collectively, NRS 360.698, and each act which authorizes or imposes one or more of the taxes or other impositions that generate revenues distributed to the City pursuant to NRS 360.680, 360.690 or 360.700 and authorized to be pledged to the Bonds by NRS 360.698, as amended from time to time.

"Pledged Revenues" means, collectively, the Net Revenues and the Sale Tax Revenues.

"Redemption Date" means a date fixed for the redemption prior to their respective maturities of any Bonds or other designated securities payable from any Net Revenues in any notice of prior redemption or otherwise fixed and designated by the City.

"Redemption Price" means, when used with respect to a Bond or other designated security payable from any Net Revenues, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the security's terms.

"Registrar" means the registrar or any successor thereto as registrar for the Bonds as designated in the Certificate of the Chief Financial Officer.

"Sales Tax Revenues" means a 15% portion of all income and revenue derived by the City from the Pledged Distributed Local Tax Act and distributed thereto pursuant to NRS 360.698, as amended from time to time. The Sales Tax Revenues means all or a portion of the Sales Tax Revenues. The designated term indicates sources of revenues and does not necessarily indicate all or any portion or other part of such revenues in the absence of further qualification. "Sales Tax Revenues" includes income derived from any additional sources if the Council is authorized to include and elects to include the additional sources in "Sales Tax Revenues" for the remaining term of the Bonds.

"Subordinate Securities" means securities of the City payable from and secured by all or a portion of the Pledged Revenues and subordinate and junior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Superior Securities" means securities of the City payable from and secured by all or a portion of the Sales Tax Revenues and superior and prior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Tax Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and the applicable regulations and rulings thereunder.

Other capitalized terms used herein shall have the meanings given to such terms in the text hereof, except where the context by clear implication otherwise requires.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers of the City directed toward the Project and toward the issuance, sale, and delivery of the Bonds, not inconsistent with the terms and conditions herewith, is hereby ratified, approved, and confirmed.

SECTION 4. Estimated Life of Facilities. The Council, on behalf of the City, has determined and does hereby declare:

A. The estimated life or estimated period of usefulness of the improvements acquired with the proceeds of the Bonds is not less than 21 years from the date of their issuance; and

B. The Bonds shall mature at such time or times not exceeding such estimated life or estimated period of usefulness.

SECTION 5. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 6. Authorization of Project. The Council hereby authorizes the Project.

SECTION 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. General Obligations. All of the Bonds, as to the Bond Requirements, shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment. So far as possible, Bond Requirements shall be paid from Net Revenues of the Golf

Course (the "Pledged Revenues"). However, the Bonds as to all Bond Requirements shall also be payable from general (ad valorem) taxes (the "General Taxes") (except to the extent that other moneys such as Net Revenues are available therefor) as herein provided.

SECTION 10. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage, or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 11. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bonds and as a part of the consideration of its issuance specially waived and released.

SECTION 12. Authorization and Sale of Bonds. For the purpose of providing funds to pay all or a portion of the Cost of the Project, the City shall issue its "City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2012B (Taxable)", in the aggregate principal amount designated in the Certificate of the Chief Financial Officer (not to exceed $8,500,000. The Bonds shall be sold to the Purchaser designated in the Certificate of the Chief Financial Officer, and the City Chief Financial Officer is authorized to execute the Bond Purchase Proposal in accordance with the provisions of NRS 350.105 to 350.185, inclusive, and in accordance with the provisions of this Ordinance.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form, i.e., registered as to both principal and interest. The Bonds shall be dated initially as of the date of their delivery, and except as otherwise provided in Section 18 hereof, shall be issued in denominations of $5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date). The Bonds shall bear interest from their date until their respective maturity dates (or, if redeemed prior to maturity as provided below, their redemption dates) at the respective rates set forth in the Certificate of the Chief Financial Officer, payable on June 1 and December 1 of each year commencing on December 1, 2012; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth below from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts set forth in the Certificate of the Chief Financial Officer.

The principal of and redemption premium, if any, on any Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Registrar, upon maturity or prior redemption thereof and upon presentation and surrender at the office of the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the

principal thereof is paid in full. Except as otherwise provided in Section 18 hereof, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the 15th day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration records of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 14. Prior Redemption; Partial Redemption.

A. Optional Redemption or Prepayment. Bonds, or portions thereof ($5,000 or any integral multiple), maturing on and after the date specified in the Certificate of the Chief Financial Officer, shall be subject to redemption prior to their respective maturities, at the option of the City, at any time on and after the date specified in the Certificate of the Chief Financial Officer, in whole or in part from any maturities selected by the City and by lot within a maturity (giving proportionate weight to Bonds in denominations larger than $5,000), at a price equal to the principal amount of each bond, or portion thereof, so redeemed, accrued interest thereon to the redemption date, and a premium, if any, as provided in the Certificate of the Chief Financial Officer.

B. Make Whole Redemption. Prior to the optional redemption date specified in paragraph (A) of this Section, if any, the Bonds may be subject to redemption prior to their respective maturities, as set forth in the Certificate of Chief Financial Officer, at the option of the City, in whole or in part at any time, from any maturities selected by the City and selected on a pro rata basis within a maturity as described in paragraph (E) of this Section, at the redemption price computed as provided in the Certificate of Chief Financial Officer; provided, however, that if any time such redemption price is a price that exceeds the price the City can legally agree to pay to redeem Bonds under the provisions of State law, the City shall not have an option to redeem Bonds at that time pursuant to the provisions of this paragraph (B).

C. Mandatory Redemption. The Bonds set forth in the Certificate of the Chief Financial Officer, if any (the "Term Bonds"), shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued

interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Principal Fund on or before the principal payment dates, of the years set forth in the Certificate of the Chief Financial Officer, a sum which, together with other moneys available in the Principal Fund, is sufficient to redeem (after credit is provided below) on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the Chief Financial Officer plus accrued interest to the redemption date. Term Bonds being redeemed in part will be selected on a pro rata basis as described in paragraph (E) of this Section.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot or in such other manner as the Registrar may determine) from all Outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in Section 15 of this Ordinance.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 18 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

D. Partial Redemption. In the case of Bonds in a denomination larger than $5,000, a portion of such Bond ($5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, except as otherwise provided in Section 18 hereof, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to Subsections A or B of this Section, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, except as otherwise provided in Section 18 hereof, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as deemed adequate by the Registrar, and any Bond or Bonds issued in exchange for, or to

replace, any Bond or Bonds so called for prior redemption shall likewise be stamped or otherwise identified.

E. Pro Rata Selection. If a portion of a maturity of the Bonds or the Term Bonds is being redeemed in part, the Bond to be redeemed will be selected on a pro rata basis to each Holder of the Bonds in whose name such Bonds are registered on the Regular Record Date immediately preceding the redemption date. "Pro rata" for a Holder is determined, in part, by multiplying the principal amount of the Bonds or Term Bonds of a maturity to be redeemed in part on the applicable redemption date by a fraction, the numerator of which is equal to the principal amount of the Bonds or Term Bonds of that maturity owned by the Holder, and the denominator of which is equal to the total amount of the Bonds or Term Bonds of that maturity then Outstanding immediately prior to such redemption date, and then rounding the product down to the next lower integral multiple of $5,000, provided that the portion of any Bonds or Term Bond to be redeemed shall be in $5,000 denominations and all Bonds or Term Bonds to remain Outstanding following any redemption shall be in $5,000 denominations. Adjustments to the foregoing pro rata redemption may be made in the amount of $5,000 for any Holder so that the aggregate amount of Bonds or Term Bonds of a maturity being redeemed in part owned by all Holders is equal to the aggregate amount of Bonds or Term Bonds of that maturity to be redeemed.

Notwithstanding anything herein to the contrary, if the Bonds or the Term Bonds are registered in book-entry-only form and so long as The Depository Trust Company, a New York corporation ("DTC") or a successor securities depository is the sole registered owner of such Bonds and such Bonds are registered in the name of DTC or its nominee, the selection for redemption of such Bonds shall be made in accordance with the operational arrangements of DTC then in effect and, if the DTC operational arrangements do not allow for redemption on a pro rata pass-through distribution of principal basis, such Bonds will be selected for redemption, in accordance with DTC procedures, by lot.

If a portion of a maturity of the Bonds or the Term Bonds is being redeemed in part, the Bond to be redeemed shall be selected on a pro rata pass-through distribution of principal basis in accordance with DTC procedures if the Bonds are registered in book-entry-only form and so long as DTC or a successor securities depository is the sole registered owner of the Bonds and the Bonds are registered in the name of DTC or its nominee.

SECTION 15. Notice of Redemption. Unless waived by any owner of Bonds to be redeemed for purchase, official notice of any such redemption shall be given by the Registrar, on behalf of the City, by mailing a copy of an official redemption notice by registered or certified mail so long as Cede & Co. is the registered owner of the Bonds and the Municipal Securities Rulemaking Board ("MSRB") and otherwise by first class mail, postage prepaid, at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond register or at such other address as is furnished in writing by such registered owner to the Registrar. Actual receipt of mailed notice by any owner of Bonds or the MSRB shall not be a condition precedent to redemption of such Bond or Bonds. Failure to give such notice to the MSRB or the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the

redemption of any other Bonds. A certificate by the Registrar that such notice has been given as herein provided shall be conclusive against all parties.

All official notices of redemption shall be dated and shall state:

(1) the redemption date,

(2) the purchase prices,

(3) the identification by maturity (and, in the case of partial redemption of a maturity, other appropriate identification) of the Bonds to be redeemed,

(4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Paying Agent (accrued interest to the redemption date being payable by mail or as otherwise provided in this Ordinance).

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be cancelled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 16. Negotiability. The Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 17. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 18 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charge shall be levied in the case of an exchange resulting from an optional prior redemption of a bond.

B. The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business fifteen (15) days before the date of mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the date of such mailing, or (ii) any Bond, or any portion thereof, after the mailing of such notice as herein provided.

C. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in Section 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed, or mutilated Bond shall have matured or shall have been called for redemption, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council, upon request.

SECTION 18. Custodial Deposit.

A. Notwithstanding the foregoing provisions of Sections 13 to 17 hereof, the Bonds shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or, in the case of the Bonds subject to mandatory sinking fund redemption, the Bonds shall initially be evidenced by one Bond for each term in denominations equal to the aggregate principal amount of the Bonds maturing in that term. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City of another depository institution acceptable to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in NRS 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository;

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity or, in the case of the Bonds subject to mandatory sinking fund redemption, for each term of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of $5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City, the Registrar and the Paying Agent shall have no responsibility for transmitting payments or notices to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The City, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

E. Upon any partial redemption of any maturity of the Bonds, Cede & Co. (or its successor) in its discretion may request the City to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

SECTION 19. Execution and Authentication.

A. Prior to the execution of any Bonds by facsimile signature and pursuant to § 350.638, Bond Act, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer (the "Treasurer") and the City Clerk (the "Clerk") shall each file with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be countersigned and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer, and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

SECTION 20. Incontestable Recital. Pursuant to § 350.628 of the Bond Act, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

SECTION 21. State Tax Exemption. Pursuant to § 350.710, Bond Act, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

SECTION 22. Bond Form. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX) GOLF COURSE REFUNDING BONDS
(ADDITIONALLY SECURED BY PLEDGED REVENUES)
SERIES 2012B (TAXABLE)

No. _____ $_____

Interest Rate	Maturity Date	Dated as of	CUSIP
___% per annum	_____ 1, _____	_____, ____	

REGISTERED OWNER: **CEDE & CO.**

PRINCIPAL AMOUNT:_____ DOLLARS

The City of Las Vegas, Nevada, in Clark County, in the State of Nevada (the "City", "County", and the "State", respectively) for value received, hereby acknowledges itself to be indebted and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above (unless called for earlier redemption), and to pay interest thereon on June 1 and December 1 of each year, commencing on December 1, 2012, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for or, if such payment date is not a business day, on the next succeeding business day. This bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of the initial delivery of the series of bonds of which this bond is one (the "Bond"). The principal of and redemption premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds or any successor (the "Paying Agent"), presently _____, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed to the person in whose name this Bond or any predecessor bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the 15th day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the Ordinance of the City Council of the City (the "Council") authorizing the issuance of the Bonds (the "Ordinance"), duly adopted by the Council on March 21, 2012. All such payments shall be

made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar. If this Bond is not paid upon presentation at its maturity, interest at the rate specified above shall continue to be borne hereby until the principal hereof is discharged as provided in the Ordinance.

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of refunding certain obligations issued to finance the cost of acquiring, constructing, improving and equipping a recreational project in the City as defined in NRS 268.710, including, without limitation, the City's Golf Course (the "Project"), under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); pursuant to Nevada Revised Statutes ("NRS") §§ 350.500 through 350.720, and all laws amendatory thereof designated in § 350.500 thereof as the Local Government Securities Law (the "Bond Act"); pursuant to NRS § 350.105 to 350.195, inclusive; pursuant to NRS chapter 348 (the "Supplemental Bond Law"); and pursuant to NRS §§ 268.672 through 268.740, inclusive (the "City Bond Law"); pursuant to § 350.628 of the Bond Act, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to § 350.710 of the Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

[Certain of the Bonds shall be subject to optional, make whole and mandatory sinking fund redemption as provided in the Certificate of the Chief Financial Officer and the Ordinance.]

Redemption shall be made upon not less than 30 days' prior mailed notice in the manner and upon the conditions provided in the Ordinance. If this Bond is called for redemption and payment is duly provided for as specified in the Ordinance, interest shall cease to accrue hereon from and after the date fixed for redemption.

It is hereby certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this Bond; that the total indebtedness of the City, including that of this Bond does not exceed any limit of indebtedness prescribed by the Constitution or by the laws of the State or the Charter of the City; that provision has been made for the levy and collection of annual general (ad valorem) taxes ("General Taxes") against all the taxable property within the City sufficient to pay the principal of, interest on, and any prior redemption premiums due on this Bond (the "Bond Requirements") when the same become due (except to the extent other revenues are available therefor), subject to the limitations imposed by the Constitution and by the statutes of the State; and that the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of Bond Requirements of this Bond according to its terms.

Payment of the principal of and interest on the Bonds are additionally secured by a pledge of (i) the net revenues (herein called the "Net Revenues") derived by the City from the operation and use of, and otherwise pertaining to, the City's Cheyenne-Durango golf course,

consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City, through purchase, construction or otherwise, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, and appurtenant machinery, apparatus, structures, and buildings, and related or appurtenant furniture, fixtures and other equipment or any combination thereof (herein called the "Golf Course"), but excluding (1) moneys raised for capital improvements, and (2) grants, appropriations or gifts for limited uses, and after provision is made for the payment of all necessary and reasonable operation and maintenance expenses of the Golf Course, and (ii) the Sales Tax Revenues (as defined in the Ordinance and together with the Net Revenues, the "Pledged Revenues") which Pledged Revenues are so pledged as more specifically provided in the Ordinance.

The Bonds are equally and ratably secured by such pledge of the Pledged Revenues, and such pledge constitutes an irrevocable lien (but not necessarily an exclusive lien) upon the Pledged Revenues. Additional securities may be issued and made payable from all or a portion of the Pledged Revenues and having a lien thereon superior to, subordinate to or on a parity with such pledge, in each case subject to the conditions of and in accordance with the Ordinance.

Reference is made to the Ordinance and to the Bond Act, for an additional description of the nature and extent of the security for the Bonds, the accounts, funds, or revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the registered owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued, and a statement of rights, duties, immunities, and obligations of the City, and other rights and remedies of the owners of the Bonds.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be amended or otherwise modified by action of the City taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance. The pledge of Pledged Revenues under the Ordinance may be discharged at or prior to the respective maturities or prior redemption of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

This Bond shall not be entitled to any benefit under the Ordinance, or be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

**Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR

TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.**

Upon any partial prior redemption of the Bond, Cede & Co., in its discretion may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to prepayment.

No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, in the County of Clark and State of Nevada has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor, to be attested, signed and executed with a manual or facsimile signature of the City Clerk, has caused a manual or facsimile impression of the seal of the City to be affixed hereon, and has caused this Bond to be countersigned with the manual or facsimile signature of the City Treasurer, all as of the dated date hereof.

CITY LF LAS VEGAS, NEVADA

By: (Manual or Facsimile Signature)
Mayor
Las Vegas, Nevada

(MANUAL OR FACSIMILE SEAL)

Countersigned:

City Treasurer
Las Vegas, Nevada

Attest:

City Clerk
Las Vegas, Nevada

* Insert only if Certificate of Chief Financial Officer designates any of the Bonds as Term Bonds.

** Insert only if Bonds are initially delivered to the Depository Trust Company pursuant to this Ordinance.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication
and registration _____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.
as Registrar

By _____Manual Signature_____
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

[Insert Insurance Statement if applicable]

(Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid by the City of Las Vegas, Nevada, in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

Date of Prepayment	Principal Amount Prepaid	Signature of Authorized Representative of DTC

(End of Form of Prepayment Panel)

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

_____

Signature Guaranteed:

_____Bank

Name of Transferee:

_____

Address of Transferee:

_____

_____

_____

Social Security or other tax identification number of Transferee:

_____

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

(End of Form of Assignment for Bonds)

SECTION 23. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the City Treasurer, and the City Clerk at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 24. Deposit of Proceeds. The City Treasurer shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to § 350.648, Bond Act, the Bond proceeds received from the sale of the Bonds as accrued interest on the Bonds and as any premium, if not needed for the Cost of the Project, shall be deposited into the Interest Fund, hereinafter created.

B. Second, Bond proceeds, together with other available moneys of the City, in an amount sufficient to establish an initial cash balance and to purchase the Federal Securities designated in the Escrow Agreement, if any, shall be deposited into the Escrow Account held by the Escrow Agent to be used as provided in the Escrow Agreement and herein.

C. Third, the remaining proceeds of the Bonds shall be accounted for by deposit into a special account hereby created in the treasury of the City and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012B (Taxable) Expense Account" (the "Expense Account") and shall be applied solely to defray wholly or in part the costs of issuing the Bonds and establishing the Escrow Account, which the Council hereby determines are necessary and desirable and pertain to the Project. After the payment of such costs, any unexpended moneys remaining in the Expense Account shall be deposited into the Principal Account hereinafter created for the payment of the principal of the Bonds as the same becomes due. The Purchaser shall in no manner be responsible for the application of the proceeds of the Bonds by the City, or by any of its officers, agents and employees.

SECTION 25. Maintenance and Use of Escrow Account.

A. The Escrow Account shall be maintained by the City in an amount at the time of those initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities, to pay the interest due in connection with the Refunded Bonds, both accrued and not accrued, as the same become due up to and including the redemption date for the Refunded Bonds set forth in the Escrow Agreement (the "Refunded Bonds Redemption Date"), and to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds at a redemption price equal to the principal amount thereof, plus accrued interest to the Refunded Bonds Redemption Date.

B. Moneys shall be withdrawn by the Escrow Agent from the Escrow Account in sufficient amounts and at such times to permit the payment of the principal and interest requirements of the Refunded Bonds on and before the Refunded Bonds Redemption Date and

on the Refunded Bonds Redemption Date, the City shall call for prior redemption of all the Refunded Bonds. Any moneys remaining in the Escrow Account after provision shall have been made for the redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the Council may hereafter determine.

C. If for any reason the amount in the Escrow Account shall at any time be insufficient for the purposes of effecting the Refunding Project, the City shall forthwith from the first moneys available therefor deposit in the Escrow Account such additional moneys as shall be necessary to permit the payment in full of the principal, interest and redemption premium due in connection with the Refunded Bonds.

SECTION 26. Exercise of Option; Notice of Redemption.

A. The Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds. The Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith after the issuance of the Bonds as herein provided.

B. The Escrow Agent, forthwith upon issuance of the Bonds, is authorized and directed to give forthwith upon the issuance of the Bonds a notice of prior redemption and defeasance of all the Refunded Bonds as set forth herein, in accordance with the provisions of the ordinance authorizing the issuance of the Refunded Bonds.

C. The notice of prior redemption and defeasance shall be given by certified or registered mail to the registered owner of each of the Refunded Bonds and to the insurer of the Refunded Bonds and by first class mail to the Municipal Securities Rulemaking Board.

SECTION 27. Use of Investment Gain. Pursuant to § 350.658, Bond Act, and except as may otherwise be required herein, any gain from any investment and any reinvestment of any proceeds of the Bonds shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Acquisition Fund to the extent necessary to pay the Cost of the Project, and thereafter, shall be deposited to the Principal Fund or Interest Fund, hereinafter created, for the payment of the principal of or interest on the Bonds or any combination thereof.

SECTION 28. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. Neither the Purchaser, any associate thereof, nor any subsequent owner of any Bond shall in any manner be responsible for the application or disposal by the City or by any of its officers, agents, and employees of the moneys derived from the sale of the Bonds or of any other moneys referred to in this Ordinance.

SECTION 29. General Tax Levies. So far as possible, the Bond Requirements of the Bonds shall be paid from first from the Net Revenues of the Golf Course and second from the Sales Tax Revenues. However, pursuant to § 350.596, Bond Act, the principal and interest falling due on the Bonds at any time when there are not on hand sufficient funds to pay same shall be paid out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes. For the purpose of

repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there are hereby created separate accounts designated respectively as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2012B, Principal Fund" (the "Principal Fund") and the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Golf Course Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2012B, Interest Fund" (the "Interest Fund"). Pursuant to §§ 350.592 and 350.594, Bond Act, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installments of principal and interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay, retire and redeem the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to such separate accounts for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS 361.453 and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the City.

SECTION 30. Priorities for Bonds. As provided in NRS 361.463, in any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS 361.453.

SECTION 31. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Principal Fund and in the Interest Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 32. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to

the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to § 350.596, Bond Act.

SECTION 33. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes but including Pledged Revenues) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, fall due, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS 350.598.

SECTION 34. Legislative Duties. In accordance with NRS 350.592, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 35. Appropriation of General Taxes. In accordance with NRS 350.602, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements for the Bonds have been wholly paid.

SECTION 36. Pledge of Pledged Revenues. Subject only to the provisions of this Ordinance permitting the application thereof for or to the purposes and on the terms and conditions set forth herein, there are hereby additionally pledged to secure the payment of principal of and interest on the Bonds in accordance with their terms and the provisions of this Ordinance, all of the Pledged Revenues. This pledge shall be valid and binding from and after the date of the delivery of the Bonds to the Purchaser; and the Pledged Revenues, as received by the City shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing or further act; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City (except as herein otherwise provided) irrespective of whether such parties have notice thereof. The lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any and all other obligations and liabilities of the City payable from the Pledged Revenues, except as herein otherwise provided.

SECTION 37. Revenue Fund. So long as any of the Bonds shall be Outstanding, the entire Gross Revenues (as herein defined), upon their receipt from time to time by the City, shall be set aside and credited immediately to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Golf Course Gross Revenues Fund" (the "Golf Course Gross Revenues Subaccount") and the Sales Tax Revenues upon their receipt from time to time by the City, shall be set aside and credited immediately to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Sales Tax Subaccount" (the "Sales Tax Subaccount"). So long as any of the Bonds shall be Outstanding,

there shall be set aside a separate account created in the treasury of the City and designated as the "City of Las Vegas Golf Course and Sales Tax Revenue Fund" (the "Revenue Fund") which shall be comprised of the Golf Course Gross Revenues Subaccount and the Sales Tax Subaccount. So long as any of the Bonds hereby authorized shall be Outstanding, the Revenue Fund shall be administered and the moneys on deposit therein shall be applied in the order of priority specified in Sections 37 through 42; provided, however, that the Pledged Revenues shall be allocated and distributed in the following order of priority: first, the Net Revenues and second, the Sales Tax Revenues.

SECTION 38. Operation and Maintenance Fund. Solely from amounts on deposit in the Golf Course Gross Revenues Subaccount, first, from time to time there shall be transferred and credited to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Golf Course Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), moneys sufficient to pay Operation and Maintenance Expenses, as budgeted and approved in accordance with law, as such expenses become due and payable, and thereupon they shall be promptly paid. Any surplus remaining in the Operation and Maintenance Fund at the end of the fiscal year of the City and not needed for Operation and Maintenance Expenses shall be transferred to the Golf Course Gross Revenues Subaccount of the Revenue Fund.

SECTION 39. Payments for Superior Securities. For Superior Securities payable solely from the Sales Tax Revenues, first from the Sales Tax Subaccount, there shall be transferred and credited to any bond fund created to pay the principal of, interest on and prior redemption premiums, if any, any rebate fund, any reserve fund and any account for other amounts next due in connection with any Superior Securities, monthly, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) the amount necessary to pay the installment of interest and principal next due or any other amounts next due on the Superior Securities.

SECTION 40. Interest Fund. Second, From any moneys thereafter remaining in the Revenue Fund, i.e., from the Net Revenues, there shall be transferred and credited to the Interest Fund and to any other fund or account established for the payment of interest on any other Parity Securities monthly, commencing the first day of the month immediately succeeding the delivery to the Purchaser of the Bonds, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) the amount necessary to pay the installment of interest next due on the Bonds and such Parity Securities.

SECTION 41. Principal Fund. Third, from any moneys thereafter remaining in the Revenue Fund, there shall be transferred and credited to the Principal Fund and to any other fund or account established for the payment of principal or sinking fund installments on any other Parity Securities monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds to the Purchaser, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) to pay the installment of principal next due on the Bonds and such Parity Securities.

SECTION 42. Rebate Fund. Fourth, from any money thereafter remaining in the Revenue Fund, there shall be transferred and credited to the rebate funds created by ordinances authorizing the issuance of the Outstanding Parity Securities the amounts required to be deposited therein and to any other fund or account hereafter established for payment of amounts due the United States under § 148(f) of the Tax Code in connection with any future Parity Securities such amounts as are required to be deposited therein to meet the City's obligations in accordance with Section 148(f) of the Tax Code. Such deposits shall be made at such times as are required by Section 148(f) of the Tax Code shall be used for the purpose of making the payments to the United States required by such covenant and Section 148(f) of the Tax Code.

SECTION 43. Payment of Subordinate Securities. Fifth, any moneys thereafter remaining in the Revenue Fund may be used by the City for the payment of the principal of and interest on Subordinate Securities; and may be used to create reasonable reserves and to pay rebate for such securities.

SECTION 44. Surplus Revenues. Sixth, any moneys thereafter remaining in the Golf Course Gross Revenues Subaccount of the Revenue Fund may be used by the City at the end of any fiscal year of the City, or whenever there shall have been credited all amounts required to be deposited in the respective foregoing separate accounts for all of that fiscal year, for any lawful purposes of the City, as the City Council may from time to time determine, including, without limitation, for the creation of operation and maintenance reserves and capital reserves, the payment of capital costs and major maintenance costs of the Golf Course, to pay any other obligations pertaining to the Golf Course or otherwise. Any moneys thereafter remaining in the Sales Tax Subaccount of the Revenue Fund may be used by the City at the end of any fiscal year of the City, or whenever there shall have been credited all amounts required to be deposited in the respective foregoing separate accounts for all of that fiscal year, for any lawful purposes of the City, as the City Council may from time to time determine.

SECTION 45. Termination of Deposits. No payment need be made into the Interest Fund or Principal Fund if the amounts in those funds total a sum at least equal to the entire amount of the Outstanding Bonds as to all Bond Requirements to their respective maturities both accrued and not accrued, in which case moneys in such account in an amount, except for any interest or other gain to accrue from any investment of moneys in Federal Securities (as herein defined) from the time of any such investment to the time or respective times the proceeds of any such investment or deposit shall be needed for such payment, at least equal to such Bond Requirements, shall be used, together with any such gain from such investments, solely to pay such Bond Requirements as the same become due.

SECTION 46. Equal Security. The Bonds and any Parity Securities from time to time Outstanding shall be equally and ratably secured by the pledge of Pledged Revenues hereunder and shall not be entitled to any priority one over the other in the application of the Pledged regardless of the time or times of the issuance of the Bonds and any such Parity Securities.

SECTION 47. Defraying Delinquencies. If at any time the City shall for any reason fail to pay into the Interest Fund or the Principal Fund, the full amount above stipulated from the Pledged Revenues, then an amount shall be paid into the Interest Fund and Principal Fund at such time equal to the difference between that paid from the Pledged Revenues and the full

amount so stipulated. If securities (other than the Bonds) are Outstanding, the payment of which are secured by a lien on all or a portion of the Pledged Revenues which lien is on a parity with the lien hereon of the Bonds, and if the proceedings authorizing issuance of those securities require the replacement of moneys in a interest fund, principal fund, reserve fund or rebate fund therefor, then the moneys replaced in such funds shall be replaced on a pro rata basis related to the principal amount of the then Outstanding Bonds and the then Outstanding other Parity Securities, as moneys become available therefor, first into all of such interest, principal, and reserve funds and second into all such rebate funds.

SECTION 48. Conditions to Additional Superior and Parity Securities.

A. Nothing herein, prevents the City from issuing additional Superior Securities secured by and payable solely from the Sales Tax Revenues and having a lien thereon prior and superior to the lien thereon of the Bonds. Nothing herein permits the City from issuing additional Superior Securities having a lien on the Net Revenues of the Golf Course prior and superior to the lien thereon of the Bonds.

B. Nothing herein, except as expressly hereinafter provided, shall prevent the issuance by the City of additional Parity Securities payable from all or a portion of the Pledged Revenues and constituting a lien thereon on a parity with, the lien thereon of the Bonds, provided, however, that the following are express conditions to the authorization and issuance of any such Parity Securities:

(1) At the time of adoption of the instrument authorizing the issuance of the additional Parity Securities, the City shall not be in default in the payment of principal of or interest on the Bonds.

(2) The Pledged Revenues (subject to adjustments as hereinafter provided) projected by the City Chief Financial Officer, the Director of Public Works or an independent accountant or consulting engineer to be derived in the later of (i) the Fiscal Year immediately following the Fiscal Year in which the facilities to be financed with the proceeds of the additional Parity Securities are projected to be completed or (ii) the first Fiscal Year for which no interest has been capitalized for the payment of any Parity Securities, including the Parity Securities proposed to be issued, will be sufficient to pay at least an amount equal to the principal (or redemption price) and interest requirements (to be paid during that Fiscal Year) of the Outstanding Bonds, any other Outstanding Parity Securities of the City and the Parity Securities proposed to be issued (excluding any reserves therefor).

C. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, consideration shall be given to any probable estimated increase or reduction in Operation and Maintenance expenses that will result from the expenditure of the funds proposed to be derived from the issuance and sale of the additional Parity Securities.

D. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, the respective annual principal (or redemption price) and interest requirements shall be reduced to the extent such requirements are scheduled to

be paid with moneys held in trust or in escrow for that purpose by any trust bank within or without the State, including the known minimum yield from any investment in Federal Securities (as herein defined).

E. A written certificate or written opinion by the City's Chief Financial Officer, the City's Director of Public Works, or an independent accountant or consulting engineer that the foregoing earnings test is met, shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver additional Parity Securities.

F. In connection with the authorization of any such additional securities the Council may on behalf of the City adopt any additional covenants or agreements with the holders of such additional securities; provided, however, that no such covenant or agreement may be in conflict with the covenants and agreements of the City herein and no such covenant or agreement may be materially adverse to the interests of the holders of the Bonds. Any finding of the Council to the effect that the foregoing requirements are met shall, if made in good faith, conclusively establish that the foregoing requirements have been met for purposes of this Ordinance.

SECTION 49. Subordinate Securities Secured by Net Revenues of the Golf Course. Nothing herein, except as expressly hereinafter provided, shall prevent the City from issuing additional Subordinate Securities payable from Net Revenues and constituting a lien thereon subordinate to the lien thereon of the Bonds and any Outstanding Parity Securities; provided, however, that the proceeds of any such Subordinate Securities shall be used only to pay the cost (including, without limitation, incidental expenses) of a project for the betterment, enlargement, extension, other improvement or equipment of the Golf Course, or any combination thereof.

SECTION 50. Subordinate Securities Secured by Sales Tax Revenues. Nothing herein, except as expressly hereinafter provided, shall prevent the City from issuing additional Subordinate Securities payable from Sales Tax Revenues and constituting a lien thereon subordinate to the lien thereon of the Bonds and any Outstanding Parity Securities.

SECTION 51. Issuance of Refunding Bonds.

A. At any time after the Bonds, or any part thereof, are issued and remain Outstanding, if the City shall find it desirable to refund any Outstanding Bonds or other Outstanding Superior, Parity or Subordinate Securities payable from and constituting a lien upon any Pledged Revenues, such Bonds or other securities, or any part thereof, may be refunded only if the Bonds or other securities at the time or times of their required surrender for payment shall then mature or shall be then callable for prior redemption for the purpose of refunding them at the City's option upon proper call, unless the owner or owners of all such Outstanding securities consent to such surrender and payment, regardless of whether the priority of the lien for the payment of the refunding securities on the Pledged Revenues is changed.

B. The refunding bonds or other refunding securities so issued shall enjoy complete equality of lien with the portion of any securities of the same issue which is not refunded, if there is any; and the owner or owners of the refunding securities shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the unrefunded securities of the same issue partially refunded by the refunding securities.

C. Any refunding bonds or other refunding securities payable from any Pledged Revenues shall be issued with such details as the Council may by ordinance provide, subject to the provisions of this section but without any impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of the Outstanding securities of any one or more issues (including, without limitation, the Bonds).

D. If only a part of the Outstanding Bonds and other Outstanding securities of any issue or issues payable from the Pledged Revenues is refunded, then such securities may not be refunded without the consent of the owner or owners of the unrefunded portion of such securities:

(1) Unless the refunding bonds or other refunding securities do not increase for any Bond Year the aggregate principal and interest requirements evidenced by the refunding securities and by the Outstanding securities not refunded on and before the last maturity date or last Redemption Date, if any, whichever is later, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Net Revenues is not raised to a higher priority than the lien thereon of the Bonds or other securities thereby refunded; or

(2) Unless the lien on any Pledged Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

(3) Unless the refunding bonds or other refunding securities are issued in compliance with Section 46 hereof.

SECTION 52. Operation of the Golf Course. The City shall at all times operate the Golf Course properly and in a sound and economical manner and shall maintain, preserve and keep the Golf Course properly, or cause the same so to be maintained, preserved and kept, in good repair, working order and condition. The City also shall from time to time make or cause to be made all necessary and proper repairs, replacements and renewals so that at all times the operation of the Golf Course may be properly and advantageously conducted in conformity with standards customarily followed by municipalities operating golf course facilities of like size and character.

Except for the use of the Golf Course or services pertaining thereto in the normal course of business, neither all nor a substantial part of the Golf Course shall be sold, leased, mortgaged, pledged, encumbered, alienated or otherwise disposed of until all the Bonds have been paid in full, or unless provision has been made therefor as hereinafter provided.

SECTION 53. Payment of Taxes, Etc. The City shall pay or cause to be paid all taxes, assessments and other municipal or governmental charges, if any, lawfully levied or assessed upon or in respect of the Golf Course or any part thereof, or upon any portion of the Gross Revenues, when the same shall become due. The City shall duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Golf Course or any part thereof, except for any period during which the validity of the same is being contested in good faith by proper legal proceedings. The City shall not create or suffer to be created any lien or charge on the Golf Course or any part thereof, or upon the Gross Revenues, except the pledge and lien created by this Ordinance for the payment of the Bonds and any other outstanding Parity

or Subordinate Securities issued in accordance herewith, and except as herein otherwise permitted. The City shall pay or cause to be discharged or shall make adequate provision to satisfy and to discharge within 60 days after the same shall become payable, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Golf Course or any part thereof, or upon the Gross Revenues. Nothing herein contained requires the City to pay or cause to be discharged or to make provision for any such tax, assessment, lien, charge, or demand before the time when payment thereon shall be due, or so long as the validity thereof shall be contested in good faith by appropriate legal proceedings.

SECTION 54. No Competing Facilities. The City shall neither construct nor permit to be constructed other facilities or structures to be operated by the City separate from the Golf Course and competing for Gross Revenues otherwise available for the payment of the Bonds or any other securities payable from Net Revenues; provided, however, that nothing herein contained shall impair the police powers of the City or otherwise cause the City to violate any applicable law.

SECTION 55. Rate Covenant. The City shall charge against users or against purchasers of services or commodities pertaining to the Golf Course such fees, rates and other charges as shall be sufficient to produce Gross Revenues annually which, together with any other funds available therefor, including, without limitation, any Sales Tax Revenues, will be in each fiscal year of the City at least equal to the sum of:

(a) an amount equal to the annual Operation and Maintenance Expenses for such fiscal year;

(b) an amount equal to the Bond Requirements and other debt service due in such fiscal year on the then Outstanding Bonds and any Outstanding Parity Securities; and

(c) any other amounts payable from the Net Revenues and pertaining to the Golf Course, including, without limitation, debt service on any Subordinate Securities and any other securities pertaining to the Golf Course, operation and maintenance reserves, capital reserves and prior deficiencies pertaining to any account relating to Gross Revenues.

The foregoing rate covenant is subject to compliance by the City with any legislation of the United States of America, the State or other governmental body, or any regulation or other action taken by the United States, the State or any agency or political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amounts of fees, rates and other charges collectible by the City for the use of or otherwise pertaining to, and all services rendered by, the Golf Course.

Subject to the foregoing, the City shall cause all fees, rates and other charges pertaining to the Golf Course to be collected as soon as reasonable and shall provide methods of collection and penalties to the end that the Gross Revenues shall be adequate to meet the requirements hereof.

SECTION 56. Records and Accounts. So long as any of the Bonds remain Outstanding, proper records and accounts shall be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Golf Course and to all moneys pertaining thereto, including, without limitation, the Gross Revenues.

SECTION 57. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder as to that Bond shall thereby be discharged and the Bond shall no longer be deemed to be Outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from direct obligations of, or obligations the principal of or interest on which are unconditionally guaranteed by, the United States of America (the "Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond, or upon any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of Bond for payment then. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof. When such defeasance is accomplished the Paying Agent shall mail written notice of the defeasance to the registered owner of the Bond at the address last shown on the registration records for the Bonds maintained by the Registrar. The City is obligated to contribute additional securities or monies to the escrow or trust if necessary to provide sufficient amounts to satisfy the payment obligations on the Bonds.

SECTION 58. Amendments. This Ordinance may be amended or supplemented by instruments adopted by the City, without receipt by the City of any additional consideration, but with the written consent of the insurer of the Bonds, if any, or the owners of 66% in aggregate principal amount of the Bonds Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding Bonds which may then be held or owned for the account of the City, but including such refunding securities as may be issued for the purpose of refunding any of the Bonds if the refunding securities are not owned by the City. No such instrument shall permit without the consent of the insurer of the Bonds, if any, or all of the bondowners adversely affected thereby:

(a) A change in the maturity or in the terms of redemption of the principal or any installment thereof of any Outstanding Bond or any installment of interest thereon;

(b) A reduction in the principal amount of any bond or the rate of interest thereon, without the consent of the owner of the Bond; or

(c) A reduction of the principal amount or percentages or otherwise affecting the description of Bonds the consent of the owners of which is required for any modification or amendment; or

(d) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(e) The modification of, or other action which materially and prejudicially affects the rights or privileges of the owners of less than all of the Bonds then Outstanding.

(f) Whenever the City proposes to amend or modify this Ordinance under the provisions hereof, it shall cause notice of the proposed amendment to be mailed by first class mail within 30 days to the insurer of the Bonds, if any, or each registered owner of each registered Bond. The notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory instrument is on file in the office of the City Clerk for public inspection.

Whenever at any time within one year from the date of such notice there shall be filed in the office of the City Clerk an instrument or instruments executed by the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed amendatory instrument described in the notice and shall specifically consent to and approve the adoption of the instrument; thereupon, but not otherwise, the Council may adopt the amendatory instrument and the instrument shall become effective.

If the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds Outstanding, at the time of the adoption of the amendatory instrument, or the predecessors in title of such owners, shall have consented to and approved the adoption thereof as herein provided, no insurer or owner of any Bond, whether or not the insurer or owner shall have consented thereto, shall have any right or interest to object to the adoption of the amendatory instrument or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin the City from taking any action pursuant to the provisions thereof. Any consent given by the insurer of the Bonds, if any, or the owner of a Bond pursuant to the provisions hereof shall be irrevocable.

Bonds authenticated and delivered after the effective date of any action taken as provided in this Section 56 may bear a notation by endorsement or otherwise in form approved by the City as to the action; and if any Bond so authenticated and delivered shall bear such notation, then upon demand of the owner of any Bond Outstanding at such effective date and upon presentation of his bond, suitable notation shall be made on the Bond as to any such action. If the City so determines, new bonds so modified as in the opinion of the City to conform to such action shall be prepared, registered and delivered; and upon demand of the owner of any Bond then Outstanding, shall be exchanged without cost to the owner for Bonds then Outstanding upon surrender of such Bonds.

SECTION 59. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent shall resign, or if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, or if for any other reason the City determines to retain a successor Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent. No resignation or dismissal of the Registrar or Paying

Agent may take effect until a successor is appointed. It shall not be required that the same person or institution serve as Registrar and Paying Agent thereunder, but the City shall have the right to have the same person or institution serve as Registrar and Paying Agent. Any successor Registrar and Paying Agent must be an officer or employee of the City or a commercial bank authorized to execute trust powers. Any successor by merger with the Registrar and Paying Agent is automatically appointed as Registrar and Paying Agent hereunder without any further action of the Council, as long as the successor otherwise is qualified to act as Registrar and Paying Agent pursuant to this section. Any bank, trust company or national banking association into which the Registrar and/or Paying Agent or its successor may be converted, merged or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust business shall be the successor of the Registrar and/or Paying Agent under this Ordinance with the same rights, powers, duties and obligations and subject to the same restrictions, limitations, and liabilities as its predecessor, all without the execution or filing of any papers or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

SECTION 60. Delegated Powers. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;

B. The execution of the certificates as may be reasonably required by the purchaser, relating, inter alia,

(1) to the signing of the Bonds,

(2) to the tenure and identity of the officials of the City,

(3) to the assessed valuation of the taxable property in and the indebtedness of the City,

(4) to the rate of taxes levied against the taxable property within the City,

(5) to the delivery of the Bonds to The Depository Trust Company and the receipt of the purchase price of the Bonds,

(6) to the completeness and accuracy of any information provided the Purchaser in connection with the Bonds as of the date of delivery of the Bonds, and

(7) if it is in accordance with the fact, to the absence of litigation, pending or threatened, affecting the validity of the Bonds;

C. The execution by the Chief Financial Officer of the Bond Purchase Proposal for the sale of the bonds with the Purchaser thereof;

D. The completion and execution by the Chief Financial Officer of the Certificate of the Chief Financial Officer; and

E. The execution of the Continuing Disclosure Certificate and any agreements related to the Registrar and Paying Agent for the Bonds not inconsistent with the provisions of this ordinance; and

F. The execution of the Escrow Agreement by the City Chief Financial Officer in substantially the form as is currently on file with the Clerk, with such changes which are agreed to by the City Chief Financial Officer.

G. The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 61. Continuing Disclosure Undertaking and Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the City Clerk to be executed and delivered in connection with the delivery of the Bonds and the City Chief Financial Officer is authorized to execute and deliver such certificate on behalf of the City.

SECTION 62. Publication of Proposed Ordinance. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. _____
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE ISSUANCE OF ITS "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) GOLF COURSE REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2012B" FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 495 South Main Street, Las Vegas, Nevada, and that such Ordinance was proposed on the March 7, 2012, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on March 21, 2012.

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

SECTION 63. Publication of Ordinance and Effective Date. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published by title only, together with the names of the members of the Council who voted for or against its adoption. This Ordinance shall be in effect on and after the publication. Such publication of adoption of this Ordinance shall be made at least once in a newspaper published and having general circulation in the City and such publication shall be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

BILL NO._____
ORDINANCE NO.
(of Las Vegas, Nevada)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA AUTHORIZING THE ISSUANCE OF ITS "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) GOLF COURSE REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2012B" FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on March 7, 2012, and was passed at the meeting held on March 21, 2012, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the 24th day of March, 2012, i.e., the day after the publication of such Ordinance by its 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.

DATED this March 21, 2012.

Attest:

/s/ Carolyn G. Goodman
Mayor

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication)

SECTION 64. Ordinance Irrepealable. This Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled, and discharged, as herein provided.

SECTION 65. Implied Repealer. All resolutions and ordinances, bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, bylaw, order, or part thereof, heretofore repealed.

SECTION 66. Severability. If any section, paragraph, clause, or 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 provision shall not affect any of the remaining provisions of this Ordinance.

PASSED, ADOPTED AND APPROVED this March 21, 2012.

(SEAL)

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

By: Val Steed 2-28-12
Date

This Ordinance shall be in force and effect from and after the 24th of March 2012, i.e., the date after the publication of such Ordinance by its title only.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, MMC, the duly chosen and qualified City Clerk of Las Vegas (the "City"), 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 on March 7, 2012 and finally adopted and approved on March 21, 2012.

(2) The following members of the Council were present at the March 7, 2012 Council meeting:

Mayor:
Councilmembers:

Those Absent: _____
_____

(3) The foregoing Ordinance was first proposed and read by title to the City Council on March 7, 2012, and referred to a committee composed of _____ _____ for recommendation; thereafter said committee reported favorably on said Ordinance on March 21, 2012, which was a regular meeting of said Council; that as 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 March 21, 2012 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:
Mayor:
Councilmembers:

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 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 Council were given due and proper notice of the meetings held on March 7, 2012 and March 21, 2012. Pursuant to NRS 241.020, 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 working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) City Hall
495 South Main Street, 1st Floor
Las Vegas, Nevada
(ii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
(iii) Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada
(iv) City of Las Vegas Development Services Center
333 North Rancho Drive
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

(6) A copy of such notice so given of the meeting of the Council on March 7, 2012 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on March 21, 2012 is attached to this certificate as Exhibit B.

(7) A copy of the affidavit of publication of the notice of deposit of ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of the adoption of the ordinance is attached to this certificate as Exhibit D.

(8) 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 _____, 2012.

_____
City Clerk

EXHIBIT A

(Attach Copy of Notice of March 7, 2012 Meeting)

EXHIBIT B

(Attach Copy of Notice of March 21, 2012 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Deposit of the Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

City of Las Vegas Agenda Item No.: **39.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2012-14 - For Possible Action - Authorizes the issuance by the City of Las Vegas, Nevada of its General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A in the aggregate principal amount of not to exceed $8,500,000 for the purpose of acquiring, constructing improving and equipping street projects related to the reopening of F Street

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $8,500,000
Funding Source: Capital Improvement CPF
Dept./Division: Finance Department

PURPOSE/BACKGROUND:
This bill will authorize the issuance of the City's medium-term bonds for street projects related to the reopening of F street.

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. 2012-14

Summary - An ordinance authorizing the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A in the aggregate principal amount of not to exceed $8,500,000 and providing other matters relating thereto.

BILL NO. 2012-14
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS, SERIES 2012A IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $8,500,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING STREET PROJECTS; PROVIDING DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; AND PROVIDING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, pursuant to Section 7.020 of the Charter, the City, acting through the City Council (the "Council") is authorized to borrow money for any municipal purpose and for such purpose may issue bonds or other securities, and pursuant to Nevada Revised Statutes ("NRS") 268.672 to 268.740, inclusive (the "City Bond Law"), the City is authorized to issue bonds to finance the cost to acquire, improve, equip, operate and maintain street projects as defined in NRS 268.722 (the "Project"); and

WHEREAS, pursuant to NRS 350.087 to 350.095, inclusive (the "Act"), the City is authorized to issue medium-term obligations to finance the Project and to issue, as evidence thereof, negotiable medium-term notes or bonds which shall not be paid in whole or in part from a levy of a special tax which is exempt from the limitations on the levy of ad valorem tax, but which shall be paid from other legally available funds of the City (subject to certain Constitutional and statutory tax limitations), which must mature not later than 10 years after the date of issuance and must bear interest at a rate or rates which do not exceed by more than 3

percent the "Index of Twenty Bonds" which was most recently published before bids for their purchase are received; and

WHEREAS, pursuant to NRS 350.087, the Council determined to publish a notice (the "Notice") of its intention to authorize and to issue medium-term obligations in the maximum principal amount of $8,500,000 in a newspaper of general circulation in the City and an affidavit of such publication is on file in the office of the City Clerk; and

WHEREAS, the Council adopted by at least a two-thirds majority a resolution authorizing medium-term obligations in the maximum principal amount of $8,500,000 to finance the Project (the "Authorizing Resolution") which contained a finding by the Council that the public interest requires medium-term obligations and a statement of the facts upon which the finding was based, which vote was taken at least 10 days after the publication of the Notice; and

WHEREAS, pursuant to NRS 350.089 and relevant provisions of the Nevada Administrative Code, the Council caused a certified copy of the Authorizing Resolution and supporting documents to be submitted to the Executive Director of the Department of Taxation of the State of Nevada (the "Department of Taxation") for his approval; and

WHEREAS, the City received the approval of the Executive Director of the Department of Taxation for such medium-term obligations, a copy of such approval being attached to the following page as follows:

(Attach Approval of Department of Taxation)

WHEREAS, the approval of the Department of Taxation as set forth in the preambles hereof is hereby recorded in the minutes of the Council as required by NRS 350.089; and

WHEREAS, the City has not previously utilized any of the authority so approved by the Department of Taxation; and

WHEREAS, pursuant to the Authorizing Resolution, the Council ordered the medium-term obligations to be offered for sale in the form of medium-term bonds and authorized the City's Chief Financial Officer (the "CFO") to arrange for the sale of such medium-term bonds; and

WHEREAS, the Council hereby determines that the bonds herein authorized to be issued shall be designated the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A" (the "2012A Bonds" or the "Bonds") in the aggregate principal amount of not to exceed $8,500,000; and

WHEREAS, the Council has determined and hereby declares and determines that legally available funds of the City will at least equal the amount required in each year for the payment of interest on and the principal of the Bonds; and

WHEREAS, pursuant to NRS 350.091, the Council has determined and hereby determines that the maximum term of the Bonds does not exceed the estimated useful life of the Project financed with the proceeds of the Bonds; and

WHEREAS, the Council elects to and hereby determines to issue the Bonds in accordance with the provisions of NRS 350.500 to 350.720, inclusive and all laws amendatory thereof, designated in NRS 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the Council is <u>not</u> authorized to levy general ad valorem taxes (the "General Taxes") to pay the principal of or interest on the Bonds exempt from the limitations of any statutes of the State; any General Taxes levied for the purpose of paying principal or interest on the Bonds will be subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453; and

WHEREAS, the Council is therefore authorized and empowered by the Charter, the City Bond Law, the Act, the approval of the Executive Director of the Department of Taxation, and the Bond Act, without any further preliminaries:

A. To issue and sell the City's Bonds; and

B. To exercise the incidental powers provided in the Bond Act in connection with the powers authorized therein or as otherwise expressly provided therein; and

WHEREAS, in the Authorizing Resolution, the Council authorized the CFO or his designee to arrange for the issuance and sale of the Bonds, subject to, among other conditions, adoption by the City of this Ordinance specifying the Bond terms and details and approving their sale; and

WHEREAS, after notice inviting bids for their purchase, the CFO, as the chief financial officer of the City, or the City Manager, as the chief administrative officer of the City, is hereby authorized to receive bids and sell the Bonds to the best bidder therefor (the "Purchaser") and the CFO or the City Manager is hereby authorized to accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal"), such rates not to exceed 3 percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Bonds, if any, plus a premium or less a discount not to exceed 9 percent of the principal amount of the Bonds, all as specified by the CFO or the City Manager in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the CFO"); and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, there have been presented to the Council at this meeting (i) the Preliminary Official Statement for the Bonds (the "Preliminary Official Statement"), and (ii) the proposed form of the Continuing Disclosure Certificate (the "Disclosure Certificate"); and

WHEREAS, the Council has determined and hereby declares that each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to NRS 350.708, this determination of the

Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion.

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2012 Medium-Term Bond Ordinance" (this "Ordinance").

SECTION 2. Acceptance of Purchase Proposal. The City Manager or the CFO is hereby authorized to accept the Purchase Proposal submitted by the Purchaser for the purchase of the Bonds as set forth in the preambles hereof.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds is ratified, approved and confirmed including, without limitation, the Official Notice of Bond Sale, and the distribution of the Preliminary Official Statement and the and the Final Official Statement in substantially the form thereof (the "Official Statement").

SECTION 4. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 5. Authorization of Project. The Council hereby authorizes the Project.

SECTION 6. Authorization of Bonds. For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue its "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A" in the aggregate principal amount set forth in the Certificate of the CFO (not to exceed $8,500,000). The Bonds shall be in the form substantially as set forth in Section 24 of this Ordinance.

SECTION 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of

any and all of the outstanding Bonds, all of which, regardless of the time or times of their maturity, shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. General Obligations. All of the Bonds, as to the principal thereof and the interest thereon (the "Bond Requirements"), shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment.

SECTION 10. Payment of the Bonds. The Bond Requirements of the Bonds shall be payable from any monies legally available therefor, and provision for the payment of the Bond Requirements of the Bonds shall be made as provided in the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of or interest on the Bonds shall be subject to the limitations contained in the Constitution and statutes of the State, including, without limitation, the limitations on the levy of ad valorem taxes imposed by NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes exempt from the limitations of any of said statutes to pay the Bond Requirements of the Bonds. The City hereby irrevocably covenants with the registered owners of the Bonds from time to time that it will make sufficient provisions annually in its budget to pay the Bond Requirements of the Bonds, when due.

SECTION 11. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 12. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bond and as a part of the consideration of its issuance specially waived and released.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form. The Bonds shall be dated as of the date of their delivery, and except as otherwise provided in Section 17 hereof, shall be issued in denominations of $5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on the maturity date). The Bonds shall bear interest from their date until their maturity date at the rates set forth in the Certificate of the CFO, payable on April 1 and October 1 of each year commencing on October 1, 2012; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth in the Certificate of the CFO from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the designated dates (not to exceed ten years from the date of the Bonds) and in the amounts of principal as designated in the Certificate of the CFO. The principal of any Bond shall be payable to the owner thereof as shown on the registration records kept by the registrar for the Bonds designated in the Certificate of the CFO (the "Registrar"), upon maturity and upon presentation and surrender at the office of the paying agent for the Bonds designated in the Certificate of the CFO (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full.

Except as otherwise provided in Section 17 hereof, payment of interest on any Bond shall be made to the owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the fifteenth day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration records of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed

by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments of principal and interest shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 14. Redemption Provisions.

A. A. Optional Redemption. The 2012A Bonds maturing on and after the date set forth in the Certificate of the CFO shall be subject to redemption prior to their respective maturities, at the option of the City, in whole or in part, from such maturities selected by the City as designated by the CFO and by any amount within a maturity on any date on and after the date set forth in the Certificate of the CFO, at a price equal to the principal amount of each 2012A Bond so redeemed, and accrued interest thereon to the redemption date, and a premium, if any, computed in accordance with the schedule set forth in the Certificate of the CFO.

B. Mandatory Redemption. The 2012A Bonds set forth in the Certificate of the CFO, if any (the "Term Bonds"), shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Medium-Term Debt Service Fund (as defined in Section 30 hereof) on or before the principal payment date, of the years set forth in the Certificate of the CFO, a sum which, together with other moneys available in the Medium-Term Debt Service Fund, is sufficient to redeem (after credit is provided below) on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the CFO plus accrued interest to the redemption date. 2012A Term Bonds being redeemed in part will be selected by lot in such manner as the Registrar may determine.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot or in such other manner as the Registrar may determine) from all outstanding Term Bonds, a

principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in subparagraph C of this Section.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 17 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

C. Partial Redemption. In the case of Bonds in a denomination larger than $5,000, a portion of such Bond ($5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, except as otherwise provided in Section 17 hereof, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to Subsections A or B of this Section, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, except as otherwise provided in Section 17 hereof, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is

presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as deemed adequate by the Registrar, and any Bond or Bonds issued in exchange for, or to replace, any Bond or Bonds so called for prior redemption shall likewise be stamped or otherwise identified.

D. Notice of Redemption. Unless waived by the registered owner of a Bond to be redeemed, notice of redemption shall be given by the Registrar in the name of the City by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the registered owners (initially Cede & Co.) of the Bonds to be redeemed at their addresses as shown on the registration records. Failure to give such notice to the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bonds. All such notices of redemption shall be dated and shall state: (i) the CUSIP number or numbers of the Bonds to be redeemed; (ii) the redemption date, (iii) the redemption price, (iv) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (v) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Registrar. After such notice has been given in the manner hereinbefore provided, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the City will pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as herein provided for payment of interest. A certificate by the Registrar that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Bondholder of a notice of redemption shall not be a condition precedent to the redemption of that Bond. Notwithstanding the foregoing provisions, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Registrar of funds on or before the date fixed for redemption sufficient to pay the redemption price of the bonds so called for redemption, and that if such funds are not available, such redemption shall be canceled by written notice to the registered owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 15. Negotiability. Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 16. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 17 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond.

B. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in Section 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

C. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate

and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

D. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council upon request.

SECTION 17. Book Entry.

A. Notwithstanding the foregoing provisions of this Ordinance, the Bonds shall initially be evidenced by one Bond per maturity in denominations equal to the aggregate principal amount of such maturity or, in the case of any Term Bonds, the Bonds shall initially be evidenced by one Bond for each term in denominations equal to the aggregate principal amount of the Bonds maturing in that term.. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the Council of another depository institution acceptable to the Council and to the depository then holding the bonds, which new depository institution must be both a "clearing corporation" as defined in NRS chapter 104 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination of the Council that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the Council, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then outstanding or, in the case of the Term Bonds, for each term of the Bonds then outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the outstanding bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of $5,000 or any integral multiple thereof, as provided in any subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The Council, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the Council, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The Council, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond

Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

SECTION 18. Execution and Authentication.

A. Prior to the execution of any Bonds by facsimile signature and pursuant to NRS 350.638, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer of the City (the "Treasurer") and the City Clerk of the City (the "Clerk") shall have each filed with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be signed and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, in substantially the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

SECTION 19. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the Treasurer, and the Clerk, at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature, the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 20. Incontestable Recital. Pursuant to NRS 350.628, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

SECTION 21. State Tax Exemption. Pursuant to NRS 350.710, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

SECTION 22. Initial Registration. The Registrar shall maintain separate registration records of the City for the Bonds, showing the name and address of the owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond, and its interest rate, principal amount, and bond number.

SECTION 23. Bond Delivery. After such registration by the Registrar and after their execution and authentication as provided herein, the Treasurer shall cause the Bonds to be delivered to the Purchaser, upon payment being made in accordance with the terms of their sale.

SECTION 24. Bond Form. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
MEDIUM-TERM BONDS
SERIES 2012A

No. _____ **$_____**

Interest Rate	**Maturity Date**	**Dated As of**	**CUSIP**
_____%	April 1, _____	_____, 2012	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Las Vegas, Clark County, in the State of Nevada (the "City", the "County" and the "State", respectively) for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest thereon on April 1 and October 1 of each year, commencing on October 1, 2012, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for. This Bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of this Bond. The principal of this Bond is payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds (the "Paying Agent"), presently The Bank of New York Mellon Trust Company, N.A., who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed by first class mail to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the fifteenth day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying

Agent, as provided in the ordinance of the City Council of the City of Las Vegas (the "Council") authorizing the issuance of the Bonds (the "Bonds") and designated in Section 1 thereof as the "2012 Medium-Term Bond Ordinance" (the "Ordinance"), duly adopted by the Council on March 21, 2012. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

The Bonds are issuable solely as fully registered Bonds in denominations of $5,000 each or (subject to certain conditions) any integral multiple thereof, and are exchangeable for fully registered Bonds of the same maturity in equivalent aggregate principal amounts and in authorized denominations at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of charges provided in the Ordinance.

This Bond is fully transferable by the registered owner in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered Bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this Bond, on payment of the charges and subject to the terms and conditions as set forth in the Ordinance.

Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

** The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance.**

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost to acquire, improve, equip, operate and maintain street projects as defined in NRS 268.722 (the "Project"), under the

authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter") pursuant to Nevada Revised Statutes ("NRS") 268.672 to 268.740, inclusive (the "City Bond Law"), pursuant to NRS 350.087 to 350.095, inclusive (the "Act"), pursuant to NRS 350.500 through 350.720, and all laws amendatory thereof, designated in NRS 350.500 as the "Local Government Securities Law" (the "Bond Act"), and pursuant to the Ordinance; pursuant to NRS 350.628, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to NRS 350.710, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

The Bonds, as to all Bond Requirements, shall be payable from any moneys of the City legally available for the purpose of making such payment and the full faith and credit of the City are hereby irrevocably pledged for making such payment. Provision for the payment of the Bonds shall be made as provided in NRS 350.093 and 350.095, provided, however, that ad valorem taxes levied for the purpose of paying the principal of and interest on the Bonds are subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS 354.59811, 354.5913, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes to pay the principal of or interest on the Bonds exempt from the limitations of any such statutes, but the City has covenanted in the Ordinance to make sufficient provision annually in its budget to pay the Bond Requirements of the Bonds, when due.

[Certain maturities of the Bonds are subject to optional redemption, as provided in the Ordinance and the Certificate of the CFO.]

[Certain of the Bonds are subject to mandatory sinking fund redemption, as provided in the Ordinance and the Certificate of the CFO.]

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

It is hereby certified, recited, declared and warranted that all actions required to be taken prior to the issuance hereof have been had and taken by the City; that the issuance of the

Bonds has been approved by the Executive Director of the Department of Taxation of the State of Nevada as required by the Act, and that the principal of the Bonds, when added to other City indebtedness, does not exceed the limits on indebtedness of the City provided in the Constitution and statutes of the State.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Clark County, State of Nevada, has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor of the City, to be attested, signed and executed with a manual or facsimile signature of the City Clerk and to be signed, subscribed and executed by the manual or facsimile signature of the City Treasurer, and has caused a manual or facsimile impression of the seal of the City to be affixed hereon, all as of the dated date above.

(MANUAL OR FACSIMILE CITY SEAL)

CITY OF LAS VEGAS, NEVADA

Attest:

(Manual or Facsimile Signature)
Mayor

(Manual or Facsimile Signature)
City Clerk

(Manual or Facsimile Signature)
City Treasurer

* Insert only if Bonds are delivered pursuant to Section 16(A)(3) of this Ordinance.

** Insert only if Bonds are delivered pursuant to Section 16(A) of this Ordinance.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication
and registration _____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

CITY OF LAS VEGAS TREASURER
as Registrar

By Manual Signature
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

[STATEMENT OF INSURANCE]
add statement of insurance, if applicable

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

_____
Signature Guaranteed:

_____

Name of Transferee:

_____

Address of Transferee:

_____
_____
_____

Social Security or other tax identification number of Transferee:

_____

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

NOTICE: TRANSFER FEES MUST BE PAID TO THE REGISTRAR IN ORDER TO TRANSFER OR EXCHANGE THIS BOND AS PROVIDED IN THE WITHIN-MENTIONED ORDINANCE.

(End of Form of Assignment for Bonds)

SECTION 25. Use of Bond Proceeds. Upon the issuance of the 2012A Bonds, the Treasurer shall cause the proceeds of the 2012A Bonds received from the sale of the 2012A Bonds to be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds, Series 2012A, Construction Account" (the "Construction Account") to be held by the City. Moneys in the Construction Account shall be used solely to defray wholly or in part the cost of the Project including, without limitation, as provided in NRS 350.516, all costs of issuing the Bonds, and the costs of rebates to the United States under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to NRS 350.650, (i) any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Construction Account shall be deposited into the Medium-Term Debt Service Fund hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 26. Use of Investment Gain. Pursuant to NRS 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds, if needed to defray the cost of the Project, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Account, and if not needed to defray the cost of the Project, shall be deposited promptly into the Medium-Term Debt Service Fund, for the respective payment of the principal of or interest on the Bonds, or any combination thereof. As provided in Section 34 hereof, any annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 27. Completion of Project. The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project without delay and with due diligence to the best of the City's ability, as hereinabove provided.

SECTION 28. Prevention of Bond Default. Subject to the provisions of Sections 30 and 34 hereof, the Treasurer shall use any Bond proceeds credited to the Construction Account, without further order or warrant, to pay the Bond Requirements of the 2012A Bonds as the same become due whenever and to the extent moneys otherwise available

therefor are insufficient for that purpose, unless such 2012A Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing and relating to the Project. The Treasurer shall promptly notify the Council of any such use.

SECTION 29. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser, any associate thereof, and any subsequent owner of any Bond shall in no manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

SECTION 30. General Tax Levies. Pursuant to NRS 350.596, any sums coming due on the Bonds at any time when there are not on hand in the Medium-Term Debt Service Fund sufficient funds to pay same shall be promptly paid when due out of the Construction Account or out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes legally available therefor. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there is hereby created a separate account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Bonds, Series 2012, Debt Service Fund" (the "Medium-Term Debt Service Fund"). Pursuant to NRS 350.592, 350.594, 350.093 and 350.095, except to the extent other funds are legally available therefor, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay and retire the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Medium-Term Debt Service Fund for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the

Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS 354.59811, 354.59813, 354.59815, 354.5982 and 361.453, and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all such revenues received by the City.

SECTION 31. Priorities for Bonds. In any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitations of NRS 361.453, 354.59811, 354.59813 and 354.5982.

SECTION 32. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Medium-Term Debt Service Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 33. Use of General Funds. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other legally available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to NRS 350.596.

SECTION 34. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, mature, and upon such payments,

the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS 350.598.

SECTION 35. Legislative Duties. In accordance with NRS 350.592, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes, when collected, shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 36. Appropriation of General Taxes. In accordance with NRS 350.602, there are hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements the Bonds have been wholly paid or provided for.

SECTION 37. Protective Covenants. The City covenants and agrees with each and every owner from time to time of the Bonds, that:

A. The Project shall be completed without delay; and

B. The City will make the principal and interest payments on the Bonds at the place, on the date, and in the manner specified according to the true intent and meaning hereof.

SECTION 38. Tax Covenant. The City covenants for the benefit of the owners of the 2012A Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities financed with the proceeds of the 2012A Bonds if such action or omission (i) would cause the interest on the 2012A Bonds to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code, or (ii) would cause interest on the 2012A Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code, except to the extent such interest is required to be included in calculating the adjusted current earnings adjustment applicable to corporations for purposes of computing the alternative minimum taxable income of corporations. The foregoing covenant shall remain in full force and

effect notwithstanding the payment in full or defeasance of the 2012A Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 39. The City covenants and agrees that it will execute, comply with and carry out all of the provisions of the Disclosure Certificate, a copy of which is on file for public inspection in the office of the City Clerk. In the event the City fails to comply with the Disclosure Certificate, any holder or beneficial owner of the Bonds may take the remedial actions set forth therein. Breach of the undertakings of the City in the Disclosure Certificate shall not constitute a default under this Ordinance.

SECTION 40. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to that Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by, the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

SECTION 41. Continuing Disclosure Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the Clerk and is hereby authorized to be executed by the CFO and delivered in connection with the delivery of the Bonds.

SECTION 42. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that it is in the best interests of the City to replace said Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent. Any successor by merger with the Registrar and Paying Agent is automatically appointed as Registrar and Paying Agent hereunder without any further action of the Council, as long as the successor otherwise is qualified to act as Registrar and Paying Agent pursuant to this section. Any bank, trust company or national banking association into which the Registrar and/or Paying Agent or its successor may be converted, merged or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust business shall be the successor of the Registrar and/or Paying Agent under this Instrument with the same rights, powers, duties and obligations and subject to the same restrictions, limitations, and liabilities as its predecessor, all without the execution or filing of any papers or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

SECTION 43. Delegated Powers. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;

B. The printing, distribution and execution of the final official statement for the Bonds (the "Final Official Statement") in substantially the form now before the Council, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent with this Ordinance, and are approved by the execution of the Final Official Statement by the officials designated in the Final Official Statement

C. The execution of such certificates and agreements as may be reasonably required by the Purchaser, relating, inter alia, to:

(1) the signing of the Bonds,

(2) the tenure and identity the officials of the City,

(3) the assessed valuation of the taxable property in and the indebtedness of the City,

(4) the rate of General Taxes levied against taxable property in the City,

(5) the exclusion from gross income for federal income tax purposes of interest on the 2012A Bonds,

(6) the delivery of the Bonds and the receipt of the Bond purchase price,

(7) the accuracy and completeness of any information provided in connection with the Bonds, including information contained in the Official Statement,

(8) if it is in accordance with the fact, the absence of litigation, pending or threatened, affecting the validity of the Bonds;

(9) the execution of the Disclosure Certificate and any agreement related to the Registrar and Paying Agent for the Bonds not inconsistent with the provisions of this ordinance; and

D. The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 44. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 45. Implied Repealer. All ordinances, resolution bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolutions, bylaw or order, or part hereof, heretofore repealed.

SECTION 46. Publication. When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination

and distribution. Notice of the deposit must be published once in a newspaper, printed, published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS, SERIES 2012A IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $8,500,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING STREET PROJECTS; PROVIDING DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 495 South Main Street, Las Vegas, Nevada, and that such Ordinance was proposed on the March 7, 2012, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on March 21, 2012.

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

SECTION 47. Publication After Adoption. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Councilmembers voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper printed, published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

ORDINANCE NO. __
(of Las Vegas, Nevada)

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM BONDS, SERIES 2012A IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED $8,500,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, IMPROVING AND EQUIPPING STREET PROJECTS; PROVIDING DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on March 7, 2012, and was passed at the meeting held on March 21, 2012, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the 24th day of March, 2012, i.e., the day after the publication of such Ordinance by its 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.

DATED this March 21, 2012.

Attest: /s/ Carolyn G. Goodman
Mayor

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication)

SECTION 48. Severability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this Ordinance.

Adopted March 21, 2012.

(SEAL)

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

By: Val Steed 2-28-12
Date

This Ordinance shall be in full force and effect from and after March 24, 2012, i.e., the day after the publication of such Ordinance by its title only.

STATE OF NEVADA)
)
COUNTY OF CLARK) **ss.**
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, MMC, the duly chosen and qualified City Clerk of Las Vegas (the "City"), 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 on March 7, 2012 and finally adopted and approved on March 21, 2012.

2. The following members of the Council were present at the March 7, 2012 Council meeting:

Mayor:
Councilmembers:

Those Absent: _____
_____

3. The foregoing Ordinance was first proposed and read by title to the City Council on March 7, 2012, and referred to a committee composed of _____ _____ for recommendation; thereafter said committee reported favorably on said Ordinance on March 21, 2012, which was a regular meeting of said Council; that as 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 March 21, 2012 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:
Mayor:
Councilmembers:

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 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 Council were given due and proper notice of the meetings held on March 7, 2012 and March 21, 2012. Pursuant to NRS 241.020, 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 working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) City Hall
495 South Main Street, 1st Floor
Las Vegas, Nevada
(ii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
(iii) Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada
(iv) City of Las Vegas Development Services Center
333 North Rancho Drive
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

6. A copy of such notice so given of the meeting of the Council on March 7, 2012 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on March 21, 2012 is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of the notice of deposit of ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of the adoption of the ordinance is attached to this certificate as Exhibit D.

8. 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 _____, 2012.

_____
City Clerk

EXHIBIT A

(Attach Copy of Notice of March 7, 2012 Meeting)

EXHIBIT B

(Attach Copy of Notice of March 21, 2012 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Deposit of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

City of Las Vegas Agenda Item No.: **40.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2012-15 - For Possible Action - Authorizes the issuance of the City of Las Vegas, Nevada General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (additionally secured by pledged revenues), Series 2012C for the purpose of refunding certain outstanding bonds

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $5,500,000
Funding Source: Fremont Street Room Tax SRF
Dept./Division: Finance Department

PURPOSE/BACKGROUND:
This bill will authorize the issuance of the City's Fremont Street Experience Refunding Bonds. Refunding allows for possible interest savings.

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. 2012-15

Summary - an ordinance authorizing the issuance of the additionally secured City of Las Vegas, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable).

BILL NO. 2012-15 ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FREMONT STREET EXPERIENCE REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2012C (TAXABLE)," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, the City Council (the "Council") has determined that pursuant to NRS 268.801 through 268.808 and City Ordinance No. 3722 adopted on August 4, 1993 (collectively the "Project Act"), the City is authorized and empowered to use certain proceeds of the tax imposed pursuant to NRS 268.801 through 268.808 on the gross receipts from the rental of transient lodging throughout the central business district of the City described in such ordinance (the "Fremont District"), upon all persons in the business of providing lodging (the "Fremont Street Room Tax"); for projects related to constructing, acquiring, improving, operating or maintaining urban projects, or any combination thereof, including, without limitation, recreational facilities and other projects designed to encourage tourism or to improve the aesthetic environment of the central business area located within the Fremont District and the payment of principal and interest on notes, bonds or other obligations incurred to fund such projects; and to evidence such borrowing by the issuance of bonds in accordance with the provisions of NRS § 350.500 through §§ 350.720, cited in § 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the City has previously issued its City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds (Additionally Secured by Pledged Revenues) Series November 1, 1993 (the "1993 Bonds"), and its City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2002 (the "2002 Bonds") and other than the Outstanding 2002 Bonds, there are no Outstanding obligations which are secured in whole or in part by the revenues derived from the Fremont Street Room Tax; and

WHEREAS, interest rates have declined since the issuance of the 2002 Bonds; and

WHEREAS, the Company (as defined below) must consent to the optional redemption of the Refunded Bonds (as defined below) prior to the issuance of the Bonds; and

WHEREAS, NRS 350.684 provides that the City may issue refunding bonds to refund, pay and discharge all or any part of the outstanding bonds of any one or more issues for the purpose of reducing interest costs or effecting other economies; and

WHEREAS, if it is determined by the City's Chief Financial Officer (the "Chief Financial Officer"), that the City will achieve interest rate savings, the Chief Financial Officer is hereby authorized to specify in the Certificate of the Chief Financial Officer (defined below) which maturities of the 2002 Bonds, if any, will be refunded (the "Refunded Bonds"); and

WHEREAS, if after receiving bids for the purchase of the City's General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012 (Taxable) (the "Bonds" or "2012 Bonds") herein authorized to be issued for the purpose of refunding, paying and discharging the Refunded Bonds (the "Refunding Project"; or the "Project"), it is determined that interest rate savings will be effected, the Chief Financial Officer is authorized to accept a binding bid for the Bonds from the best bidder therefor (the "Purchaser"); the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") and accepted by the Chief Financial Officer, at a purchase price equal to the principal amount thereof, plus accrued interest to the date of delivery of the Bonds, less a discount or plus a premium not to exceed 9 percent of the principal amount of the Bonds, all as specified by the Chief Financial Officer in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Chief Financial Officer"), which purchase price does not result in an effective interest rate on the Bonds in excess of 3% over the index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds; and

WHEREAS, there have been filed with the City Clerk:

(i) the form of an escrow agreement (the "Escrow Agreement") between the City and The Bank of New York Mellon Trust Company, N.A. (the "Escrow Agent"); and

(ii) the form of the Official Statement (the "Official Statement") for the Bonds; and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, the Council has determined and hereby declares:

A. It is necessary and for the best interests of the City to effect the Project and to issue the Bonds;

B. Each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to § 350.708, Bond Act,

this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

C. This Ordinance pertains to the sale, issuance and payment of the Bonds.

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

ARTICLE I

SHORT TITLE, DEFINITIONS, INTERPRETATION, RATIFICATION, TRANSMITTAL, AND EFFECTIVE DATE

Section 101. Short Title. This Ordinance shall be known as and may be designated by the short title "2012 Fremont Street Experience Refunding Bond Ordinance" (this "Ordinance").

Section 102. Meanings and Construction.

A. Definitions. The terms in this section defined for all purposes of this Ordinance and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document relating hereto, except where the context by clear implication otherwise requires, shall have the meanings herein specified:

(1) "annual principal and interest requirements" means the sum of the principal of and interest on the Outstanding Bonds and any other Outstanding securities payable from the Pledged Revenues having a lien thereon superior to or on a parity with the lien thereon of the Bonds, to be paid during any Bond Year, but excluding any reserve requirements to secure such payments unless otherwise expressly provided and excluding any amount payable from capitalized interest. In calculating this amount, the principal amount of bonds required to be redeemed prior to maturity pursuant to a mandatory redemption schedule contained in the ordinance or other instrument authorizing the issuance of such bonds shall be treated as maturing in the Bond Year in which such bonds are so required to be redeemed, rather than in the Bond Year in which the stated maturity of such bonds occurs.

(2) "Bond Act" means NRS 350.500 through 350.720, and all laws amendatory thereof, designated in § 350.500 thereof as the Local Government Securities Law.

(3) "Bond Fund" or "2012 Bond Fund" means the special account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), Pledged Revenues Interest and Principal Retirement Fund," created in § 401A hereof, and required to be accumulated and maintained in § 604 hereof which shall be held separate and apart from the Fremont Street Experience Revenue Fund.

(4) "1993 Bond Fund" means the special account designated as the "City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds, Series November 1, 1993, Pledged Revenues Interest and Principal Retirement Fund," created in § 401A of the 1993 Ordinance.

(5) "2002 Bond Fund" means the special account designated as the "City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds, Series 2002, Pledged Revenues Interest and Principal Retirement Fund," created in § 401A of the 2002 Ordinance.

(6) "Bond Requirements" means the principal of, any prior redemption premiums due in connection with, and the interest on the Bonds and any additional bonds or other additional securities payable from the Pledged Revenues and heretofore or hereafter issued, as such principal, premiums and interest become due at maturity or on a Redemption Date designated in a mandatory redemption schedule, in a notice of prior redemption, or otherwise.

(7) "Bond Year" means the 12 months commencing on July 2 of any calendar year and ending on July 1 of the next succeeding calendar year.

(8) "Bonds" means the securities issued hereunder and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured With Pledged Revenues), Series 2012C (Taxable)."

(9) "1993 Bonds" means the securities designated as the "City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds (Additionally Secured With Pledged Revenues), Series November 1, 1993" issued pursuant to the 1993 Ordinance.

(10) "2002 Bonds" means the securities designated as the "City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds (Additionally Secured With Pledged Revenues), Series 2002" issued pursuant to the 2002 Ordinance.

(11) "Budget Act" means NRS 354.470 to 354.626, inclusive, and all laws amendatory thereof, designated in § 354.470 thereof as the Local Government Budget Act.

(12) "City" means the City of Las Vegas in the County of Clark and in the State, and constituting a political subdivision thereof, or any successor municipal corporation; and where the context so indicates, such term means the geographical area comprising the City of Las Vegas.

(13) "City Chief Financial Officer" or "Chief Financial Officer" means the de jure or de facto chief financial officer of the City and designated as such by the City.

(14) "City Treasurer" or "Treasurer" means the de jure or de facto city treasurer of the City and designated as such by the City.

(15) "Clerk" or "City Clerk" means the de jure or de facto city clerk of the City and designated as such by the City, or her successor in functions, if any.

(16) "combined maximum annual principal and interest requirements" means the greatest of the annual principal and interest requirements to be paid during any Bond Year for the period beginning with the Bond Year in which such computation is made and

ending with the Bond Year in which any bond last becomes due at maturity or on a Redemption Date on which any bond thereafter maturing is called for prior redemption. If any outstanding bonds are subject to variable interest rates, for the purpose of such computation, such interest rates shall be determined by an Independent Accountant, an independent feasibility consultant or the City Chief Financial Officer. Any such computation shall be adjusted as provided in § 803C hereof, and shall be made by an Independent Accountant, an independent feasibility consultant or the City Chief Financial Officer if expressly so required.

(17) "commercial bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation and which is located within the United States; and such term includes, without limitation, any "trust bank" as herein defined.

(18) "Company" means The Fremont Street Experience Limited Liability Company, or its successor or assigns under the Development Agreement.

(19) "Comparable Bond Year" means, in connection with any Fiscal Year, the Bond Year which commences in the Fiscal Year. For example, for the Fiscal Year commencing on July 1, 2012, the Comparable Bond Year commences on July 2, 2012 and ends on July 1, 2013.

(20) "Council" means the City Council of the City, including any successor of the City.

(21) "Custodian" means Nevada State Bank, in Las Vegas, Nevada, or its successors or assignees.

(22) "Development Agreement" means the Development Agreement among the City, the Company, the Fremont Street Parking Corporation and the City of Las Vegas Downtown Redevelopment Agency, as amended from time to time.

(23) "Escrow Account" means the special account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable) Escrow Account."

(24) "Events of Default" means the events stated in § 1103 hereof.

(25) "Federal Government" means the United States, or any agency, instrumentality or corporation thereof.

(26) "Federal Securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States.

(27) "Fiscal Year" means the 12 months commencing on July 1 of any calendar year and ending on June 30 of the next succeeding calendar year; but if the Nevada

legislature changes the statutory fiscal year relating to the City, the Fiscal Year shall conform to such modified statutory fiscal year from the time of each such modification, if any.

(28) "Fremont District" means the central business district of the City, as described in Ordinance No. 3722, adopted by the Council on August 4, 1993.

(29) "Fremont Street Experience Revenue Fund" means the special account designated as the "City of Las Vegas, Nevada, Pledged Revenues Fremont Street Experience Revenue Fund," created in § 602 of the 1993 Ordinance, continued in the 2002 Ordinance and referenced in § 602 hereof, which shall be held by the Custodian separate and apart from the Bond Fund and the 2002 Bond Fund.

(30) "Fremont Street Room Tax" means the tax imposed pursuant to the Project Act on the revenues from the rental of transient lodging throughout the Fremont District upon all persons in the business of providing lodging.

(31) "General Tax Interest Account" means the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds(Additionally Secured with Pledged Revenues), Series 2012C (Taxable), General Tax Interest Account," created in § 501 hereof.

(32) "General Tax Principal Account" means the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), General Tax Principal Account," created in § 501 hereof.

(33) "General Taxes" or "Taxes" means general (ad valorem) taxes levied by the City against all taxable property within the boundaries of the City (unless otherwise qualified).

(34) "hereby," "herein," "hereinabove," "hereinafter," "hereinbefore," "hereof," and any similar term refer to this Ordinance and not solely to the particular portion thereof in which the word is used; "heretofore" means before the adoption of this Ordinance; and "hereafter" means after the adoption of this Ordinance.

(35) "Independent Accountant" means any certified public accountant, or any firm of certified public accountants, duly licensed to practice and practicing as such under the laws of the State, as from time to time appointed and compensated by the City:

(a) Who or which is, in fact, independent and not under the domination of the City;

(b) Who or which does not have any substantial interest, direct or indirect, with the City, and

(c) Who or which is not connected with the City as an officer or employee thereof, but who may be regularly retained to make annual or similar audits of any books or records of the City.

(36) "Interlocal Agreement" means the Cooperative Agreement dated as of May 25, 1993 between the City and the Las Vegas Convention and Visitors Authority.

(37) "Management Agreement" means the Management Agreement for the Fremont Street Experience Project between the City and the Company, as amended from time to time.

(38) "Mayor" means the de jure or de facto Mayor of the City, or his successor in functions, if any.

(39) "NRS" means Nevada Revised Statutes.

(40) "newspaper" means a newspaper printed in the English language, published at least once each calendar week.

(41) "1993 Ordinance" means Ordinance No. 3754, passed and adopted by the Council on October 20, 1993, authorizing the issuance of the 1993 Bonds.

(42) "2002 Ordinance" means Ordinance No.5537, passed and adopted by the Council on November 6, 2002, authorizing the issuance of the 2002 Bonds.

(43) "Outstanding" when used with reference to the Bonds or any other designated securities and as of any particular date means all the Bonds or any such other securities payable from the Pledged Revenues or otherwise relating to the Project, as the case may be, in any manner theretofore and thereupon being executed and delivered:

(a) Except any Bond or other security canceled by the City, by the Paying Agent or otherwise on the City's behalf, at or before such date;

(b) Except any Bond or other security the payment of which is then due or past due and moneys fully sufficient to pay the same are on deposit with the Paying Agent;

(c) Except any Bond or other security for the payment or the redemption of which moneys at least equal to the City's Bond Requirements to the date of maturity or to any Redemption Date, shall have heretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in § 1001 hereof; and

(d) Except any Bond or other security in lieu of or in substitution for which another Bond or other security shall have been executed and delivered pursuant to §§ 306 or 1209 hereof.

(44) "owner" or any similar term, when used in conjunction with any Bonds, or any other designated securities, means the registered owner of any Bonds or other security which is registrable for payment if it shall at the time be registered for payment otherwise than to bearer.

(45) "parity bonds" or securities" means bonds or securities which have a lien on the Pledged Revenues that is on a parity with the lien thereon of the Bonds.

(46) "Paying Agent" means the paying agent or any successor thereto as paying agent for the Bonds as designated in the Certificate of the Chief Financial Officer.

(47) "Person" means a corporation, firm, other body corporate (including, without limitation, the Federal Government, the State, or any other body corporate and politic other than the City), partnership, association or individual, and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

(48) "Pledged Revenues" means all income and revenue derived by the City from (a) except as otherwise provided in § 610 hereof, the levy of the Fremont Street Room Tax imposed pursuant to the Project Act on the revenues from the rental of transient lodging in the Fremont District upon all persons in the business of providing lodging, (b) annual grants made by the Las Vegas Convention and Visitors Authority pursuant to the Interlocal Agreement, and (c) any payments made by the City to the Custodian with direction to deposit to the Fremont Street Experience Revenue Fund, the Bond Fund, the 2002 Bond Fund or the Reserve Fund.

The Pledged Revenues means all or a portion of the Pledged Revenues. The designated term indicates sources of revenues and does not necessarily indicate all or any portion or other part of such revenues in the absence of further qualification. "Pledged Revenues" includes income derived from any additional Fremont Street Room Tax imposed by the City if the Council elects to include the additional tax in "Pledged Revenues" for the remaining term of the Bonds and the 2002 Bonds.

(49) "Project" means the refunding of the Refunded Bonds.

(50) "Project Act" means, collectively, NRS 268.801 through 268.808 and City Ordinance No. 3722 adopted on August 4, 1993.

(51) "Purchaser" means the entity identified as the purchaser in the Certificate of the Chief Financial Officer.

(52) "Redemption Date" means a date fixed for the redemption prior to their respective maturities of any Bonds or other designated securities payable from any Pledged Revenues in any mandatory redemption schedules, or in any notice of prior redemption or otherwise fixed and designated by the City.

(53) "Redemption Price" means, when used with respect to a Bond or other designated security payable from any Pledged Revenues, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the security's terms.

(54) "Registrar" means the registrar or any successor thereto as paying agent for the Bonds as designated in the Certificate of the Chief Financial Officer.

(55) "Regular Record Date" means the 15th day of the calendar month next preceding each interest payment date.

(56) "Reserve Fund" means the fund created in § 607 of the 1993 Ordinance, continued in the 2002 Ordinance and referenced in § 607 hereof.

(57) "Reserve Fund Requirement" means an amount at least equal to $400,000.

(58) "Special Record Date" means a special date fixed by the Paying Agent to determine the names and addresses of owners of the Bonds for the payment of any defaulted interest on any of the Bonds, as further provided in § 302 hereof. At least 10 days' notice will be given by the Paying Agent by first-class regular mail to each owner of a Bond as stated on the Registrar's registration list at the close of business on a date fixed by the Paying Agent, stating the date of the Special Record Date and the due date fixed for the payment of such defaulted interest.

(59) "State" means the State of Nevada, in the United States; and where the context so indicates, "State" means the geographical area comprising the State of Nevada.

(60) "subordinate bonds" or "subordinate securities" means bonds or securities which have a lien on the Pledged Revenues that is subordinate and junior to the lien thereon of the Bonds herein authorized.

(61) "superior bonds" or "superior securities" means bonds or securities which have a lien on the Pledged Revenues that is superior to the lien thereon of the Bonds.

(62) "Tax Code" means the Internal Revenue Code of 1986, as amended.

(63) "Taxes" means General Taxes.

(64) "trust bank" means a "commercial bank," as defined herein, which bank is authorized to exercise and is exercising trust powers, and also means any branch of the Federal Reserve Bank.

B. Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

(1) Words in the singular number include the plural, and words in the plural include the singular.

(2) Words in the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.

(3) The titles and leadlines applied to articles, sections, subsections and paragraphs of this Ordinance are inserted only as a matter of convenience and ease in

reference and in no way define, limit or describe the scope or intent of any provisions of this Ordinance.

(4) Any securities payable from any Pledged Revenues and held by the City shall not be deemed to be Outstanding for the purpose of redemption nor Outstanding for the purpose of consents hereunder or for other purposes provided herein.

Section 103. Successors. Whenever herein the City is named or is referred to, such provision shall be deemed to include any successors of the City, respectively, whether so expressed or not. All of the covenants, stipulations, obligations and agreements by or on behalf of and other provisions for the benefit of the City contained herein shall bind and inure to the benefit of any officer, board, district, commission, authority, agent or instrumentality to whom or to which there shall be transferred by or in accordance with law any right, power or duty of the City or of their respective successors, if any, the possession of which is necessary or appropriate in order to comply with any such covenants, stipulations, obligations, agreements or other provisions hereof.

Section 104. Parties Interested Herein. Except as herein otherwise expressly provided, nothing herein expressed or implied confers upon or gives to any Person (other than the Paying Agent, the owners from time to time of the Bonds, and the owners of any other securities payable from Pledged Revenues when reference is expressly made thereto, as well as the City) any right, remedy or claim under or by reason hereof or any covenant, condition or stipulation hereof. All the covenants, stipulations, promises and agreements herein contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Paying Agent, any owner of any Bonds and any owner of any such other security in the event of such a reference.

Section 105. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City, the officers of the City, and otherwise by the City directed toward the Project and toward the sale of the Bonds to the Purchaser for that purpose, hereby is ratified, approved and confirmed.

Section 106. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds; and this Ordinance (subject to the provisions of § 1001 and of Article XII hereof), if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, except as herein otherwise expressly provided.

Section 107. Repealer. The City shall take no action under this Ordinance that would have the effect of impairing or derogating any party's rights or responsibilities under the Development Agreement, the Management Agreement, or the Interlocal Agreement, including, but not limited to, (a) the Company's right to consent to: optional redemption of the Bonds, the issuance of additional bonds payable from the Pledged Revenues, or a reduction in the rate of the Fremont Street Room Tax, or (b) the parties' rights or responsibilities relating to the administration and use of funds to be paid to the City by the Las Vegas Convention and Visitor's Authority pursuant to the Interlocal Agreement. All other bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of the inconsistency.

This repealer shall not be construed to revive any bylaw, order or other instrument, or part thereof, heretofore repealed.

Section 108. Severability. If any section, subsection, 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, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Section 109. Publication of Proposed Ordinance. When first proposed, this Ordinance must be read to the Council by title and referred to a committee of the Council designated by the Mayor, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FREMONT STREET EXPERIENCE REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2012C (TAXABLE)," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 495 South Main Street, Las Vegas, Nevada, and that such Ordinance was proposed on the March 7, 2012, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on March 21, 2012.

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

Section 110. Publication of Adoption of Ordinance; Effective Date. This Ordinance, immediately upon its final passage and adoption, shall be recorded in the official records of the City kept for that purpose, shall be signed by the Mayor, shall be attested by the City Clerk, and the seal of the City shall be affixed thereto. After final adoption of this Ordinance, this Ordinance shall be in effect on the day after its publication by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in a newspaper published and having a general circulation in the City, and such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

ORDINANCE NO.
(of Las Vegas, Nevada)

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) FREMONT STREET EXPERIENCE REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2012C (TAXABLE)," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on March 7, 2012, and was passed at the meeting held on March 21, 2012, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the 24th day of March, 2012, i.e., the day after the publication of such Ordinance by its 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.

DATED this March 21, 2012.

Attest: /s/ Carolyn G. Goodman
Mayor

/s/ Beverly K. Bridges, MMC
City Clerk

(End of Form of Publication)

ARTICLE II

CITY'S DETERMINATIONS, AUTHORITY FOR AND AUTHORIZATION OF PROJECT, NECESSITY OF PROJECT AND BONDS

Section 201. Authorization for this Ordinance. This Ordinance is adopted by virtue of the Project Act and the Bond Act and pursuant to their provisions; and the City has ascertained and hereby determines that each and every matter and thing as to which provision is made herein is necessary in order to carry out and to effectuate the purposes of the City in accordance with the Project Act and the Bond Act, and, as provided in NRS 350.708, all limitations in the Bond Act imposed upon the issuance of bonds or other securities thereunder have been met.

Section 202. Life of the Project. The City does hereby determine to proceed with the Project. The City has determined and does hereby declare that the estimated life or estimated period of usefulness of the Project to be refinanced with the proceeds of the Bonds is not less than 15 years; and

B. Bond Term. The Bonds shall mature at times not exceeding such estimated life or estimated period of usefulness.

Section 203. Necessity of Project and Bonds. It is necessary and for the best interests of the City and the inhabitants thereof that the City effect the Project and defray the cost thereof by issuing the Bonds therefor; and it is hereby so determined and declared.

Section 204. Acceptance of Offer; Authorization of Use of Preliminary and Final Official Statements. In accordance with the Project Act and with this Ordinance, the Chief Financial Officer is authorized to accept the offer for the purchase of the Bonds submitted by the Purchaser; distribution, use of and execution of the Preliminary Official Statement is hereby authorized, ratified and confirmed; distribution, use of and execution of the Final Official Statement for the Bonds in substantially the form of the Preliminary Official Statement, with such amendments, additions and deletions as are consistent with the facts and not inconsistent herewith as may be approved by the Mayor by his execution of the Final Official Statement, is hereby authorized.

Section 205. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection and security of the owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction of any of the Bonds over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Section 206. General Obligations. The full faith and credit of the City are hereby pledged to the payment of the Bond Requirements of the Bonds; they shall constitute general obligations of the City and shall be payable from General Taxes on all taxable property within the City (except to the extent any Pledged Revenues or other moneys are available therefor), subject to the limitations imposed by the Constitution and statutes of the State.

Section 207. Additional Security. The payment of the Bond Requirements of the Bonds is additionally secured by an irrevocable pledge of and by a lien (but not necessarily an exclusive

lien) on the Pledged Revenues, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities.

Section 208. No Pledge of Property. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except the proceeds of General Taxes, the Pledged Revenues, and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exceptions, shall be liable to be forfeited or taken in payment of the Bonds.

Section 209. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the City or any officer or other agent of the City, past, present or future, either directly or indirectly through the City or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bonds and as a part of the consideration of their issuance specially waived and released.

ARTICLE III

AUTHORIZATION, TERMS, EXECUTION AND ISSUANCE OF BONDS

Section 301. Authorization of Bonds. The "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured With Pledged Revenues), Series 2012C (Taxable)," in the aggregate principal amount set forth in the Certificate of the Chief Financial Officer (not to exceed the amount necessary to effect the Refunding Project), are hereby authorized to be issued, pursuant to the Project Act and the Bond Act; and the City pledges irrevocably, but not necessarily exclusively, the Pledged Revenues to the payment of the Bond Requirements of the Bonds, the proceeds of the Bonds to be used solely to defray wholly or in part the cost of the Project.

Section 302. Bond Details. The Bonds shall be issued payable in fully registered form, i.e., registered as to both principal and interest and shall be dated as of the date of delivery of the Bonds. Except as provided in § 307 hereof, the Bonds shall be issued in the denominations of $5,000 and any integral multiples thereof (but no Bond may be in a denomination which exceeds the principal coming due on any maturity date). The Bonds shall bear interest (calculated on the basis of a 360-day year of twelve 30-day months at the rates set forth in the Certificate of the Chief Financial Officer from their date until their respective fixed maturity dates, payable on January 1 and July 1 of each year, commencing on July 1, 2012, except that Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates shown below from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts designated in the Certificate of the Chief Financial Officer (not to exceed 15 years). The principal of and redemption premium, if any, on any Bond, shall be payable to the registered owner thereof as shown on the registration books kept by the Registrar, upon maturity or prior redemption thereof and upon presentation and surrender at the Paying Agent. If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue

to draw interest at the interest rate borne by the Bond until the principal thereof is paid in full. Except as provided in § 307 hereof, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent, on or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof at his or her address as shown on the registration books kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever money becomes available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than 10 days prior thereto by first-class mail to each such registered owner as shown on the Registrar's registration books on a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed upon between the owner of such Bond and the Paying Agent. All such payments shall be made in lawful money of the United States of America.

Section 303. Prior Redemption.

A. Optional Redemption. Bonds, or portions thereof, maturing on and after the date set forth in the Certificate of the Chief Financial Officer shall be subject to redemption prior to their respective maturities, at the option of the City, in whole at any time or in part at any time, from such maturities as are selected by the City, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than $5,000), in such manner as the Paying Agent may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium, if any, computed in accordance with the schedule set forth in the Certificate of the Chief Financial Officer.

B. Make Whole Redemption. Prior to the optional redemption date specified in paragraph (A) of this Section, if any, the Bonds may be subject to redemption prior to their respective maturities, as set forth in the Certificate of Chief Financial Officer, at the option of the City, in whole or in part at any time, from any maturities selected by the City and selected on a pro rata basis within a maturity as described in paragraph (E) of this Section, at the redemption price computed as provided in the Certificate of Chief Financial Officer; provided, however, that if any time such redemption price is a price that exceeds the price the City can legally agree to pay to redeem Bonds under the provisions of State law, the City shall not have an option to redeem Bonds at that time pursuant to the provisions of this paragraph (B).

C. Mandatory Redemption. The Bonds maturing on the date or dates set forth in the Certificate of the Chief Financial Officer (the "Term Bonds") are subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Bond Fund on or before the date or dates set

forth in the Certificate of the Chief Financial Officer and on or before each principal payment date thereafter to and including the date set forth in the Certificate of the Chief Financial Officer, a sum which, together with other moneys available in the Bond Fund, is sufficient to redeem on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the Chief Financial Officer plus accrued interest to the redemption date. Term Bonds being redeemed in part will be selected on a pro rata basis as described in paragraph (E) of this Section.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (pro rata as described in subsection E below) from all Outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in Section 304 of this Ordinance.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof ($5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be cancelled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 307 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

D. Partial Redemption. If any Bond is in a denomination larger than $5,000, a portion of such Bond ($5,000 of principal amount thereof, or any integral thereof) may be redeemed pursuant to subsection A or B hereof, as appropriate, in which case the Registrar, except as provided in § 307 hereof, shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to subsection A or B hereof, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as is deemed adequate by the Registrar and any Bond or Bonds issued in exchange for, or to replace, any Bond so called for prior redemption shall likewise be stamped or otherwise identified.

E. Pro Rata Selection. If a portion of a maturity of the Bonds or the Term Bonds is being redeemed in part, the Bond to be redeemed will be selected on a pro rata basis to each Holder of the Bonds in whose name such Bonds are registered on the Regular Record Date immediately preceding the redemption date. "Pro rata" for a Holder is determined, in part, by multiplying the principal amount of the Bonds or Term Bonds of a maturity to be redeemed in part on the applicable redemption date by a fraction, the numerator of which is equal to the principal amount of the Bonds or Term Bonds of that maturity owned by the Holder, and the denominator of which is equal to the total amount of the Bonds or Term Bonds of that maturity then Outstanding immediately prior to such redemption date, and then rounding the product down to the next lower integral multiple of $5,000, provided that the portion of any Bonds or Term Bond to be redeemed shall be in $5,000 denominations and all Bonds or Term Bonds to remain Outstanding following any redemption shall be in $5,000 denominations. Adjustments to the foregoing pro rata redemption may be made in the amount of $5,000 for any Holder so that the aggregate amount of Bonds or Term Bonds of a maturity being redeemed in part owned by all Holders is equal to the aggregate amount of Bonds or Term Bonds of that maturity to be redeemed.

Notwithstanding anything herein to the contrary, if the Bonds or the Term Bonds are registered in book-entry-only form and so long as The Depository Trust Company, a New York corporation ("DTC") or a successor securities depository is the sole registered owner of such Bonds and such Bonds are registered in the name of DTC or its nominee, the selection for redemption of such Bonds shall be made in accordance with the operational arrangements of DTC then in effect and, if the DTC operational arrangements do not allow for redemption on a pro rata pass-through distribution of principal basis, such Bonds will be selected for redemption, in accordance with DTC procedures, by lot.

If a portion of a maturity of the Bonds or the Term Bonds is being redeemed in part, the Bond to be redeemed shall be selected on a pro rata pass-through distribution of principal basis in accordance with DTC procedures if the Bonds are registered in book-entry-only form and so long as DTC or a successor securities depository is the sole registered owner of the Bonds and the Bonds are registered in the name of DTC or its nominee.

Section 304. Redemption Notice. Unless waived by any registered owner of a Bond to be redeemed, notice of prior redemption shall be given by the Registrar, by first class, registered or certified, postage prepaid mail, at least 30 days but not more than 60 days prior to the Redemption Date to the Municipal Securities Rulemaking Board ("MSRB") and to the registered owner of any Bond (initially Cede & Co.) all or a part of which is called for prior redemption at his or her address as it last appears on the registration records kept by the Registrar. The notice shall identify the Bonds and state that on such date the principal amount thereof, and premium, if any, thereon will become due and payable at the Paying Agent (accrued interest to the Redemption Date being payable by mail or as otherwise provided in this Ordinance), and that after such Redemption Date interest will cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid. Actual receipt of mailed notice by the MSRB or any registered owner of Bonds shall not be a condition precedent to redemption of such Bonds. Failure to give such notice by mailing to the registered owner of any Bond designated for redemption, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bond. A certificate by the Registrar that notice of call and

redemption has been given as provided in this Section shall be conclusive as against all parties; and no owner whose Bond is called for redemption or any other owner of any Bond may object thereto or may object to the cessation of interest on the Redemption Date on the ground that he failed actually to receive such notice of redemption.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be cancelled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 305. Negotiability. Subject to § 307 hereof and to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purposes of the Uniform Commercial Code--Investment Securities, and each owner shall possess all rights enjoyed by owners of negotiable instruments under the Uniform Commercial Code-- Investment Securities.

Section 306. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in § 307 hereof:

A. Registration and Transfer. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the registered owner or his attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in § 302 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the registered owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the City or the Registrar may make a sufficient charge to reimburse it for any tax, fee, or other governmental charge required to be paid with respect to such exchange or transfer, and may charge a sum sufficient to pay the cost of preparing and authenticating each new Bond. No such charge shall be levied in the case of an exchange resulting from an optional or mandatory prior redemption of a Bond.

B. Limitations upon Registration. The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business 15 days before the day of the mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption as herein provided.

C. Effect of Registration. The person in whose name any Bond shall be registered, in the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of making payments thereof (except to the extent

otherwise provided in § 302 hereof with respect to interest payments) and for all other purposes; and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitation provided herein. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. Replacement of Bond. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it, the Registrar or the City, may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured or shall have been called for redemption, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

E. Cancellation of Bond upon Payment or Reissuance. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the City.

Section 307. Custodial Deposit.

A. Notwithstanding the foregoing provisions of §§ 302 to 306 hereof, the Bonds shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in NRS 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City of another depository institution acceptable to the City and to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in NRS 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository; or

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this subsection A, or a determination of the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of subsection A hereof or designation of a new depository pursuant to clause (2) of subsection A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of subsection A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of $5,000 or any integral multiple thereof, as provided in and subject to the limitations of § 302 hereof, registered in the names of such Persons, and in such denominations as are requested in such written transfer instructions: however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City, the Registrar and the Paying Agent shall have no responsibility for transmitting payments to the beneficial owner of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to subsection A hereof.

D. The City, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

E. Upon any partial redemption of any maturity of the Bonds, Cede & Co. (or its successor), in its discretion may request the City to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

Section 308. Execution of Bonds. The Bonds shall be executed as follows:

A. Filings with Secretary of State. Pursuant to the Bond Act, and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS, and prior to the execution of any Bonds by facsimile signature, the Mayor, the City Clerk and the

City Treasurer shall each file with the Secretary of State of the State of Nevada his or her manual signature certified by him or her under oath.

B. Manner of Execution. Each Bond shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile of the signature of the Mayor shall be countersigned and executed with the manual or facsimile of the signatures of the City Treasurer and shall be authenticated with the manual or facsimile impression of the official seal of the City; and shall be signed, executed, and attested with such a manual or facsimile signature of the City Clerk.

C. Authentication. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds delivered pursuant to the Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

Section 309. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City, notwithstanding that before the delivery thereof and the payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Each the Mayor, the City Treasurer and City Clerk, at the time of the execution of the Bonds and of a signature certificate pertaining thereto by the Mayor, the Treasurer and the City Clerk, respectively, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds.

Section 310. Incontestable Recital in Bonds. Pursuant to § 350.628, Bond Act, each Bond shall recite that it is issued pursuant to the Project Act, to the Bond Act, and to the Supplemental Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

Section 311. State Tax Exemption. Pursuant to § 350.710, Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to chapter 375B of NRS.

Section 312. Bond Execution. The Mayor, the City Treasurer, and the City Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

Section 313. Bond Delivery. After such registration of the Bonds by the Registrar pursuant to § 306 and after their execution and authentication pursuant to § 308 and other provisions herein supplemental thereto, the Treasurer shall cause the Bonds to be delivered to the Purchaser thereof, upon payment being made therefor on the terms of the sale of the Bonds.

Section 314. Bond Form. Subject to the provisions of this Ordinance, each Bond shall be in substantially the following form with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
FREMONT STREET EXPERIENCE REFUNDING BOND
(ADDITIONALLY SECURED WITH PLEDGED REVENUES)
SERIES 2012C (TAXABLE)

NO._____ **$_____**

Interest Rate	**Maturity Date**	**Dated as of**	**CUSIP**
___% per annum	**July 1, ___**	**_____, 2012**	

REGISTERED OWNER: **CEDE & CO.**

PRINCIPAL AMOUNT: DOLLARS

The City of Las Vegas in Clark County and the State of Nevada (the "City", the "County" and the "State", respectively), for value received hereby acknowledges itself to be indebted and promises to pay to the Registered Owner specified above the Principal Amount specified above, on the Maturity Date specified above (unless called for earlier redemption), and to pay interest thereon on January 1 and July 1 of each year commencing on July 1, 2012, at the Interest Rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This Bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this Bond. The principal of and redemption premium, if any, on this Bond are payable to the Registered Owner hereof upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds or any successor (the "Paying Agent"), presently The Bank of New York Mellon Trust Company, N.A., who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), by check or draft mailed to the person in whose name this Bond is registered (the "Registered Owner") in the registration records of the City maintained by the Registrar and at the address appearing thereon at the close of business on the 15th day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner hereof at the close of business on a Special Record Date for the payment of any defaulted interest. Such Special Record Date shall be fixed by the Paying Agent for the Bonds whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Registered Owners of the Bonds of the series of which this is one (the "Bonds") not less than ten days prior thereto. All payments of the principal of, interest on and redemption premiums due in connection with this Bond (the "Bond Requirements") shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent.

The Bonds are issuable solely as fully registered Bonds in denominations of $5,000 each or any integral multiple thereof. The Bonds are exchangeable for fully registered Bonds of the same maturity in equal aggregate principal amounts and in authorized denominations at the aforesaid office of the Paying Agent and Registrar but only in the manner, subject to the limitations, and on payment of the charges provided in the City's ordinance designated by the short title "2002 Fremont Street Experience Refunding Bond Ordinance," adopted and approved on March 21, 2012 authorizing the issuance of the Bonds (the "Ordinance").

The Registrar will not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business 15 days before the day of the mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for prior redemption.

The Bonds shall not be transferable or exchangeable, except as set forth in the Ordinance.

Bonds, or portions thereof, maturing on or after the date set forth in the Certificate of the Chief Financial Officer shall be subject to redemption prior to their respective maturities, at the option of the City, on and after the date set forth in the Certificate of the Chief Financial Officer, in whole at any time or in part at any time, from such maturities as are selected by the City, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than $5,000), in such manner as the Paying Agent may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium, if any, computed in accordance with the schedule set forth in the Certificate of the Chief Financial Officer.

Certain of the Bonds shall be subject to optional, make whole and mandatory sinking fund redemption as provided in the Certificate of the Chief Financial Officer and the Ordinance.

In the case of Bonds of a denomination larger than $5,000, a portion of such Bond ($5,000 of the principal amount thereof, or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. Redemption shall be made upon not less than thirty (30) days' prior notice as provided in the Ordinance.

Upon any partial prior redemption of this Bond, Cede & Co., in its discretion, may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to payment.

***Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any Bond issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and

any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.**

This Bond must be registered in the name of the Registered Owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the Registered Owner or his attorney duly authorized in writing.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of making payment (except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest) and for all other purposes and the City, and Paying Agent and Registrar shall be not affected by notice to the contrary.

The Bonds are issued by the City and upon the credit thereof, for the purpose of defraying wholly or in part the cost of refunding certain outstanding bonds of the City which were issued for the purpose of defraying wholly or in part the cost of constructing, acquiring, improving, operating or maintaining urban projects, or any combination thereof, including, without limitation, recreational facilities and other projects designed to encourage tourism or to improve the aesthetic environment of the central business area located within the Fremont District (as defined in the Ordinance), under the authority of and in full conformity with the Constitution and laws of the State and the City and pursuant to the Ordinance.

It is hereby certified, recited and warranted that the total indebtedness of the City, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State; that provision has been made for the levy and collection of annual general (ad valorem) taxes ("General Taxes") sufficient to pay the Bond Requirements of this Bond when the same become due (except to the extent other moneys are available therefor), subject to the limitations imposed by the Constitution and statutes of the State; and that the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of the Bond Requirements according to the terms of this Bond.

The payment of the Bonds, as to all Bond Requirements, is additionally secured by an irrevocable pledge of revenues derived by the City from the Pledged Revenues (as defined in the Ordinance).

Payment of the Bond Requirements due in connection with the Bonds may be made from and as security for such payment there is irrevocably and exclusively pledged, pursuant to the Ordinance, a special account thereby created and identified as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), Pledged Revenues Interest and Principal Retirement Fund", into which account the City covenants to pay from the revenues

derived from the Pledged Revenues sums sufficient to pay when due the Bond Requirements of the Bonds, except to the extent other moneys are available therefor.

The Bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the Bonds constitute an irrevocable lien (but not necessarily an exclusive lien) upon the Pledged Revenues, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities. Bonds and other securities, in addition to the Bonds, subject to expressed conditions, may be issued and made payable from the Pledged Revenues having a lien thereon subordinate and junior to the lien or, subject to additional expressed conditions, having a lien thereon superior to or on a parity with the lien, of the Bonds, in accordance with the provisions of the Ordinance.

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

Reference is made to the Ordinance, and to any and all modifications and amendments thereof, to NRS 268.801 through 268.808 and City Ordinance No. 3722 adopted August 4, 1993, and all laws amendatory thereof (the "Project Act"), and to an act cited as NRS 350.500 through 350.720, and all laws amendatory thereof, designated in section 350.500 thereof as the Local Government Securities Law, to Chapter 348 of NRS (the "Supplemental Bond Act"), and to all laws supplemental thereto, for an additional description of the nature and extent of the security for the Bonds, the General Taxes, accounts, funds and revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued, and a statement of rights and remedies of the owners of the Bonds.

The Bonds are issued pursuant to the Project Act, the Local Government Securities Law, and the Supplemental Bond Act, and pursuant to NRS 350.628, Local Government Securities Law, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to NRS 350.710, Local Government Securities Law, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to chapter 375B of NRS.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance or any instrument amendatory thereof or supplemental thereto may be modified or amended by action of the City taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance. The pledge of revenues and other obligations of the City under the Ordinance may be discharged at or prior to the respective maturities of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

It is further certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this Bond; that it is issued pursuant to and in strict conformity with the Constitution and laws of the State,

particularly under the terms and provisions of the Project Act, the Local Government Securities Law, the Supplemental Bond Act, and all laws supplemental thereto, and with the Ordinance; and that this Bond does not contravene any constitutional or statutory limitation.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise upon the Ordinance or other instrument relating thereto, against any individual member of the City Council of the City, any individual member of the City, or any officer or other agent of the City, past, present or future, either directly or indirectly through such board or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

This Bond shall not be valid or obligatory for any purpose until a manual signature of a duly authorized officer of the Registrar has been affixed on the certificate of authentication hereon.

IN WITNESS WHEREOF, the City has caused this Bond to be signed and executed in its name and upon its behalf with the manual or facsimile signature of the Mayor, to be countersigned and executed with the manual or facsimile signature of the City Treasurer and has caused a manual impression or a facsimile of the seal of the City to be affixed hereon; and has caused this Bond to be signed, executed and attested with the manual or facsimile signature of the City Clerk, all as of the dated date above.

CITY OF LAS VEGAS, NEVADA

By: (Manual or Facsimile Signature)
Mayor
Las Vegas, Nevada

Countersigned:

(Manual or Facsimile Signature)
City Treasurer
Las Vegas, Nevada

(MANUAL OR FACSIMILE CITY SEAL)

Attest:

(Manual or Facsimile Signature)
City Clerk
Las Vegas, Nevada

* Insert only if Bonds are delivered pursuant to Section 307(A)(3) of this Ordinance.

** Insert only if Bonds are initially delivered to the Depository Trust Company pursuant to Section 307(A) of this Ordinance.

*** Insert only if the Certificate of the Chief Financial Officer designates any of the Bonds as Term Bonds.

(End of Form of Bond)

(Form of Certificate of Authentication for Bonds)

Date of authentication
and registration:_____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.
as Registrar
By_____Manual Signature_____
Authorized Officer or Employee

(End of Form of Certificate of Authentication for Bonds)

[STATEMENT OF INSURANCE]
add statement of insurance, if applicable

**(Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid by the City, in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

Date of Prepayment	Signature of Authorized Principal	Representative of DTC

(End of Form of Prepayment Panel)**

*(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfer unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books kept for registration of the within Bond, with full power of substitution in the premises.

_____

Dated: _____

Signature Guaranteed:

_____

Name and address of transferee:

_____
_____
_____

Social Security or other tax identification number of transferee:

_____

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

(End of Form of Assignment for Bonds)*

ARTICLE IV

USE OF BOND PROCEEDS

Section 401. Disposition of Bond Proceeds. The proceeds of the Bonds upon the receipt thereof at any time or from time to time, shall be accounted for in the following manner and priority and are hereby pledged therefor:

A. Bond Fund. First, unless needed in the Escrow Account for the cost of the Project, there shall be credited to a separate and special account hereby created to be held by the Custodian and to be known as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), Pledged Revenues Interest and Principal Retirement Fund", all moneys, if any, received as accrued interest on the Bonds from their sale by the City from the date of the Bonds to the date of their delivery to the Purchaser, to apply to the payment of interest on the Bonds as the same becomes due after their delivery, in accordance with § 604 hereof. Such Bond Fund shall be maintained by the City Treasurer separate and apart from all other City funds, including the Fremont Street Experience Revenue Fund.

B. Escrow Account. Second, Bond proceeds, together with other available moneys of the City, in an amount sufficient to establish an initial cash balance and to purchase the Federal Securities designated in the Escrow Agreement, if any, shall be deposited into the Escrow Account held by the Escrow Agent to be used as provided in the Escrow Agreement and herein.

C. Expense Account. Third, the remaining proceeds of the Bonds shall be accounted for by deposit into a special account hereby created in the treasury of the City and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable) Expense Account" (the "Expense Account") and shall be applied solely to defray wholly or in part the costs of issuing the Bonds and establishing the Escrow Account, which the Council hereby determines are necessary and desirable and pertain to the Refunding Project. After the payment of such costs, any unexpended moneys remaining in the Expense Account shall be deposited into the Principal Account hereinafter created for the payment of the principal of the Bonds as the same becomes due. The Purchaser shall in no manner be responsible for the application of the proceeds of the Bonds by the City, or by any of its officers, agents and employees.

Section 402. Maintenance and Use of Escrow Account.

A. The Escrow Account shall be maintained by the City in an amount at the time of those initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities, to pay the interest due in connection with the Refunded Bonds, both accrued and not accrued, as the same become due up to and including the redemption date for the Refunded Bonds set forth in the Escrow Agreement (the "Refunded Bonds Redemption Date"), and to redeem on the Refunded Bonds

Redemption Date all of the Refunded Bonds at a redemption price equal to the principal amount thereof, plus accrued interest to the Refunded Bonds Redemption Date.

B. Moneys shall be withdrawn by the Escrow Agent from the Escrow Account in sufficient amounts and at such times to permit the payment of the principal and interest requirements of the Refunded Bonds on and before the Refunded Bonds Redemption Date and on the Refunded Bonds Redemption Date, the City shall call for prior redemption of all the Refunded Bonds. Any moneys remaining in the Escrow Account after provision shall have been made for the redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the Council may hereafter determine.

C. If for any reason the amount in the Escrow Account shall at any time be insufficient for the purposes of effecting the Refunding Project, the City shall forthwith from the first moneys available therefor deposit in the Escrow Account such additional moneys as shall be necessary to permit the payment in full of the principal, interest and redemption premium due in connection with the Refunded Bonds.

Section 403. Exercise of Option; Notice of Redemption.

A. The Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds. The Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith after the issuance of the Bonds as herein provided.

B. The Escrow Agent, forthwith upon issuance of the Bonds, is authorized and directed to give forthwith upon the issuance of the Bonds a notice of prior redemption and defeasance of all the Refunded Bonds as set forth herein, in accordance with the provisions of the ordinance authorizing the issuance of the Refunded Bonds.

C. The notice of prior redemption and defeasance shall be given by certified or registered mail to the registered owner of each of the Refunded Bonds and to the insurer of the Refunded Bonds and by first class mail to the Municipal Securities Rulemaking Board.

Section 404. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project. The Purchaser of the Bonds, any associate thereof, and any subsequent owner of any Bonds shall in no manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

Section 405. Lien on Bond Proceeds. Until proceeds of the Bonds are applied as hereinabove provided the Bond proceeds shall be subject to a lien thereon and pledge thereof for the benefit of the owners of the Bonds from time to time as provided in § 601 hereof.

ARTICLE V

GENERAL TAXES

Section 501. General Tax Levies. Pursuant to NRS 350.596, the Bond Requirements of the Bonds falling due at any time when there are not on hand from General Tax levies sufficient funds to pay the same, shall be paid out of the general fund of the City or out of any other funds that may be available for such purpose. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available for the payment of such Bond Requirements on other than a temporary basis) and for the purpose of the payment thereafter of the Bonds and the interest thereon, there are hereby created the separate and special accounts known respectively as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), General Tax Principal Account" (the "General Tax Principal Account") and as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues), Series 2012C (Taxable), General Tax Interest Account" (the "General Tax Interest Account"). Pursuant to §§ 350.592 and 350.594, Bond Act, there shall be levied in the calendar year 2002, and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City fully sufficient to reimburse such funds for such installments of Bond Requirements, together with the revenue which will result from application of the rate to the net proceeds of minerals, to pay the interest on the Bonds, and to pay and retire the same as hereinabove provided, and after there are made due allowances for probable delinquencies. The proceeds of the annual levies shall be duly credited to such separate accounts for the payment of the Bond Requirements, including any mandatory sinking fund payments pursuant to § 303B hereof, if any. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the City shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitations imposed by NRS 361.453 and § 2, Article. 10, Nevada Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the City.

Section 502. Priorities for Bonds. As provided in NRS 361.463 in any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City may exceed the limitation of $3.64 on each $100 of assessed valuation, or a lesser or greater amount fixed by the State board of examiners if the State board of examiners is directed by law to fix a lesser or greater amount for that Fiscal Year as provided in NRS 361.453, and it shall become necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS 361.453.

Section 503. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other General Taxes are levied and collected, and the proceeds thereof for the Bonds shall be kept by the City Treasurer in the General Tax Principal Account and in the General Tax Interest Account, which shall be used for no other purpose than the payment of principal of and interest on the Bonds, and any other parity securities hereinafter issued in accordance with § 910 hereof, respectively, as the same fall due.

Section 504. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such tax levy or levies (and any other available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the Taxes herein provided for have been collected, pursuant to § 350.596, Bond Act.

Section 505. Use of Other Funds. Nothing herein prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of such interest or principal, as the same, respectively, mature, including, without limitation, the payment of the Bonds as provided in § 604 hereof and elsewhere herein, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to § 350.598, Bond Act.

Section 506. Legislative Duties. In accordance with NRS 350.592, and NRS 361.463, it shall be the duty of the City annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the City shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and interest thereon. Such General Taxes when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore provided.

Section 507. Appropriation of General Taxes. In accordance with § 350.602, Bond Act, there is hereby specially appropriated the proceeds of the General Taxes to the payment of such principal and interest; and such appropriations shall not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the principal of and interest on the Bonds have been wholly paid.

ARTICLE VI

ADMINISTRATION OF AND ACCOUNTING FOR PLEDGED REVENUES

Section 601. Pledge Securing Bonds. Subject only to the right of the City to cause amounts to be withdrawn to pay the costs of the Project as provided herein, the Pledged Revenues and all moneys and securities paid or to be paid to or held or to be held in any account under this article or under § 401 hereof (except the Escrow Accont), are hereby pledged to secure the payment of the Bond Requirements of the Bonds; and this pledge shall be valid and binding from and after the date of the first delivery of any Bonds, and the moneys, as received by the

City and hereby pledged, shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing, or further act, and the lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any or all other obligations and liabilities of the City, except for any Outstanding 2002 Bonds and Outstanding securities hereafter authorized the liens of which on the Pledged Revenues are superior to or on a parity with the lien thereon of the Bonds; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City (except as herein otherwise provided) irrespective of whether such parties have notice thereof.

Section 602. Fremont Street Experience Revenue Fund Deposits. So long as any of the Bonds shall be Outstanding, as to any Bond Requirements, the entire Pledged Revenues, not later than the fifteenth day of the month immediately succeeding the month of their receipt by the City shall continue to be set aside and credited immediately to a special fund created pursuant to the 1993 Ordinance and held by the Custodian, and designated as the "City of Las Vegas, Nevada, Pledged Revenues Fremont Street Experience Revenue Fund" (the "Fremont Street Experience Revenue Fund"). Such Fremont Street Experience Revenue Fund shall be maintained by the Custodian separate and apart from all other funds.

Section 603. Administration of Fremont Street Experience Revenue Fund. So long as any of the Bonds or the 2002 Bonds shall be Outstanding, as to any Bond Requirements, each Fiscal Year the Fremont Street Experience Revenue Fund shall be administered, and the moneys on deposit therein shall be applied in the following order of priority, all as provided in §§ 604 through 608 hereof, provided that reasonable fees of the Custodian shall be paid prior to payments required by §§ 604 to 608 hereof.

Section 604. Superior Bond Fund, 2002 Bond Fund and 2012 Bond Fund Payments.

A. First, from any moneys in the Fremont Street Experience Revenue Fund, i.e., from the Pledged Revenues, there shall be credited to any bond fund, reserve fund, rebate account, or other fund created in connection with the issuance of any superior bonds or superior securities issued in accordance with the provisions of this Ordinance.

B. Second, and concurrently with the transfers to the 2002 Bond Fund required by the 2002 Bond Ordinance, the following transfers shall be credited to the 2012 Bond Fund:

(1) Quarterly, on each January 1, April 1, July 1 and October 1 commencing on such date immediately succeeding the date of delivery of the Bonds, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, including, without limitation, the moneys, if any, provided in § 401A hereof, to pay the next maturing installment of interest on the Bonds, and quarterly thereafter, commencing on each interest payment date, one-half of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

(2) Quarterly, on each January 1, April 1, July 1 and October 1 commencing on such date immediately succeeding the date of delivery of the Bonds, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, and quarterly thereafter, commencing on each principal payment date, one-fourth of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, or pursuant to § 303B hereof, if any.

The moneys credited to the 2012 Bond Fund shall be used to pay the Bond Requirements of the Bonds as the Bond Requirements become due, including any mandatory sinking fund payments pursuant to § 303B hereof, if any.

Section 605. Termination of Deposits. No payment need be made into the Bond Fund, or if the amounts in the Bond Fund totals a sum at least equal to the entire amount of the Outstanding Bonds as to all Bond Requirements, to their respective maturities, and both accrued and not accrued, in which case moneys in such funds in an amount at least equal to such Bond Requirements shall be used solely to pay such Bond Requirements as the same become due; and any moneys in excess thereof in this fund and any other moneys derived from the Pledged Revenues shall be applied as hereafter provided.

Section 606. Payment of Additional Securities. Third, and subject to the foregoing provisions of this Article, but either concurrently with or subsequent to the payments required by §§ 604 and 607 hereof, as provided in Article VIII hereof, any moneys remaining in the Fremont Street Experience Revenue Fund may be used by the City for the payment of Bond Requirements of parity bonds or securities or other subordinate bonds or securities payable from the Pledged Revenues and hereafter authorized to be issued in accordance with Article VIII hereof and any other provisions herein supplemental thereto, including reasonable reserves for such securities, as the same accrue. The lien of such additional bonds or other additional securities on the Pledged Revenues and the pledge thereof for the payment of such additional securities shall be on a parity with or subordinate to the lien and pledge of the Bonds as herein provided. Payments for bond funds for additional parity securities shall be made concurrently with the payments for the Bonds required by §§ 604 and 607 hereof, payments for reserve funds for additional parity securities shall be made after payments required by § 604 hereof and before payments required by § 607 hereof, and payments for bond and reserve funds for additional subordinate securities shall be made after the payments required by §§ 604 and 607 hereof, and after payments required for reserve funds for additional parity securities.

Section 607. Reserve Fund. Fourth, subject to the foregoing provisions of this Article VI and except as otherwise provided in §610 hereof, there shall be transferred into the "City of Las Vegas, Nevada, Taxable General Obligation (Limited Tax) Fremont Street Experience Bonds, Series November 1, 1993, Reserve Fund," an amount, if any, which is necessary to maintain the Reserve Fund as a continuing reserve in an amount not less than the Reserve Fund Requirement. Except as otherwise provided in §610 hereof, the Reserve Fund shall be accumulated and maintained as a continuing reserve to be used only to prevent deficiencies in the payment of the Bond Requirements on the Bonds and the 2002 Bonds resulting from the failure to credit to the Bond Fund or the 2002 Bond Fund, as the case may be, sufficient funds to

pay such Bond Requirements of the Bonds and the 2002 Bonds when due. If there are insufficient monies in the Bond Fund or the 2002 Bond Fund, as the case may be, to pay such Bond Requirements when due, monies in the Reserve Fund shall be used, pro rata, before any other monies are used to pay such Bond Requirements.

Section 608. Rebate Funds. Fifth, and subject to the foregoing provisions of this Article VI, there shall be transferred into any rebate fund or account created in the future to be held by the Custodian for parity bonds or securities or subordinate bonds or securities amounts required by the ordinances pursuant to which such bonds or securities are issued in order to comply with Section 148(f) of the Internal Revenue Code of 1986, as amended.

Section 609. Use of Remaining Revenues. After the payments required to be made by the foregoing provisions of this Article VI are made, any remaining Pledged Revenues in the Fremont Street Experience Revenue Fund shall be (i) paid to the Company at the times and in the amounts required by the Management Agreement, or (ii) if the Management Agreement is no longer in effect, used for any lawful purpose of the City, including deposits to the Bond Fund, the 2002 Bond Fund or the Reserve Fund.

Section 610. Use of Fremont Street Room Tax Revenues. Notwithstanding the foregoing provisions of this Article, in the event the Las Vegas Visitors and Convention Authority (the "Authority") defaults in the timely payment of amounts required to be paid by the Authority pursuant to the Interlocal Agreement, (a) Fremont Street Room Tax revenues, to the extent of the deficiency in such required Authority payments, shall not be deposited into the Bond Fund, the 2002 Bond Fund or the Reserve Fund as required by §§ 604 and 607 hereof, but shall be applied as required by § 609 hereof, and (b) transfers shall not be made from the Reserve Fund to the Bond Fund or the 2002 Bond Fund, as the case may be, if the deficiency in the Bond Fund or the 2002 Bond Fund, as the case may be, is caused by the Authority's default under the Interlocal Agreement.

ARTICLE VII

GENERAL ADMINISTRATION

Section 701. Administration of Accounts. The special accounts designated in Articles IV and VI hereof, except the Escrow Account, shall be administered as provided in this Article. The Escrow Account shall be administered as provided in the Escrow Agreement.

Section 702. Places and Times of Deposits. Each of the special accounts hereinabove designated in Articles IV and VI hereof, except the Escrow Account, shall be maintained by the Custodian as a trust account and kept separate from all other accounts as a trust account solely for the purposes herein designated therefor. Each trust account shall be continuously secured to the fullest extent required or permitted by the laws of the State for the securing of public funds and shall be irrevocable and not withdrawable by anyone for any purpose other than the respective designated purposes. Each periodic payment shall be credited to the proper trust account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then the payment shall be made on or before the next preceding secular day. Notwithstanding any other provision herein to the contrary, moneys

sufficient to pay the Bond Requirements then coming due on the Outstanding Bonds shall be deposited with the Paying Agents at least on the day of each interest payment date herein designated and, in any event, in sufficient time to make timely payment of such Bond Requirements.

Section 703. Investment of Moneys. Any moneys in any account, except for the Escrow Account, designated in Articles IV and VI hereof, and not needed for immediate use, may be invested or reinvested at the direction of the City Treasurer in any investments permitted under the laws of the State. For the purpose of any such investment or reinvestment, the securities shall be deemed to mature at the earliest date on which the obligor is, on demand, obligated to pay a fixed sum in discharge of the whole of such obligations.

Section 704. Required and Permissive Investments. The City Treasurer shall not have any obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceeds $5,000 and at least $5,000 therein will not be needed for a period of not less than 60 days. In that event the City Treasurer shall invest or reinvest in securities to the extent practicable not less than substantially all the amount which will not be needed during such 60-day period, except for any moneys on deposit in an interest-bearing account in any commercial bank, regardless of whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to § 707 hereof. The City Treasurer may invest or reinvest any moneys on hand at any time as provided in § 703 hereof even though he is not obligated to do so.

Section 705. Accounting for Investments. The securities purchased as an investment or reinvestment of moneys in any such account shall be deemed at all times to be a part of the account and held in trust therefor. Any loss in any account resulting from any investments and reinvestments in securities and from any deposits in any commercial bank shall be charged or debited to that account. Any interest or other gain resulting from any such investments and reinvestments in securities and from any deposits of moneys in any commercial bank pursuant to this Article in the Bond Fund, the 2002 Bond Fund, the Reserve Fund or the Fremont Street Experience Revenue Fund shall be credited to Fremont Street Experience Revenue Fund. No loss or profit in any account on any investments or reinvestments in securities or any certificates of deposit shall be deemed to take place as a result of fluctuations in the market quotations of the investments, reinvestments or certificates before the sale or maturity thereof. In the computation of the amount in any account for any purpose hereunder, except as herein otherwise expressly provided, securities and certificates of deposit shall be valued at the cost thereof (including any amount paid as accrued interest at the time of purchase of the obligation) and other bank deposits shall be valued at the amounts deposited, exclusive of any accrued interest or any other gain to the City until such gain is realized. The expenses of purchase, safekeeping, sale and all other expenses incident to any investment or reinvestment of moneys pursuant to this Article shall be accounted for as an expense of the Project.

Section 706. Redemption or Sale of Investment Securities. The City Treasurer having jurisdiction over moneys designated herein shall present for redemption at maturity or sale on the prevailing market at the best price obtainable any securities and certificates of deposit so purchased as an investment or reinvestment of moneys in any account whenever it shall be necessary to do so in order to provide moneys to meet any withdrawal, payment or transfer from

such account. The City Treasurer and each other officer of the City shall not be liable or responsible for any loss resulting from any such investment or reinvestment made in accordance with this Ordinance.

Section 707. Character of Funds. The moneys in any account herein authorized shall consist either of lawful money of the United States or permitted securities, or both. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of any commercial bank pursuant to § 703 hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 708. Accelerated Payments. Nothing contained in Article VI hereof prevents the accumulation in any account herein designated of any monetary requirements at a faster rate than the rate or minimum rate provided in Article VI therefor, as the case may be; but no payment shall be so accelerated if such acceleration shall cause the City to default in the payment of any obligation of the City relating to the Pledged Revenues or the Project. Nothing contained herein, in connection with the Pledged Revenues received in any Fiscal Year, requires the accumulation in any account for the payment in the Comparable Bond Year of Bond Requirements due in connection with any series of bonds or other securities payable from the Pledged Revenues and heretofore, herein or hereafter authorized, in excess of the Bond Requirements due in the Comparable Bond Year, and of any reserves required to be accumulated and maintained therefor, and of any existing deficiencies, and payable from such account, as the case may be, except as may be otherwise provided in § 604 or elsewhere herein.

Section 709. Payment of Securities Requirements. The moneys credited to any account designated in Article VI hereof for the payment of the Bond Requirements due in connection with any series of bonds or other securities payable from the Pledged Revenues and heretofore, herein or hereafter authorized shall be used, without requisition, voucher, warrant or further order or authority (other than is contained herein), or any other preliminaries, to pay promptly the Bond Requirements payable from such account as such bonds or other securities become due, upon the respective interest payment dates and Redemption Dates, if any, on which the City is obligated to pay the bonds or other securities, or upon the respective interest payment and maturity dates of such bonds or other securities, as provided therefor herein or otherwise, except to the extent any other moneys are available therefor, including, without limitation, moneys accounted for in the Bond Fund or the 2002 Bond Fund, as the case may be.

Section 710. Payment of Redemption Premiums. Notwithstanding any other provision herein, this Ordinance requires the accumulation in any account designated in Article VI hereof for the payment of any series of bonds or other securities payable from the Pledged Revenues of amounts sufficient to pay not only the principal thereof and interest thereon payable from such account but also the prior redemption premiums due in connection therewith, if any, as the same become due, whenever the City shall have exercised or shall have obligated itself to exercise a prior redemption option relating thereto, except to the extent provision is otherwise made therefor, if any prior redemption premium is due in connection therewith. In that event moneys shall be deposited into such account in due season for the payment of all such Bond Requirements without default as the same become du

ARTICLE VIII

SECURITIES LIENS AND ADDITIONAL SECURITIES

Section 801. Lien of the Bonds. The Bonds authorized herein constitute an irrevocable lien (but not necessarily an exclusive lien) upon the Pledged Revenues on parity with the lien of the 2002 Bonds and any additional parity securities hereafter issued, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities.

Section 802. Equality of Bonds. The Bonds, the 2002 Bonds and any parity securities hereafter authorized to be issued and from time to time Outstanding are equally and ratably secured by a lien on the Pledged Revenues and shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of the issuance of the Bonds, the 2002 Bonds and any other such securities, it being the intention of the City that there shall be no priority among the Bonds, the 2002 Bonds and any such parity securities, regardless of the fact that they may be actually issued and delivered at different times.

Section 803. Issuance of Superior or Parity Securities. Nothing herein, subject to the limitations stated in §§ 811 and 812 hereof, prevents the issuance by the City of additional bonds or other additional securities payable from the Pledged Revenues and constituting a lien thereon superior to or on a parity with, the lien thereon of the Bonds, nor prevents the issuance of bonds or other securities refunding all or a part of the Bonds (or funding or refunding any other then Outstanding securities payable from Pledged Revenues), except as provided in §§ 807 through 812 hereof; but before any such additional superior or parity bonds or other additional superior or parity securities are authorized or actually issued (excluding any superior or parity refunding securities other than any securities refunding subordinate bonds or other subordinate securities, as permitted in § 810C hereof):

A. Absence of Default. At the time of the adoption of the supplemental instrument authorizing the issuance of the additional securities, the City shall not be in default in making any payments required by §§ 604, 606 or 607 hereof with respect to any superior or parity securities.

B. Earnings Test. Except as hereinafter otherwise provided: (1) the Pledged Revenues derived in the Fiscal Year immediately preceding the date of the issuance of the additional superior or parity securities shall have been at least sufficient to pay an amount equal to the combined maximum annual principal and interest requirements (to be paid during any one Bond Year, commencing with the Bond Year in which the additional superior or parity securities are issued and ending on the first day of July of the year in which any then Outstanding Bonds last mature) of the Outstanding Bonds and any other Outstanding superior or parity securities of the City and the bonds or other securities proposed to be issued (excluding the reserves therefor); or, (2) the Pledged Revenues estimated by the City Chief Financial Officer, independent feasibility consultant or an Independent Accountant to be derived in the first five Fiscal Years immediately succeeding the issuance of the other additional superior or parity securities proposed to be issued, shall be at least equal to such combined maximum annual principal and interest requirements to be paid during such Comparable Bond Year.

C. Adjustment of Pledged Revenues. In any computation of such earnings test as to whether or not additional superior or parity securities may be issued as provided in subsection B of this Section, the amount of the Pledged Revenues for the next preceding Fiscal Year shall be decreased and may be increased by the amount of any loss or gain conservatively estimated by the City Chief Financial Officer, independent feasibility consultant or Independent Accountant making the computations under this Section, which loss or gain results from any change in the rate of the levy of the Fremont Street Room Tax constituting a part of the Pledged Revenues which change took effect during the next preceding Fiscal Year or thereafter prior to the issuance of such superior or parity securities, as if such modified rate shall have been in effect during the entire next preceding Fiscal Year, if such change shall have been made by the City before the computation of the designated earnings test but made in the same Fiscal Year as the computation is made or in the next preceding Fiscal Year.

Section 804. Certification of Revenues. A written certification or written opinion by the City Chief Financial Officer, an independent feasibility consultant or an Independent Accountant, based upon estimates thereby as provided in § 803B and § 803C hereof, that the annual revenues when adjusted as hereinabove provided in § 803C hereof, are sufficient to pay such amounts as provided in § 803B hereof, shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver additional bonds or additional securities superior to or on a parity with the Bonds.

Section 805. Subordinate Securities Permitted. Nothing herein, subject to the limitations stated in §§ 811 and 812 hereof, prevents the City from issuing additional bonds or other additional securities payable from the Pledged Revenues having a lien thereon subordinate, inferior and junior to the lien thereon of the Bonds.

Section 806. Superior Securities Permitted. Nothing herein, subject to the requirements stated in Article VIII hereof, prevents the City from issuing additional bonds or other additional securities payable from the Pledged Revenues having a lien thereon prior and superior to the lien thereon of the Bonds; however, such additional superior bonds or other additional superior securities shall not be issued as general obligations of the City.

Section 807. Issuance of Refunding Securities. At any time after the Bonds, or any part thereof, are issued and remain Outstanding, if the City shall find it desirable to refund any Outstanding Bonds or other Outstanding securities payable from and constituting a lien upon any Pledged Revenues, such Bonds or other securities, or any part thereof, may be refunded only if the Bonds or other securities at the time or times of their required surrender for payment shall then mature or shall be then callable for prior redemption for the purpose of refunding them at the City's option upon proper call, unless the owner or owners of all such Outstanding Bonds or other securities consent to such surrender and payment, regardless of whether the priority of the lien for the payment of the refunding securities on the Pledged Revenues is changed (except as provided in §§ 806 and 808 through 812 hereof).

Section 808. Partial Refundings. The refunding bonds or other refunding securities so issued, unless issued as subordinate securities, shall enjoy complete equality of lien with the portion of any securities of the same issue which is not refunded, if there is any; and the owner or owners of the refunding securities shall be subrogated to all of the rights and privileges enjoyed

by the owner or owners of the unrefunded securities of the same issue partially refunded by the refunding securities.

Section 809. Limitations Upon Refundings. Any refunding bonds or other refunding securities payable from any Pledged Revenues shall be issued with such details as the City may by instrument provide, subject to the provisions of §§ 811 and 812 hereof, and subject to the inclusion of any such rights and privileges designated in § 808 hereof, but without any impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of the Outstanding securities of any one or more issues (including, without limitation, the Bonds).

Section 810. Protection of Securities Not Refunded. If only a part of the Outstanding Bonds and other Outstanding securities of any issue or issues payable from the Pledged Revenues is refunded, then such securities may not be refunded without the consent of the owner or owners of the unrefunded portion of such securities:

A. Requirements Not Increased. Unless the refunding securities do not increase for any Bond Year the annual principal and interest requirements evidenced by the refunding securities and by the Outstanding securities not refunded on and before the last maturity date or last Redemption Date, if any, whichever is later, if any, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Pledged Revenues is not raised to a higher priority than the lien thereon of the bonds or other securities thereby refunded; or

B. Subordinate Lien. Unless the lien on any Pledged Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

C. Default and Earnings Test. Unless the refunding bonds or other refunding securities are issued in compliance with § 803 hereof (including subsections A through C thereof) and § 804 hereof.

Section 811. Payment Dates of Additional Securities. Any additional superior, parity or subordinate bonds or other additional superior, parity or subordinate securities (including, without limitation, any funding or refunding securities) issued in compliance with the terms hereof shall bear interest payable at the times and shall mature on the dates designated by the City in the supplemental ordinance authorizing such securities as provided in § 812 hereof.

Section 812. Supplemental Ordinance. Additional bonds or other additional securities payable from the Pledged Revenues shall be issued only after authorization thereof by a supplemental instrument of the City stating the purpose or purposes of the issuance of the additional bonds or other additional securities, directing the application of the proceeds thereof to such purpose or purposes, directing the execution thereof, and fixing and determining the date, principal amount, maturity or maturities, designation and numbers thereof, the maximum rate or rates of interest to be borne thereby, any prior redemption privileges of the City with respect thereto, and other provisions thereof not in conflict with this Ordinance. All additional bonds or other additional securities shall bear such date, shall bear such numbers and series designation,

letters or symbols prefixed to their numbers distinguishing them from each other security, shall be payable at such place or places at such times, may be subject to redemption prior to maturity on such terms and conditions, and shall bear interest at such rate or at such different and varying rates per annum, as may be fixed by instrument or other document of the City.

ARTICLE IX

MISCELLANEOUS PROTECTIVE COVENANTS

Section 901. General. The City hereby particularly covenants and agrees with the owners of the Bonds and makes provisions which shall be a part of its contract with such owners to the effect and with the purposes set forth in the following provisions and sections of this article.

Section 902. Performance of Duties. The City shall faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues and the Project required by the Constitution and laws of the State and the various resolutions, ordinances and other instruments of the City, including, without limitation, the proper segregation of the proceeds of the Bonds and the Pledged Revenues and their application from time to time to the respective accounts provided therefor.

Section 903. Further Assurances. At any and all times the City, except when otherwise required by law, shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues, and other moneys and accounts hereby pledged or assigned, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with the Project Act, the Bond Act and all laws supplemental thereto. The City shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other moneys and accounts pledged hereunder and all the rights of every owner of any Bonds against all claims and demands of all Persons whomsoever.

Section 904. Conditions Precedent. Upon the date of issuance of any Bonds, all conditions, acts and things required by the Constitution or statutes of the State, including without limitation, the Project Act and the Bond Act, or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened, and have been performed; and the Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the State Constitution or statutes.

Section 905. Covenant to Perform. The City shall observe and perform all of the terms and conditions contained in this Ordinance and the Project Act, the Bond Act and all laws supplemental thereto and shall comply with all valid acts, rules, regulations, orders and directives of any legislative, executive, administrative of judicial body applicable to the Project, to any such other facilities, or to the City.

Section 906. Protective Security. The City and the officers, agents and employees of the City shall not take any action in such manner or to such extent as might prejudice the security for the payment of the Bond Requirements of the Bonds and any other securities payable from the Pledged Revenues according to the terms thereof. No contract shall be entered into nor any other action taken by which the rights of any owner of any Bond or other security payable from the Pledged Revenues might be prejudicially and materially impaired or diminished.

Section 907. Accumulation of Interest Claims. In order to prevent any accumulation of coupons or claims for interest after maturity, the City shall not directly or indirectly extend or assent to the extension of the time for the payment of any coupon or claim for interest on any of the Bonds or any other securities payable from the Pledged Revenues; and the City shall not directly or indirectly be a party to or approve any arrangements for any such extension or for the purpose of keeping alive any of such coupons or other claims for interest. If the time for the payment of any such coupons or of any other such installment of interest shall be extended in contravention of the foregoing provisions, such coupon or installment or installments of interest after such extension or arrangement shall not be entitled in case of default hereunder to the benefit or the security of this Ordinance, except upon the prior payment in full of the principal of all Bonds and any such other securities then Outstanding and of all matured interest on such securities the payment of which has not been extended.

Section 908. Prompt Payment of Bonds. The City shall promptly pay the Bond Requirements of every Bond issued hereunder and secured hereby at the places, on the dates, and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

Section 909. Use of 2012 Bond Fund. The 2012 Bond Fund shall be used solely, and the moneys credited to such account are hereby pledged, for the purpose of paying the Bond Requirements of the Bonds, subject to the provisions concerning surplus moneys in §§ 605, 609 and 1001 hereof.

Section 910. Additional Securities. Any other securities hereafter authorized to be issued and payable from the Pledged Revenues shall not hereafter be issued, unless the additional securities are also issued in conformance with the provisions of Articles VI and VIII hereof.

Section 911. Other Liens. Other than as provided herein, there are no liens or encumbrances of any nature whatsoever on or against the Project, or any part thereof, or on or against the Pledged Revenues derived or to be derived.

Section 912. Corporate Existence. The City shall maintain its corporate identity and existence so long as any of the Bonds remain Outstanding, unless another body corporate and politic by operation of law succeeds to the powers, privileges, rights, liabilities, disabilities, duties and immunities of the City and is obligated by law to fix and collect the Pledged Revenues as herein provided without adversely affecting to any substantial degree at any time the privileges and rights of any owner of any Outstanding Bond.

Section 913. Treasurer's Report. If the City defaults in paying promptly the Bond Requirements of the Bonds and any other securities payable from the Pledged Revenues as the same fall due, or in the keeping of any covenants herein contained, and if such default continues

for a period of 60 days, or if the Pledged Revenues in any Fiscal Year fail to equal at least the amount of the Bond Requirements of the Outstanding Bonds and any other securities (including all reserves therefor specified in the authorizing proceedings) payable from the Pledged Revenues in the Comparable Bond Year, the City Treasurer shall (a) submit to the Council a report on such deficiency and a proposal setting forth a plan to produce Pledged Revenues in the following Fiscal Year sufficient to pay such amounts, to the extent practicable and (b) submit to the Council quarterly reports on the progress made in implementing the plan so long as such default continues or so long as the Pledged Revenues are less than the amount hereinabove designated in this Section.

Section 914. Budgets. The City and officials of the City shall annually and at such other times as may be provided by law prepare and adopt a budget relating to the Project.

Section 915. Adequacy and Applicability of Fremont Street Room Tax. There shall be imposed the Fremont Street Room Tax at the rates in effect on the date of adoption hereof on the gross receipts from the rental of transient lodging throughout the Fremont District, the boundaries of which the City hereby covenants not to decrease, diminish or alter in any manner which would impair the security for the Bonds, upon all persons in the business of providing lodging which will generate an amount sufficient to produce Pledged Revenues to pay in each Fiscal Year:

A. Principal, Interest and Reserves. An amount equal to the sum of the annual principal and interest requirements on the Bonds and any other securities payable from the Pledged Revenues in the Comparable Bond Year and any amounts required to be accumulated from the Pledged Revenues in such Bond Year into any reserves for such securities;

B. Deficiencies. Any amounts required to meet then existing deficiencies relating to any account relating to the Pledged Revenues or any securities payable therefrom; but the foregoing rate maintenance covenant is subject to compliance by the City with any legislation of the United States or the State or any regulation or other action taken by the Federal Government or any State agency or public body of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amounts of fees, rates and other charges due to the City as a result of the imposition of the Fremont Street Room Tax, including, without limitation, increases in the amounts of such charges. All of such Pledged Revenues shall be subject to distribution to the payment of the Bond Requirements of all securities payable from the Pledged Revenues, including reasonable reserves therefor, as herein provided and the payment of expenses of the Project.

Section 916. Collection of Fremont Street Room Taxes. The Council, on behalf of the City, shall cause the Pledged Revenues, to be collected as soon as reasonable, shall prescribe and enforce rules and regulations or impose contractual obligations for the payment thereof, including without limitation, the imposition of penalties for any defaults, to the end that the Pledged Revenues shall be adequate to meet the requirements of this Ordinance and of any other instruments supplemental hereto.

Section 917. Levy of Charges. The City shall continue or cause to be continued the establishment, fixing and levying of the rates and other charges which are required by § 915 hereof, if such action is necessary therefor. No reduction in the initial or existing levy of Fremont Street Room Tax may be made unless:

A. No Default. The City has fully complied with the provisions of Article VI hereof for at least the full Fiscal Year immediately preceding such reduction of the rate; and

B. Sufficient Revenues. The estimated revenues resulting from the proposed rate, after its proposed reduction, for the Project shall be sufficient in the full Fiscal Year immediately preceding such reduction to meet the obligation of § 915 hereof.

Section 918. Records. So long as any of the Bonds and any other securities payable from the Pledged Revenues remain Outstanding, proper books of record and account shall be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Project or the Pledged Revenues, or to both. Such books shall include (but not necessarily be limited to) monthly records showing:

A. Receipts. The revenues received from the Pledged Revenues, and

B. Expenses. A detailed statement of the expenditures from the Pledged Revenues.

Section 919. Maintenance and Inspection of Records. All requisitions, requests, certificates, opinions and other documents received by any individual on behalf of the City in connection with the Project under the provisions of this Ordinance shall be retained in the City's official records. Any owner of any of the Bonds or any other securities payable from the Pledged Revenues, or any duly authorized agent or agents of such owner, or the Purchaser, and shall have the right at all reasonable times to inspect all records, accounts and data relating thereto, concerning the Project and the Pledged Revenues.

Section 920. Tax Levies. The City annually shall levy, or cause to be levied, General Taxes on all taxable property in the City fully sufficient to pay the Bond Requirements of Outstanding Bonds (and any other indebtedness or other obligations of the City), except to the extent other revenues are available therefor, including, without limitation, the Pledged Revenues pledged for the payment of the Bonds, as the Bond Requirements accrue, reasonable allowance being made for delinquent tax collections anticipated at the time of each levy, at the time and in the manner provided by law for levying other Taxes; and the City and the Council shall require the officers of the City to levy, extend, and collect General Taxes in the manner provided by law for the purpose of creating funds for the payment of the Bond Requirements of the Bonds, other indebtedness, or general obligations. General Taxes for the Bonds, when collected, shall be kept for and applied only to the payment of the Bond Requirements of the Bonds, as herein provided.

Section 921. Completion of Project. The City, with the proceeds derived from the sale of the Bonds and any other available moneys, shall proceed to cause the Project to be completed without delay to the best of the City's ability and with due diligence, as herein provided.

Section 922. Additional Protective Covenant. The City covenants that if there are insufficient monies in the Bond Fund at any time when Bond Requirements of the Bonds or any parity securities are due, monies provided in Section 609 hereof and in the Reserve Fund shall be used, before any monies in the General Fund are used to pay, when due, the Bond Requirements of the Bonds, the 2002 Bonds, or any other parity securities.

Section 923. Continuing Disclosure Undertaking and Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the City Clerk to be executed and delivered in connection with the delivery of the Bonds and the Chief Financial Officer is authorized to execute and deliver such certificate on behalf of the City.

ARTICLE X

MISCELLANEOUS

Section 1001. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge and lien and all obligations hereunder as to that Bond shall thereby be discharged and the Bond shall no longer be deemed to be Outstanding within the meaning of this Ordinance. There shall be deemed to be due payment of any Outstanding Bond or other security when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from Federal Securities in which such amount wholly or in part may be initially invested) to meet all Bond Requirements of the Bond or other security, as the same become due to the final maturity of the Bond or other security, or upon any Redemption Date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of Bonds or other securities for payment then. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the owners thereof to assure availability as so needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof. The City is obligated to contribute additional securities or monies to the escrow or trust if necessary to provide sufficient amounts to satisfy the payment obligations on the Bonds.

Section 1002. Delegated Powers. The Mayor, the Chief Financial Officer, the Clerk and Treasurer of the City, and other officers and agents of the City hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. Printing Bonds. The printing of the Bonds, including, without limitation, the printing on each Bond and, if requested by the Purchaser, of a statement of insurance, if applicable, pertaining to the Bonds; and

B. Final Certificates. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to

(1) The signing of the Bonds,

(2) The tenure and identity of the officials of the City,

(3) The delivery of the Bonds to The Depository Trust Company and the receipt of the bond purchase price,

(4) If it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity therefor, and

(5) The accuracy and completeness of the statements made in the Final Official Statement.

C. The execution of the Escrow Agreement by the City Chief Financial Officer in substantially the form as is currently on file with the Clerk, with such changes which are agreed to by the City Chief Financial Officer.

D. The execution of the Fremont Street Experience Bonds Second Amendment to Custody Agreement by the Chief Financial Officer in substantially the form as is currently on file with the Clerk, with such changes which are agreed to by the City Chief Financial Officer whose execution thereof shall be conclusive evidence of such officer's consent to such changes.

E. The execution of the Continuing Disclosure Certificate and any agreement related to the Escrow Agent, Registrar and Paying Agent for the Bonds not inconsistent with the provisions of this ordinance; and

Section 1003. Statute of Limitations. No action or suit based upon the Bonds or other obligation of the City shall be commenced after it is barred by any statute of limitations relating thereto. Any trust or fiduciary relationship between the City and the owner of any Bonds or other obligee regarding any such other obligation shall be conclusively presumed to have been repudiated on the maturity date or other due date thereof unless the Bonds are presented for payment or demand for payment of any such other obligation is otherwise made before the expiration of the applicable limitation period. Any moneys from whatever source derived remaining in any account reserved, pledged or otherwise held for the payment of any such obligation, action or suit for the collection of which has been barred, shall revert to the Fremont Street Experience Revenue Fund, unless the City shall otherwise provide by instrument of the City. Nothing herein prevents the payment of any such obligation after any action or suit for its collection has been barred if the City deems it in the best interests of the public to do so and orders such payment to be made.

Section 1004. Evidence of Ownership. Any request, consent or other instrument which this Ordinance may require or may permit to be signed and to be executed by the owner of any Bonds or other securities may be in one or more instruments of similar tenor and shall be signed or shall be executed by each such owner in person or by his or her attorney appointed in writing. Proof of the execution of any such instrument or of an instrument appointing any such attorney, or the holding by any Person of the securities, shall be sufficient for any purpose of this Ordinance (except as otherwise herein expressly provided) if made in the following manner, but

the City may, nevertheless, in its discretion require further or other proof in cases when it deems the same desirable:

A. Proof of Execution. The fact and the date of the execution by any owner of any Bonds or other securities or his or her attorney of such instrument may be provided by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company satisfactory to the Paying Agent and Registrar or of and notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act, that the individual signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before the notary public or other officer; the authority of the individual or individuals executing any such instrument on behalf of a corporate owner of any securities may be established without further proof if the instrument is signed by an individual purporting to be the president or a vice president of the corporation with a corporate seal affixed and attested by an individual purporting to be its secretary or an assistant secretary; and the authority of any Person or Persons executing any such instrument in any fiduciary or representative capacity may be established without further proof if the instrument is signed by a Person or Persons purporting to act in such fiduciary or representative capacity; and

B. Proof of Ownership. The ownership of any of the Bonds or other securities held by any Persons executing any instrument as a holder of securities, and the numbers, date and other identification thereof, together with the date of his or her holding the securities, shall be proved by the registration books at the City kept by the Registrar.

Section 1005. Warranty upon Issuance of Bonds. Any Bonds authorized as herein provided, when duly executed and delivered for the purpose provided for in this Ordinance shall constitute a warranty by and on behalf of the City for the benefit of each and every future holder of any of the Bonds that the Bonds have been issued for a valuable consideration in full conformity with law.

Section 1006. Immunities of Purchaser. The Purchaser and any associate thereof are under no obligation to any holder of the Bonds for any action that they may or may not take or in respect of anything that they may or may not do by reason of any information contained in any reports or other documents received by them under the provisions of this Ordinance. The immunities and exemptions from liability of the Purchaser and any associate thereof hereunder extend to their partners, directors, successors, employees and agents.

Section 1007. Police Power. Nothing herein prohibits or otherwise limits or inhibits the exercise by the Federal Government, the State, any agency thereof or any public body thereof, including, without limitation, the City, of the police power, i.e., essential governmental powers for the public welfare. The provisions hereof are subject to any proper exercise hereafter of the police power thereby. The City cannot contract away the police power thereof nor limit or inhibit by contract the proper exercise of the police power thereby, and this Ordinance does not purport to do so.

Section 1008. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent so appointed shall resign, or if the City shall reasonably determine that the Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon

notice mailed to each owner of any Bond at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent or both. Every such successor Registrar or Paying Agent shall be a trust bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder. No resignation or dismissal of the Registrar or the Paying Agent may take effect until a successor is appointed.

Any successor corporation or association into which the Registrar or Paying Agent may be converted or merged, or with which they may be consolidated, or to which they may sell or transfer their corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer, to which they are a party, shall be and become the successor Registrar or Paying Agent under this Ordinance, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything in this Ordinance to the contrary notwithstanding.

ARTICLE XI

PRIVILEGES, RIGHTS AND REMEDIES

Section 1101. Bondowner's Remedies. Each owner of any Bond issued hereunder shall be entitled to all of the privileges, rights and remedies provided or permitted in the Project Act and the Bond Act, and as otherwise provided or permitted by law or in equity or by other statutes, except as provided in §§ 207 through 211 hereof, but subject to the provisions herein concerning the pledge of and the covenants and the other contractual provisions concerning the Pledged Revenues and the proceeds of the Bonds.

Section 1102. Right to Enforce Payment. Nothing in this article affects or impairs the right of any owner of any Bond to enforce the payment of the Bond Requirements due in connection with his Bond or the obligation of the City to pay the Bond Requirements of each Bond to the owner thereof at the time and the place expressed in the Bond.

Section 1103. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal or Premium. Payment of the principal of any of the Bonds, or any prior redemption premium due in connection therewith, or both, is not made when the same becomes due and payable, at maturity, on the mandatory redemption dates specified in § 303B hereof, or by proceedings for optional prior redemption, or otherwise;

B. Nonpayment of Interest. Payment of any installment of interest on the Bonds is not made when the same becomes due and payable;

C. Incapable to Perform. The City for any reason is rendered incapable of fulfilling its obligations hereunder;

D. Nonperformance of Duties. The City fails to carry out and to perform (or in good faith to begin the performance of) all acts and things lawfully required to be carried out

or to be performed by it under any contract relating to the Pledged Revenues, or otherwise, including, without limitation, this Ordinance, and such failure continues for 60 days after receipt of notice from the owners of 10% in principal amount of the Bonds then Outstanding;

E. Appointment of Receiver. An order or decree is entered by a court of competent jurisdiction with the consent or acquiescence of the City appointing a receiver or receivers for the Pledged Revenues and any other moneys subject to the lien to secure the payment of the Bonds, or if an order or decree having been entered without the consent or acquiescence of the City is not vacated or discharged or stayed on appeal within 60 days after entry; and

F. Default of Any Provision. The City makes any default in the due and punctual performance of any other of the representations, covenants, conditions, agreements and other provisions contained in the Bonds or in this Ordinance on its part to be performed, and if the default continues for 60 days after written notice specifying the default and requiring the same to be remedied is given to the City by the owners of 10% in principal amount of the Bonds then Outstanding.

Section 1104. Remedies for Default. Upon the happening and continuance of any of the events of default, as provided in § 1103 hereof, then and in every case the owner or owners or not less than 10% in principal amount of the Bonds then Outstanding, including, without limitation, a trustee or trustees therefor, may proceed against the City and its agents, officers and employees to protect and to enforce the rights of any owner of Bonds under this Ordinance by mandamus or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as the owner or owners may deem most effectual to protect and to enforce the rights aforesaid, or thereby to enjoin any act or thing which may be unlawful or in violation of any right of any owner of any Bond, or to require the City to act as it if were the trustee of an express trust, or any combination of such remedies. All proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all owners of the Bonds and any parity securities then Outstanding.

Section 1105. Receiver's Rights and Privileges. Any receiver appointed in any proceedings to protect the rights of owners hereunder, the consent to any such appointment being hereby expressly granted by the City, shall receive and apply all Pledged Revenues arising after the appointment of the receiver in the same manner as the City itself might do.

Section 1106. Rights and Privileges Cumulative. The failure of any owner of any Outstanding bond to proceed in any manner herein provided shall not relieve the City or any officers, agents or employees thereof of any liability for failure to perform or carry out any duty, obligation or other commitment. Each right or privilege of any owner (or trustee thereof) is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any owner shall not be deemed a waiver of any other right or privilege thereof.

Section 1107. Duties upon Defaults. Upon the happening of any of the events of default as provided in § 1103 hereof, the City, in addition, shall do and perform all proper acts on behalf of and for the owners of the Bonds to protect and to preserve the security created for the payment of their Bonds and to insure the payment of the Bond Requirements promptly as the same become due. During any period of default, so long as any of the Bonds issued hereunder, as to any Bond Requirements, are Outstanding, except to the extent it may be unlawful to do so, all Pledged Revenues shall be paid into the 2012 Bond Fund, or, in the event of securities heretofore and hereafter issued and Outstanding during that period of time on a parity with the Bonds, shall be paid into the bond accounts for all parity securities on an equitable and prorated basis, and used for the purposes therein provided. If the City fails or refuses to proceed as provided in this Section, the owner or owners of not less than 10% in principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and to enforce the rights of the owners of the Bonds as hereinabove provided; and to that end any such owners of Outstanding Bonds shall be subrogated to all rights of the City under any agreement, lease or other contract the Pledged Revenues entered into before the effective date of this Ordinance or thereafter while any of the Bonds are Outstanding.

Section 1108. Prejudicial Action Unnecessary. Nothing in this article requires the City to proceed as provided therein if the City determines in good faith and without any gross abuse of its discretion that if the City so proceeds it is more likely than not to incur a net loss rather than a net gain, or the action is otherwise likely to affect materially and prejudicially the owners of the Outstanding Bonds and any Outstanding parity securities.

ARTICLE XII

AMENDMENT OF ORDINANCE

Section 1201. Privilege of Amendments. Except for any amendment relating to the Reserve Fund, which may be amended, upon the recommendation of the City Chief Financial Officer, without the consent of the owners of the Bonds, this Ordinance may be amended or supplemented by instruments adopted by the City in accordance with the laws of the State, without receipt by the City of any additional consideration, but with the written consent of the owners of a majority in aggregate principal amount of the Bonds authorized by this Ordinance and Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding, pursuant to paragraph (4) of § 102B hereof, any Bonds which may then be held or owned for the account of the City, but including such refunding securities as may be issued for the purpose of refunding any of the Bonds if the refunding securities are not owned by the City.

Section 1202. Limitations upon Amendments. No such instrument shall permit without the written consent of all owners of the Bonds adversely and materially affected thereby:

A. Changing Payment. A change in the maturity or in the terms of redemption of the principal of any Outstanding Bond or any installment of interest thereon; or

B. Reducing Return. A reduction in the principal amount of any Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith, without the consent of the owner of the bond; or

C. Modifying Any Bond. A reduction of the percentages or otherwise affecting the description of Bonds the consent of the owners of which is required for any modification or amendment; or

D. Priorities between Bonds. The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

E. Partial Modification. The modifications of or otherwise materially and prejudicially affecting the rights or privileges of the owners of less than all of the Bonds then Outstanding.

Section 1203. Notice of Amendment. Except for an amendment to the Reserve Fund, whenever the City proposes to amend or modify this Ordinance under the provisions of this Article, it shall cause notice of the proposed amendment to be given not later than 30 days prior to the date of the proposed enactment of the amendment by mailing to each:

(1) The Paying Agent,

(2) The Registrar, and

(3) The owner of each of the Bonds Outstanding.

The notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory instrument is on file in the office of the Clerk for public inspection.

Section 1204. Time for Amendment. Whenever at any time within one year from the date of the mailing of such notice, there shall be filed in the office of the Clerk an instrument or instruments executed by the owners of at least a majority in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed amendatory instrument described in the notice and shall specifically consent to and approve the adoption of the instrument, thereupon, but not otherwise, the City may adopt the amendatory instrument and the instrument shall become effective.

Section 1205. Binding Consent to Amendment. If the owners of at least a majority in aggregate principal amount of the Bonds Outstanding, at the time of the adoption of the amendatory instrument, or the predecessors in title of such owners shall have consented to and approved the adoption thereof as herein provided, no owner of any Bond, whether or not the owner shall have consented to or shall have revoked any consent as in this article provided, shall have any right or interest to object to the adoption of the amendatory instrument or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin the City from taking any action pursuant to the provisions thereof.

Section 1206. Time Consent Binding. Any consent given by the owner of a Bond pursuant to the provisions of this Article shall be irrevocable for a period of 6 months from the date of the mailing of the notice above provided for in paragraph 2 of § 1203 A hereof, and shall be conclusive and binding upon all future owners of the same Bond during that period. The consent may be revoked at any time after 6 months from the date of the mailing of the notice, by

the owner who gave the consent or by a successor in title by filing notice of the revocation with the Clerk, but the revocation shall not be effective if the owners of a majority in aggregate principal amount of the Bonds Outstanding, before the attempted revocation, consented to and approved the amendatory instrument referred to in the revocation.

Section 1207. Unanimous Consent. Notwithstanding anything contained in the foregoing provisions of this Article, the terms and the provisions of this Ordinance or of any instrument amendatory hereof or supplemental hereto and the rights and the obligations of the City and of the owners of the Bonds hereunder may be modified or amended in any respect upon the adoption by the City and upon the filing with the Clerk of an instrument to that effect and with the consent of the owners of all the then Outstanding Bonds, the consent to be given as provided in § 1004 hereof; and no notice to owners of Bonds, by mailing, shall be required as provided in § 1203 hereof, nor shall the time of consent be limited except as may be provided in the consent.

Section 1208. Exclusion of City's Bonds. At the time of any consent or of other action taken under this Article, the City shall furnish to the Clerk a certificate of the City Treasurer, upon which the City may rely, describing all Bonds to be excluded, for the purpose of consent or of other action or of any calculation of Outstanding Bonds provided for in this Article, and the City shall not be entitled with respect to such Bonds to give any consent or to take any other action provided for in this Article, pursuant to paragraph (4) of § 102B hereof.

Section 1209. Notation on Bonds. Bonds authenticated and delivered after the effective date of any action taken as in this Article provided may bear a notation by endorsement or otherwise in form approved by the City as to the action; and if any Bond so authenticated and delivered shall bear such notation, then upon demand of the owner of any Bond Outstanding at such effective date and upon presentation of his or her Bond for the purpose at the principal office of the Secretary, suitable notation shall be made on the Bond by the Secretary as to any such action. If the City so determines, new Bonds so modified as in the opinion of the City to conform to such action shall be prepared, authenticated and delivered; and upon demand of the owner of any Bond then Outstanding, shall be exchanged without cost to the owner for Bonds then Outstanding upon surrender of the Bonds.

Section 1210. Proof of Ordinances and Bonds. The fact and date of execution of any instrument under the provisions of this Article, the amount and number of the Bonds held by any Person executing the instrument, and the date of his holding the same may be proved as provided by § 1004 hereof.

PASSED, ADOPTED AND APPROVED this March 21, 2012.

(SEAL)

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

By: Val Steed 2-28-12
Date

This Ordinance shall be in force and effect from and after the 24th of March 2012, i.e., the date after the publication of such Ordinance by its title only.

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CITY OF LAS VEGAS)

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

(i) The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced on March 7, 2012 and finally adopted and approved on March 21, 2012.

(ii) The following members of the Council were present at the March 7, 2012 Council meeting:

Mayor:
Councilmembers:

Those Absent: _____

_____

(iii) The foregoing Ordinance was first proposed and read by title to the City Council on March 7, 2012, and referred to a committee composed of _____ _____ for recommendation; thereafter said committee reported favorably on said Ordinance on March 21, 2012, which was a regular meeting of said Council; that as 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 March 21, 2012 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:
Mayor:
Councilmembers:

Those Voting Nay: _____

_____

Those Absent: _____

_____

(iv) 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 Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

(v) All members of the Council were given due and proper notice of the meetings held on March 7, 2012 and March 21, 2012. Pursuant to NRS 241.020, 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 working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) City Hall
495 South Main Street, 1st Floor
Las Vegas, Nevada
(ii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
(iii) Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada
(iv) City of Las Vegas Development Services Center
333 North Rancho Drive
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

(vi) A copy of such notice so given of the meeting of the Council on March 7, 2012 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on March 21, 2012 is attached to this certificate as Exhibit B.

(vii) A copy of the affidavit of publication of the notice of deposit of ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of the adoption of the ordinance is attached to this certificate as Exhibit D.

(viii) 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 _____, 2012.

_____
City Clerk

EXHIBIT A

(Attach Copy of Notice of March 7, 2012 Meeting)

EXHIBIT B

(Attach Copy of Notice of March 21, 2012 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Deposit of the Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

City of Las Vegas Agenda Item No.: **41.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2012-2 - Establishes the means of allowing the use "community garden" in certain residential, commercial and industrial zoning districts. (TXT-43411) Sponsored by: Councilman Ricki Y. Barlow

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will establish the means of allowing the use "community garden" in certain residential, commercial and industrial zoning districts. Allowing this use supports several Master Plan policies. It promotes healthy neighborhoods and helps to provide food security for low-income persons. The bill provides limitations and standards to ensure that the use can be operated in a manner compatible with surrounding uses.

RECOMMENDATION:
ABEYANCE to 4/3/2012 Recommending Committee meeting by the 2/14/2012 Recommending Committee

First Reading – 1/4/2012

BACKUP DOCUMENTATION:
Bill No. 2012-2

BILL NO. 2012-2

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE MEANS OF ALLOWING THE USE "COMMUNITY GARDEN" IN CERTAIN RESIDENTIAL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Ricki Y. Barlow

Summary: Establishes the means of allowing the use "community garden" in certain residential, commercial and industrial zoning districts.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 12, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Community Garden" is a conditional use in all residential zoning districts listed in Table 2, and is a permitted use in all commercial and industrial zoning districts listed in Table 2. In order to reflect the amendment, Table 2 is amended by adding, at the appropriate location, an entry for the use "Community Garden." In addition, Table 2 is amended by inserting the letter "C" in each box representing the intersection of the row for the use "Community Garden" and the column for each of the following districts: U, R-E, R-1, R-CL, R-TH, R-2, R-3, R-4 and R-MH. Finally, Table 2 is amended by inserting the letter "P" in each box representing the intersection of the row for the use "Community Garden" and the column for each of the following districts: P-O, O, C-1, C-2, C-M and M.

SECTION 2: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Crop Production" so that the Description of that use reads as follows:

Description: An area for raising or harvesting agricultural crops**[.]**, generally operated on a large-scale commercial basis with accompanying wholesale and retail sales. This use does not include either a community garden or a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 3: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the entry for the use "Garden

Supply/Plant Nursery" so that the Description of that use reads as follows:

Description: A facility, generally operated on a commercial basis, for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping. The term does not include either a community garden or a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 4: Title 19, Chapter 12, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location, a new entry for the use "Community Garden" to read as follows:

Community Garden

Description:

An area of land established and used for gardening by a community-based organization or other group of people, with the intent of harvesting vegetables, fruits, flowers and herbs for personal consumption or for sales or distribution to the community on a limited basis. The term does not include a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

Conditional Use Regulations:

1. Except as otherwise permitted by the remaining Conditional Use Regulations, all structures shall comply with the development standards applicable to the zoning district in which the use is located.

2. In any residential zone:

   a. Community garden structures may not exceed 12 feet in height.

   b. Where a primary structure exists, community garden structures shall comply with the applicable requirements of this Title for an accessory structure.

   c. Where no primary structure exists, the cumulative gross floor area of all community garden structures shall not exceed 1000 square feet or 10% of the lot size, whichever is less.

3. Any on-site sale or donation of products is limited to products grown on-site and may not take place within a residential dwelling unit.

4. Any on-site sale or donation of products is limited to once per week and may take place only between the hours of 7:00 a.m. to 7:00 p.m.

5. Any outgoing deliveries of garden products shall be limited to once per week.

6. No item of motorized garden equipment may exceed 25 horsepower.

7. No more than one identification sign is permitted and the area of the sign may not exceed 64 square inches.

8. All sales of products must comply with applicable provisions of LVMC Title 6 as well as other applicable State and local laws and regulations.

9. If unpaved parking is utilized, a dust control permit approved by the Clark County Department of Air Quality and Environmental Management must first be obtained.

On-site Parking Requirements: One space per delivery vehicle, if any.

SECTION 5: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Crop Production" to read as follows:

Crop Production. An area for raising or harvesting agricultural crops[.], generally operated on a large-scale commercial basis with accompanying wholesale and retail sales. The term does not include either a community garden or a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 6: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Garden Supply/Plant Nursery" to read as follows:

Garden Supply/Plant Nursery. A facility, generally operated on a commercial basis, for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping. The term does not include either a community garden or a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 7: Title 19, Chapter 18, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,

the following term and its corresponding definition:

Community Garden. An area of land established and used for gardening by a community-based organization or other group of people, with the intent of harvesting vegetables, fruits, flowers and herbs for personal consumption or for sales or distribution to the community on a limited basis. The term does not include a garden that is incidental to a residential use and whose products are intended for the use of those residing on the parcel.

SECTION 8: The Department of Planning is authorized and directed to incorporate into the Unified Development Code the amendments described in Sections 1 to 7, inclusive, of this Ordinance.

SECTION 9: 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.

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SECTION 10: 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 _____, 2011.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 12-13-11
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2011, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2011, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

City of Las Vegas Agenda Item No.: **42.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

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

SUBJECT:
NEW BILL:

Bill No. 2012-16 – Amends the Downtown Centennial Plan to update the approval process for outdoor dining and entertainment; conform provisions regarding temporary outdoor events in the district known as "18b The Las Vegas Arts District" to other applicable Code provisions; and clarify that the Symphony Park area is a subdistrict of the Parkway Center District. (TXT-41610, TXT-43042, TXT-43393) Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill makes minor adjustments to the Downtown Centennial Plan. The amendments include revising the approval process for outdoor dining and entertainment, conforming provisions regarding temporary outdoor events in the district known as "18b The Las Vegas Arts District" to other applicable Code provisions, and clarifying that the Symphony Park area is a subdistrict of the Parkway Center District.

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. 2012-16

BILL NO. 2012-16

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO STREAMLINE THE APPROVAL PROCESS FOR OUTDOOR DINING AND ENTERTAINMENT; CONFORM PROVISIONS REGARDING TEMPORARY OUTDOOR EVENTS IN THE DISTRICT KNOWN AS "18B THE LAS VEGAS ARTS DISTRICT" TO OTHER APPLICABLE CODE PROVISIONS; CLARIFY THAT THE SYMPHONY PARK AREA IS A SUB-DISTRICT OF THE PARKWAY CENTER DISTRICT; AND PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Flinn Fagg, Director of Planning

Summary: Amends the Downtown Centennial Plan to update the approval process for outdoor dining and entertainment; conform provisions regarding temporary outdoor events in the district known as "18b The Las Vegas Arts District" to other applicable Code provisions; and clarify that the Symphony Park area is a sub-district of the Parkway Center District.

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

SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 6051, is hereby amended as set forth in Sections 2 to 10, inclusive, of this Ordinance.

SECTION 2: Section IV(A)(3), entitled "Approval Process," is deleted in its entirety and replaced by the following:

3. Encroachment Approval.

Any dining or entertainment to take place within the public right-of-way will require approval of an encroachment permit or agreement pursuant to LVMC 13.32.065.

SECTION 3: Section IV(B)(3) is amended by amending the introductory language up through and including the colon (but not amending the following subparagraphs) as follows, with deletions shown by brackets and addition by underlining:

3. Standards.

When otherwise permitted within the underlying zoning district, outdoor dining or outdoor seating on private property [may be] is permitted to take place in accordance with the following standards:

SECTION 4: Section IV(B)(4), entitled "Approval Process," is deleted in its entirety.

SECTION 5: Section VII(D)(2)(10) is amended to read as follows, with deletions shown by brackets and additions by underlining:

10. Temporary Uses

- Outdoor Events, subject to the following:

  – Must take place on the same site as, and be in conjunction with, the operation of an established commercial business with a valid business license for that site.

  – Limited to Thursdays, Fridays, Saturdays and Sundays.

  – Limited to the hours of 10 a.m. to 12 a.m., for events beginning on Thursdays or Sundays, and 10 a.m. to 2 a.m. the following morning, for events beginning on Fridays or Saturdays.

  – Measures to prevent or reduce nuisance factors such as glare, excessive illumination, noise, vibration, smoke, dust, dirt, odors, gases and heat must be in place.

  – Provision must be made for sanitary facilities and waste collection and disposal.

  – Measures to promote safety and security must be provided.

  – Outdoor events that are outside of the limits of the days and times stated above shall require the approval of a Temporary Commercial Permit pursuant to Section [19.18.100.] 19.16.160.

- Temporary Outdoor Commercial Events

SECTION 6: Section VII(E) is amended by adding thereto a new Paragraph 9, reading as follows:

9. Symphony Park Subdistrict.

The Parkway Center District includes the Symphony Park Subdistrict, as shown on Map 14. For design standards, please refer to Symphony Park Design Standards Manual dated October 23, 2006, adopted by Ordinance 5875 and passed by City Council on January 3, 2007 and as may be periodically updated.

SECTION 7: Section VII(J) and Map 19 (appearing within that Section) are deleted in their entirety.

SECTION 8: Section I(C) is amended by replacing Map 5 appearing therein with the

Map 5 that is attached to this Ordinance.

SECTION 9: Section II(D) is amended by replacing Map 6 appearing therein with the Map 6 that is attached to this Ordinance.

SECTION 10: Section VII(E) is amended by replacing Map 14 appearing therein with the Map 14 that is attached to this Ordinance.

SECTION 11: The Department of Planning is authorized and directed to incorporate into the Downtown Centennial Plan the amendments contained in this Ordinance, including any changes to the Table of Contents that are necessary in order to reflect the replacement of maps.

SECTION 12: 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 13: 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 _____, 2012.

APPROVED:

By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 3-6-12
_____
Date

The above and foregoing ordinance was first proposed and read by title to the City Council on the _____ day of _____, 2012, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2012, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

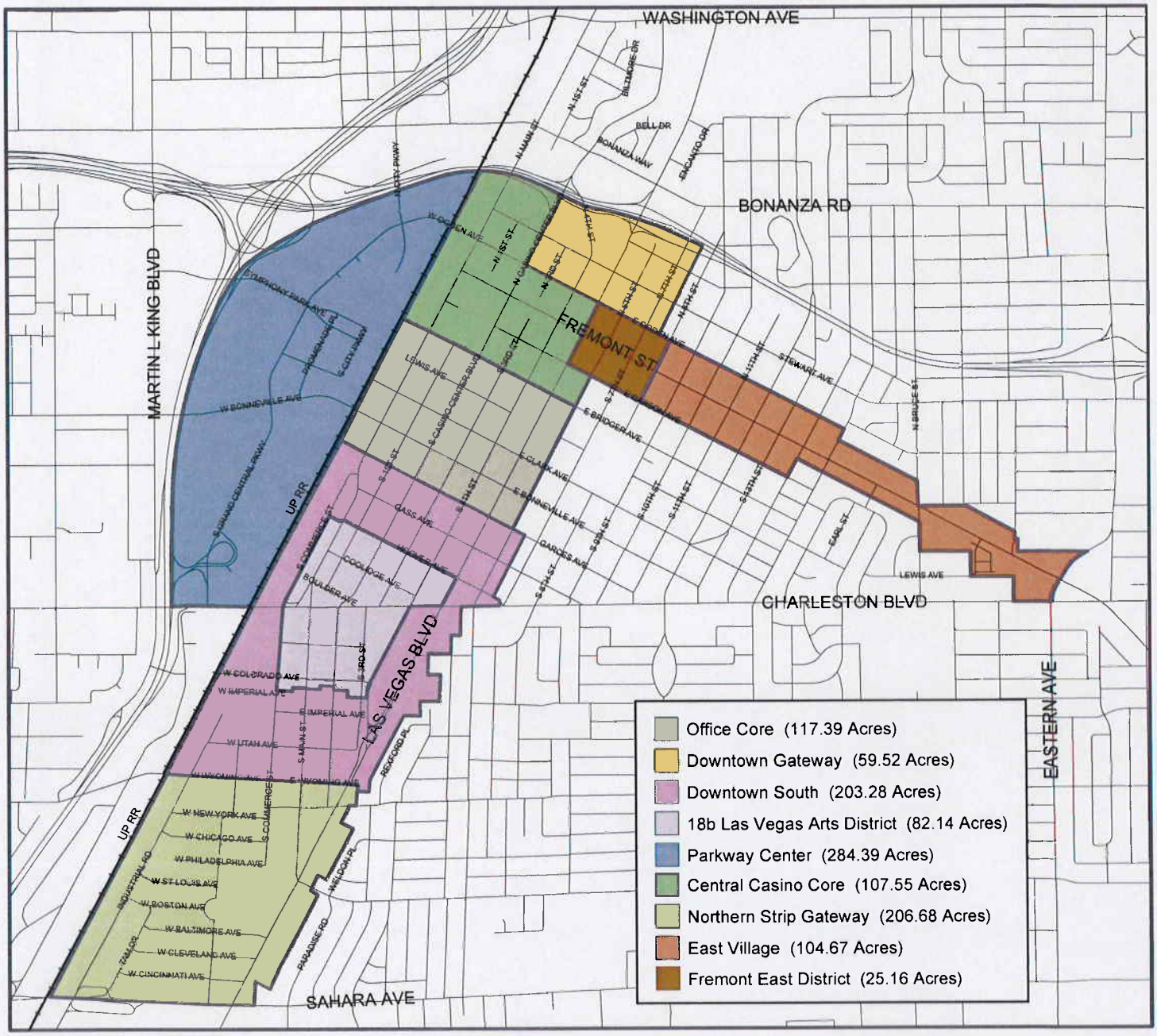
ABSENT: _____

APPROVED:

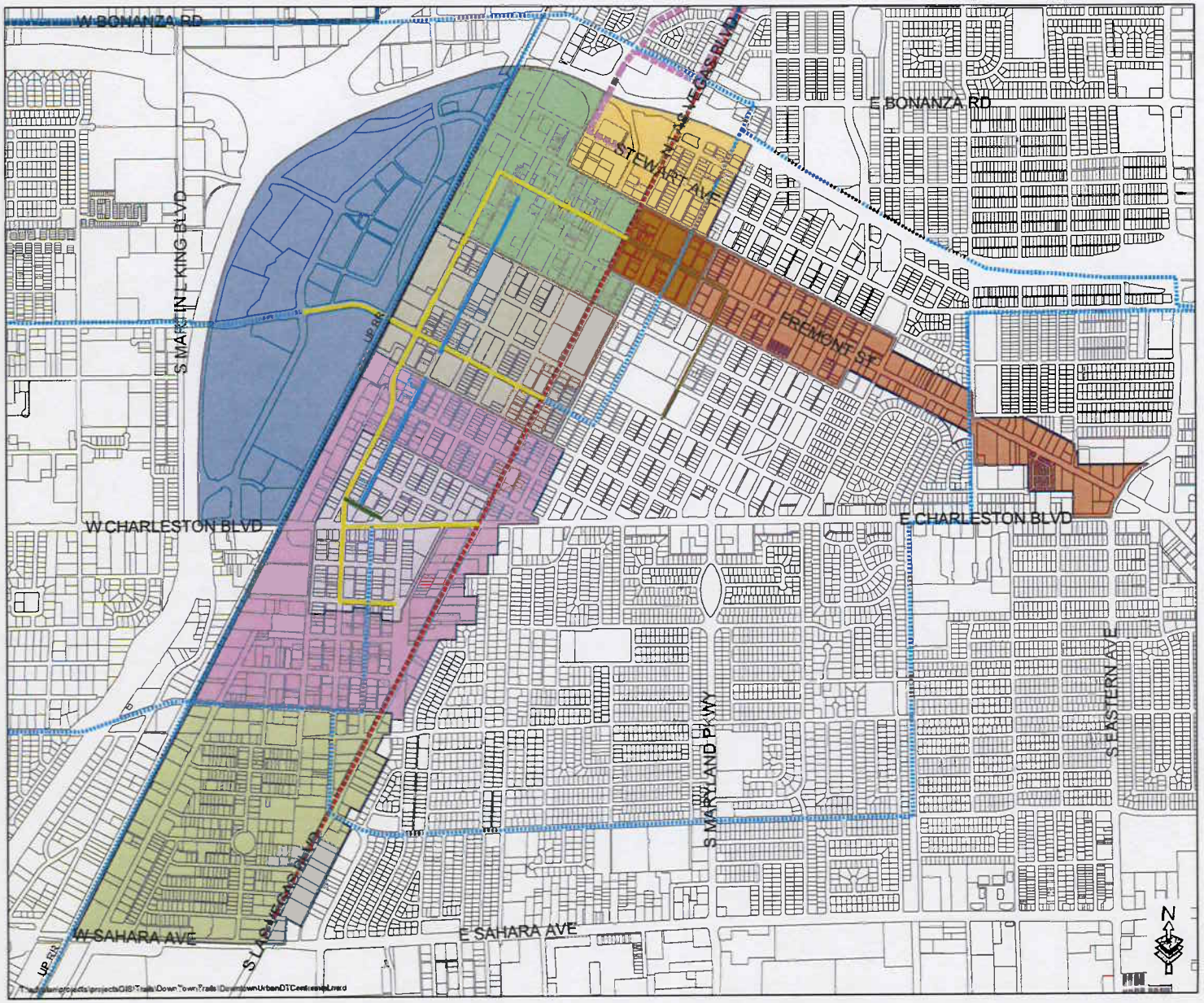
By _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

_____
BEVERLY K. BRIDGES, MMC
City Clerk



Map 5: Downtown Planning Districts



City of Las Vegas

Map 6

Downtown Urban Pathways System

Downtown Trails

- Pioneer Trail
- Art Trail
- Boulder Plaza
- Entertainment Trail
- Multi-Use, Transportation
- Scenic Byway
- Cultural Corridor Trail
- Tortoise Trail

Downtown Districts

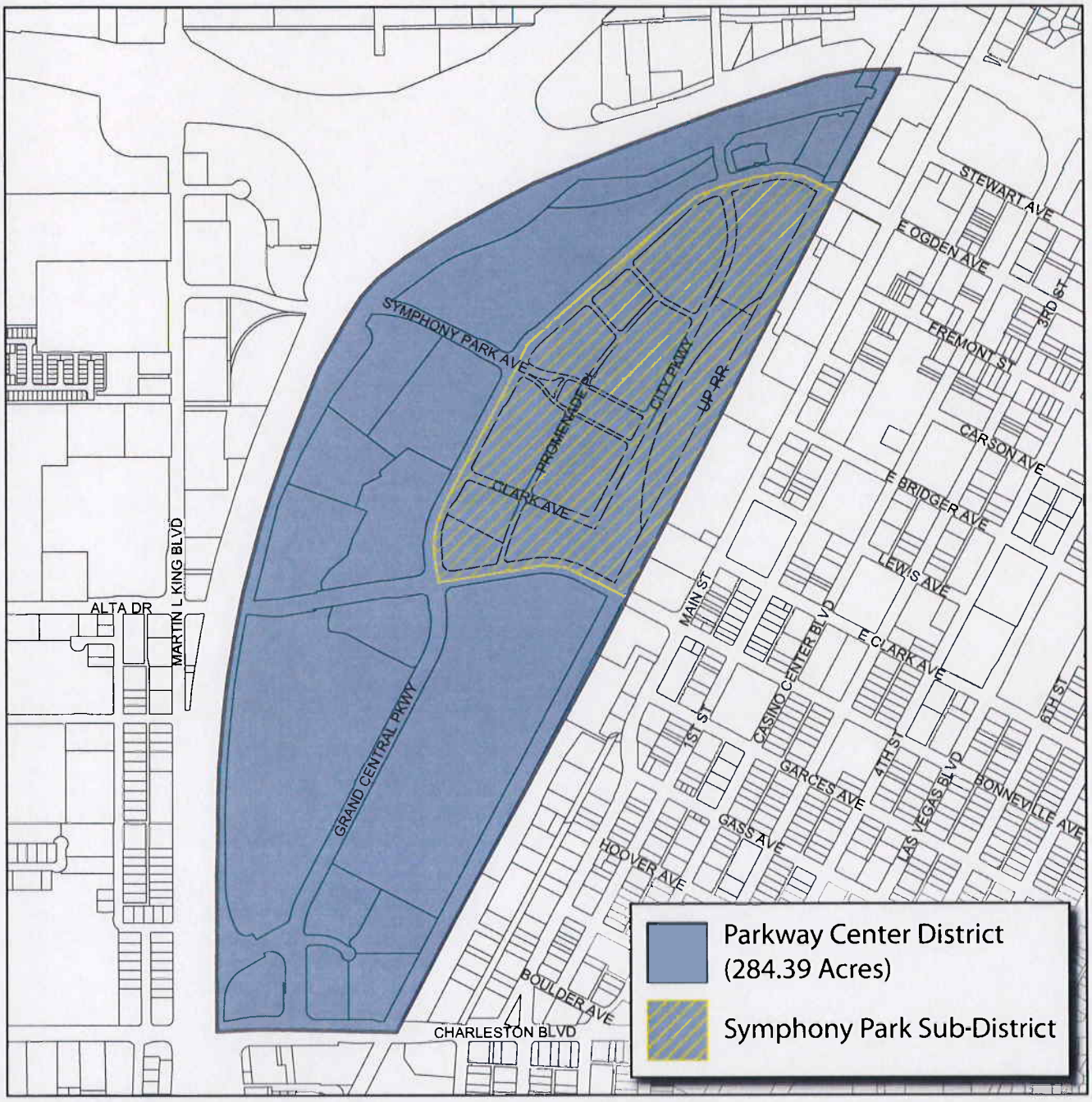
- Office Core (117.39 Acres)
- Downtown Gateway (59.52 Acres)
- Downtown South (203.28 Acres)
- 18b Las Vegas Arts District (82.14 Acres)
- Parkway Center (284.39 Acres)
- Central Casino Core (107.55 Acres)
- Northern Strip Gateway (206.68 Acres)
- East Village (104.67 Acres)
- Fremont East District (25.16 Acres)

Adopted: Ordinance #5238, July 5th, 2000
Revised: GPA-2591, August 13th, 2003
Revised: GPA-3130, November 5th, 2003
Revised: Ordinance #5874, January 3rd, 2007
Revised: GPA-32130, February 18, 2009
Revised: Ordinance #6051, August 5, 2009
Revised: Ordinance #6117, November 3, 2010

GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.

Geographic Information System
Department of Planning
702-229-6301

Plotted Date: February 13, 2012



Map 14: Parkway Center District

City of Las Vegas Agenda Item No.: **43.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: HUMAN RESOURCES
DIRECTOR: DAN TARWATER ☐ **Consent** ☒ **Discussion**

SUBJECT:
Closed Session - A closed meeting in accordance with NRS 288.220 to discuss labor issues

Fiscal Impact

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

PURPOSE/BACKGROUND:
To discuss labor issues

RECOMMENDATION:
None

BACKUP DOCUMENTATION:
None

City of Las Vegas Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES ☐ **Consent** ☒ **Discussion**

SUBJECT:

For Possible Action - Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

City of Las Vegas Agenda Item No.: **45.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: BUILDING AND SAFETY
DIRECTOR: CHRIS KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 4712 Dover Place for fees in the amount of $4,010.25 (General Fund) and assess a maximum of $27,950 in daily and failed inspection civil penalties for a total of $31,960.25. PROPERTY OWNER: FRANCISCO ONGACO - Ward 1 (Tarkanian)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,010.25
Funding Source: General Fund
Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Building and Safety hired Weaver Construction to board all open doors and windows, remove two sheds, install lock on gate, remove all trash, debris, high grass and weeds, and apply herbicide. To date, there have been nine (9) inspections conducted at this location. The estimated value of the property based on Zillow.com is $51,600.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $2,035 invoice for Weaver Construction, $305.25 administrative fee, $350 pool pumping fee, and $1,320 in reinspection fees (including late fees) for a total of $4,010.25 to be recorded immediately, and assess a maximum of $27,950 in daily civil penalties to be recorded on or after September 18, 2012.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Liens

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 21, 2012
DEPARTMENT: Building and Safety
ITEM DESCRIPTION: Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 4712 Dover Place for fees in the amount of $4,010.25 (General Fund) and assess a maximum of $27,950 in daily and failed inspection civil penalties for a total of $31,960.25.
PROPERTY OWNER: FRANCISCO ONGACO – Ward 1 (Tarkanian)

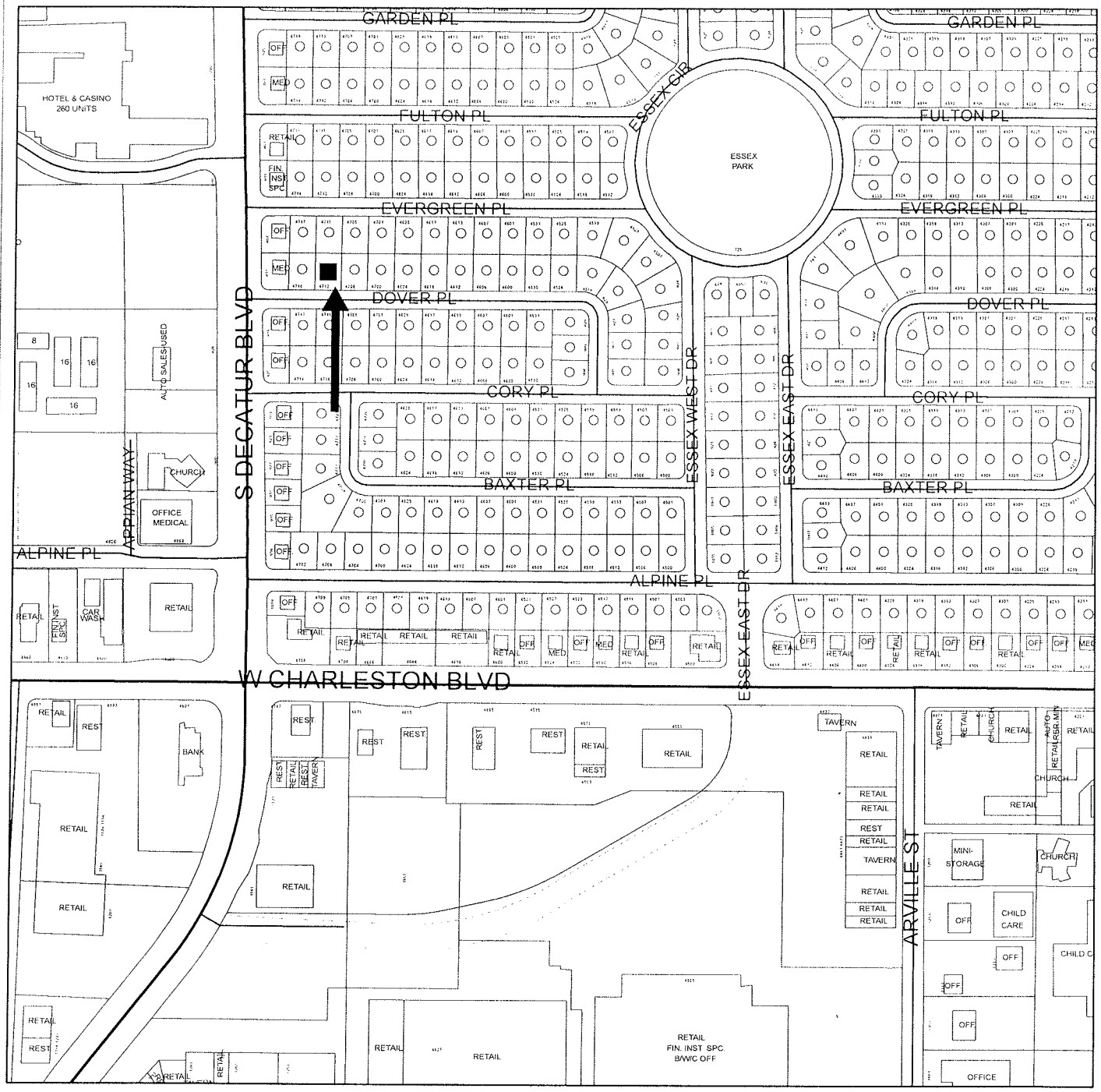
Weaver Construction completed work on February 22, 2012 at a cost of $2,035. In addition, $1,320 in reinspection fees (w/late fees); plus a 15% administrative fee were assessed for a total of $4,010.25 in out-of-pocket expenses.

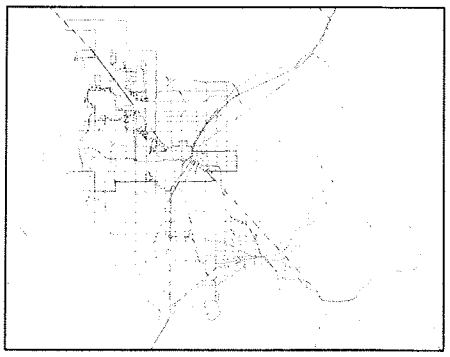
Today's public hearing is to consider the Report of Expenses filed by the Department of Building and Safety and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

4712 DOVER PLACE
CROSS STREETS - CHARLESTON//DECATUR

City of Las Vegas Vicinity Map





N

0 220 440 880 Feet

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Due to continuous development activity this map is for reference only
Geographic Information System
Planning & Development Dept
702-229-6301

PLANNING & DEVELOPMENT

4712 DOVER PLACE
CROSS STREETS - CHARLESTON//DECATUR

City of Las Vegas Vicinity Map

GIS maps are normally produced only to meet the needs of the City
Due to continuous development activity this map is for reference only
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Building and Safety Department

To: Beverly Bridges, MMC, City Clerk

From: Michael W. Bouse, Manager – Code Enforcement Division

CC: File

Date: February 28, 2012

Re: Report of Expenses for the abatement of nuisance located at 4712 Dover Place - Ward 1 (Tarkanian)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Building and Safety caused the above-referenced property to be corrected by boarding all open doors and windows, removing two sheds, installing lock on gate, removing all trash, debris, high grass and weeds, and applying herbicide. The abatement was completed by Weaver Construction on February 22, 2012 at a cost of $2,035.00, which was accepted by the Department of Building and Safety.

Contract Amount Breakdown:	
Board all open doors and windows.	$200.00
Remove all trash and debris.	$440.00
Remove all high grass and weeds, and apply herbicide.	$185.00
Remove two sheds.	$1,195.00
Install lock on gate.	$15.00
AMOUNT DUE:	$2,035.00
Administrative Processing Fee:	$305.25
City of Las Vegas Pool Pumping Fee:	$350.00
Sub-Total:	$2,690.25
Reinspection Fees (w/late fees):	$1,320.00
TOTAL AMOUNT DUE:	**$4,010.25**
Daily Civil Penalties – 55 days @ $500 a day (including civil penalty fees already assessed) plus $450 in failed inspection civil penalties	**$27,950.00**
MAXIMUM TOTAL:	**$31,960.25**
OWNER OF RECORD	FRANCISCO ONGACO
PROPERTY ABATED:	4712 Dover Place
	Las Vegas, NV 89107
ASSESSOR PARCEL:	139-31-410-034
LEGAL DESCRIPTION:	HYDE PARK #3
	PLAT BOOK 3 PAGE 99
	LOT 477 BLOCK 21

MWB:ld

WEAVER CONSTRUCTION
"GENERAL ENGINEERING"
2590 NORTH NELLIS BLVD.
LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and all persons and entities holding more than a 1% interest in Weaver Construction or any principal of Weaver Construction are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2.		
3.		
4.		
5.		
6.		

Continue list until full and complete disclosure is made

I certify under penalty of perjury, that the foregoing list is full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
STEPHANIE D. DUNN
Appt. No. 91-2737-1
My Appointment Expires March 1, 2000

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 21, 2012

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, MARCH 21, 2012,** at the hour of **1:00 P.M.** in the City Council Chambers, 495 South Main Street, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Building and Safety for:

> Abatement of the violations on the property located at **4712 DOVER PLACE – Case No. 104688**. The Director of Building and Safety certifies that the sum of **$4,010.25** was expended and Civil Penalties in the sum of **$27,950.00** may be imposed for a total of **$31,960.25**. Owner of record at time of abatement: **ONGACO FRANCISCO – WARD 1 (TARKANIAN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas
Department of Building and Safety
Code Enforcement Case Report

Case # 104688

4712 DOVER PL - Map # 02422-81 Parcel 13931410034

Owner Information:

ONGACO FRANCISCO
4712 DOVER PL
LAS VEGAS, NV 89107-4227

Zoning Information: R-1(SINGLE FAMILY RESIDENTIAL)

Case Comments: Vacant house, green pool.

Case Assigned To:

Follow Up Inspection Date:

Date Case Opened: August 11, 2011

Ward: 1

Date Case Resolved: February 22, 2012

Source: CITZ

Property Info/Status: HOA: N Vacant: N Foreclosure: N Secure: N

Violations:

Violation

Violation Date	Status/Completed Date	Location
Comments		
AB-010A: 16.30 POOL CODE-ACCESSIBLITY		
8/15/11	COMPLIED 02/22/12	East side yard
Repair gate to meet pool code & secure.		
AN-002: 9.04.010 (3) POLLUTED WATER		
8/15/11	OPEN	Rear yard
Remove all stagnant polluted water from pool immediately. Empty water into sewer clean out.		
AN-003: 9.04.010 (4) REFUSE & WASTE		
8/15/11	OPEN	All yards
Remove all refuse and waste from all areas of property. Maintain at all times.		
AN-006: 9.04.010(7)(A) HIGH VEGETATION		
8/15/11	OPEN	All yards
Remove all high grass or weeds over 8" inches from all visible areas of property and maintain.		
AN-009: 9.04.010 (7)(D) DILAPIDATED		
8/15/11	OPEN	West side yard, rear yard
Remove all unfinished wood sheds.		

Chronology of Events:

August 15, 2011 **Insp#: 1163753**

34) House vacant, power off. All yards- high weeds & refuse/waste. Rear yard- green pool, unfinished wood shed (approximately 120 square feet). West side yard- unfinished wood shed (approximately 60 square feet). East side gate unlocked & does not meet pool code. Was able to temporarily secure gate. Post correction notice, call back 8-23 for pool, call back 8-29 for all other violations. Mailed copy to owner at property & sewer address 2740 Danube Dr Sacramento, CA.

August 15, 2011 **CORRECTION NOTICE ISSUED**

August 23, 2011 **PHONE CALL**

34) Returned call from neighbor Sandy 245-5671, stated she lives next door. Advised pool scheduled to be pumped tomorrow. Returned call from neighbor Donald 878-6527, stated he lives across street. Advised the same.

August 23, 2011	**Insp#: 1164845**
	34) All violations still exist. Photos. $120 fee. Created CSR 699696 for RRT to pump pool.
August 24, 2011	**RRT POOL ABATED**
	CSR # 699696 has been resolved and fees assessed. Sent to finance for invoicing.
August 31, 2011	**Insp#: 1168366**
	34) Pool empty, done by RRT. All other violations still exist. Photos. $180 + $150 fee. Go to Notice & Order.
September 07, 2011	**NOTICE AND ORDER REQUEST**
	34) Gave case to 21 for Notice & Order review.
September 08, 2011	**NOTICE AND ORDER PROCESSING**
	210 refer file to 34 for posting mailings done
September 08, 2011	**NOTICE AND ORDER ISSUED**
September 12, 2011	**Insp#: 1171726**
	34) Post Notice & Order. All violations still exist. Photos. $180 + $300 fee. Call back 9-26.
September 13, 2011	**RECORDED DOCUMENT**
	Ld) Recorded N&O dated 9/8/11
September 27, 2011	**Insp#: 1175788**
	34) All violations still exist. Photos. $180 + $500 fee. Neighbor approached me, provided contact for owner's daughter Melissa 281-4080.
September 28, 2011	**BID REQUEST BY OFFICER**
	34) Gave case to 21 to obtain bids. Requesting removal of weeds, removal of refuse/waste, removal of all unfinished sheds, & securing of gate.
September 28, 2011	**BID REQUEST BY OFFICER**
	210 REFER FILE TO JR FOR BIDS TO ABATE
September 28, 2011	**BID PREPERATION**
	Bid prep
September 28, 2011	**BID REQUEST SENT**
	RFQ sent. Bids due 10/8
October 10, 2011	**BID RECEIVED**
	Recorded & scanned bid received: 1)Weaver=$1835
October 10, 2011	**10 DAY NOTICE PROCESSING**
	10 day sent. File given to #34 for posting.
October 10, 2011	**ADMINSTRATIVE**
	Bid approval given to #21.
October 10, 2011	**10 DAY BEFORE ABATEMENT NOTICE**
October 11, 2011	**Insp#: 1182173**
	34) Post 10 Day Notice Before Abatement. All violations still exist. Photos. $180 + $500 fee. Call back 10-24.
October 12, 2011	**PHONE CALL**

34) Called owner's daughter Melissa 281-4080. She stated father is out of country & BAC Home Loans is foreclosing on property. Asked me to e-mail Notice & Order to her at melissaongaco@gmail.com.

October 12, 2011 **EMAIL SENT OR RECEIVED**

34) E-mailed 10 Day Notice Before Abatement to owner's daughter Melissa. Also e-mailed to Eric Morris with BAC. He replied back stating property sold 5-10-04 so they do not service.

October 24, 2011 **Insp#: 1187468**

34) All violations still exist. Photos. $180 + $500 fee.

November 17, 2011 **RESEARCH**

34) No change to county assessor. No default recorded. Checked MERS- BAC loan paid in full.

November 17, 2011 **RESEARCH**

34) Called county treasurer. Was told taxes were previously being paid by owner, but are not current.

November 22, 2011 **PROCEED WITH ABATEMENT**

34) Assigned & gave case to 19 to proceed with abatement.

November 30, 2011 **ADMINSTRATIVE**

19) Case on hold pending outcome of Foreclosure Registration Ordinance.

February 06, 2012 **PROCEED WITH ABATEMENT**

19) met with MB reviewed case, approved to proceed with abatement. File to JR to process PO.

February 07, 2012 **ADMINSTRATIVE**

Po requested. Pending MB approval

February 13, 2012 **BID AWARDED TO CONTRACTOR**

Award letter sent to contractor. Pending start date.

February 13, 2012 **VIDEO REQUEST**

Before video requested from #21

February 14, 2012 **PRE-ABATEMENT VIDEO**

21)pre photos in f drive- tonys

February 14, 2012 **Insp#: 1192552**

21)pre photos f drive- tonys: building now open accessible- rear bedroom window and small storage door under carport. trash/debris, 2 dilapidated sheds in rear. contractor will board/secure + 200.00. SPOKE TO NEIGHBOR ACROSS STREET- POSSIBLE TELE FOR OWNERS DAUGHTER/MELISSA 281-4080.PER OFFICER 34 HE HAS TALKED WITH FAMILY..OWNER HAS WALKED AWAY FROM PROPERTY. refer for contractor abatement 2/15

February 21, 2012 **VIDEO REQUEST**

After video requested from #21

February 22, 2012 **POST-ABATEMENT VIDEO**

21)post photos in f drive- tonys

February 22, 2012 **ADMINSTRATIVE**

Recorded & scanned Invoice. File given to #19.

February 22, 2012 **Insp#: 1234266**

21)post photos in f drive tonys; property now secure all yards clean,non permitted sheds removed,gate secure. close case

Fees:

Fee Name	Amount	Status	Fee Added	Fee Paid
RESIDENTIAL INSPECTION FEE	$120.00	U	08/23/2011	

CLV INTERNAL POOL PUMPING FEE	$350.00	U	08/24/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	08/31/2011
FIRST RESIDENTIAL CIVIL PENALTY	$150.00	U	08/31/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	09/12/2011
SECOND RESIDENTIAL CIVIL PENALTY	$300.00	U	09/12/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	09/27/2011
THIRD RESIDENTIAL CIVIL PENALTY	$500.00	U	09/27/2011
LATE FEE	$12.00	U	10/07/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/11/2011
FOURTH RESIDENTIAL CIVIL PENALTY	$500.00	U	10/11/2011
LATE FEE	$18.00	U	10/15/2011
RECURRING RESIDENTIAL CIVIL PENALTY	$500.00	U	10/24/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/24/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	02/15/2012
RECURRING RESIDENTIAL CIVIL PENALTY	$500.00	U	02/15/2012
NUISANCE ABATEMENT FEE	$2,035.00	U	02/22/2012
ADMINISTRATIVE	$305.25	U	02/22/2012
LATE FEE	$18.00	U	02/27/2012
LATE FEE	$18.00	U	02/27/2012
LATE FEE	$18.00	U	02/27/2012
LATE FEE	$18.00	U	02/27/2012
LATE FEE	$18.00	U	02/27/2012

Total Amount Due: **$6,460.25**

Total Amount Paid: $ -

APN 139-31-410-034

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **FRANCISCO ONGACO**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-31-410-034**
Commonly known as: **4712 Dover Place**
Legal Description: **HYDE PARK #3**
PLAT BOOK 3 PAGE 99
LOT 477 BLOCK 21

On **February 22, 2012**, as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of **$4,010.25** were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Municipal Code 9.04.120, civil penalties in the amount of **$27,950.00** were approved against the property for violations(s) of Municipal Code 9.04.010. The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above Actual Cost in the amount of **$4,010.25**, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

NOTE: The City Council ordered the above civil penalties in the amount of **$27,950.00** be assessed against the property by recording a Lien of Assessment on or after **September 18, 2012**.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #104688

APN 139-31-410-034

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **FRANCISCO ONGACO**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-31-410-034**
Commonly known as: **4712 Dover Place**
Legal Description: **HYDE PARK #3**
PLAT BOOK 3 PAGE 99
LOT 477 BLOCK 21

On **February 22, 2012**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$27,950.00** were levied against the property as for violation(s) of Municipal Code 9.04.010.

The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above charges in the amount of **$27,950.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #104688

City of Las Vegas Agenda Item No.: **46.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: BUILDING AND SAFETY
DIRECTOR: CHRIS KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 2713 Howard Drive for fees in the amount of $4,474.25 (General Fund), and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $32,124.25. PROPERTY OWNER: THOMAS GUY CONTE JR - Ward 3 (Coffin)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $4,474.25
Funding Source: General Fund
Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Building and Safety hired Weaver Construction to board all open doors and windows, remove all trash, debris, animal feces, and discarded items from the entire property to include top layer of soil, high grass and weeds, and apply herbicide. To date, there have been ten (10) inspections conducted at this location. The estimated value of the property based on Zillow.com is $47,700.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $2,915 invoice for Weaver Construction, $437.25 administrative fee, and $1,122 in reinspection fees (including late fees), for a total of $4,474.25 to be recorded immediately, and consider assessing a maximum of $27,650 in daily civil penalties to be recorded on or after August 27, 2012.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Liens

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 21, 2012
DEPARTMENT: Building and Safety
ITEM DESCRIPTION: Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 2713 Howard Drive for fees in the amount of $4,474.25 (General Fund) and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $32,124.25.
PROPERTY OWNER: THOMAS GUY CONTE JR – Ward 3 (Coffin)

Weaver Construction completed work on January 20, 2012 at a cost of $2,915. In addition, $1,122 in reinspection fees (w/late fees); plus a 15% administrative fee were assessed for a total of $4,474.25 in out-of-pocket expenses.

Today's public hearing is to consider the Report of Expenses filed by the Department of Building and Safety and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

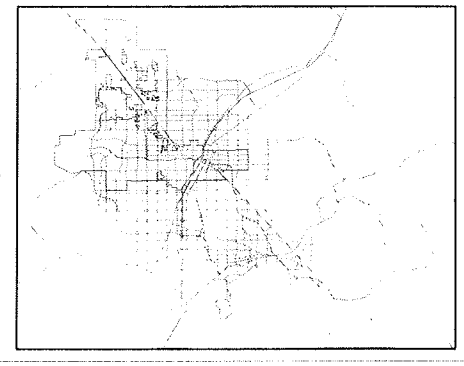
If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

2713 HOWARD DRIVE
CROSS STREETS - FREMONT//OAKEY

City of Las Vegas Vicinity Map

N

0 125 250 500 Feet



GIS maps are normally produced only to meet the needs of the City Due to continuous development activity this map is for reference only

Geographic Information System

Planning & Development Dept.
702-229-6301

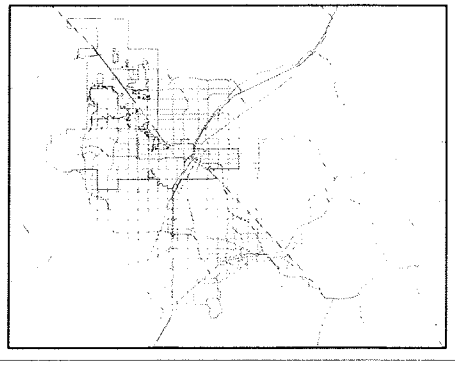
PLANNING & DEVELOPMENT

2713 HOWARD DRIVE
CROSS STREETS - FREMONT//OAKEY

City of Las Vegas Vicinity Map

N

0 220 440 880 Feet



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Geographic Information System

Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Building and Safety Department

To: Beverly Bridges, MMC, City Clerk

From: Michael W. Bouse, Manager – Code Enforcement Division

CC: File

Date: February 28, 2012

Re: Report of Expenses for the abatement of nuisance located at 2713 Howard Drive - Ward 3 (Coffin)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Building and Safety caused the above-referenced property to be corrected by boarding all open doors and windows, removing all trash, debris, animal feces, and discarded items from the entire property to include top layer of soil, high grass and weeds, and applying herbicide. The abatement was completed by Weaver Construction on January 20, 2012 at a cost of $2,915.00, which was accepted by the Department of Building and Safety.

Contract Amount Breakdown:	
Board all open doors and windows.	$285.00
Remove all trash, debris, animal feces and discarded items from the entire property to include top layer of soil.	$2,400.00
Remove all high grass and weeds, and apply herbicide.	$230.00
AMOUNT DUE:	$2,915.00
Administrative Processing Fee:	$437.25
Sub-Total:	$3,352.25
Reinspection Fees (w/late fees):	$1,122.00
TOTAL AMOUNT DUE:	**$4,474.25**
Daily Civil Penalties – 55 days @ $500 a day (including civil penalty fees already assessed)	**$27,650.00**
MAXIMUM TOTAL:	**$32,124.25**
OWNER OF RECORD	THOMAS GUY CONTE JR
PROPERTY ABATED:	2713 Howard Drive
	Las Vegas, NV 89104
ASSESSOR PARCEL:	162-01-710-010
LEGAL DESCRIPTION:	DAWSON PARK TRACT #1
	PLAT BOOK 4 PAGE 60
	LOT 9 BLOCK 3

MWB:ld

WEAVER CONSTRUCTION
"GENERAL ENGINEERING"
2590 NORTH NELLIS BLVD.
LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and all persons and entities holding more than a 1% interest in Weaver Construction or any principal of Weaver Construction are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2.		
3.		
4.		
5.		
6.		

Continue list until full and complete disclosure is made

I certify under penalty of perjury, that the foregoing list is full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
STEPHANIE D. DUNN
Appt. No. 91-2737-1
My Appointment Expires March 1, 2000

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 21, 2012

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, MARCH 21, 2012,** at the hour of **1:00 P.M.** in the City Council Chambers, 495 South Main Street, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Building and Safety for:

> Abatement of the violations on the property located at **2713 HOWARD DRIVE – Case No. 102446**. The Director of Building and Safety certifies that the sum of **$4,474.25** was expended and Civil Penalties in the sum of **$27,650.00** may be imposed for a total of **$32,124.25**. Owner of record at time of abatement: **CONTE THOMAS GUY JR – WARD 3 (COFFIN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas
Department of Building and Safety
Code Enforcement Case Report

Case # 102446

2713 HOWARD DR - Map # 02527-66 Parcel 16201710010

Owner Information:

CONTE THOMAS GUY JR
2713 HOWARD DR
LAS VEGAS, NV 89104-4242

Zoning Information: R-1(SINGLE FAMILY RESIDENTIAL)

Case Comments: Officer Jefferson METRO COP called in residence with code issues.

Case Assigned To:

Follow Up Inspection Date:

Date Case Opened: June 01, 2011

Ward: 3

Date Case Resolved: January 30, 2012

Source: MTRO

Property Info/Status: HOA: N Vacant: N Foreclosure: N Secure: N

Violations:

Violation

Violation Date	Status/Completed Date	Location
Comments		

AB-006: 16.08.010 UDB SEC 403
8/9/11 OPEN Entire Property
Secure all structures to City of Las Vegas specifications. Secure all openings doors and windows.

AN-003: 9.04.010 (4) REFUSE & WASTE
6/21/11 OPEN Entire Property
Remove all refuse and waste from all areas of property. Maintain at all times. Remove all animal feces and animal refus.

AN-006: 9.04.010(7)(A) HIGH VEGETATION
8/9/11 OPEN Entire Property
Remove all high grass or weeds over 8" inches from all visible areas of property and maintain.

AO-002: 13.32.020 STRUCTURAL OBSTRUCT
8/9/11 OPEN Sidewalk and Rear of Property
Remove all tree branches obstructing right of way.

Chronology of Events:

June 06, 2011 **Insp#: 1133700**

33) No response at door, yard has dog feces, smell from house, will recontact Officer Jefferson.

June 21, 2011 **Insp#: 1135950**

33) Met with Neighbor Karen who takes care of cats, advised owner moved, also present was 21 and Officer Jefferson with METRO, 21 will follow up with Animal Control, will follow up with previos owner who is letting house go into forclosure, gave neighbor cell phone to have owner call.

July 07, 2011 **Insp#: 1142638**

33) Working with ACO and 21 to resolve, set out till 07/14/18

July 26, 2011 **PHONE CALL**

33) Received message from neighbor Karen, 431-8133, ragarding property.

August 09, 2011 **Insp#: 1149483**

33) Inspected property, no cats seen, but residence is open and accessible, feces is all over the property, along with tree branches obstructing sidewalk and the walls, moving forward with Notice and Order, owner of record is deceased. Call back set for 08/25/11.

August 16, 2011 **NOTICE AND ORDER REQUEST**

33) Prepared Notice and Order, owner is deceased, no action by bank since 2004, girlfiend has moved back East and has neighbors feeding feral cats. Case to 21.

August 16, 2011 **CORRECTION NOTICE ISSUED**

August 16, 2011 **CORRECTION NOTICE ISSUED**

August 17, 2011 **NOTICE AND ORDER PROCESSING**

21)refer to officer 33 for posting mailing done

August 17, 2011 **NOTICE AND ORDER ISSUED**

August 18, 2011 **Insp#: 1162743**

33) Posted Notice and Order, No change to the property, Fee's assessed affidavit completed, Spoke with neighbors and Friend of old owner who advised all but 3 cats are gone. Call back set for 08/29/11.

August 24, 2011 **RECORDED DOCUMENT**

Ld) Recorded N&O dated 8/17/11

August 31, 2011 **Insp#: 1166738**

33) No change in the property, notice still posted on front window, photo's taken, abatement bid sheet to be completed and forwarded to 21.

September 14, 2011 **BID REQUEST BY OFFICER**

21) REFER TO OFFICE STAFF JR FOR BIDS TO ABATE

September 14, 2011 **BID PREPERATION**

Bid prep.

September 14, 2011 **BID REQUEST SENT**

RFQ sent to contractors. Bids due 9-21

September 26, 2011 **BID RECEIVED**

Recorded & scanned bid received: 1)Weaver=$2915

September 26, 2011 **ADMINSTRATIVE**

Bid approval given to #21.

September 26, 2011 **10 DAY NOTICE PROCESSING**

10 day sent. File given to #33 for posting.

September 26, 2011 **10 DAY BEFORE ABATEMENT NOTICE**

September 26, 2011 **10 DAY BEFORE ABATEMENT NOTICE**

September 27, 2011 **Insp#: 1171886**

33) Posted 10 day before abatement, photo's taken, affadavit completed, fee's assessed, call back set for 10/10/11.

October 10, 2011 **Insp#: 1181804**

33) Failed inspection front door is now open and broken, still obstruction, refuse and high vegetation, case forwarded for abatement.

October 26, 2011	**RESEARCH**
	Check of MERS, COunty Assessor Line was not Available, (Automated), Photo's attached, case forwarded to 19.
November 08, 2011	**REVIEW**
	19) Reviwed case with MB, approved to obtain PO and move forward with abatement. File to JR for processing.
November 09, 2011	**ADMINSTRATIVE**
	PO requested. Pending MB approval.
November 16, 2011	**BID AWARDED TO CONTRACTOR**
	Award letter sent to Weaver. Pending start date.
November 17, 2011	**ADMINSTRATIVE**
	Per #19, hold off on abatement. Faxed memo to Weaver to stop abatement.
January 04, 2012	**BID AWARDED TO CONTRACTOR**
	Award letter sent to Weaver. Pending start date.
January 05, 2012	**VIDEO REQUEST**
	Before Video request from #21
January 09, 2012	**PRE-ABATEMENT VIDEO**
	21)PRE PHOTOS IN F DRIVE- TONYS
January 09, 2012	**Insp#: 1186543**
	21)PRE PHOTOS IN F DRIVE- TONYS: LARGE AMOUNT OF CAT WASTE IN FRONT YARD- STRONG ODOR NEARBY NEIGHBORS ARE COMPLAINING OF ODOR. METRO HAS EVEN COME OUT BECAUSE OF THE ODOR ISSUE.FRONT AND REAR DOOR OPEN/ACCESSIBLE- PROPERTY VACANT. DEBRIS IN ALL YARDS: FURNITURE,BOXES,MISC HOUSEHOLD GOODS. REFER TO CONTRACTOR TO ABATE.
January 23, 2012	**VIDEO REQUEST**
	After video request given to #21
January 25, 2012	**POST-ABATEMENT VIDEO**
	21)PHOTOS IN F DRIVE TONY- PPP IN F DRIVE WORKING PPP
January 30, 2012	**Insp#: 1220149**
	21)PHOTOS IN F DRIVE TONY, PPP IN F DRIVE WORKING PPP: PROPERTY NOW SECURE ALL DOORS AND WINDOWS. FRONT TOP SOIL REMOVED REPLACE WITH CLEAN TOPSOIL BECUASE OF ABUNDANCE OF CAT WASTE. / CLOSE
January 31, 2012	**ADMINSTRATIVE**
	Recorded & scanned invoice. File given to #19
February 07, 2012	**CORRESPONDENCE RECEIVED/SENT**
	33) 33) Original correction notice returned return to sender,Not deliverable as addressed.
February 07, 2012	**CORRESPONDENCE RECEIVED/SENT**
	33) Original correction notice returned return to sender, attempted not known, not deliverable as addressed, unable to forward.

Fees:

Fee Name	Amount	Status	Fee Added	Fee Paid
RESIDENTIAL INSPECTION FEE	$120.00	U	08/09/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	08/18/2011	
FIRST RESIDENTIAL CIVIL PENALTY	$150.00	U	08/18/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	08/31/2011	
SECOND RESIDENTIAL CIVIL PENALTY	$300.00	U	08/31/2011	

LATE FEE	$12.00	U	09/23/2011
THIRD RESIDENTIAL CIVIL PENALTY	$500.00	U	09/27/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	09/27/2011
LATE FEE	$18.00	U	10/02/2011
FOURTH RESIDENTIAL CIVIL PENALTY	$500.00	U	10/10/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/10/2011
RESIDENTIAL REINSPECTION FEE	$180.00	U	01/10/2012
RECURRING RESIDENTIAL CIVIL PENALTY	$500.00	U	01/10/2012
NUISANCE ABATEMENT FEE	$2,915.00	U	01/31/2012
ADMINISTRATIVE	$437.25	U	01/31/2012
LATE FEE	$18.00	U	02/14/2012
LATE FEE	$18.00	U	02/14/2012
LATE FEE	$18.00	U	02/14/2012
LATE FEE	$18.00	U	02/14/2012

Total Amount Due: **$6,424.25**

Total Amount Paid: $ -

APN 162-01-710-010

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **THOMAS GUY CONTE JR**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **162-01-710-010**
Commonly known as: **2713 Howard Drive**
Legal Description: **DAWSON PARK TRACT #1**
PLAT BOOK 4 PAGE 60
LOT 9 BLOCK 3

On **January 20, 2012**, as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of **$4,474.25** were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Municipal Code 9.04.120, civil penalties in the amount of **$27,650.00** were approved against the property for violations(s) of Municipal Code 9.04.010. The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above Actual Cost in the amount of **$4,474.25**, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

NOTE: The City Council ordered the above civil penalties in the amount of **$27,650.00** be assessed against the property by recording a Lien of Assessment on or after **August 27, 2012**.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #102446

APN 162-01-710-010

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **THOMAS GUY CONTE JR**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **162-01-710-010**
Commonly known as: **2713 Howard Drive**
Legal Description: **DAWSON PARK TRACT #1**
PLAT BOOK 4 PAGE 60
LOT 9 BLOCK 3

On **January 20, 2012**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$27,650.00** were levied against the property as for violation(s) of Municipal Code 9.04.010.

The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above charges in the amount of **$27,650.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

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)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

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BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

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NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #102446

City of Las Vegas Agenda Item No.: **47.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: BUILDING AND SAFETY
DIRECTOR: CHRIS KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1401 Ardmore Street for fees in the amount of $2,706.50 (General Fund) and assess a maximum of $25,000 in daily and failed inspection civil penalties for a total of $27,706.50. PROPERTY OWNER: EVALE INVESTMENTS LLC C/O EDWIN C B VALENTIN - Ward 3 (Coffin)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $2,706.50
Funding Source: General Fund
Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Building and Safety hired Blast Janitorial Services to board all open doors and windows, remove all trash, debris, graffiti, and discarded items, high and dead vegetation, and apply herbicide. To date, there have been seven (7) inspections conducted at this location. The estimated value of the property based on Zillow.com is $32,400.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $1,550 invoice for Blast Janitorial Services, $232.50 administrative fee, and $924 in reinspection fees (including late fees) for a total of $2,706.50 to be recorded immediately, and assess a maximum of $25,000 in daily civil penalties to be recorded on or after September 29, 2012.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Liens

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 21, 2012
DEPARTMENT: Building and Safety
ITEM DESCRIPTION: Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1401 Ardmore Street for fees in the amount of $2,706.50 (General Fund) and assess a maximum of $25,000 in daily and failed inspection civil penalties for a total of $27,706.50.
PROPERTY OWNER: EVALE INVESTMENTS LLC C/O EDWIN C B VALENTIN – Ward 3 (Coffin)

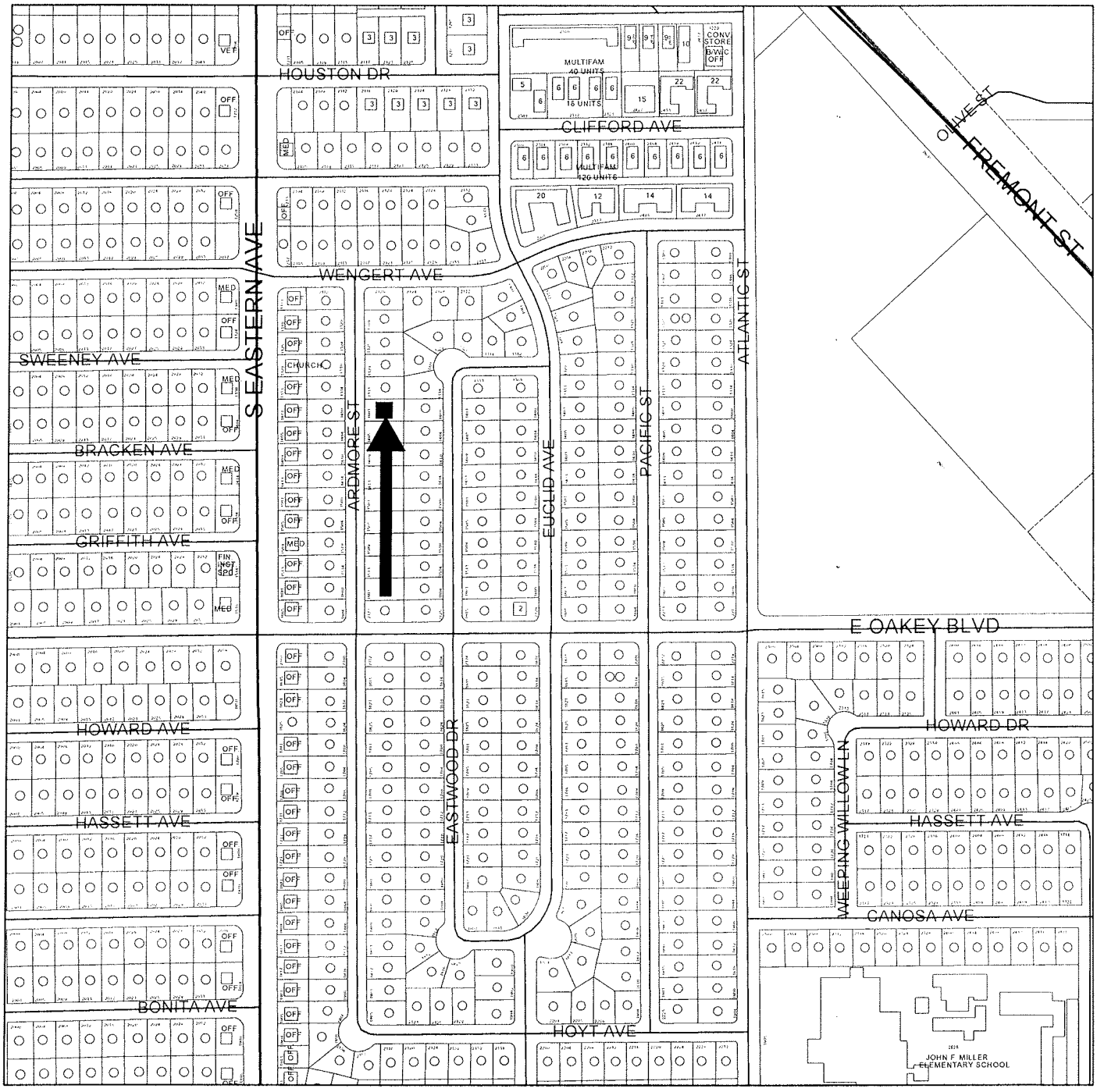
Blast Janitorial Services completed work on February 22, 2012 at a cost of $1,550. In addition, $924 in reinspection fees (w/late fees); plus a 15% administrative fee were assessed for a total of $2,706.50 in out-of-pocket expenses.

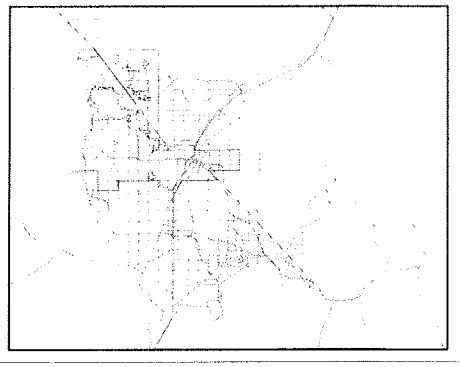
Today's public hearing is to consider the Report of Expenses filed by the Department of Building and Safety and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

1401 ARDMORE STREET
CROSS STREETS - EASTERN//OAKEY

City of Las Vegas Vicinity Map





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Geographic Information System

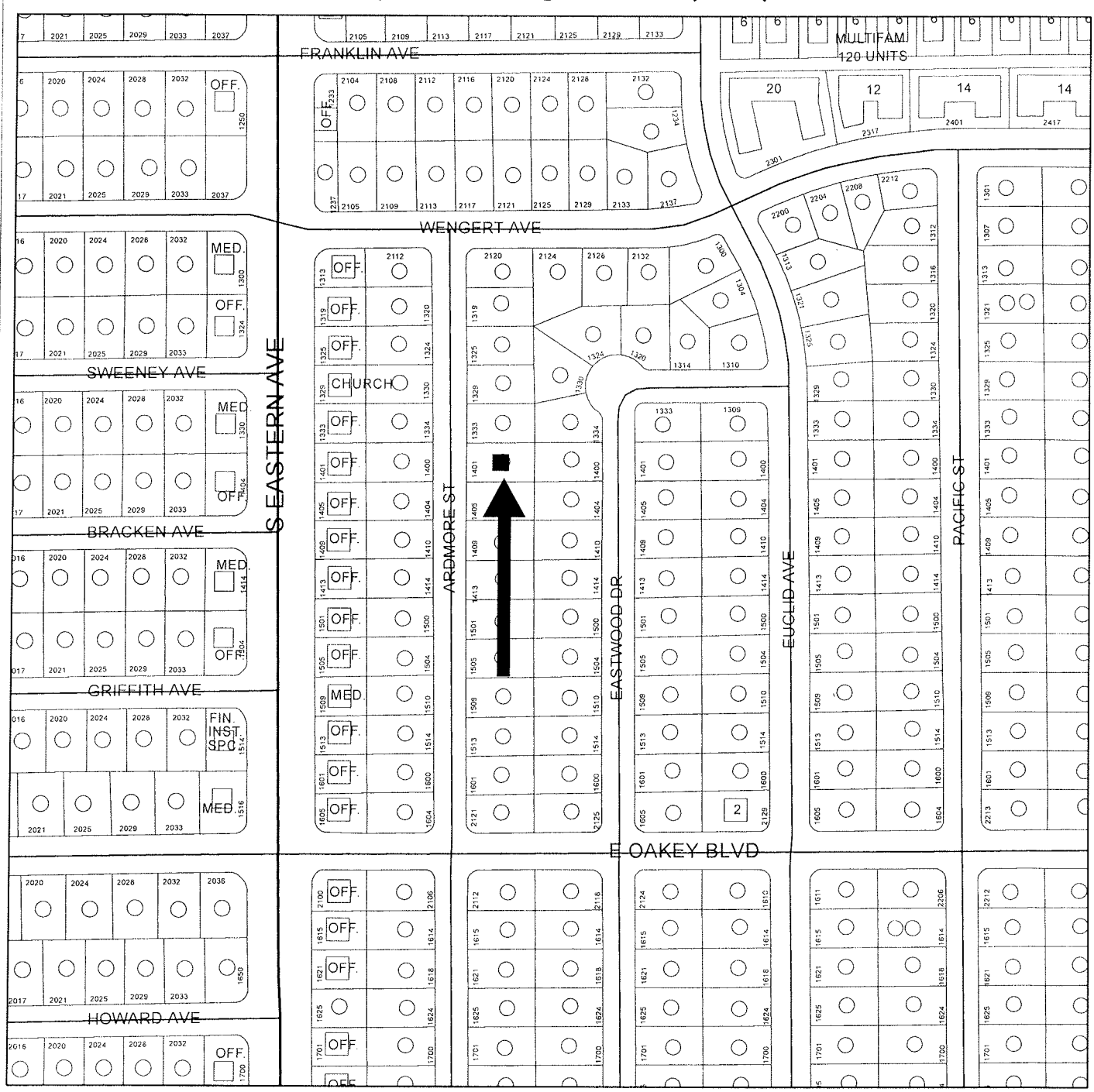
Planning & Development Dept

702-229-6301

PLANNING & DEVELOPMENT

1401 ARDMORE STREET
CROSS STREETS - EASTERN//OAKEY

City of Las Vegas Vicinity Map



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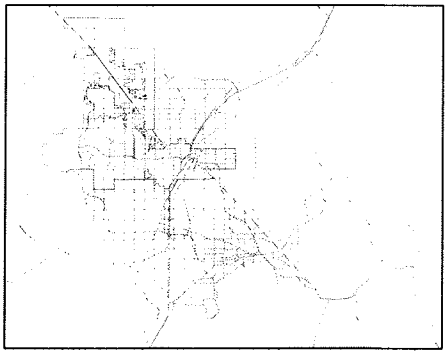
0 125 250 500 Feet



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PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Building and Safety Department

To: Beverly Bridges, MMC, City Clerk

From: Michael W. Bouse, Manager – Code Enforcement Division

CC: File

Date: February 28, 2012

Re: Report of Expenses for the abatement of nuisance located at 1401 Ardmore Street - Ward 3 (Coffin)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Building and Safety caused the above-referenced property to be corrected by boarding all open doors and windows, removing all trash, debris, graffiti, discarded items, high and dead vegetation, and applying herbicide. The abatement was completed by Blast Janitorial Services on February 22, 2012 at a cost of $1,550.00, which was accepted by the Department of Building and Safety.

Contract Amount Breakdown:	
Board all open doors and windows.	$900.00
Remove all graffiti.	$150.00
Remove all high and dead vegetation, and apply herbicide.	$300.00
Remove all trash, debris, and discarded items.	$200.00
AMOUNT DUE:	$1,550.00
Administrative Processing Fee:	$232.50
Sub-Total:	$1,782.50
Reinspection Fees (w/late fees):	$924.00
TOTAL AMOUNT DUE:	**$2,706.50**
Daily Civil Penalties – 147 days @ $500 a day (including civil penalty fees already assessed)	**$25,000.00**
MAXIMUM TOTAL:	**$27,706.50**
OWNER OF RECORD	EVALE INVESTMENTS LLC
	C/O EDWIN C. B. VALENTIN
PROPERTY ABATED:	1401 Ardmore Street
	Las Vegas, NV 89104
ASSESSOR PARCEL:	162-01-210-066
LEGAL DESCRIPTION:	EASTWOOD TRACT #1 AMD
	PLAT BOOK 3 PAGE 80
	LOT 6 BLOCK 4

MWB:ld

Blast Janitorial Services
4104 Nightingale Street
Las Vegas, NV 89107

Disclosure of Principals

The principals and partners of *Blast Janitorial Services* and all persons and entities holding more than 1% interest in *Blast Janitorial Services* or any principal of *Blast Janitorial Services* are the following:

	Full Name	Business Address	Business Phone
1.	James A Wilson	4104 Nightingale St	702-878-1366
2.	Rosemary S Wilson	4104 Nightingale St	702-878-0418
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

Blast Janitorial Services

By: James A Wilson JAW
James A Wilson

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public, on this 16 day of OCTOBER, 2009.

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
R. DIANA LAWVER
No: 09-9427-1
My Appointment Expires Mar. 17, 2013

Notary Public in and for Clark County,
State of Nevada

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 21, 2012

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, MARCH 21, 2012,** at the hour of **1:00 P.M.** in the City Council Chambers, 495 South Main Street, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Building and Safety for:

> Abatement of the violations on the property located at **1401 ARDMORE STREET – Case No. 105032**. The Director of Building and Safety certifies that the sum of **$2,706.50** was expended and Civil Penalties in the sum of **$25,000.00** may be imposed for a total of **$27,706.50**. Owner of record at time of abatement: **EVALE INVESTMENTS LLC c/o EDWIN C.B. VALENTIN – WARD 3 (COFFIN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
AS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas
Department of Building and Safety
Code Enforcement Case Report

Case # 105032

1401 ARDMORE ST - Map # 02527-41 Parcel 16201210066

Owner Information:

EVALE INVESTMENTS L L C
3013 GUILLEMOT AVE
NO LAS VEGAS, NV 89084-3144

Zoning Information: R-1(SINGLE FAMILY RESIDENTIAL)

Case Comments: Hotline: Per Officer Solmon, please check address for possible violations.

Case Assigned To:

Follow Up Inspection Date:

Date Case Opened: August 22, 2011

Ward: 3

Date Case Resolved: February 22, 2012

Source: MTRO

Property Info/Status: HOA: N Vacant: N Foreclosure: N Secure: N

Violations:

Violation

Violation Date	Status/Completed Date	Location
Comments		
AB-006: 16.08.010 UDB SEC 403		
8/23/11	OPEN	Residence
Secure all structures to City of Las Vegas specifications. Secure all openings along with doors and windows.		
AN-006: 9.04.010(7)(A) HIGH VEGETATION		
8/23/11	OPEN	Entire Property
Remove all high grass or weeds over 8" inches from all visible areas of property and maintain.		
AN-007: 9.04.010(7)(B) DEAD VEGETATION		
8/23/11	OPEN	Entire Property
Remove all dead vegetation from all areas of property. Maintain free of dead debris at all times.		
AN-008: 9.04.010 (7)(C) GRAFFITI		
8/23/11	COMPLIED 02/22/12	Entire Property
Remove all graffiti from property and maintain free of graffiti at all times.		

Chronology of Events:

August 23, 2011 **Insp#: 1168000**

33) Because of condition and history with residence will seek eemo of residence, will seek Notice and order, last case prior owner cleaned even though property is in foreclosure. Call back set for 09/06/11.

August 23, 2011 **CORRECTION NOTICE ISSUED**

September 02, 2011 **PHONE CALL**

33) Old owner Edwin called 396-8240 and advised the property is in control of the bank.

September 14, 2011 **NOTICE AND ORDER REQUEST**

33) Prepared case for 21 for Notice and Order after conducting research.

September 19, 2011 **NOTICE AND ORDER PROCESSING**

21)REFER FILE TO 3 FOR POSTING MAILINGS DONE

September 19, 2011	**NOTICE AND ORDER ISSUED**
September 20, 2011	**PHONE CALL**
	33) Old owner Edwin called 396-8240 and advised the property is in control of the bank.
September 20, 2011	**Insp#: 1168213**
	33) Still open and accessible, still refuse and dead vegetation and graffiti, gate locked, posted Notice and Order on locked gate, affidavit completed, call back set for 10/03/11.
September 28, 2011	**RECORDED DOCUMENT**
	Ld) Recorded N&O dated 9/19/11
October 03, 2011	**Insp#: 1179206**
	33) No change, still open and accessible, still graffiti, high and dead vegetation, failed inspection moving forward with abatement. Case forwarded to 21.
October 04, 2011	**BID REQUEST BY OFFICER**
	21)refer file to JR for bids to abate
October 04, 2011	**BID PREPERATION**
	Bid prep
October 04, 2011	**BID REQUEST SENT**
	RFQ sent to contractors. Bids due 10-10
October 12, 2011	**BID RECEIVED**
	Recorded & scanned bids received: 1)Blast-$1550; 2)Weaver=$1790
October 12, 2011	**ADMINSTRATIVE**
	Bid approval given to #21.
October 12, 2011	**10 DAY NOTICE PROCESSING**
	10 day sent. File given to #33 for posting.
October 12, 2011	**10 DAY BEFORE ABATEMENT NOTICE**
October 12, 2011	**Insp#: 1183930**
	33) No change, building is still open and accessible, still dead and high vegetation, along with graffiti, posted notice on locked gate, call back set for 10/24/11, affidavit completed. Photo's taken.
October 25, 2011	**Insp#: 1187971**
	33) Will continue with abatement, photo's taken, will research and forward to 19 with new pictures.
October 26, 2011	**RESEARCH**
	33) Researched MERS unable to contact county Assessor due to automated system, no change, in property or ownership on assessor, photo's taken and printed and forwarded to 19 for continued abatement.
November 08, 2011	**REVIEW**
	19) Reviwed case with MB, approved to obtain PO and move forward with abatement. File to JR for processing.
November 09, 2011	**ADMINSTRATIVE**
	PO requested. Pending MB approval.
November 16, 2011	**BID AWARDED TO CONTRACTOR**
	Award letter sent to Blast. Pending start date.

November 17, 2011	**ADMINSTRATIVE**	
	Per #19, hold off on abatement. Faxed memo to Blast to stop abatement.	
January 04, 2012	**BID AWARDED TO CONTRACTOR**	
	Award letter sent to Blast. Pending start date.	
January 05, 2012	**VIDEO REQUEST**	
	Before video request from #21	
January 09, 2012	**PRE-ABATEMENT VIDEO**	
	21)photos in f drive- tonys	
January 09, 2012	**Insp#: 1193420**	
	21)property open /accessible doors and windows.high weeds ,graffiti,loose trash. photos in f drive- tonys. refer for contractor abatement.weaver const.	
February 21, 2012	**VIDEO REQUEST**	
	After Video requested from #21	
February 22, 2012	**POST-ABATEMENT VIDEO**	
	21)post photos in f drive- tonys	
February 22, 2012	**ADMINSTRATIVE**	
	Recorded & scanned invoice. File given to #19	
February 22, 2012	**Insp#: 1219763**	
	21)POST PHOTOS IN F DRIVE-TONYS: property now secure, all yards clean. close case	

Fees:

Fee Name	Amount	Status	Fee Added	Fee Paid
RESIDENTIAL INSPECTION FEE	$120.00	U	09/20/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/03/2011	
FIRST RESIDENTIAL CIVIL PENALTY	$150.00	U	10/03/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/12/2011	
SECOND RESIDENTIAL CIVIL PENALTY	$300.00	U	10/12/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/25/2011	
THIRD RESIDENTIAL CIVIL PENALTY	$500.00	U	10/25/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	01/09/2012	
NUISANCE ABATEMENT FEE	$1,550.00	U	02/22/2012	
ADMINISTRATIVE	$232.50	U	02/22/2012	
LATE FEE	$12.00	U	02/27/2012	
LATE FEE	$18.00	U	02/27/2012	
LATE FEE	$18.00	U	02/27/2012	
LATE FEE	$18.00	U	02/27/2012	
LATE FEE	$18.00	U	02/27/2012	

Total Amount Due: **$3,656.50**

Total Amount Paid: $ -

APN 162-01-210-066

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **EVALE INVESTMENTS LLC**
C/O EDWIN C B VALENTIN
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **162-01-210-066**
Commonly known as: **1401 Ardmore Street**
Legal Description: **EASTWOOD TRACT #1 AMD**
PLAT BOOK 3 PAGE 80
LOT 6 BLOCK 4

On **February 22, 2012**, as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of **$2,706.50** were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Municipal Code 9.04.120, civil penalties in the amount of **$25,000.00** were approved against the property for violations(s) of Municipal Code 9.04.010. The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above Actual Cost in the amount of **$2,706.50**, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

NOTE: The City Council ordered the above civil penalties in the amount of **$25,000.00** be assessed against the property by recording a Lien of Assessment on or after **September 29, 2012**.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #105032

APN 162-01-210-066

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **EVALE INVESTMENTS LLC**
C/O EDWIN C B VALENTIN
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **162-01-210-066**
Commonly known as: **1401 Ardmore Street**
Legal Description: **EASTWOOD TRACT #1 AMD**
PLAT BOOK 3 PAGE 80
LOT 6 BLOCK 4

On **February 22, 2012**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$25,000.00** were levied against the property as for violation(s) of Municipal Code 9.04.010.

The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above charges in the amount of **$25,000.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

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_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #105032

City of Las Vegas Agenda Item No.: **48.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: BUILDING AND SAFETY
DIRECTOR: CHRIS KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing for possible action to consider the report of expenses to recover costs for abatement of Dangerous Building Demolition located at 827 Hassell Avenue for fees in the amount of $23,858.65 (General Fund) and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $51,508.65. PROPERTY OWNER: MARION D BENNETT - Ward 5 (Barlow)

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**
☒ **Budget Funds Available**
Amount: $23,858.65
Funding Source: General Fund
Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Building and Safety declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Building and Safety hired Lunas Construction to demolish and remove all structures and non-shared block walls, remove all trash and debris, remove tree in front of house to prevent harbor for vagrants, remove all weeds, and apply herbicide, and in compliance with Clark County Health regulations (bid must include asbestos removal) hired GCA Environmental for the asbestos survey. To date, there have been nine (9) inspections conducted at this location. The estimated value of the property based on Zillow.com is $40,900.

RECOMMENDATION:
That the City Council: Approve the report of expenses to include $19,171 invoice for Lunas Construction, $600 invoice for GCA Environmental, $2,965.65 administrative fee, and $1,122 in reinspection fees (including late fees) for a total of $23,858.65 to be recorded immediately, and assess a maximum of $27,650 in daily civil penalties to be recorded on or after August 5, 2012.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Maps
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Liens

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 21, 2012
DEPARTMENT: Building and Safety
ITEM DESCRIPTION: Public Hearing for possible action to consider the report of expenses to recover costs for abatement of Dangerous Building Demolition located at 827 Hassell Avenue for fees in the amount of $23,858.65 (General Fund) and assess a maximum of $27,650 in daily and failed inspection civil penalties for a total of $51,508.65 PROPERTY OWNER: MARION D BENNETT – Ward 5 (Barlow)

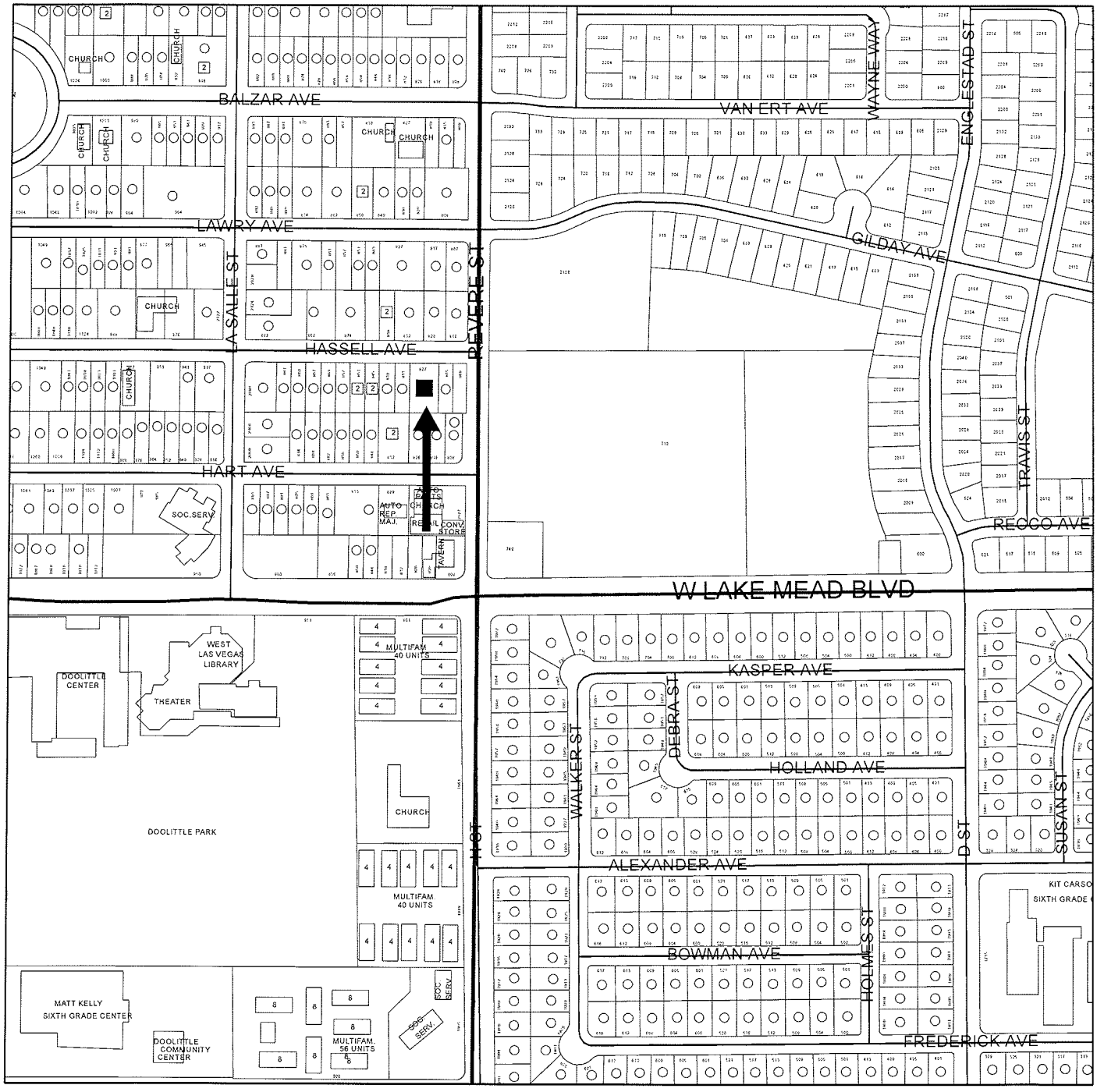
Lunas Construction completed abatement work on January 9, 2012 at a cost of $19,171 and GCA Environmental conducted an asbestos survey at a cost of $600. In addition, $1,122 in reinspection fees (w/late fees); plus a 15% administrative fee were assessed for a total of $23,858.65 in out-of-pocket expenses.

Today's public hearing is to consider the Report of Expenses filed by the Department of Building and Safety and to hear any objections thereto. Under the Uniform Code for the Abatement of Nuisance and Civil Penalties, the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

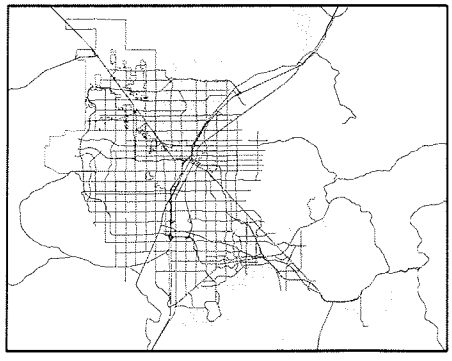
827 HASSELL AVENUE
CROSS STREETS - LAKE MEAD//REVERE

City of Las Vegas Vicinity Map



N

0 220 440 880 Feet

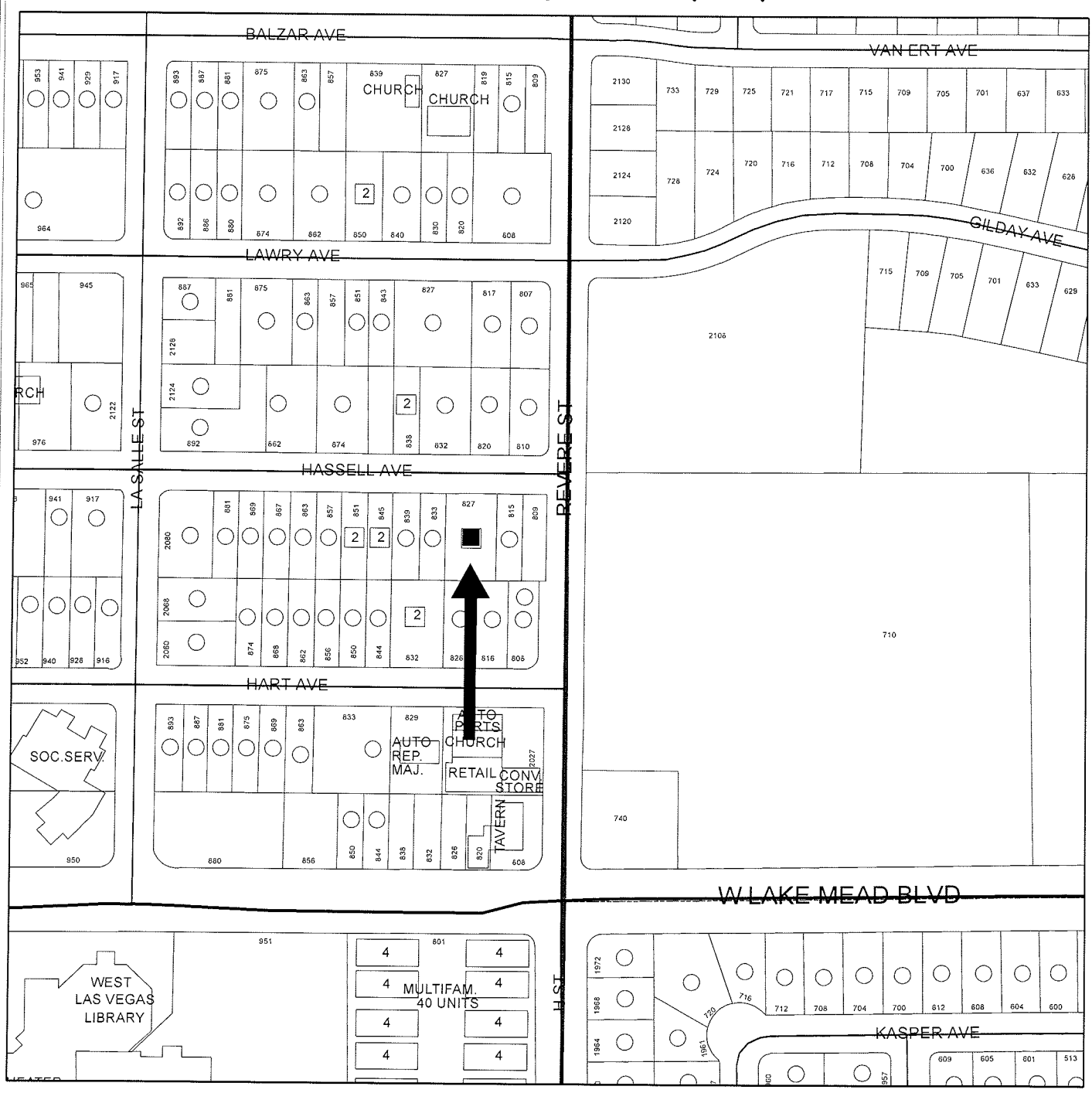


GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

PLANNING & DEVELOPMENT

827 HASSELL AVENUE
CROSS STREETS - LAKE MEAD//REVERE

City of Las Vegas Vicinity Map



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702-229-6301

PLANNING & DEVELOPMENT

Memorandum

City of Las Vegas
Building and Safety Department

To: Beverly Bridges, MMC, City Clerk

From: Michael W. Bouse, Manager – Code Enforcement Division

CC: File

Date: February 28, 2012

Re: Report of Expenses for the abatement of nuisance located at 827 Hassell Avenue - Ward 5 (Barlow)

LVMC Ordinance 5873 authorizes the City of Las Vegas to assess and collect a re-inspection fee of $120.00 if the nuisance violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of $180.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection. In addition, LVMC 9.04.020 and 9.040.040 authorizes the city to assess a civil penalty concurrently with the re-inspection fees assessed. On the 2nd re-inspection a $180 re-inspection fee + a $150.00 civil penalty will be assessed; on the 3rd re-inspection a $180 re-inspection fee + a $300.00 civil penalty will be assessed; on the 4th re-inspection and any future re-inspections will be assessed a $180 re-inspection fee + a $500.00 civil penalty. Additionally, every person who causes or maintains a public nuisance, or who willfully omits or refuses to perform any legal duty relating to the abatement of such nuisance (1) shall be guilty of a misdemeanor; (2) shall be liable civilly to the City and, upon such findings shall be responsible to pay civil penalties of not more than five hundred ($500.00) dollars per day, or for commercial properties; civil penalties of not more than one thousand ($1000.00) per day, for each day that any nuisance remained unabated after the date specified for abatement in the notice of violation. The $500.00 or $1000 daily civil penalty will be determined at the discretion of the city council. Any and all unpaid fees are subject to collection and/or liens.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance," the Department of Building and Safety caused the above-referenced property to be corrected by demolishing and removing all structures and non-shared block walls, removing all trash and debris, removing tree in front of house to prevent harbor for vagrants, removing all weeds, and applying herbicide. The abatement was completed by Lunas Construction on January 9, 2012 at a cost of $19,171.00, which was accepted by the Department of Building and Safety.

Contract Amount Breakdown:	
Demolish all structures and non-shared block walls.	$18,321.00
Remove all trash and debris.	$400.00
Remove tree in front of house to prevent harbor for vagrants.	$200.00
Remove all weeds, and apply herbicide.	$250.00
AMOUNT DUE:	$19,171.00
Asbestos Survey	$600.00
Administrative Processing Fee:	$2,965.65
Sub-Total:	$22,736.65
Reinspection Fees (w/late fees):	$1,122.00
TOTAL AMOUNT DUE:	**$23,858.65**
Daily Civil Penalties – 55 days @ $500 a day (including civil penalty fees already assessed) plus $150 failed inspection civil penalty	**$27,650.00**
MAXIMUM TOTAL:	**$51,508.65**
OWNER OF RECORD	MARION D. BENNETT
PROPERTY ABATED:	827 Hassell Avenue
	Las Vegas, NV 89106
ASSESSOR PARCEL:	139-21-612-021
LEGAL DESCRIPTION:	VEGAS HGTS TRACT
	PLAT BOOK 1 PAGE 70
	LOT 39F & LOT 40D

MWB:ld

City of Las Vegas
Department of Building and Safety
Code Enforcement Case Report

Case # 102447

827 HASSELL AVE - Map # 02224-49 Parcel 13921612021

Owner Information:

BENNETT MARION D
1911 GOLDHILL AVE
LAS VEGAS, NV 89106-2019

Zoning Information: R-2(MEDIUM-LOW DENSITY RESIDENTIAL)

Case Comments: Vandalized property. Vagrants. Burned building.

Case Assigned To:

Follow Up Inspection Date:

Date Case Opened: June 01, 2011

Ward: 5

Date Case Resolved: January 10, 2012

Source: CITZ

Property Info/Status: HOA: N Vacant: N Foreclosure: N Secure: N

Violations:

Violation

Violation Date	Status/Completed Date	Location
Comments		

AB-005: UAC 301.1 PERMITS REQUIRED
6/19/11 OPEN Back yard
Please obtain permit for non-permitted shed or remove from property.

AB-006: 16.08.010 UDB SEC 403
6/3/11 COMPLIED 01/09/12 Property
Please board/secure property to City of Las Vegas specifications and maintain at all times.

AB-006L: 16.08.010 UDB SEC 302 (12)
6/3/11 OPEN Property
Please board/secure property to prevent a harbor for vagrants or an attractive nuisance to children.

AN-003: 9.04.010 (4) REFUSE & WASTE
6/3/11 OPEN Property
Please remove all refuse and waste from public view and maintain at all times.

AN-006: 9.04.010(7)(A) HIGH VEGETATION
6/3/11 OPEN Property
Please cut/remove all high weeds over 8 inches in height within public view and maintain at all times.

AN-009: 9.04.010 (7)(D) DILAPIDATED
6/19/11 OPEN Property
Please fix dilapidated chain link fence on East side of property.

AN-015: 9.12.030 STORED MATERIALS
6/3/11 OPEN Property
Please keep all stored items out of public view and maintain at all times.

Chronology of Events:

June 03, 2011 **CORRECTION NOTICE ISSUED**

June 03, 2011 **Insp#: 1133704**

36) 6-3 Property is open and accessible. All doors need to be secure. Property has been in a fire. There have been several people come by to tell me they used to live here. One indicated that the place was in forecloser. Issued correction notice for high weeds, refuse and waste, open and accessible. Posted correction notice on property and mailed to owner of record. Call back 6-14

June 04, 2011	**CORRESPONDENCE RECEIVED/SENT**	
	36) Mail copy of correction notice to CEREF REO II, llc, 6621 East Pacific Coast Highway, suite 102, Long Beach, Ca. 90803	
June 10, 2011	**PHONE CALL**	
	36) Phone message from Mr. Bennett indicating that the property has been given back to bank.	
June 19, 2011	**Insp#: 1135090**	
	36) Property in same condition as before. I added permit required for shed in rear and delapidated fence on East side of property. Going to Notice and Order. Took pictures.	
June 27, 2011	**Insp#: 1141856**	
	#20\ I met officer Todd Friley on site this day (Monday June 27th) a little after 1400 hours to do an inspection of a fire damaged tri-plex structure that has had a documented fire on what is currently an unknown date and time to me at this point in time. I will look in the file and see if Todd has included the report in his paperwork.After looking throught the file there isn't a fire damage report so I will attempt to get one shipped over to me vi email.Report to follow and will advise Todd when I have completed it.	
July 13, 2011	**REPORT PREPARATION**	
	Prepared the fire report that concluded that this vacant structure is a candidate for demolition as it is at least 60% destroyed by either fire or vandalism	
July 25, 2011	**NOTICE AND ORDER ISSUED**	
July 26, 2011	**NOTICE AND ORDER PROCESSING**	
	21)refer to officer 36 for posting	
July 26, 2011	**NOTICE AND ORDER PROCESSING**	
	21)refer to officer 36 for posting mailings done	
July 27, 2011	**Insp#: 1146274**	
	#20 + #36) I am going to assist by producing a fire assessment/building investigation report on this case complaint in order to get a demolition process started to get the structures on this parcel demolished to rid the area of a nuisance for the neighbors------Notice and Order Posted call back 8-6	
August 02, 2011	**RECORDED DOCUMENT**	
	Ld) Recorded N&O dated 7/26/11	
August 08, 2011	**PHONE CALL**	
	36) I spoke with Asset Manager Tracey Brandenburt at 562-338-3303,office 562-446-4340 ext 128, and she indicated that the insurance company had been out and that the loss would be to great and that they were going to release the lean which would leave it in the old owners name. I will continue the abatement process.	
August 08, 2011	**Insp#: 1158300**	
	36) 8-8 Property still not in compliance. It appears property has become a dumping ground. Property still open and accessible. I will prepare abatement bid sheet for Demo of buildings for 21) to review. Took pictures. I talked with 21) about removing tree in front of house to prevent harboring of vagrants.	
August 09, 2011	**BID REQUEST BY OFFICER**	
	21)forward file to office staff JR for bids	
August 17, 2011	**BID PREPERATION**	
	Bid prep.	
August 17, 2011	**BID REQUEST SENT**	
	RFQ sent to contractors. Bids due 8-23	
August 30, 2011	**BID RECEIVED**	
	Recorded & scanned bids received: 1) GCA=$600; 2) CamAir=$700	

August 30, 2011	**ADMINSTRATIVE**
	Bid approval given to #21.
August 31, 2011	**ADMINSTRATIVE**
	Request to proceed with PO from #19. Pending.
September 06, 2011	**ADMINSTRATIVE**
	PO requested. Pending #19 approval.
September 07, 2011	**BID AWARDED TO CONTRACTOR**
	Award letter sent to GCA. Pending Asbestos Survey
September 19, 2011	**OFFICER NOTE**
	PUt out 30 days per 21
September 27, 2011	**ADMINSTRATIVE**
	Recorded & scanned Asbestos invoice.
September 27, 2011	**BID PREPERATION**
	Bid prep
September 27, 2011	**BID REQUEST SENT**
	RFQ sent to contractors. Bids due 10/07
October 11, 2011	**BID RECEIVED**
	Recorded & scanned bids received: 1)Lunas=$19,171; 2)Weaver=$30,970
October 11, 2011	**ADMINSTRATIVE**
	Bid approval given to #21
October 11, 2011	**10 DAY NOTICE PROCESSING**
	10 day sent. File given to #36 for posting.
October 11, 2011	**10 DAY BEFORE ABATEMENT NOTICE**
October 14, 2011	**Insp#: 1161892**
	36) 10-14 High weeds, stored/refuse and waste still present. Unit one is open and accessible. The property has been boarded by someone but has been rebroken into. Shed has been torn down. Took pictrues. Failed inspection. POSTED 10 DAY BEFORE ABATEMENT.
October 30, 2011	**Insp#: 1189359**
	36) 10-30 Building has been broken into again. Refuse and waste still present. High weeds, open and accessible. Took picture. Continue abatement.
November 01, 2011	**PROCEED WITH ABATEMENT**
	21)refer file to office staff JR to continue abatement
November 08, 2011	**REVIEW**
	19) Reviwed case with MB, approved to obtain PO and move forward with abatement. File to JR for processing.
November 09, 2011	**BID AWARDED TO CONTRACTOR**
	Bid award letter sent to Lunas. Pending start date.
November 15, 2011	**VIDEO REQUEST**
	Video request given to #21.
November 15, 2011	**Insp#: 1194876**

21)pre photos in drive- property open accessible, broke doors and windows with persons camping inside.severly fire damaged. large pile of debris in rear, over grown salt cedar in frontyard make perfect place for harboring. MOVE FORWARD WITH CONTRACTOR ABATEMENT- DEMO/CLEANUP

November 16, 2011 **PRE-ABATEMENT VIDEO**

21) pre- photos in f drive/tony

November 29, 2011 **ADMINSTRATIVE**

19) project placed on old due to new VFRO. Per MB & CN

January 05, 2012 **VIDEO REQUEST**

After video requested form #21

January 09, 2012 **Insp#: 1201205**

21)photos in f drive- tonys- main structure and shed now demo'd and debris removed. all refuse/waste , weeds removed. large salt cedar tree in front has been cut down to stump to keep persons from camping underneath for shade./ close

January 10, 2012 **POST-ABATEMENT VIDEO**

21) post photos in f drive- ppp in working ppp

January 11, 2012 **ADMINSTRATIVE**

Contacted Roy with Lunas. Requested required paperwork to proceed with invoice. Pending.

January 31, 2012 **ADMINSTRATIVE**

Recorded & scanned invoice. File given to #19

Fees:

Fee Name	Amount	Status	Fee Added	Fee Paid
RESIDENTIAL INSPECTION FEE	$120.00	U	06/19/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	07/28/2011	
FIRST RESIDENTIAL CIVIL PENALTY	$150.00	U	07/28/2011	
LATE FEE	$12.00	U	08/03/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	08/08/2011	
SECOND RESIDENTIAL CIVIL PENALTY	$300.00	U	08/08/2011	
LATE FEE	$18.00	U	09/11/2011	
ADMINISTRATIVE	$90.00	U	09/27/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/14/2011	
THIRD RESIDENTIAL CIVIL PENALTY	$500.00	U	10/14/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	10/30/2011	
FOURTH RESIDENTIAL CIVIL PENALTY	$500.00	U	10/30/2011	
ASBESTOS BID COSTS	$600.00	U	11/09/2011	
RECURRING RESIDENTIAL CIVIL PENALTY	$500.00	U	11/16/2011	
RESIDENTIAL REINSPECTION FEE	$180.00	U	11/16/2011	
ADMINISTRATIVE	$2,875.65	U	01/31/2012	
NUISANCE ABATEMENT FEE	$19,171.00	U	01/31/2012	
LATE FEE	$18.00	U	02/14/2012	
LATE FEE	$18.00	U	02/14/2012	
LATE FEE	$18.00	U	02/14/2012	
LATE FEE	$18.00	U	02/14/2012	

Total Amount Due: **$25,808.65**

Total Amount Paid: **$** **-**

Lunas Construction
4830 E Cartier Avenue
Las Vegas, NV 89115

Disclosure of Principals

The principals and partners of *Lunas Construction* and all persons and entities holding more than 1% interest in *Lunas Construction* or any principal of *Lunas Construction* are the following:

	Full Name	Business Address	Business Phone
1.	Manuel Madrigal	4830 E. Cartier Ave. LV, NV 89115	702-644-6840
2.	Rosa Madrigal	Same	Same
3.	Victor Madrigal	Same	Same
4.	Norberto Madrigal	Same	Same
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

Lunas Construction

By: _____

State of Nevada }
} ss:
County of Clark }

Subscribed and sworn to before me, a Notary Public,
on this 20th day of August, 2009.

_____
Notary Public in and for Clark County,
State of Nevada

DIANA M. VARGAS
Notary Public, State of Nevada
Appointment No. 03-84300-1
My Appt. Expires Oct. 15, 2011

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 21, 2012

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, MARCH 21, 2012,** at the hour of **1:00 P.M.** in the City Council Chambers, 495 South Main Street, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Building and Safety for:

> Abatement of the violations on the property located at **827 HASSELL AVENUE – Case No. 102447**. The Director of Building and Safety certifies that the sum of **$23,858.65** was expended and Civil Penalties in the sum of **$27,650.00** may be imposed for a total of **$51,508.65**. Owner of record at time of abatement: **BENNETT MARION D – WARD 5 (BARLOW)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

APN 139-21-612-021

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **MARION D. BENNETT**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-21-612-021**
Commonly known as: **827 Hassell Avenue**
Legal Description: **VEGAS HGTS TRACT**
PLAT BOOK 1 PAGE 70
LOT 39F & LOT 40D

On **January 9, 2012**, as provided in the Title 9, Chapter 4, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due and proper notification.

Expenses costs and fees ("Actual Cost") in the amount of **$23,858.65** were incurred by the City of Las Vegas in the above-referenced nuisance abatement procedure. Additionally, pursuant to Municipal Code 9.04.120, civil penalties in the amount of **$27,650.00** were approved against the property for violations(s) of Municipal Code 9.04.010. The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above Actual Cost in the amount of **$23,858.65**, be immediately assessed against the property by means of this Lien of Assessment with the lien duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this Lien of Assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

NOTE: The City Council ordered the above civil penalties in the amount of **$27,650.00** be assessed against the property by recording a Lien of Assessment on or after **August 5, 2012**.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #102447

APN 139-21-612-021

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **MARION D. BENNETT**
Reputed Owner(s) at time of abatement.

Assessor's Parcel No.: **139-21-612-021**
Commonly known as: **827 Hassell Avenue**
Legal Description: **VEGAS HGTS TRACT**
PLAT BOOK 1 PAGE 70
LOT 39F & LOT 40D

On **January 9, 2012**, as provided in the Title 9, Chapter 9, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Pursuant to Municipal Code 9.040.120, civil penalties in the amount of **$27,650.00** were levied against the property as for violation(s) of Municipal Code 9.04.010.

The Las Vegas City Council, at a duly noticed public hearing held on **March 21, 2012** ordered the above charges in the amount of **$27,650.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

_____
BEVERLY K. BRIDGES, MMC, City Clerk
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Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
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COUNTY OF CLARK)

BEVERLY K. BRIDGES, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

_____
BEVERLY K. BRIDGES, MMC, City Clerk

Subscribed and sworn to before me this ____ day of _____, 2012

_____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF BUILDING AND SAFETY
333 N RANCHO DRIVE, LAS VEGAS, NV 89106 Case #102447

City of Las Vegas Agenda Item No.: **49.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: BUILDING AND SAFETY
DIRECTOR: CHRIS KNIGHT ☐ **Consent** ☒ **Discussion**

SUBJECT:
Public Hearing for possible action to consider a request for a waiver and/or reduction of fees totaling $2,381.25 recorded against the property and civil penalties in the amount of $42,000, pending recording against the property, for a total of $44,381.25 for property located at 1923 South 6th Street. PROPERTY OWNER: AMTRUST REO I LLC C/O RESIDENTIAL CREDIT SOLUTIONS - Ward 3 (Coffin)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available**
Amount:
Funding Source:
Dept./Division: Building and Safety/Code Enforcement

PURPOSE/BACKGROUND:
Today's hearing is a request from Bryan Kyle, agent for First Serve Realty, to consider a request for a waiver and/or reduction of fees imposed on the parcel at the City Council meeting on October 19, 2011. There was one abatement action conducted on this property September 2, 2011. The lien was recorded at Clark County Recorder's Office on November 15, 2011 for $2,381.25 in out of pocket costs and approved for $42,000 in civil penalties to be recorded on or after June 11, 2012. Building and Safety received a Request for Waiver and/or Reduction of Civil Penalties Application dated January 2, 2012 from Bryan Kyle, agent for First Serve Realty, requesting the civil penalties be waived.

RECOMMENDATION:
That the City Council deny the request for a waiver and/or reduction of fees.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Request for Waiver and Reduction Application
3. Location Maps
4. Spreadsheet of Charges Accrued
5. Notice of Public Hearing

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: March 21, 2012
DEPARTMENT: Building and Safety
ITEM DESCRIPTION: Public Hearing for possible action to consider a request for a waiver and/or reduction of fees totaling $2,381.25 recorded against the property and civil penalties in the amount of $42,000 for a total of $44,381.25 pending recording against the property located at 1923 South 6th Street. PROPERTY OWNER: AMTRUST REO I LLC C/O RESIDENTIAL CREDIT SOLUTIONS – Ward 3 (Coffin)

Today's hearing is a request from Bryan Kyle, agent for First Serve Realty, to consider a request for a waiver and/or reduction of fees imposed on the parcel at the City Council meeting on October 19, 2011. There was one abatement action conducted on this property September 2, 2011. The lien was recorded at Clark County Recorder's Office on November 15, 2011 for $2,381.25 in out of pocket costs and approved for $42,000 in Civil Penalties to be recorded on or after June 11, 2012 for a total of $44,381.25. Building and Safety received a Request for Waiver and/or Reduction of Civil Penalties Application dated January 2, 2012 from Bryan Kyle, agent for First Serve Realty, requesting the civil penalties be waived.

Fees associated with the one abatement and inspections total $2,381.25 in out of pocket costs and $42,000 in civil penalties for a total of $44,381.25. To date, no payments have been made.

Request for a Waiver and/or Reduction of Civil Penalties
Application

BUILDING AND SAFETY
Development Services Center

SUBMIT APPLICATION TO:
City of Las Vegas / Code Enforcement Division
Attn: Michael Bouse, Manager
333 N. Rancho Dr.
Las Vegas, NV 89107
Voice: 702-229-4888 -- Fax: 702-382-4341

Please type and/or print
Submit only one signed original

Date of Application: 1-5-12

Location and/or address of subject property:

Nearest major intersection: Las Vegas Blvd. / St. Louis

Street Address: 1923 S 10th St. Las Vegas, NV 89104

Parcel Number: 162-03-714-001

Applicant's Address/Contact Information:
Name: Bryan Kyle
(please check the following the applies)
☐ Owner ☐ Purchaser ☒ Agent ☐ Other *(explain)*
Street Address/PO Box: 10161 Park Run Dr. Suite 150
City: Las Vegas State: NV Zip Code: 89145
Phone No: 702-318-7503 E-mail: bryankyle@firstservereality.com Fax No: 702-318-7502

Property Owner's Address/Contact Information: (if different from applicant):
Name: AMTRUST REO 1, LLC
Street Address/PO Box: 333 Technology Dr.
City: Canonsburg State: PA Zip Code: 15317
Phone No: 866-620-7577 E-mail: jsayes@singlesourceproperty.com Fax No: 866-321-8989

Amount of City of Las Vegas Lien on the Property: $ 46,331.25

Amount requested to be considered for waiving and/or reduced? $ _____

Signature of Applicant: _____ Date: 1/9/12

Signature of Owner: _____ Date: 1-5-12

For Office Use Only:
Council Ward: 3 ; Case/File Number: 100521 ; Council Action date of Lien: 10-19-11

Describe why the applicant is requesting a waiver/reduction:
(You may attach additional sheets if needed.)

We are requesting a reduction of the outstanding fines/fee currently owed at said property. The property has a sale pending and would like to resolve this to enable the new buyer to move in. We are asking that some of the late fees, and recurring residential civil penalties be waived or at minimum reduced.

Describe the existing condition/situation of the subject property:
(You may attach additional sheets if needed.)

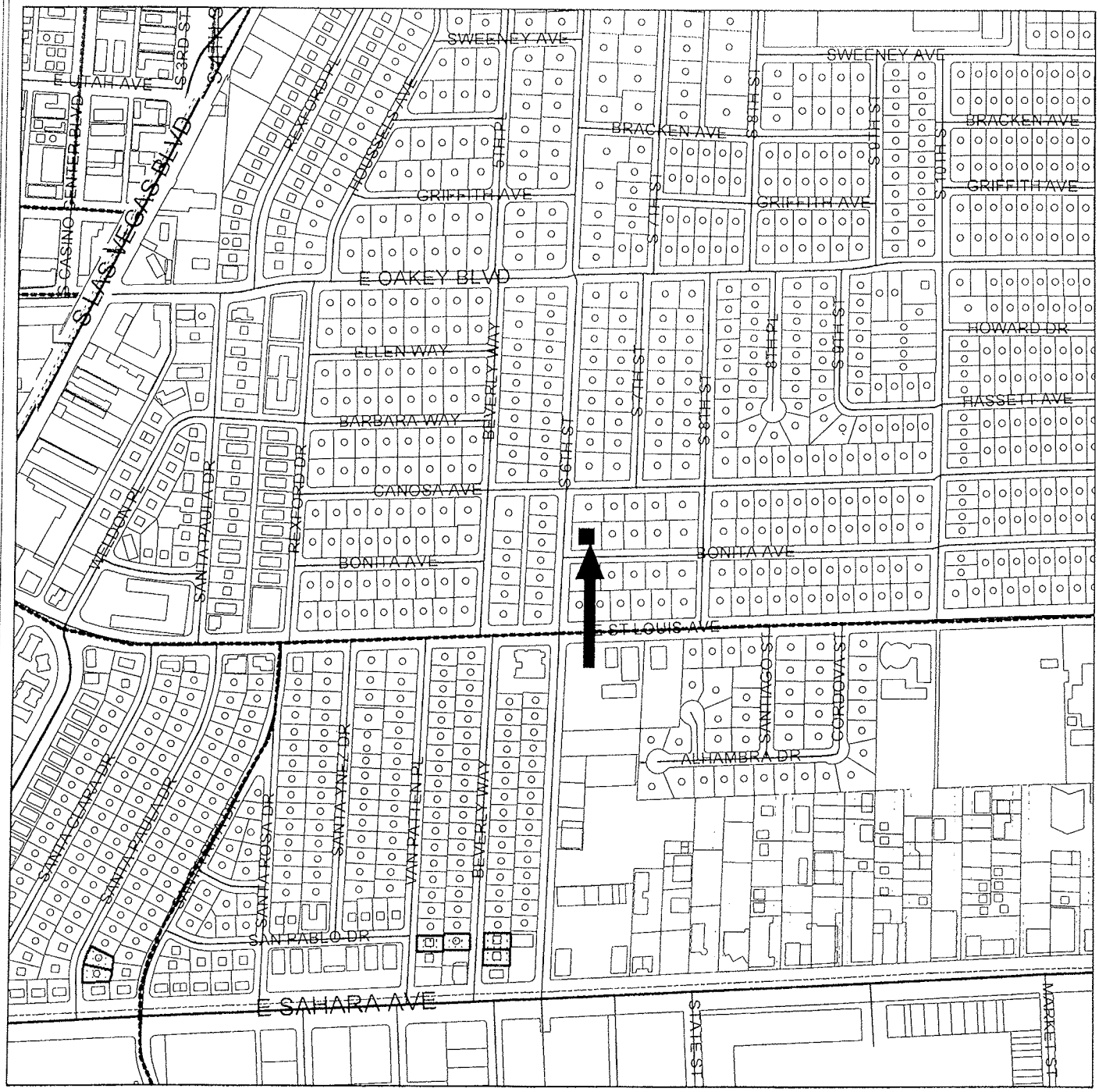
The property is currently an REO, Bank-owned home. The seller will be losing money with the sale with the current purchase price. All violations have been brought up to code.

Describe the immediate plans for the property, including any planned improvements: *(You may attach additional sheets if needed.)*

The immediate plans for the property are re-sale to a new buyer.

1923 SOUTH 6TH STREET
CROSS STREETS - LAS VEGAS//ST LOUIS

City of Las Vegas Vicinity Map



GIS maps are normally produced only to meet the needs of the City
Due to continuous development activity this map is for reference only
Geographic Information System
Planning & Development Dept
702-228-6301

PLANNING & DEVELOPMENT

1923 SOUTH 6TH STREET
CROSS STREETS - LAS VEGAS//ST LOUIS

City of Las Vegas Vicinity Map

GIS maps are normally produced only to meet the needs of the City
Due to continuous development activity this map is for reference only
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702-229-6301

PLANNING & DEVELOPMENT

Consideration of Waiving Fees and/or Penalties
Information Sheet

Item #

Ward- 3 Coffin

Address: 1923 S. 6th St.

Description: SFR/Vacant

Main Cross Streets: St. Louis & 6th
Requested By: Bryan Kyle

Foreclosure: Yes
Current Ownership: Amtrust REOI LLC **Since: 12/2/2011**
Ownership at time of Abatement: Peter Altman Jr.

Case Opened: 4/13/2011
Notice & Order Issued: 6/1/2011
Case Closed: 9/12/2011

Certified Mail Receipt Owner _____
Signed By: Agent _____
Returned _____

Abatement Completed: 9/2/2011

Abatement of: Removal of high grass, weeds, herbacide, removal of dead mulberry tree, painting of boarded windows.

# of Completed Inspections: Total (8) ; Failed; (7) ; (1) Passed

OUT-OF-POCKET COSTS	ASSESSED	PAID	OUTSTANDING
ABATEMENT CONTRACT PRICE	$1,095.00	$0.00	$1,095.00
ADMINISTRATIVE COSTS RECOVERY FEE (15% OF ABATMENT CONTRACT PRICE)	$164.25	$0.00	$164.25
INSPECTION COSTS RECOVERY FEES ($0 FOR FIRST 2 INSPECTIONS; $120 FOR 3rd INSPECTION; $180 FOR EACH INSPECTION THEREAFTER)	$1,020.00	$0.00	$1,020.00
LATE FEES (10% OF INSPECTION FEES)	$102.00	$0.00	$102.00
TOTAL OUT-OF-POCKET COSTS:	$2,381.25	$0.00	**$2,381.25**
LATE FEES AND CIVIL PENALTIES:			

DAILY CIVIL PENALTIES ($500 PER DAY FROM NOTICE OF VIOLATION UNTIL AWARD OF ABATEMENT CONTRACT)	$42,000.00	$0.00	$42,000.00
TOTAL CIVIL PENALTIES	$42,000.00	$0.00	**$42,000.00**
TOTAL ALL COSTS, LATE FEES AND PENALTIES			**$44,381.25**

Approved by City Council on: 10/19/2011

LAS VEGAS CITY COUNCIL

CAROLYN G. GOODMAN
MAYOR

STAVROS S. ANTHONY
MAYOR PRO TEM

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

ELIZABETH N. FRETWELL
CITY MANAGER

NOTICE OF PUBLIC HEARING

MARCH 21, 2012

Pursuant to Las Vegas Municipal Code for the Abatement of Dangerous Buildings/Nuisance Code and/or Housing Code, NOTICE IS HEREBY GIVEN THAT ON **WEDNESDAY, MARCH 21, 2012,** at the hour of **1:00 P.M.** in the City Council Chambers, 495 South Main Street, Las Vegas, Nevada, the City Council will consider the REPORT OF EXPENSES submitted by the Director of Building and Safety for:

> Waiver and/or reduction of abatement costs, daily civil penalties and accrued interest for the violations on the property located at **1923 SOUTH 6TH STREET – Case No. 100521.** The Director of Building and Safety certifies that abatement costs, daily civil penalties and accrued interest in the total sum of **$44,381.25** were imposed. Owner of record: **AMTRUST REO I LLC c/o RESIDENTIAL CREDIT SOLUTIONS – WARD 3 (COFFIN)**

If the City Council is satisfied with the report, it may order a lien of assessment recorded against the property. Any person affected by the proposed charge may file a written protest with the City Clerk any time prior to the hearing. Each protest must contain a description of the property and the grounds for the protest.

BEVERLY K. BRIDGES
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

City of Las Vegas Agenda Item No.: **50.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

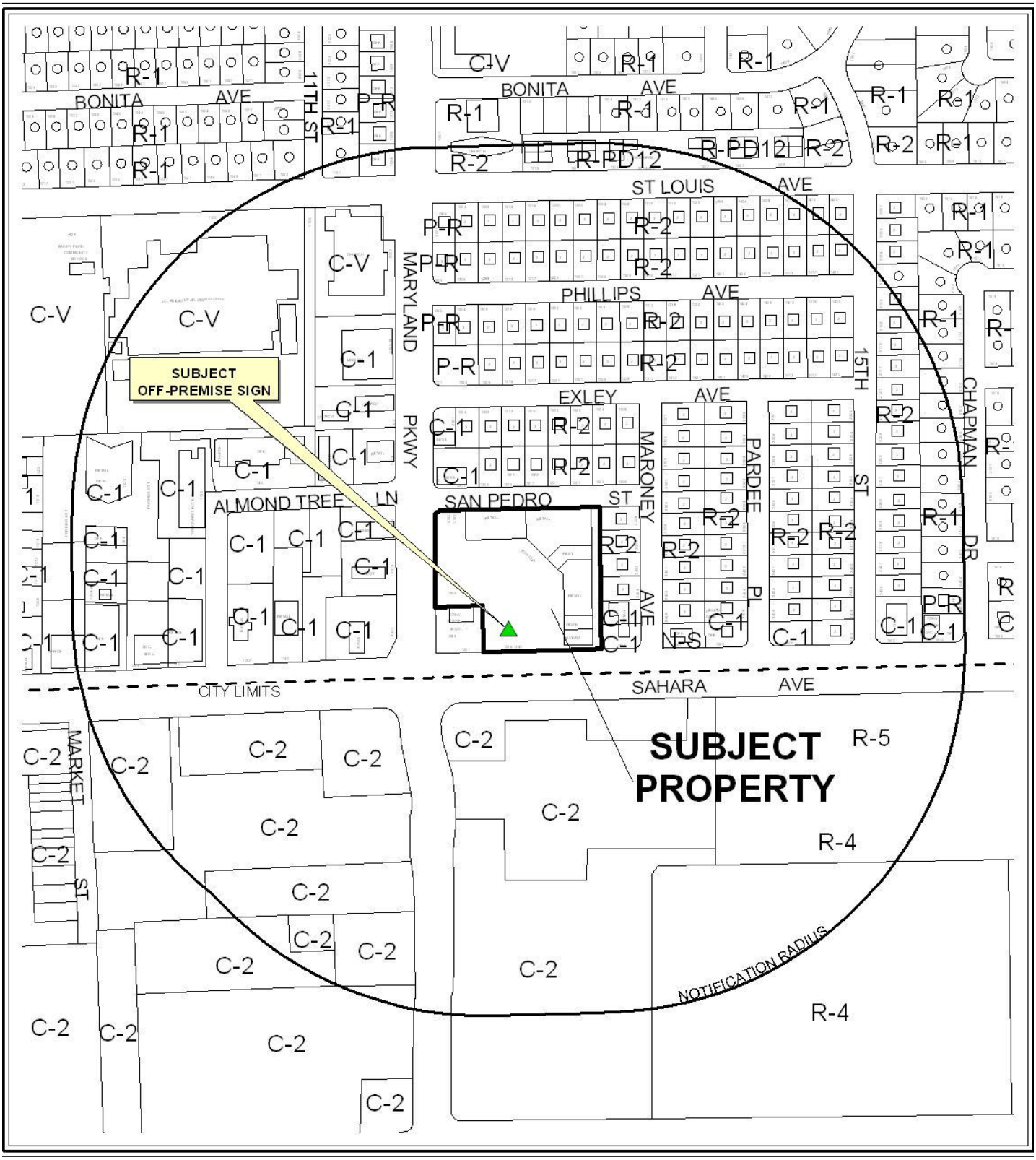
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-44040 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC. - For possible action on a Required Review of an approved Special Use Permit (SUP-3269) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 1203 East Sahara Avenue (APN 162-02-401-001), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**3**
City Council Meeting	**0**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-30328
6. Support Postcard
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Item - RQR-44040



0 300 600 Feet

CASE: **RQR-44040**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

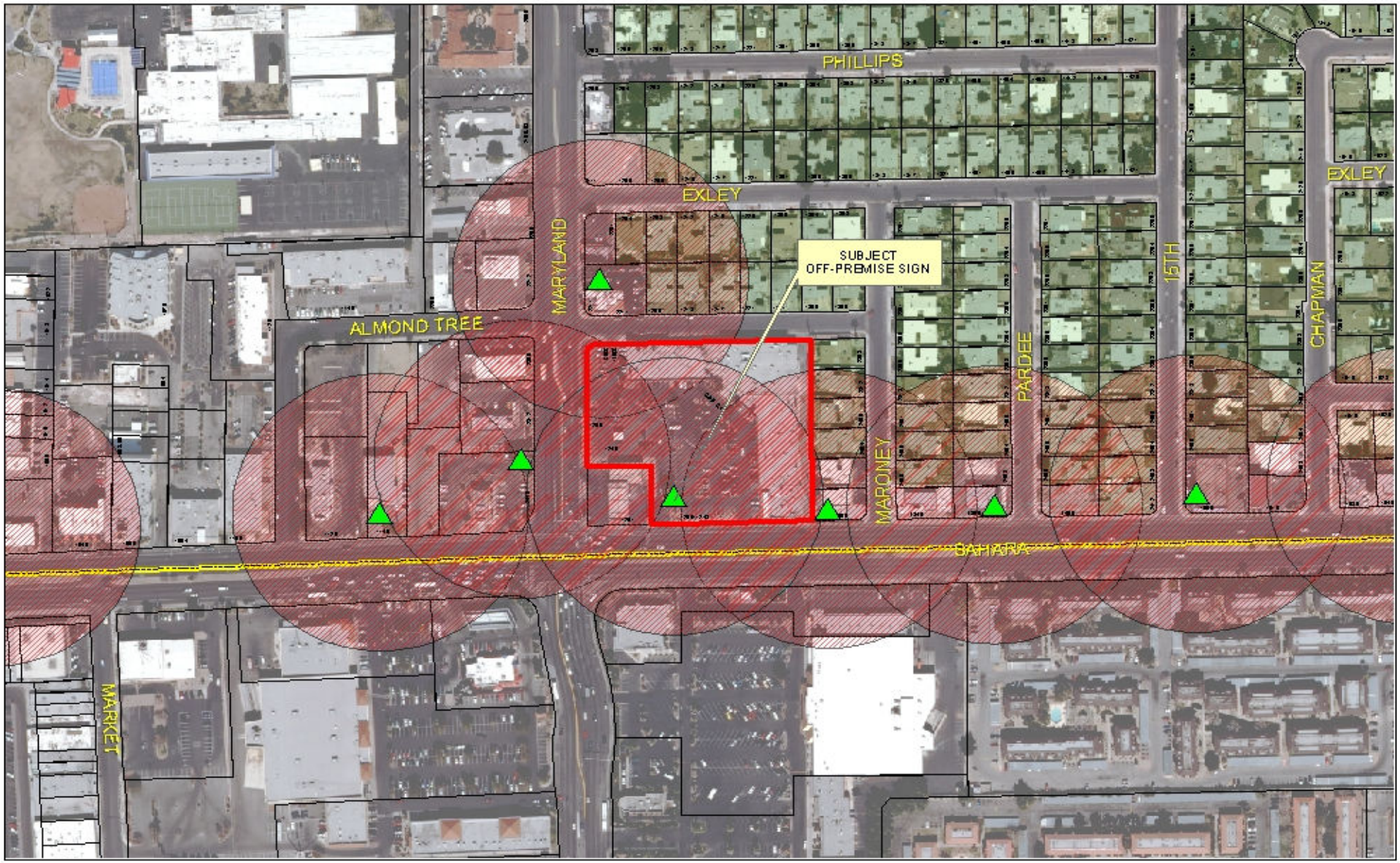
N

0 300 600 Feet

CASE: **RQR-44040**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



RQR-44040

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-44040	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

RQR-44040 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-3269).

2. The Off-Premise Sign structure components shall be screened from view and installed on the sign within 180 days of final approval by the City of Las Vegas.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. This Special Use Permit shall be reviewed in three (3) years, at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

6. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

7. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

8. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

9. Bird deterrent devices shall be installed on the sign within 30 days of final approval by the City of Las Vegas.

10. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a Required Three-year Review of an approved Special Use Permit (SUP-3269) to allow a 40-foot tall, 14-foot by 48-foot, Off-Premise Sign at 1203 East Sahara Avenue. This is the third Required Review. The Off-Premise Sign use complies with Title 19 requirements and conditions in the area have not changed significantly since the previous Required Review; therefore, staff recommends approval with conditions. If this request is denied, the Off-Premise Sign would no longer be allowed and must be removed.

ISSUES

- The Required Review (RQR-30328) for Special Use Permit (SUP-3269) stipulated a three-year Required Review.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/04/04	The City Council approved a request for a Special Use Permit (SUP-3269) to allow a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 1203 East Sahara Avenue. The Planning Commission and staff recommended denial.
09/06/06	The City Council approved a request for a Required Two Year Review (RQR-13595) of an approved Special Use Permit (SUP-3269) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 1203 East Sahara Avenue. The Planning Commission and staff recommended denial.
12/17/08	The City Council approved a request for a Required Two Year Review (RQR-30328) of an approved Special Use Permit (SUP-3269) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 1203 East Sahara Avenue. The Planning Commission and staff recommended approval.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item 9/ded).

Most Recent Change of Ownership	
09/30/91	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/26/04	A building permit (#04020852) was issued for the installation of an Off-Premise Sign (Billboard) at 1203 East Sahara Avenue. The final inspection was conducted in conjunction with permit #05000836.
02/14/05	A building permit (05000836) was issued for electrical work for the billboard sign at 1203 East Sahara Avenue. The permit was finalized 08/19/05.

Pre-Application Meeting
A pre-application meeting is not required, nor was one held.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application nor was one held.

Field Check	
01/04/12	Staff conducted a field check of the site with the following observations: • The sign had two faces and were in good condition. • Bird droppings were observed at the base of the structure. • The structural elements are visible from the parking lot. • The structure was free of graffiti and did not require any repainting. • There were no embellishments, moving parts, or electronic displays located on the structure.

Details of Application Request	
Site Area	
Net Acres	3.68

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping Center	C (Commercial)	C-1 (Limited Commercial)
North	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial)
	Two-Family Dwelling	ML (Medium-Low Density Residential)	R-2 (Medium-Low Density Residential)
South	Shopping Center	CG (Commercial General- Clark County)	C-2 (General Commercial- Clark County)

East	Two-Family Dwellings	ML (Medium-Low Density Residential)	R-2 (Medium-Low Density Residential)
	Retail Establishments	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	C (Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	**Code Requirement**	**Provided**	**Compliance**
Location	No Off-Premise Advertising Sign (Billboard) may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas.	Sign is not located in public right-of-way nor is it in the Off-Premise Sign Exclusionary Zone	Y
Zoning	Off-Premise (Billboard) Signs are permitted in the C-1, C-2, C-V, C-M, and M Zoning Districts only.	Sign is located in a C-1 (Limited Commercial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Surface area of each sign face does not exceed 672 square feet; the signs do not have embellishments	Y

Height	No higher than 40 feet from grade at the point of construction: may be raised to maximum of 55 feet with approval of City Council if significantly obscured from view of travel lanes.	The sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise (Billboard) Sign to which the display panels are attached shall be screened from view.	Sign is not adequately screened from public view	N
Off-Premise Sign (Billboard)	The sign and all other off-premise signs not oriented towards US-95 shall be no closer than 300 feet in any direction to any other off-premise sign.	Sign is approximately 301 feet from any other Off-Premise Sign	Y
Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	The nearest property line of a lot zoned for residential is approximately 310 feet to the northeast	Y
Other	All Off-premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property used for residential purposes	Y

ANALYSIS

The address of 1203 East Sahara Avenue was assigned to the Off-Premise Sign during the Department of Planning's standard review of the building permits (#04020852 and #05000836). A final inspection for the Off-Premise Sign was received on 08/19/05.

Staff conducted a field check of the site with the following observations:

- Bird droppings were observed at the base of the structure and require a bird deterrent.
- The structural elements are visible from the parking lot and will need to be screened.

Two conditions of approval were added to address these issues.

This property is located within the Las Vegas Redevelopment Plan Area and the A-O (Airport Overlay) District. The Off-Premise Sign use is a compatible within the C-1 (Limited Commercial) zoning district and there has not been a significant change to the surrounding properties. No code enforcement cases have been reported regarding the Off-Premise Sign since the previous review.

FINDINGS (SUP-44040)

The use complies with Title 19 requirements for an Off-Premise Sign use and has been conducted in a manner that is harmonious and compatible with the surrounding properties. The conditions of Special Use Permit (SUP-3269) are met; therefore, staff recommends approval subject to a three (3) year review. If this request is denied, the Off-Premise Sign use will not be allowed and will have to be removed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 16

NOTICES MAILED 206 (By City Clerk)

APPROVALS 0

PROTESTS 0

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-44040** APN: 162-02-401-001

Name of Property Owner: SDL, Inc

Name of Applicant: Reagan National Advertising

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: L Rappaport

Print Name: LARISA RAPPAPORT

Subscribed and sworn before me

This 23rd day of November, 2011

Armine Nalbandian

Notary Public in and for said County and State

ARMINE NALBANDIAN
Commission # 1828145
Notary Public - California
Los Angeles County
My Comm. Expires Dec 23, 2012

RECEIVED
NOV 30 2011
City of Las Vegas
Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Off Premise Sign

Project Address (Location) 1205 E Sahara Ave

Project Name _____ **Proposed Use** Off Premise Sign

Assessor's Parcel #(s) 162-02-401-001 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 3.68 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER SDL Inc **Contact** Mark Rappaport

Address 13425 Ventura Blvd. # 101 **Phone:** 818-990-5557 **Fax:** 818-995-3067

City Sherman Oaks CA 91423 **State** CA **Zip** 91423

E-mail Address _____

APPLICANT Reagan National Advertising **Contact** Dewey Reagan

Address 1775 N Warm Springs Rd **Phone:** 801 521-1775 **Fax:** 801 5219741

City Salt Lake City **State** UT **Zip** 84116

E-mail Address Dewey@reaganusa.com

REPRESENTATIVE Jay Brown **Contact** Jay Brown

Address 520 S. 4th St **Phone:** 702 384-5563 **Fax:** 702 385 1023

City Las Vegas **State** NV **Zip** 89101

E-mail Address ccaldwell@brownlawlv.com

Property Owner Signature* L Rappaport

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name LARISA RAPPAPORT

Subscribed and sworn before me

This 23rd day of November, 20 11.

Armine Nalb

Notary Public in and for said County and State

ARMINE NALBANDIAN
Commission # 1828145
Notary Public - California
Los Angeles County
My Comm. Expires Dec 23, 2012

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	RQR-44040
Meeting Date:	2.14.12 PC
Total Fee:	800.00
Date Received:*	11-30-11
Received By:	

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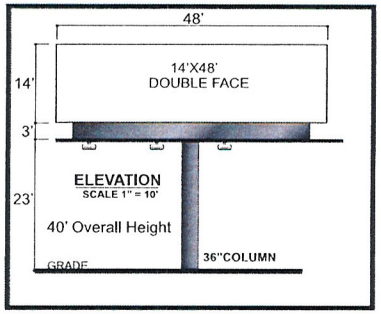
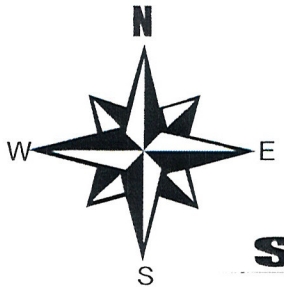
NOV 30 2011
City of Las Vegas
Department of Planning

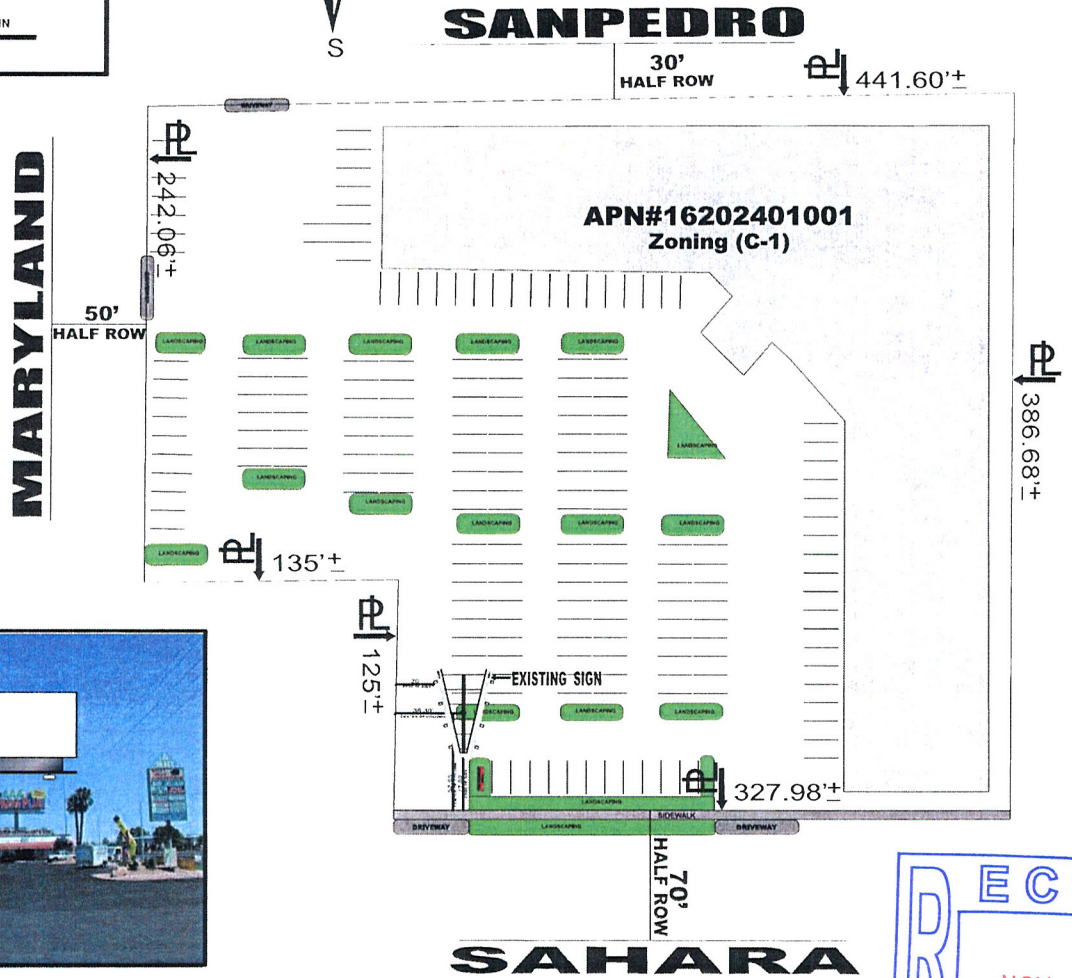
*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

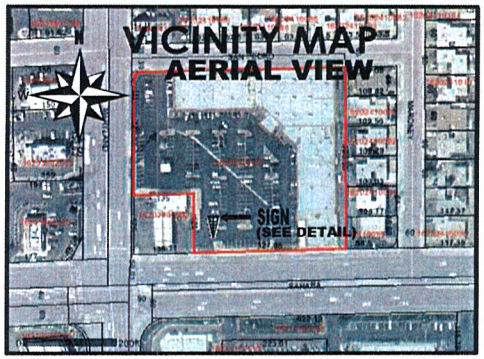
f:\depot\Application Packet\Application Form.pdf





TOP VIEW
SCALE 1" = 30'
DETAIL





GENERAL NOTES
1. Not within 300 foot radius of another off-premise billboard.
2. Not within 100 foot of an on-premise sign on adjoining property.
3. Not within 300 foot radius of residential use.
4. No parking spaces will be taken for this location.

REAGAN
NATIONAL ADV.
801-521-1775

JONES MEDIA 4145 W. TECO AVE / LAS VEGAS, NV 89118/ 702-645-0092

OWNER:	S D L INC
SCALE: NOTED	APPROVED BY: / DRAWN BY: TOM JONES
DATE: 12-14-10	REVISED:
LOCATION:	1205 E SAHARA AVE-89104
APN# 16202401001	DRAWING NUMBER: 220

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City of Las Vegas
Department of Planning

RQR-44040

RQR-44040 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC
1203 EAST SAHARA AVENUE

01/04/12

RQR-44040 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC
1203 EAST SAHARA AVENUE

01/04/12

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

December 19, 2008

Mr. Mark Rappaport
SDL, Inc.
13425 Ventura Boulevard, Suite #101
Sherman Oaks, California 91423

RE: RQR-30328 – REQUIRED REVIEW
CITY COUNCIL MEETING OF DECEMBER 17, 2008

Dear Mr. Rappaport:

The City Council at a regular meeting held December 17, 2008 APPROVED the Required Review of an approved Special Use Permit (SUP-3269) FOR A 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE SIGN (BILLBOARD) at 1205 East Sahara Avenue (APN 162-02-401-001), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 18, 2008. This approval is subject to:

Planning & Development

1. This Special Use Permit (SUP-3269) shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Advertising (Billboard) Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.

2. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.

4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (SUP-3269) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

099425

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NOV 30 2011
RQR-44040
City of Las Vegas
Department of Planning

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Mr. Andy Bilanzich
Regan National Advertising
1775 North Warm Springs Road
Salt Lake City, Utah 84116

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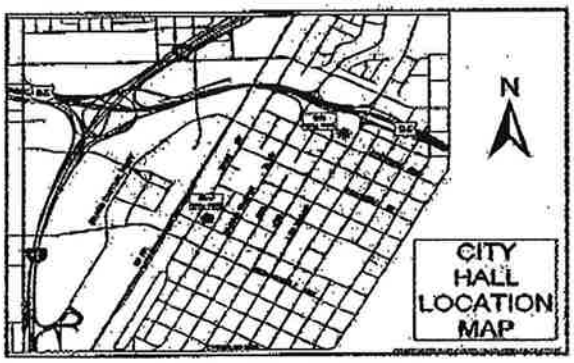
NOV 30 2011
City of Las Vegas
Department of Planning

RQR-44040

[redacted] Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44040
City Council Meeting of 3/21/2012

27 BRDFN11 89104

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR 08 2012
MAILED FROM ZIP CODE 89101

RECEIVED
2012 MAR 12 A 7:26
CITY CLERK

SUAREZ JULIAN & MARIA
1101 E ST LOUIS AVE
LAS VEGAS NV 89104-3212

APN#16203723016

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: ROR-44040 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: SDL, INC. -

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *FEBRUARY 14, 2012* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to *Carman Burney at (702) 385-7268*. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM *FEBRUARY 13, 2012*.

Signature — Date: 2/9/12

Please Print Name

Company Name

Sincerely,

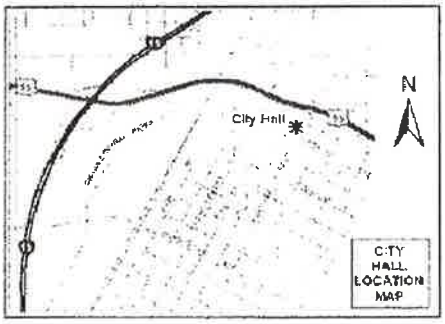
Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

RECEIVED
FEB - 9 2012

RECEIVED
FEB 13 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



No need to have A 40 ft Sign - People that Live in the Area do not need to see it From 1 mile Away.

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44040
Planning Commission Meeting of 2/14/2012

Case: RQR-44040
16202410026
GOLDMAN STEVEN E
8490 WESTCLIFF DR #57
LAS VEGAS NV 89145-3906 89145-3906

89145 LRDPM11

9P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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UNITED STATES POSTAGE PITNEY BOWES
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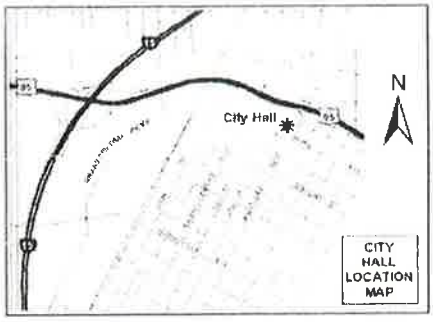
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44040
Planning Commission Meeting of 2/14/2012

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FEB - 7 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: RQR-44040
16202410146
LERSPREUKS RUAY & RINTR
4549 E CLEVELAND
LAS VEGAS NV 89104-5619 89104-5619

89104 LAS VEGAS NV 27

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44040
Planning Commission Meeting of 2/14/2012

Case: RQR-44040
16202410014
LERSPREUKS RUAY & RINTR ETAL
4549 E CLEVELAND AVE
LAS VEGAS NV 89104-5619 89104-5619

89104 LAS VEGAS NV 27

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44040
Planning Commission Meeting of 2/14/2012

PLANNING & DEVELOPMENT
Case: RQR-44040
16202410019
LERSPREUKS RUAY & RINTR
4549 E CLEVELAND AVE
LAS VEGAS NV 89104-5619 89104-5619

89104 LAS VEGAS NV 27

39
3A

City of Las Vegas Agenda Item No.: **51.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

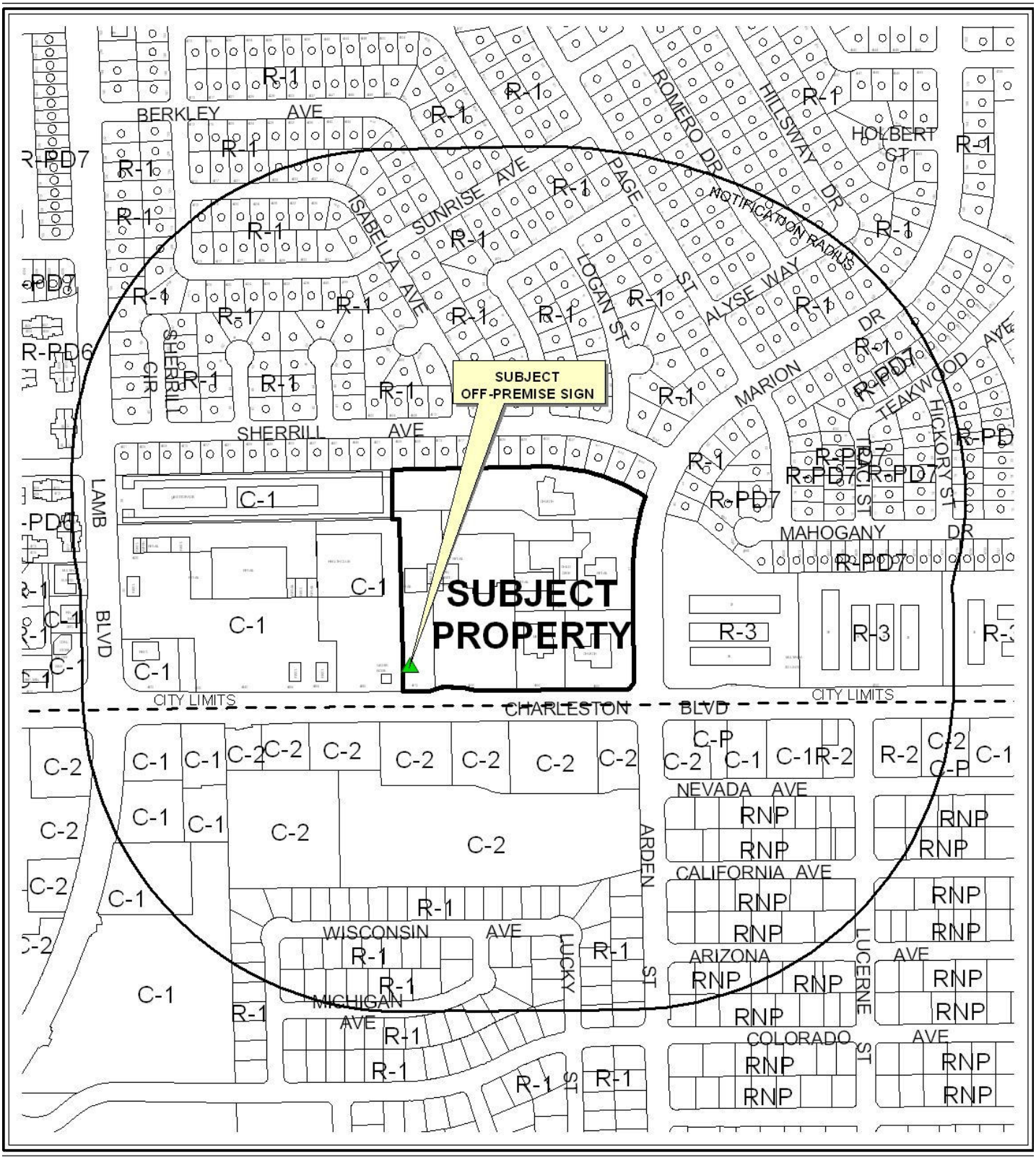
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-44049 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: MER-CAR CORPORATION - For possible action on a Required Review of an approved Special Use Permit (SUP-2290) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 4506 East Charleston Boulevard (APN 140-32-401-006), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for SUP-2290
6. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – RQR-44049



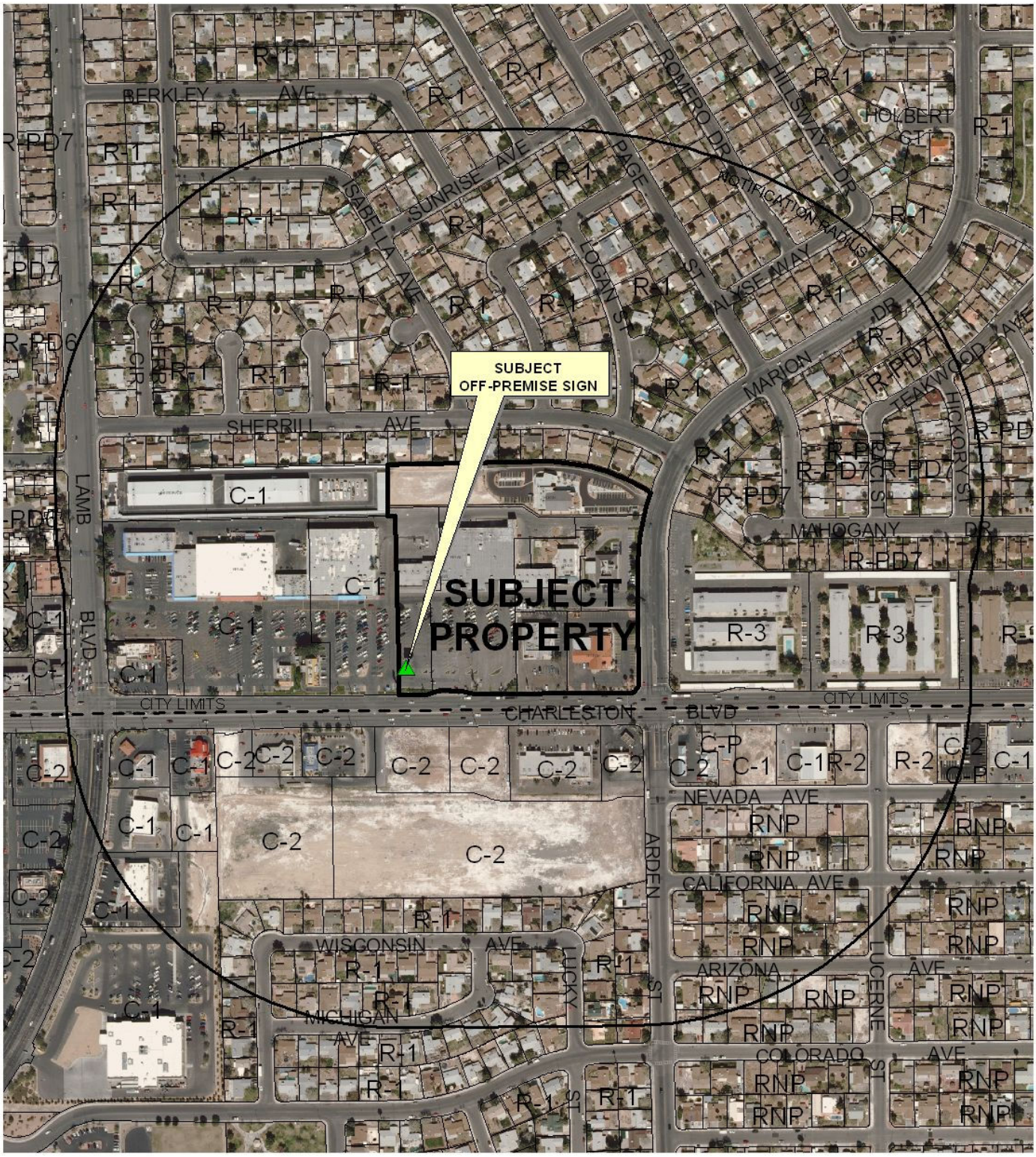
0 300 600 Feet

CASE: **RQR-44049**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

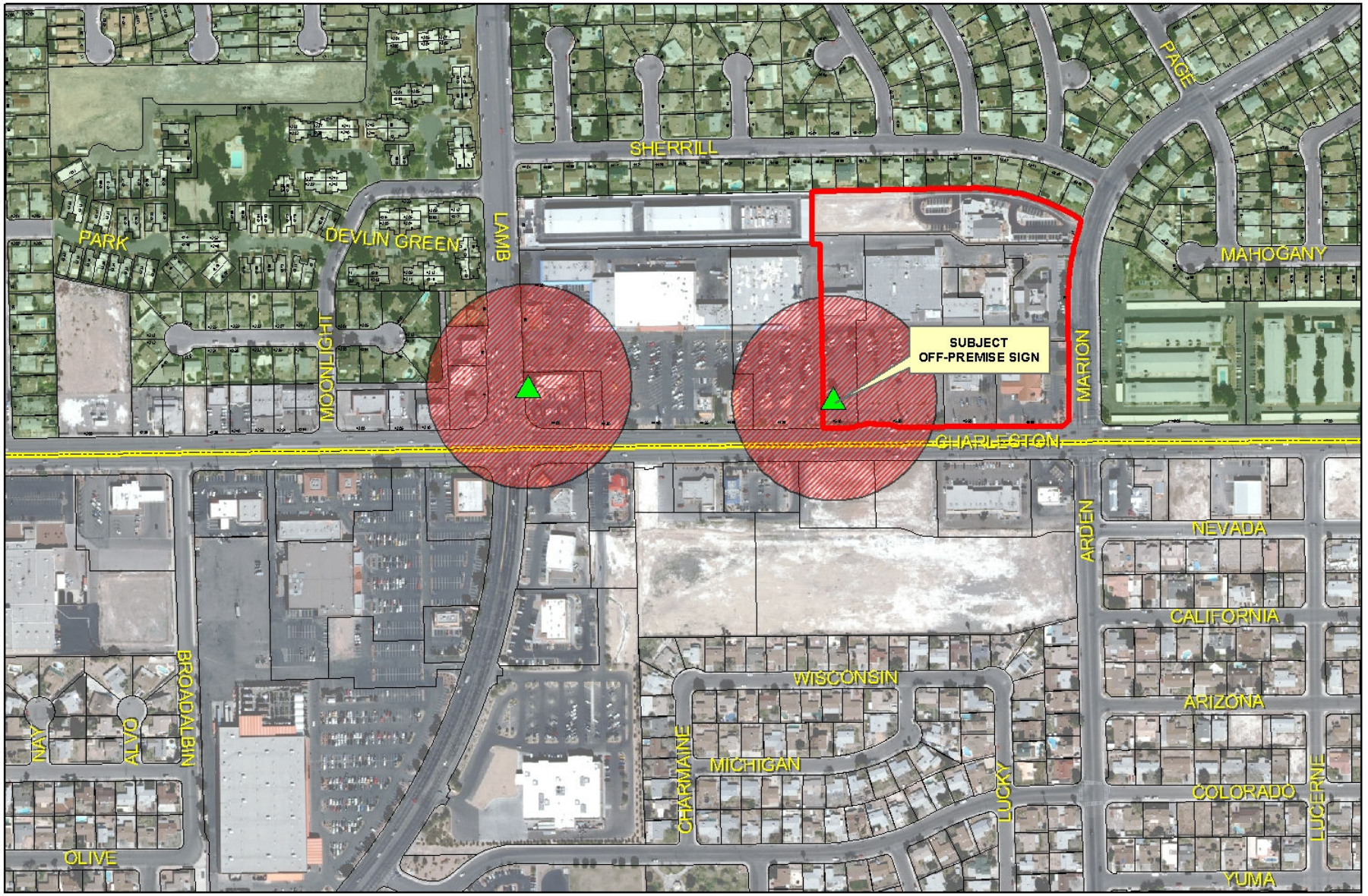


0 300 600 Feet

CASE: **RQR-44049**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



RQR-44049

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location

City of Las Vegas Billboard Data

- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: MER-CAR CORPORATION

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-44049	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

RQR-44049 CONDITIONS

Planning

1. Conformance to the Conditions of Approval for Special Use Permit (SUP-2290), if approved.

2. This Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign is removed.

3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

5. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a required three-year review of an approved Special Use Permit (SUP-2290), for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign located at 4506 East Charleston Boulevard. This is the second review of the entitlement for this Off-Premise Sign since its construction in 2004. The conditions in the area have not change significantly since the original approval; therefore, staff recommends approval, with conditions. If denied, the Off-Premise Sign will have to be removed.

ISSUE

- The Special Use Permit for an Off-Premise Sign was approved at the 4510 East Charleston Boulevard address; however, the Building Permit was issued for the same Off-Premise Sign at the 4506 address. Both addresses are legal for the parcel.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/06/03	The City Council approved the appeal of the Planning Commission denial of a request for a Special Use Permit (SUP-2290) for a proposed 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 4510 East Charleston Boulevard. Staff recommended approval.
09/21/05	The City Council approved a request for a Special Use Permit (SUP-6690) for a proposed 80-foot tall Wireless Communication Facility, Stealth Design at 4480 East Charleston Boulevard. The Planning Commission and staff recommended approval. The City Council approval included a condition restricting the height of the transmission tower to 65 feet.
10/01/08	The City Council approved a Required Review (RQR-28731) for a Special Use Permit (SUP-2290) for a 40-foot tall, 14-foot by 48-foot Off-Premise Sign at 4506 East Charleston Boulevard. The Planning Commission and Staff recommended approval.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda item 11/yk).

Most Recent Change of Ownership	
03/28/02	A deed was recorded for a change in ownership.

Related Building Permits	
09/23/03	A Building Permit (#03-020398) issued for an Off-Premise Sign at 4506 East Charleston Boulevard. The sign received final inspection on 03/04/04.

YK

Pre-Application Meeting
No pre-application meeting was required, nor was one held.

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
01/04/12	Staff visited the site and found a well maintained Off-Premise Sign that was free of graffiti.

Details of Application Request	
Site Area	
Net Acres	1.48

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	General Retail Store, Other Than Listed (3,500 Square Feet or More) Church/House of Worship	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
South	Clark County- Undeveloped	Clark County- CG (Commercial General)	Clark County – C-2 (General Commercial)
East	Office, Medical or Dental General Retail Store, Other Than Listed (3,500 Square Feet or More)	SC (Service Commercial)	C-1 (Limited Commercial)
West	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)

Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	*Code Requirement*	*Provided*	*Compliance*
Location	No Off-Premise Sign may be located within the public right-of-way	Sign is not in public right-of-way	Y
Zoning	Off-Premise Signs are permitted in the C-1 (Limited Commercial) Zoning Districts	Sign is located in the C-1 (Limited Commercial) zoning district	Y
Area	No Off-Premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet	Sign is 672 square feet in size. The sign does not have an embellishment	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes	Sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view	Structure elements of the sign are adequately screened from public view	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US-95	The sign is approximately 860 feet from another Off-Premise Sign along US-95	Y

Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" zoned district	Sign is approximately 600 feet from the nearest property line zoned for residential use	Y
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes	The sign is secured to the ground on non-residentially zoned property	Y

ANALYSIS

This is the third review of Special Use Permit (SUP-2290) for an Off-Premise Sign at 4506 East Charleston Boulevard since the initial approval on 08/06/03. This sign is located within a C-1 (Limited Commercial) zoning district and is not located within the Off-Premise Sign Exclusionary Zone.

FINDINGS

There are no adverse impacts regarding the continued use of this sign at this time, as there have been no significant changes in development or land use in the surrounding area. Therefore; staff recommends approval, subject to a five-year review.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 436 (By City Clerk)

APPROVALS 0

PROTESTS 0

YK

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-44049** APN: 140-32-401-006

Name of Property Owner: MER-CAR Corporation

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____, President

Print Name: Steven Dukatt

Subscribed and sworn before me

This 27th day of October, 2011

_____

Notary Public in and for said County and State

OFFICIAL SEAL
JONATHAN L SMITH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/02/13

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Required Review

Project Address (Location) 4510 E. Charleston Blvd

Project Name MER-CAR sign **Proposed Use** _____

Assessor's Parcel #(s) 140-32-401-006 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Required review of an existing billboard

PROPERTY OWNER MER-CAR Corpopration **Contact** _____

Address 1410 Clinton Street **Phone:** _____ **Fax:** _____

City Chicago **State** IL **Zip** 60607

E-mail Address _____

APPLICANT Lamar Central Outdoor, LLC **Contact** Scott Naftzger

Address 1863 Helm Drive **Phone:** (702) 873-4600 **Fax:** (702) 873-4344

City Las Vegas **State** NV **Zip** 89119

E-mail Address snaftzger@lamar.com

REPRESENTATIVE Same as applicant **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____, President

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Steven Dukatt

Subscribed and sworn before me

This 27th day of October, 20 11.

_____

Notary Public in and for said County and State

OFFICIAL SEAL
JONATHAN L SMITH
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:01/02/13

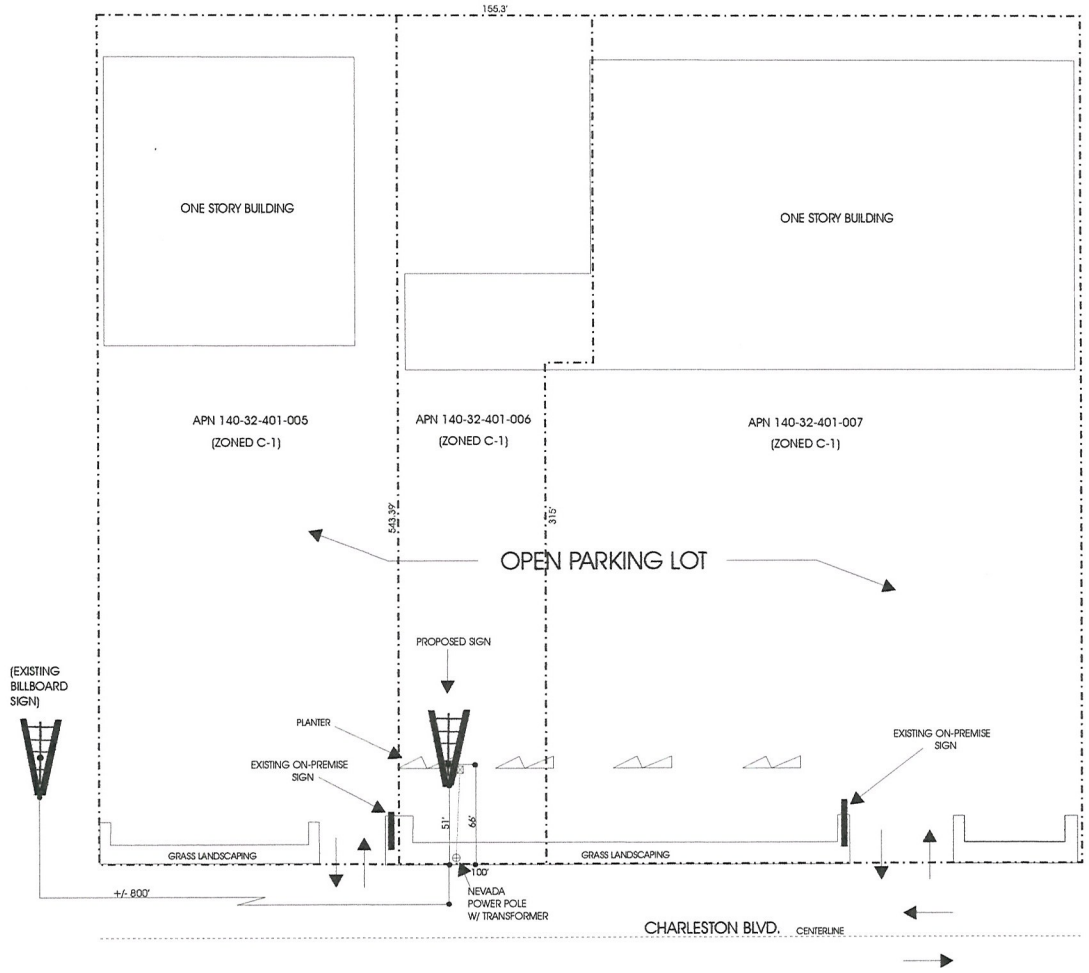
Revised 10/27/08

FOR DEPARTMENT USE ONLY

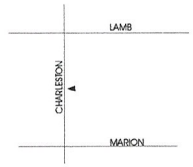
Case #	ROR-44049
Meeting Date:	1/10/12
Total Fee:	$800.00
Date Received:*	11/30/11
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

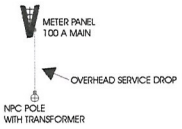
f:\depot\Application Packet\Application Form.pdf



ELEVATION (NO SCALE)



VICINITY MAP (NO SCALE)



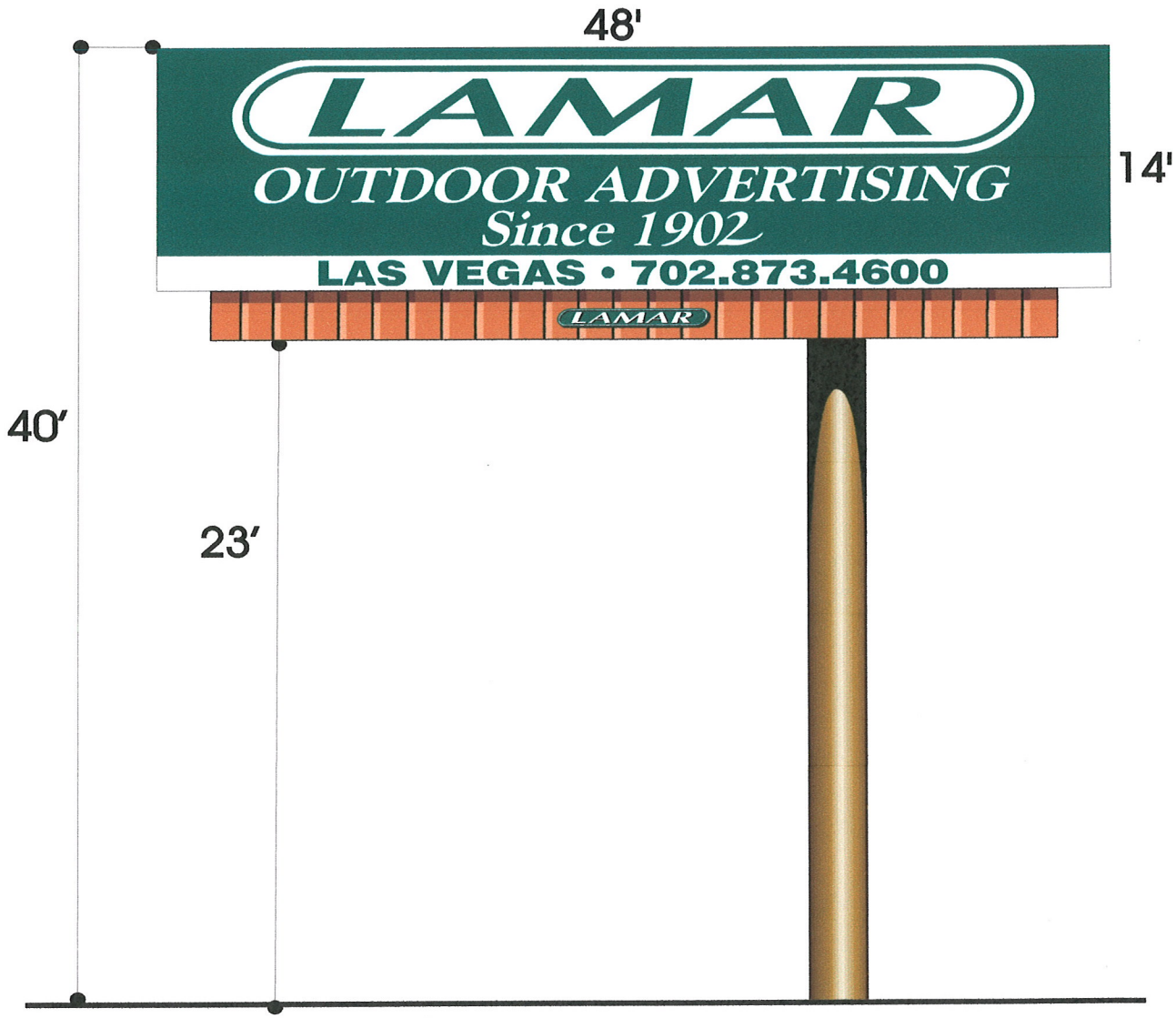
ELECTRICAL DIAGRAM

DECLARATION
NO OFF-PREMISE SIGN WITHIN 300' RADIUS
NOT WITHIN 300' OF RESIDENTIAL USE
NOT WITHIN EXCLUSIONARY ZONE

RECEIVED
NOV 30 2011

LAMAR OUTDOOR ADVERTISING		
SCALE: 1" = 50"	DATE: 03/25/03	DRAWN BY: S.NAFTZGER
MER-CAR CORP		
APN 140-32-401-006		DRAWING NUMBER: ECHAR

RQR-44049



ELEVATION (NO SCALE)

RECEIVED
NOV 30 2011

RQR-44049

RQR-44049 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: MER-CAR CORPORATION
4506 EAST CHARLESTON BOULEVARD

01/04/12

RQR-44049 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: MER-CAR CORPORATION
4506 EAST CHARLESTON BOULEVARD

01/04/12

August 8, 2003

Ms. Mary Dulcott
Mer-Car Corporation
1410 South Clinton Street
Chicago, Illinois 60607

RE: SUP-2290 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF AUGUST 6, 2003

Dear Ms. Dulcott:

The City Council at a regular meeting held August 6, 2003 considered the Appeal filed by Lamar Outdoor Advertising from the Denial by the Planning Commission on a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4510 East Charleston Boulevard (APN: 140-32-401-006), C-1 (Limited Commercial) Zone. The City Council granted the Appeal; thereby APPROVING the Special Use Permit. The Notice of Final Action was filed with the Las Vegas City Clerk on August 7, 2003. This approval is subject to:

Planning and Development

1. The Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the off-premise advertising (billboard) sign be removed.

2. The off-premise advertising (billboard) sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. In addition, the property owner shall keep the property properly maintained at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise advertising (billboard) sign.

3. Only one advertising sign is permitted per sign face.

4. If the existing off-premise advertising sign structure is removed, this Special Use Permit shall be expunged and a new off-premise advertising sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

68112-012-6/03

RQR-44049

5. All City Code requirements and design standards of all City Departments shall be satisfied.

Sincerely,

Diana Davis
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Scott Naftzger
Lamar Outdoor Advertising
1863 Helm Drive
Las Vegas, Nevada 89119

RQR-44049

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: **ROR-44049 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: MER-CAR CORPORATION**

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***FEBRUARY 14, 2012*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to ***Carman Burney at (702) 385-7268.*** If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM FEBRUARY 13, 2012.

Signature

2/8/12
Date

Scott Natzger
Please Print Name

Lamar Central Outdoor, LLC
Company Name

Sincerely,

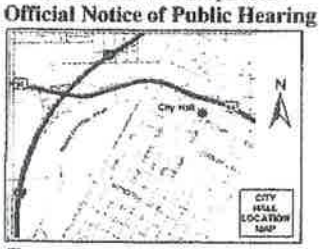
Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

RECEIVED
FEB - 8 2012

PAGE 01
J8D
702-452-3979
02/08/2012 13:36

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



RECEIVED
FEB - 8 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44049
Planning Commission Meeting of 2/14/2012

Case: RQR-44049
14032413030
YARNELL JUDITH ANN
57 LOGAN ST
LAS VEGAS NV 89110-4619 89110-4619

22 LRDFN11 89110

=P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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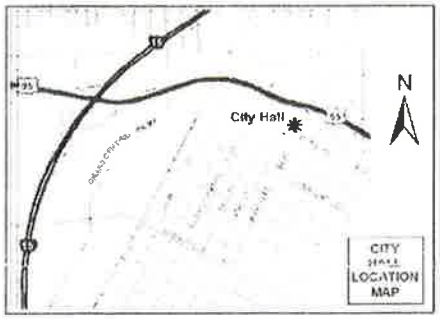
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44049
Planning Commission Meeting of 2/14/2012

Case: RQR-44049

14032411040
MCKAY RAYMOND
4477 ISABELLA AVE
LAS VEGAS NV 89110-4672 89110-4672

22 LREFM11 8911O

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City of Las Vegas Agenda Item No.: **52.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

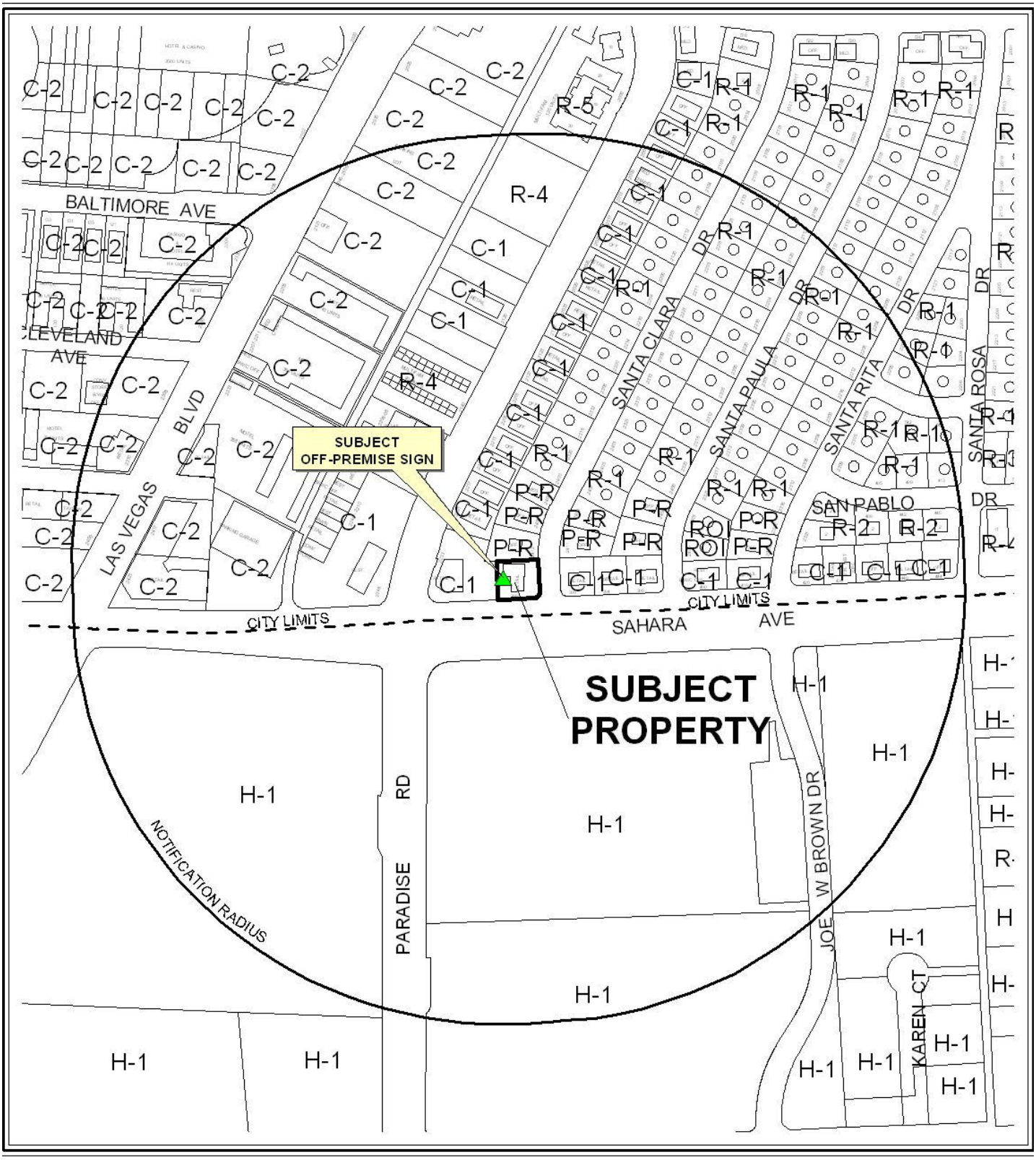
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-44051 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST - For possible action on a Required Review of an approved Special Use Permit (SUP-2467) FOR A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE SIGN at 208 East Sahara Avenue (APN 162-03-413-023), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**0**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Protest Postcard
6. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – RQR-44051



0 300 600 Feet

CASE: **RQR-44051**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

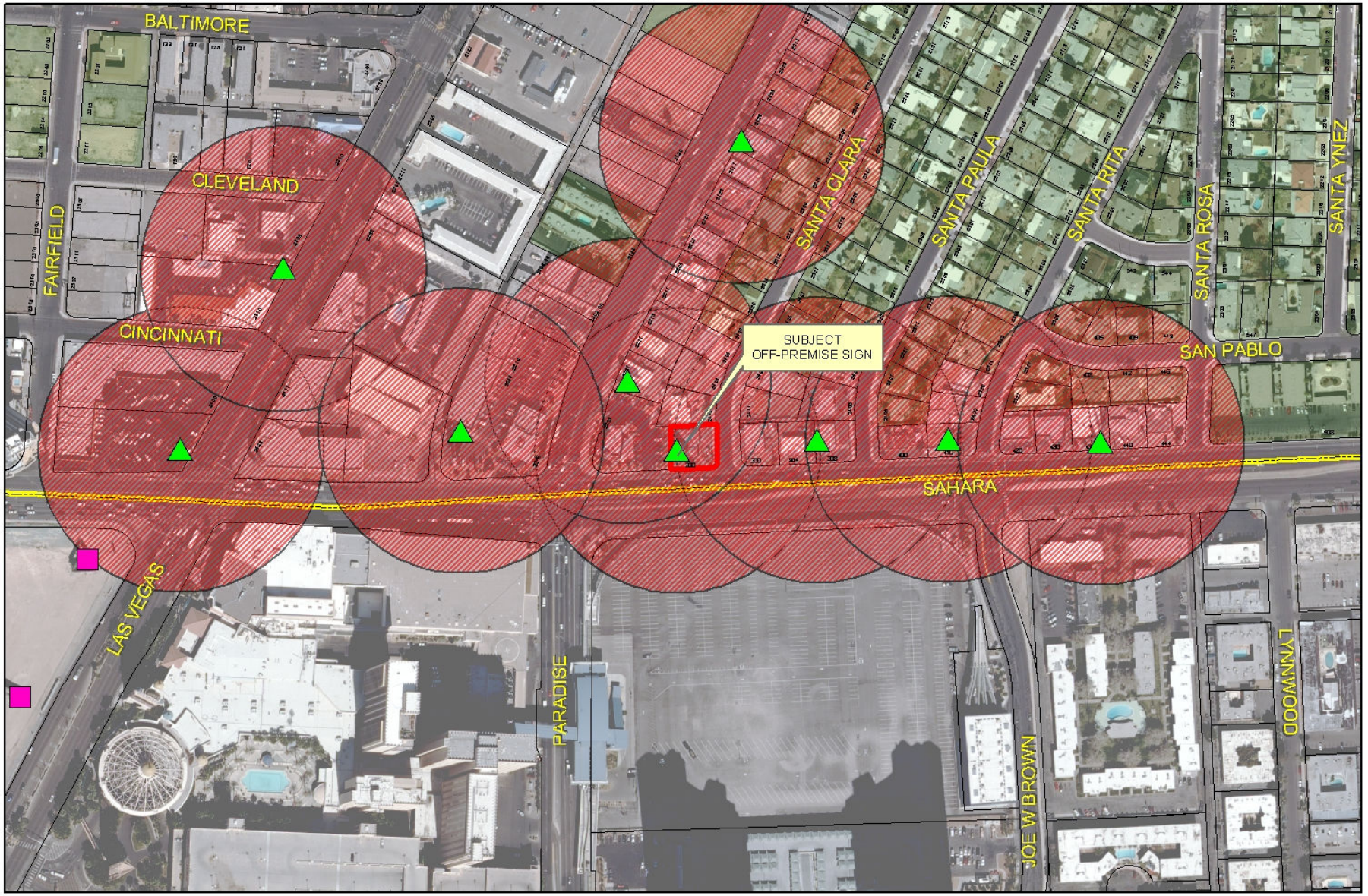
0 300 600 Feet

CASE: **RQR-44051**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-44051

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-44051	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

RQR-44051 CONDITIONS

Planning

1. Conformance to the approved conditions for Special Use Permit (SUP-2467).

2. This Special Use Permit shall be reviewed in three (3) years, at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

3. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

DED

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a Required Three-year Review of an approved Special Use Permit (SUP-2467) to allow a 40-foot tall, 14-foot by 48-foot, Off-Premise Sign at 208 East Sahara Avenue. This is the third Required Review. The use complies with Title 19 requirements for an Off-Premise Sign use and conditions in the area have not changed significantly since the previous Required Review; therefore, staff recommends approval with conditions. If this request is denied, the Off-Premise Sign would no longer be allowed and must be removed.

ISSUES

- The Required Review (RQR-30258) for Special Use Permit (SUP-2467) stipulated a three-year Required Review.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/16/70	The Board of City Commissioners approved a Rezoning (Z-0070-70) from P-R (Professional Office and Parking) to C-1 (Limited Commercial). The Planning Commission recommended approval.
09/06/78	The Board of City Commissioners approved a Review of Condition Number 6 (Z-0070-70) to allow a 14-foot by 48-foot Off-premise Sign on this site. The Planning Commission recommended approval.
03/21/79	The City Council approved a Plot Plan review (Z-0070-70) to allow modifications to the approved Off-Premise Sign. The Planning Commission recommended approval.
04/19/95	The City Council adopted a minimum distance separation of 300 feet from the nearest property line of any parcel having a zoning classification with an "R" prefix for any Off-premise Sign through Ordinance No. 3884.
03/24/97	The City Council adopted Ordinance No. 4073, which adopted a new Zoning Code (Title 19A) that disallowed the ability to vary from any distance separation requirement.
08/06/03	The City Council approved a request for a Variance (VAR-2468) to allow an Off-Premise Sign 253 feet from residentially zoned property, 160 feet from another Off-Premise Sign to the west, and 276 feet from an Off-Premise Sign to the east, where a minimum of 300 feet is required. The Planning Commission recommended approval and staff recommended denial.

08/06/03	The City Council approved a request for a Special Use Permit (SUP-2467) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 208 East Sahara Avenue. The Planning Commission recommended approval and staff recommended denial.
09/07/05	The City Council approved a Required Review (RQR-6777) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 208 East Sahara Avenue. The Planning Commission recommended approval and staff recommended denial.
01/07/09	The City Council approved a Required Review (RQR-30447) for a 40-foot tall, 14-foot by 48-foot Off-premise Sign at 208 East Sahara Avenue. The Planning Commission recommended approval and staff recommended approval.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item 13/ded).

Most Recent Change of Ownership	
11/17/99	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/11/03	A building permit (#3019648) was issued to demolish an existing Off-premise Sign at 208 east Sahara Avenue. The permit expired on 03/13/04 without a final inspection.
09/15/03	A building permit (#3019895) was issued for an Off-Premise Sign at 208 East Sahara Avenue. The permit was finalized on 10/10/05.

Pre-Application Meeting
A pre-application meeting is not required, nor was one held.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application nor was one held.

Field Check	
01/04/12	Staff conducted a field check of the site with the following observations: • The sign had only one face, which appeared in good condition. • The structure was free of graffiti, and did not require any repainting or bird deterrents. There were no embellishments, moving parts, or electronic displays located on the signs.

Details of Application Request	
Site Area	
Net Acres	0.20

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
North	Offices	L (Low Density Residential)	P-R (Professional Office and Parking)
South	Casino/Hotel	CT (Commercial Tourist- Clark County)	H-1 (Limited Resort and Apartments- Clark County)
East	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Restaurant, Less than 2000 sq. ft. (with Drive-Through)	C (Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
Beverly Green/ Southridge Neighborhood	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
G-O (Gaming Enterprise Overlay) District	X		Y
A-O (Airport Overlay) District (175 Feet)	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provided	Compliance
Location	No Off-Premise Advertising Sign (Billboard) may be located within the public right-of-way. May not be located within the Off-Premise Sign Exclusionary Zone except in exempted areas.	Sign is not located in public right-of-way nor is it in the Off-Premise Sign Exclusionary Zone	Y
Zoning	Off-Premise (Billboard) Signs are permitted in the C-1, C-2, C-V, C-M, and M Zoning Districts only.	Sign is located in a C-1 (Limited Commercial) zoning district	Y
Area	No Off-Premise Advertising (Billboard) Signs shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Surface area of each sign face does not exceed 672 square feet; the signs do not have embellishments	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to maximum of 55 feet with approval of City Council if significantly obscured from view of travel lanes.	The sign is 40 feet tall	Y
Screening	All structural elements of an Off-Premise (Billboard) Sign to which the display panels are attached shall be screened from view.	Sign is adequately screened from public view	Y
Off-Premise Sign (Billboard)	The sign and all other off-premise signs not oriented towards US-95 shall be no closer than 300 feet in any direction to any other off-premise sign.	The sign is 160 feet from another sign to the west, and 276 feet to a sign to the east	N*

Off-Premise Sign (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	The sign 253 feet to a property line of a lot in any "R" zoned district.	N*
Other	All Off-premise Advertising (Billboard) Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is not located on property used for residential purposes	Y

* As approved by Variance (VAR-2468)

ANALYSIS

This property is located within the Beverly Green / Southridge Neighborhood, the A-O (Airport Overlay) District and G-O (Gaming Enterprise Overlay) District. Staff conducted a field check and observed that the structure was in good condition and well maintained. This use is compatible within the C-1 (Limited Commercial) zoning district and there has not been a significant change to the properties surrounding the use. No code an enforcement cases have been reported regarding the Off-Premise Sign since the previous review.

FINDINGS (SUP-44051)

The use complies with Special Use Permit (SUP-2467) and Title 19 requirements for an Off-Premise Sign use and has been conducted in a manner that is harmonious and compatible with the surrounding properties. The conditions in the area have not changed since the pervious review and the structure has been well maintained; therefore, staff recommends approval with conditions requiring a review in three years.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 14

NOTICES MAILED 465 (By City Clerk)

APPROVALS 0

PROTESTS 4

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-44051** APN: 162-03-413-023

Name of Property Owner: W. H. Bailey Family Trust

Name of Applicant: Lamar Central Outdoor, LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: William H Bailey

Print Name: William H. Bailey

Subscribed and sworn before me

This 9th day of November, 2011

Linda Ann Thomas

Notary Public in and for said County and State

LINDA ANN THOMAS
Notary Public State of Nevada
No. 94-0382-1
My appt. exp. Nov. 12, 2014

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Required Review

Project Address (Location) 208 E. Sahara Ave.

Project Name WH Bailey Sign **Proposed Use** _____

Assessor's Parcel #(s) 162-03-413-023 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing C-1 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Required review for an existing billboard

PROPERTY OWNER W.H. Bailey Family Trust **Contact** William Bailey

Address 3045 Waterside Circle **Phone:** _____ **Fax:** _____

City Las Vegas **State** NV **Zip** 89117

E-mail Address _____

APPLICANT Lamar Central Outdoor, LLC **Contact** Scott Naftzger

Address 1863 Helm Drive **Phone:** (702) 873-4600 **Fax:** (702) 873-4344

City Las Vegas **State** NV **Zip** 89119

E-mail Address snaftzger@lamar.com

REPRESENTATIVE Same as applicant **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* Wm H Bailey

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name William H. Bailey

Subscribed and sworn before me

This 9th day of November, 20 11.

Linda Ann Thomas

Notary Public in and for said County and State

Revised 10/27/08

LINDA ANN THOMAS
Notary Public State of Nevada
No. 94-0382-1
My appt. exp. Nov. 12, 2014

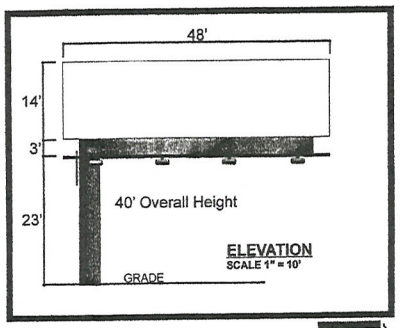
FOR DEPARTMENT USE ONLY

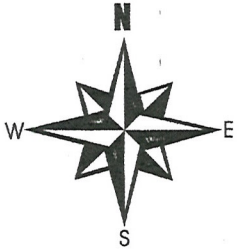
Case #	RQR-44051
Meeting Date:	1/10/12
Total Fee:	$800.00
Date Received:*	11/30/11
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

257-414-1





253' TO R-1 ZONE

160' TO EXISTING BILLBOARD

APN#16203413023
REPLACEMENT OF EXISTING SIGN

HANG'N LOOSE

SANTACLARA

25'
HALF ROW
CENTER LINE

276' TO EXISTING BILLBOARD

208 E. SAHARA AVE-89104

61'
CENTER OF COLUMN

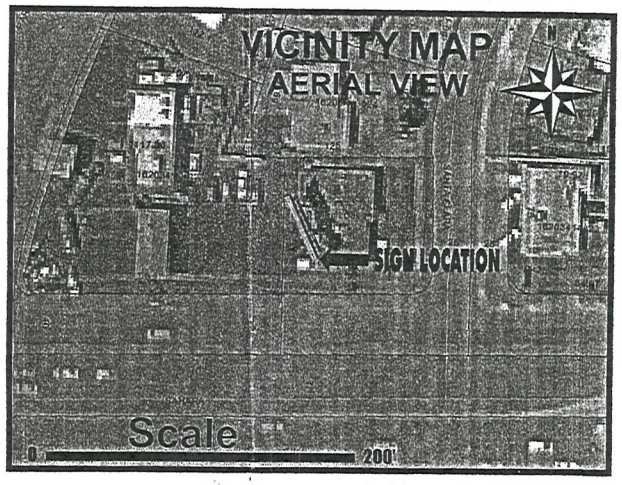
18'
EDGE OF SIGN

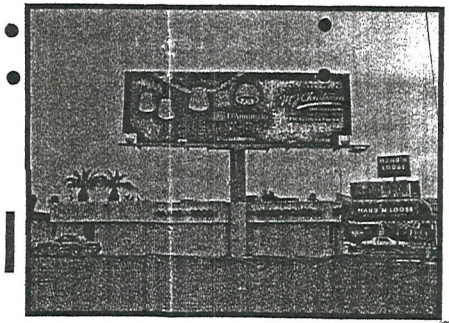
22'
EDGE OF BUILDING

40'
HALF ROW
CENTER LINE

SAHARA

TOP VIEW
SCALE 1" = 10'
DETAIL





REPLACEMENT OF EXISTING SIGN

RECEIVED
AUG 20 2003
CITY OF LAS VEGAS
PERMITS

GENERAL NOTES
APN#16203413023
ZONEING C1
REPLACEMENT OF EXISTING SIGN
14'X48' BILLBOARD
NO PARKING SPACE TAKEN

ORION
OUTDOOR MEDIA
GLENDA LIPPMAN
595-4896

RECEIVED
NOV 30 2011

JONES MEDIA 4145 W. TECO AVE./ LAS VEGAS, NV 89118/ 702-645-0092

OWNER: BAILEY W H FAMILY TRUST AND BAILEY WILLIAM H AND ANNA L TRS		
SCALE: NOTED	APPROVED BY:	DRAWN BY: TOM JONES
DATE: 4-07-03		REVISED:
LOCATION: 208 E. SAHARA AVE-89104		
APN#16203413023		DRAWING NUMBER: 180

JOB # 794-03

RQR-44051

RQR-44051 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST
208 EAST SAHARA AVENUE

01/04/12

RQR-44051 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST
208 EAST SAHARA AVENUE

01/04/12

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CITY CLERK

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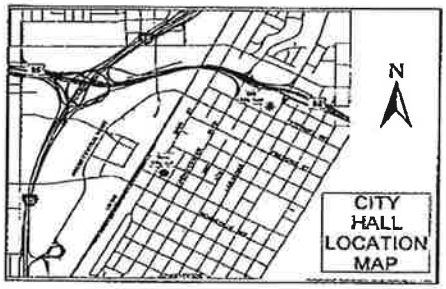
RECEIVED
CITY CLERK

2012 MAR 12 A 7:25

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44051

City Council Meeting of 3/21/2012

GORDON STEPHEN A & GAIL M FAM
P O BOX 11028
LAS VEGAS NV 89111-1028

APN#16210114441

21 BRDFN1 89111

Mar 09 12 02:14p Stephen A. Gordon 702-893-2201 p.1

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS

ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: **RQR-44051 - APPLICANT: LAMAR CENTRAL OUTDOOR, LLC - OWNER: W.H. BAILEY FAMILY TRUST**

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the ***FEBRUARY 14, 2012*** Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to ***Carman Burney at (702) 385-7268***. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM FEBRUARY 13, 2012.

Signature — 2/8/12 Date

Scott Nafteger
Please Print Name

Lamar Central Outdoor, LLC
Company Name

Sincerely,

Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

RECEIVED
FEB – 8 2012

Feb 08 12 09:25a Stephen A. Gordon 702-893-2201 p.1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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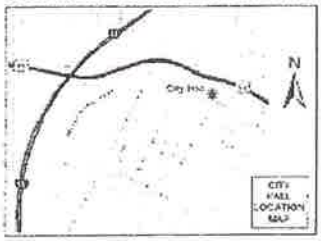
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROR-44051

Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: ROR-44051
16210114441
GORDON STEPHEN A & GAIL M FAM TR
GORDON STEPHEN A TRS
P O BOX 11028
LAS VEGAS NV 89111-1028 89111-1028

21 LRDFN11 89111

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

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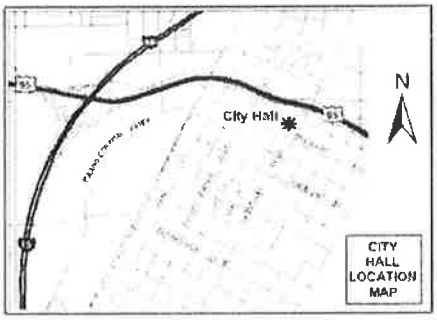
Official Notice of Public Hearing



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PLANNING & DEVELOPMENT

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44051
Planning Commission Meeting of 2/14/2012

Case RQR-44051
16210114254
WAITS BRUCE & RUTH
2912 S DETROIT AVE
TULSA OK 74114-5227 74114-5227

2 LRDFN11 74114

Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

STRONG
Betty and Donn
Yang

Please use available blank space on card for your comments.

RQR-44051
Planning Commission Meeting of 2/14/2012

Case: RQR-44051
16203413027
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8184 DOLCE VOLPE AVE
LAS VEGAS NV 89178-8259 89178-8259

54 LRDFN11 89178

fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-44051
Planning Commission Meeting of 2/14/2012

Case RQR-44051
16210114500
FELIKIAN GREGORY & GINA M
CABRALOFF AL & DIANE F
8112 STONERIDGE DR
WHITTIER CA 90605-1372 90605-1372

67 LRDFN11 90605

13 38

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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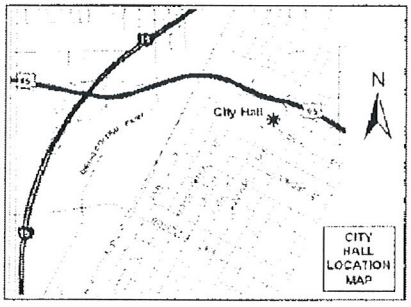

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44051
Planning Commission Meeting of 2/14/2012

Case: RQR-44051
16210114247
IMHOFF W JOSEPH REVOCABLE TRUST
IMHOFF ANN J REVOCABLE TRUST
322 KAREN AVE #3808
LAS VEGAS NV 89109-0453 89109-0453

23 LRDFM1 89109

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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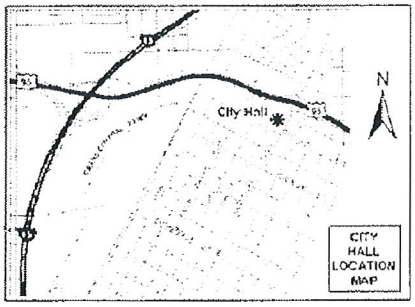

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-44051
Planning Commission Meeting of 2/14/2012

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Case: RQR-44051
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IMHOFF W JOSEPH REV AGMT TR
IMHOFF ANN J REV AGMT TR
322 KAREN AVE #3808
LAS VEGAS NV 89109-0453 89109-0453

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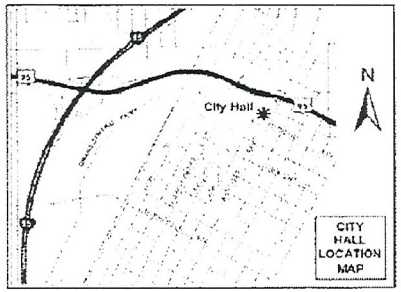
evelopment Services Center
33 North Rancho Drive, 3rd Floor
as Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

lease use available blank space on card for your comments.

QR-44051

lanning Commission Meeting of 2/14/2012

RECEIVED
FEB - 6 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: RQR-44051

16210114079
PAN-YU L L C
322 KAREN AVE #1107
LAS VEGAS NV 89109-0424 89109-0424

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p.1

137

City of Las Vegas Agenda Item No.: **53.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

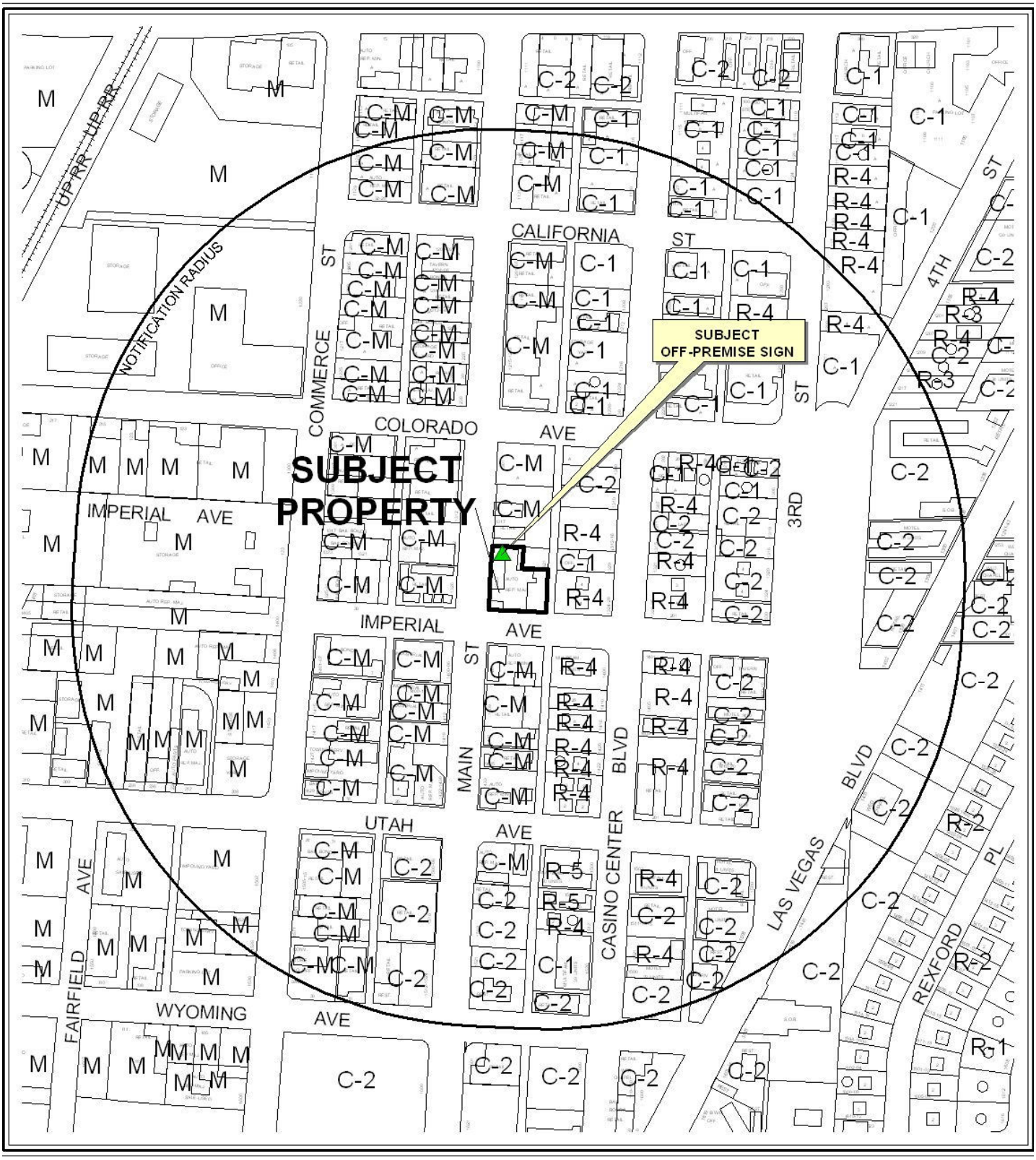
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-44084 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS - For possible action on a Required Review of an approved Special Use Permit (U-0171-89) FOR A 40-FOOT TALL, 12-FOOT BY 24-FOOT OFF-PREMISE SIGN at 1323 South Main Street (APN 162-03-110-088), C-M (Commercial/Industrial) Zone, Ward 3 (Coffin). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**4**	**Planning Commission Mtg.**	**3**
City Council Meeting	**3**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. City Council Approval Letter for RQR-30321
6. Protest Postcards
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – RQR-44084



0 300 600 Feet

CASE: **RQR-44084**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N

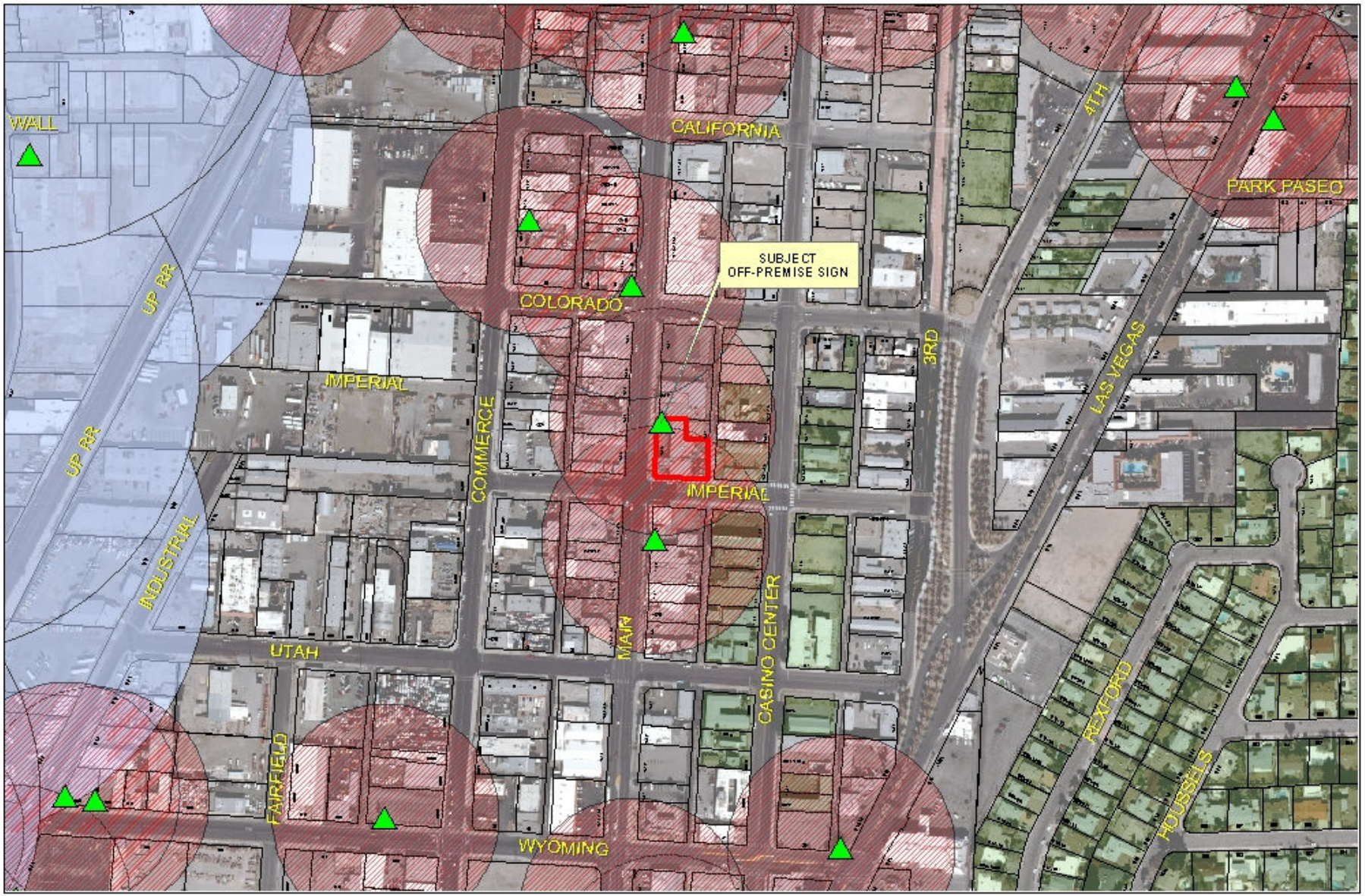
0 300 600 Feet

CASE: **RQR-44084**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-M (COMMERCIAL/INDUSTRIAL)

N



RQR-44084

City of Las Vegas Billboard Data

- Subject Parcel
- City of Las Vegas Billboard Location
- Clark County Billboard Location
- 300 Foot Buffer Around Billboard
- 750 Foot Buffer Around Freeway Billboard
- Residential Zoned Property
- Off Premise Sign Exclusion Area
- Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-44084	Staff recommends APPROVAL, subject to conditions:	

**** CONDITIONS ****

RQR-44084 CONDITIONS

Planning and Development

1. Conformance to the conditions for Special Use Permit (U-0171-89), if approved.

2. This Special Use Permit shall be reviewed in five (5) years at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign is removed.

3. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

4. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0171-89) shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This application is in response to a required three-year review of an approved Special Use Permit (U-0171-89) for a 40-foot tall, 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The conditions in the area have not substantially changed since the original approval of this Off-Premise Sign; therefore, staff recommends approval. If denied, the sign must be removed from the property.

ISSUES

- An Off-Premise Sign is permitted in a C-M (Commercial/Industrial) district with an approved Special Use Permit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/20/89	The City Council approved a request for a Special Use Permit (U-0171-89) to allow a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Board of Zoning Adjustment recommended approval.
01/18/95	The City Council approved a Required Five Year Review [U-0171-89(1)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission recommended approval.
04/05/00	The City Council approved a request for an Appeal of a Required Five Year Review [U-0171-89(2)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Board of Zoning Adjustment recommended denial.
06/05/02	The City Council approved a Required Two Year Review [U-0171-89(3)] on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission recommended approval.
07/07/04	The City Council approved a Required Two Year Review (RQR-4271) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission and Staff recommended approval.

11/16/05	The City Council approved a Required One Year Review (RQR-8821) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission recommended approval and Staff recommended denial.
06/21/06	The City Council approved a Required Six Month Review (RQR-12716) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission recommended approval and Staff recommended denial.
12/17/08	The City Council approved a Required Two Year Review (RQR-30321) on an approved Special Use Permit (U-0171-89) for a 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. The Planning Commission recommended approval and Staff recommended denial.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item #18/yk).

Most Recent Change of Ownership	
06/07/10	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/25/90	A Building Permit (90054325) was issued for an Off-Premise Sign at 1323 South Main Street. The permit went inactive on 11/18/92 and was never finalized.
05/03/90	A Building Permit (90066890) was issued for an Off-Premise Sign at 1323 South Main Street. The permit went inactive on 11/18/92 and was never finalized.
08/07/07	A Business License (G03-02371) was issued for a Major Auto Repair Garage at 1323 South Main Street. The license is still active.
12/30/08	A Building Permit (130316) was issued for an Off-Premise Sign at 1323 South Main Street. The permit was finalized on 07/07/09.
05/11/11	Code Enforcement issued a notice (101834) for Graffiti at 1323 South main Street. The issue was resolved on 05/17/11.

Pre-Application Meeting
No pre-application meeting was required, nor was one held.

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
01/04/12	Staff visited the site and found an older Off-Premise Sign. There was some graffiti-like painting near the base of the pole.

Details of Application Request	
Site Area	
Gross Acres	.42

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Auto Repair Garage, Major	C (Commercial)	C-M (Commercial/Industrial)
North	Building Supplies and Hardware	C (Commercial)	C-M (Commercial/Industrial)
South	Auto Repair Garage, Minor	C (Commercial)	C-M (Commercial/Industrial)
East	Offices	MXU (Mixed Use)	C-1 (Limited Commercial)
	Apartments	MXU (Mixed Use)	R-4 (High Density Residential)

Master Plan Areas	***Yes***	***No***	***Compliance***
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts	X		Y
Downtown Centennial Plan Overlay District	X		Y
A-O (Airport Overlay) District 200 Feet	X		Y
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Standards	Code Requirement	Provide	Compliance
Location	No Off-Premise Sign may be located within the public right-of-way.	The sign is not in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in the C-1, C-2, C-M and M Zoning Districts only.	The sign is located in the C-M (Commercial/Industrial) zoning district.	Y
Area	No off-premise sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	The sign is 288 square feet in size. The sign does not have an embellishment.	Y
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	The sign is 40 feet tall.	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	The structure elements of the sign are adequately screened from public view.	Y
Off-Premise Sign	The sign and all other off-premise signs not oriented towards the same highway shall be no closer than 300 feet in any direction to any other off-premise sign.	Sign is approximately 310 feet north of another Off-Premise Sign.	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	Sign is 125 feet from property designated for residential use.	N
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	The sign is secured to the ground on C-1 (Limited Commercial) zoned property.	Y

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Main Street	Primary Arterial	Master Plan of Streets and Highways	80	N
Imperial Street	N/A	N/A	80	Y

ANALYSIS

This is the eighth required review since the initial approval of the Special Use Permit (U-0171-89) for a 40-foot tall, 12-foot by 24-foot Off-Premise Sign at 1323 South Main Street. Title 19.12.070 requires that all Off-Premise Signs have a minimum distance separation of 300 feet from the nearest property line of a lot in the U (Undeveloped) zoning district or any "R" zoning district. The subject sign is located approximately 125 feet from property zoned R-4 (High Density Residential). This Off-Premise Sign was approved prior to this standard and is legally non-conforming; therefore, staff recommends approval.

FINDINGS

The sign is located in the C-M (Commercial/Industrial) zoning district, which permits Off-Premise Signs with an approval of a Special Use Permit. Conditions surrounding the location have not changed since the Off-Premise Sign was approved, and continued use of the sign will not negatively affect the surrounding adjacent uses.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 22

NOTICES MAILED 134 (By City Clerk)

APPROVALS 3

PROTESTS 4

YK

PLANNING & DEVELOPMENT

CITY OF LAS VEGAS

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: RQR-44084 APN: 162 03 110 088

Name of Property Owner: KENNETH SIMKINS

Name of Applicant: Clear Channel Outdoor

Name of Representative: Rod Carter

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes __X__ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Kenneth Simkins Kenneth Simkins

Print Name: KENNETH SIMKINS

Subscribed and sworn before me

This 1ST day of DECEMBER, 2011

J DeFalco

Notary Public in and for said County and State

J. DEFALCO
Notary Public State of Nevada
No. 01-66461-1
My Appt. Exp. February 1, 2014

RECEIVED
DEC 06 2011

PLANNING & DEVELOPMENT
CITY OF LAS VEGAS
DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION / PETITION FORM

Application/Petition For: Received Review (RQR) 30321

Project Address (Location) 1323 So Main

Project Name Clear Channel Outdoor - Existing Billboard **Proposed Use** existing

Assessor's Parcel #(s) 162 03 110 088 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing X proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information Received Review of an existing OFF premise advertising sign at 1323 south Main

PROPERTY OWNER Kenneth Simkins **Contact** Ken Simkins

Address 301 Sioux Ct **Phone:** 702 293 2885 **Fax:** _____

City Boulder City **State** NV **Zip** 89005

APPLICANT Clear Channel Outdoor **Contact** Rod Carter

Address 2880 - B Meade Ave., Suite 350 **Phone:** 738 7709 **Fax:** 738 7766

City Las Vegas **State** NV **Zip** 89102

REPRESENTATIVE SAME AS Applicant **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

Property Owner Signature* Kenneth Simkins

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Kenneth Simkins

Subscribed and sworn before me

This 1st day of December, 20 11.

J DeFalco

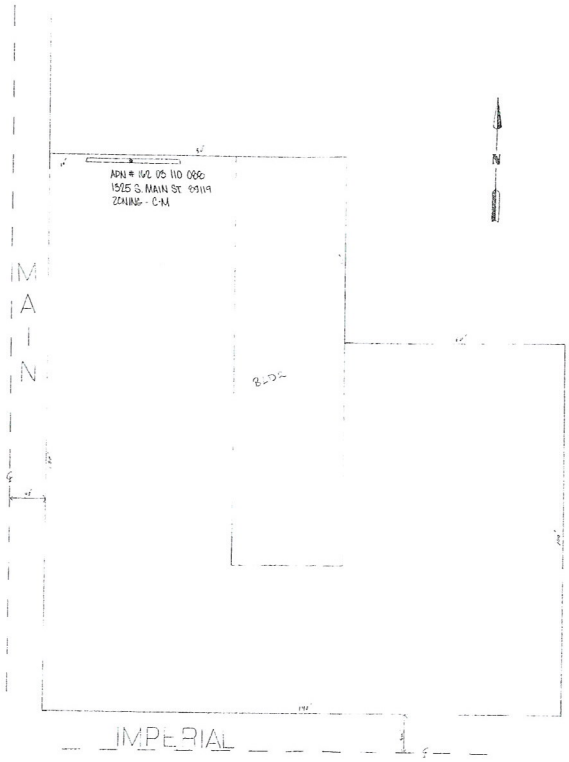
Notary Public in and for said County and State

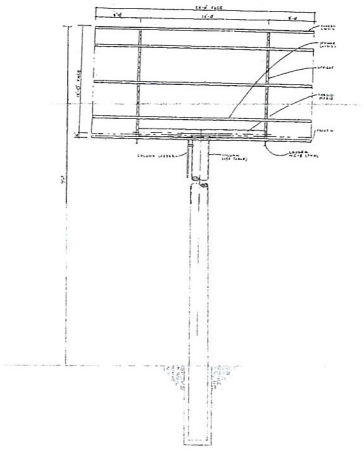
J. DEFALCO
Notary Public State of Nevada
No. 01-66461-1
My Appt. Exp. February 1, 2014

FOR DEPARTMENT USE ONLY

Case #	RQR-44084
Meeting Date:	2/14/2012
Total Fee:	800.00
Date Received:*	12/6/2011
Received By:	MR-ex

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development Department for consistency with applicable sections of the Zoning Ordinance.





DONREY

SCALE 1"=10'	DRAWING NUMBER 1	Ken Sinkus/Palmo-Mark
DATE 3-24-11		

1211 West Bonanza Road Drawn By Michael Pecnik Phone 392-5000

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DEC 00 2011
RQR-44084

RQR-44084 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS
1323 SOUTH MAIN STREET

01/04/12

RQR-44084 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: KENNETH SIMKINS
1323 SOUTH MAIN STREET

01/04/12

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

099439

December 19, 2008

Mr. Kenneth Simkins
1323 South Main Street
Las Vegas, Nevada 89104

RE: RQR-30321 – REQUIRED REVIEW
CITY COUNCIL MEETING OF DECEMBER 17, 2008

Dear Mr. Simkins:

The City Council at a regular meeting held December 17, 2008 APPROVED the Required Review of an approved Special Use Permit (U-0171-89), FOR A 40-FOOT TALL, 12-FOOT X 24-FOOT OFF-PREMISE SIGN (BILLBOARD) at 1323 South Main Street (APN 162-03-110-088), C-M (Commercial/Industrial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on December 18, 2008. This approval is subject to:

Planning & Development

1. Conformance to the conditions for Special Use Permit (U-0171-89), if approved.

2. This Special Use Permit shall be reviewed in three (3) years at which time the City Council may require the Off-Premise Sign (Billboard) be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign (Billboard) is removed.

3. The owner of this Off-Premise Sign (Billboard) shall within thirty (30) days obtain either a construction inspection and approval by the City or structural certification, as those items are described in Title 19.14.100(D), paragraph six, subsection a or b. Failure to secure the required final inspection may result in fines and/or removal of the Off-Premise Sign (Billboard).

4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign (Billboard).

5. If the existing off-premise sign is voluntarily demolished, this Special Use Permit (U-0171-89) shall be expunged and a new off-premise sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

RECEIVED
DEC 06 2011
RQR-44084

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Sincerely,

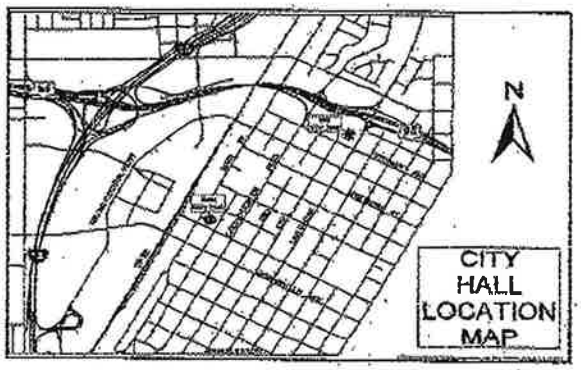
Gabriela Portillo-Brenner
Deputy City Clerk II for
Beverly K. Bridges, CMC, City Clerk

cc: Mr. Rod Carter
Clear Channel Outdoor
2880-B Meade Avenue, Suite #350
Las Vegas, Nevada 89102

RECEIVED
DEC 06 2011
RQR-44084

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
City Council Meeting of 3/21/2012

RECEIVED
CITY CLERK

2012 MAR 12 A 10:31

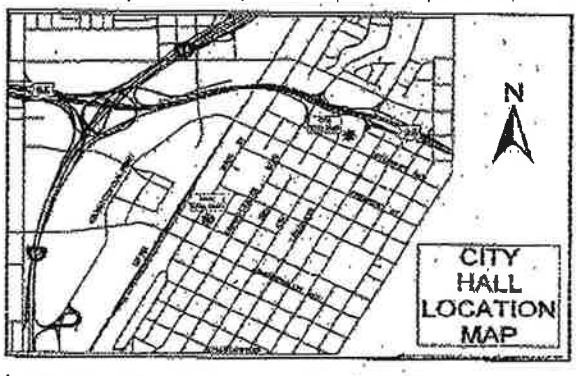
ALPHA TRUST
AV-GANIM MICHA TRS
15303 VENTURA BLVD #1050
SHERMAN OAKS CA 91403-5862

APN#16203210026

89 89089-1 S1403

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
City Council Meeting of 3/21/2012

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CITY CLERK

2012 MAR 12 A 10:31

AVGANIM YEHUDA
ALPHA TRUST
15303 VENTURA BLVD #1050
SHERMAN OAKS CA 91403-5862

APN#16203210024

89 89089-1 S1403

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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CITY CLERK

2012 MAR 12 A 7:25

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR 08 2012
MAILED FROM ZIPCODE 89101

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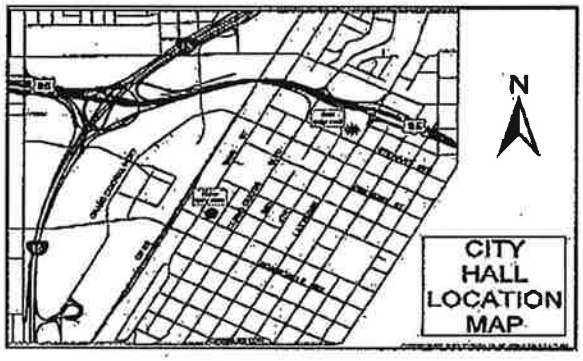
Official Notice of Public Hearing



off-Premise Signs are a BLIGHT on the area !!

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
City Council Meeting of 3/21/2012

COBLENTZ ALEXANDER & T LIV TR
1120 L L C
%S & A FELD
3207 BEL AIR DR
LAS VEGAS NV 89109-1518
APN#16203110106

89109 ADDRESS

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

CITY OF LAS VEGAS
ONE MOTION / ONE VOTE

Planning and Development Department
Case Planning Division
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106
(702) 229-6301 Phone (702) 385-7268 Fax

SUBJECT: ROR-74084 - APPLICANT: CLEAR CHANNEL OUTDOOR; OWNER: KENNETH SIMKINS

The above item has been placed on the One Motion/One Vote portion of the Planning Commission Agenda for the *FEBRUARY 14, 2012* Planning Commission meeting. All of these items will be placed at the beginning of the agenda. The Chairman of the Planning Commission will open them at the same time.

Enclosed please find the proposed conditions of approval. If you agree to these conditions, please sign this form and fax it to *Carmen Burney @ (702) 385-7268*. If there is no one present at the Planning Commission meeting who wants to discuss this item, you will not be called to the podium to discuss the case. However, you must be present in case any Planning Commissioner or member of the public wants to discuss the item. If you have any questions, please contact my office at (702) 229-6301.

Please sign and date that you have read and agree to the conditions and return to our office by 5:00PM *FEBRUARY 13, 2012*.

Signature

2/7/12
Date

Kevin Cooley
Please Print Name

Clear Channel Outdoor
Company Name

Sincerely,

RECEIVED

Steve Gebeke, AICP
Planning Supervisor
Case Planning Division

1120 LLC

1120 Las Vegas Boulevard South
Las Vegas, Nevada 89104

Reply To:
Executive Offices
Suzanne C. Feld
Managing Director

An 1120 LLC Property

e-mail: vassar39@embarqmail.com

RECEIVED
FEB 13 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Re: RQR-44084

February 3, 2012

City of Las Vegas
Planning Commission
Case Planning Division
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, NV 89106

We are owners of property in this neighborhood. We are opposed to the granting of a Special Use Permit for a very large (40 foot tall, 12'X40') off-premises sign.

This type of visual blight only contributes to the deterioration of neighborhoods, and this area can ill-afford any further degradation.

Owners in this area look forward to efforts by the city and developers that will enhance restoration and redevelopment. We should not allow the type of off-premises sign requested, and we respectfully request that you vote to deny this application.

Sincerely yours,

Suzanne Coblentz Feld
Managing Director

18
P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIPCODE 89101

RECEIVED
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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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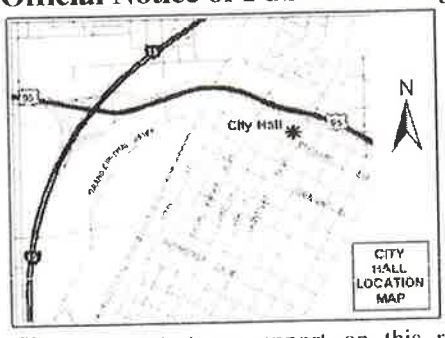
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
Planning Commission Meeting of 2/14/2012

Case: RQR-44084
16204608010
BAILEY K & PRATO T 2003 REV TR
BAILEY KAREN M TRS
105 W CHARLESTON BLVD
LAS VEGAS NV 89102-2532 89102-2532

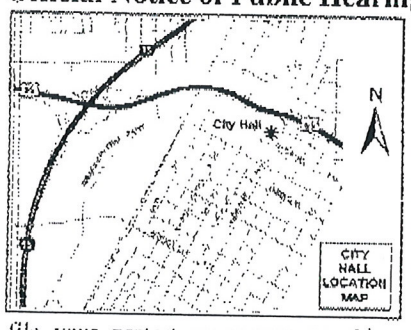
32 LRDFM1 89102

18A

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084

Planning Commission Meeting of 2/14/2012

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084

Planning Commission Meeting of 2/14/2012

Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084

Planning Commission Meeting of 2/14/2012

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FEB - 6 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

16203210026 Case: RQR-44084
ALPHA TRUST
AV-GANIM MICHA TRS
15303 VENTURA BLVD #1050
SHERMAN OAKS CA 91403-5862 91403-5

16203210025 Case: RQR-44084
ALPHA TRUST
15303 VENTURE BLVD #1050
SHERMAN OAKS CA 91403-5862 91403-5

16203210024 Case: RQR-44084
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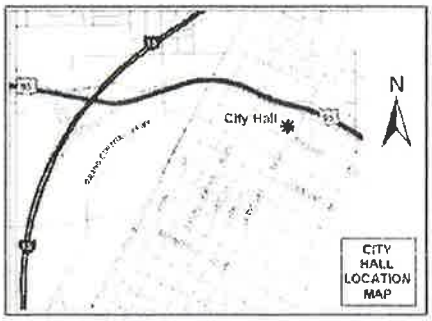
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: RQR-44084
16203110100
MAIN STREET VENTURES L L C
%T PRATO
105 W CHARLESTON
LAS VEGAS NV 89102-2532 89102-2532

89102 LVDPNLL 32

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44084
Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: RQR-44084
16203210090
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1531 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1311 89104-1311

89104 LVDPNLL 27

18
2A

City of Las Vegas Agenda Item No.: **54.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

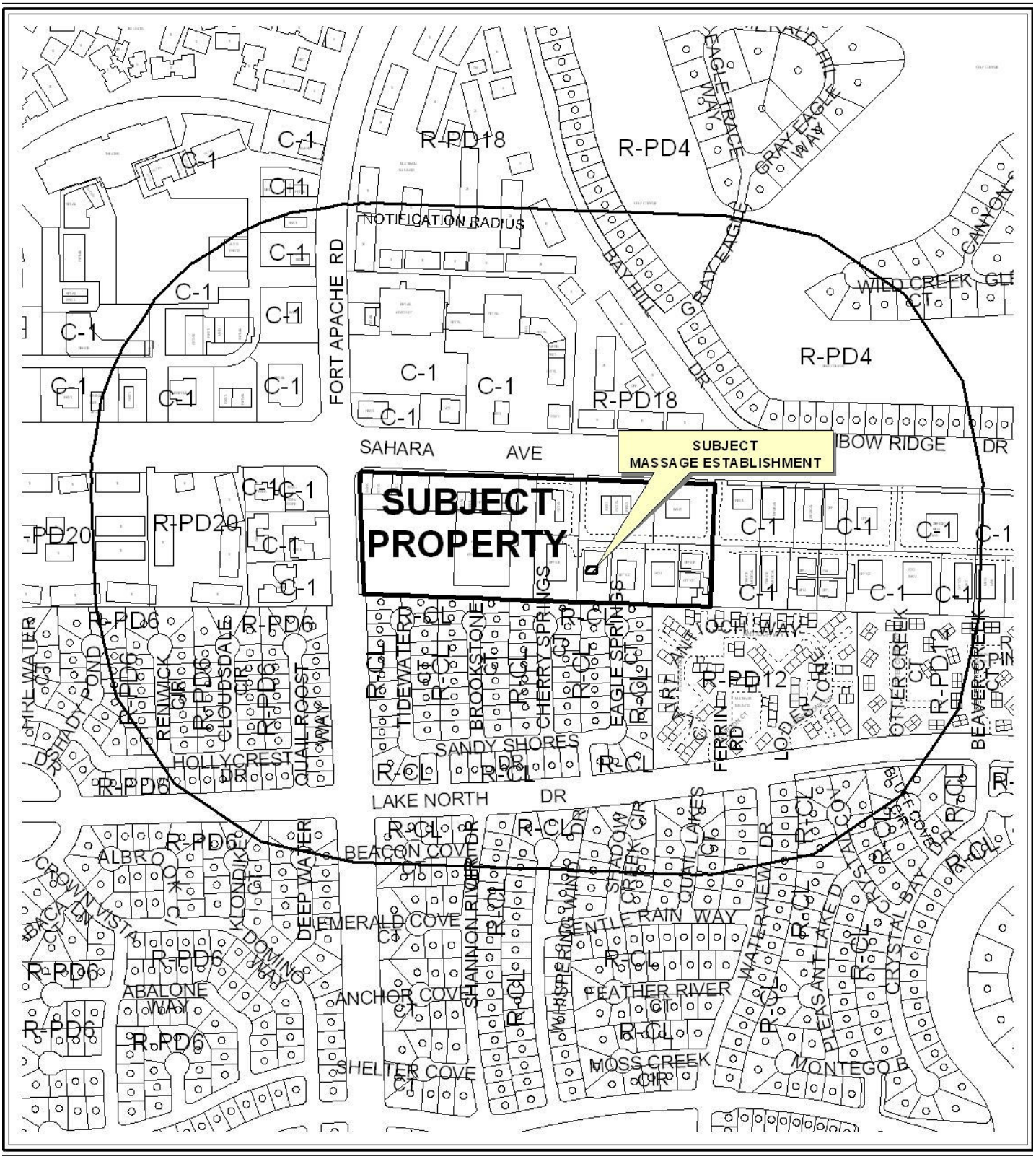
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
RQR-44401 - ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LESLEE WILBURN - OWNER: LUKE LOBATO, LLC - For possible action on a request for a Required Review of a previously approved Special Use Permit (SUP-38866) FOR A 775 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS OF THE DISTANCE SEPARATION REQUIREMENTS TO ALLOW 100 FEET FROM A SCHOOL WHERE 400 FEET IS REQUIRED, ZERO FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED, AND 230 FEET FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 9061 West Sahara Avenue, Suite #104 (APN 163-08-121-019), C-1 (Limited Commercial) Zone, Ward 2 (Vacant). Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**12**	**City Council Meeting**	**3**

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions. This item was held in Abeyance from the 3/7/2012 City Council meeting.

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-38866
5. Justification Letter
6. Protest/Support Postcards



0 300 600 Feet

CASE: **RQR-44401**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

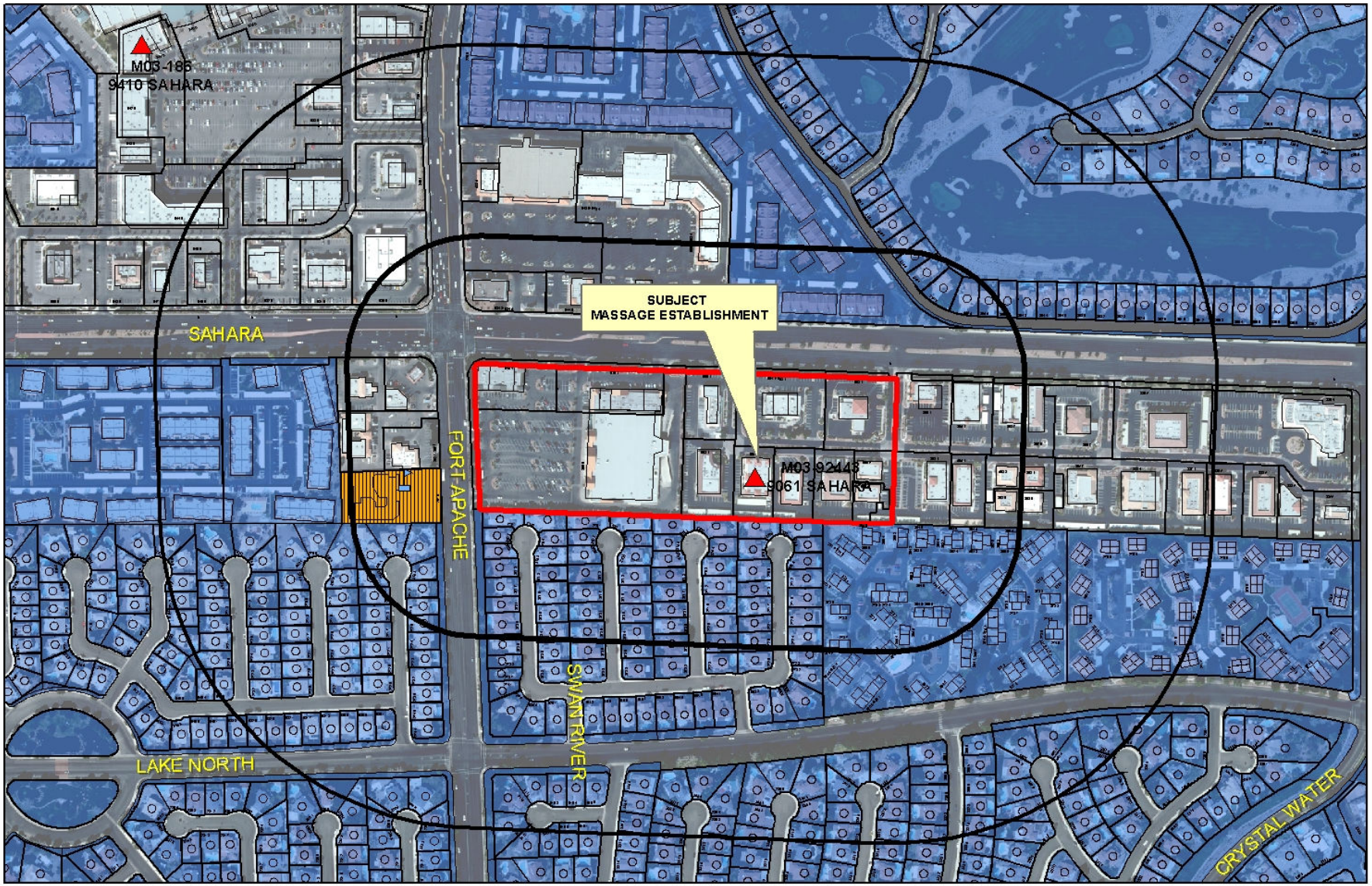
0 300 600 Feet

CASE: **RQR-44401**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



RQR-44401
Massage Establishment

Business Licenses
- Massage Establishment
- Child Care/ Children Facility

Protected Landuses
- RELIGIOUS
- CITY PARKS
- SCHOOLS

- Subject Property
- Residential Property
- 400' & 1000' Buffer

0 262.5 525 1,050 Feet

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: LESLEE WILBURN - OWNER: LUKE LOBATO, LLC

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 7, 2012 CITY COUNCIL MEETING AT STAFF'S REQUEST

**** STAFF RECOMMENDATION(S) ****

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
RQR-44401	Staff recommends APPROVAL, subject to conditions:	None

**** CONDITIONS ****

RQR-44401 CONDITIONS

Planning

1. Conformance to the conditions of approval of the Special Use Permit (SUP-38866) and all other site related actions as required by the Department of Planning and Department of Public Works.

2. No further reviews shall be required.

DS

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Required Review of a previously approved Special Use Permit (SUP-38866) for a 775 square-foot Massage Establishment with waivers of the distance separation requirements to allow 100 feet from a school where 400 feet is required, zero feet from residential use where 400 feet is required, and 230 feet from another massage establishment where 1,000 feet is required at 9061 West Sahara Avenue, Suite 104. The applicant has obtained the appropriate business licenses and has not experienced any business licensing issues or received any negative police activity.

As all the conditions of approval of the Special Use Permit (SUP-38866) have been satisfactorily met, staff is recommending approval of this request with no further reviews.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
03/06/85	The City Council approved a request for Rezoning (Z-0004-85) from N-U (Non-Urban) under Resolution of Intent to R-PD7 (Residential Planned Development- 7 Units per Acre), R-PD23 (Residential Planned Development-23 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial) and C-V (Civic) to R-PD4 (Residential Planned Development-4 Units per Acre), R-PD23 (Residential Planned Development-23 Units per Acre), C-1 (Limited Commercial) of property generally located south of Sahara Avenue, between Fort Apache Road and Durango Drive.
08/26/10	The Planning Commission approved a request for a Special Use Permit (SUP-38817) for a Bailbond Service at 616 South Third Street. Staff recommended approval.
10/06/10	The City Council approved a request for a Special Use Permit (SUP-38866) for a 775 square-foot Massage Establishment with waivers of the distance separation requirements to allow 100 feet from a school where 400 feet is required, zero feet from residential use where 400 feet is required, and 230 feet from another massage establishment where 1,000 feet is required at 9061 West Sahara Avenue, Suite 104. The Planning Commission recommended approval; staff recommended denial.

Most Recent Change of Ownership	
01/28/97	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
01/01/51	A business license (C25-00751) was issued for a Pool/Spa Contractor at 9061 West Sahara Avenue, Suite 102. The license was renewed on 05/16/11 and is still active.
06/07/93	A business license (Q07-00868) was issued for a Dental Firm at 9061 West Sahara Avenue, Suite 101. The license was renewed on 06/03/98 and is still active.
03/26/02	A business license (A23-01937) was issued for Income Tax Services at 9061 West Sahara Avenue, Suite 103. The license was renewed on 07/12/11 and is still active.
01/08/09	A business license (B20-01574) was issued for Business Support Services at 9061 West Sahara Avenue, Suite 105. The license was renewed on 05/19/09 and is still active.
08/03/10	A business license (B20-01873) was issued for Business Support Services at 9061 West Sahara Avenue, Suite 105. The license was renewed on 12/14/10 and is still active.
05/25/11	A business license (M03-92443) was issued for a Massage Establishment at 9061 West Sahara Avenue, Suite 104. The license is still active.
05/2511	A business license (M12-92444) was issued for Massage Therapy at 9061 West Sahara Avenue, Suite 104. The license is still active.
There are no current building permits for the subject site.	

Pre-Application Meeting
A pre-application meeting was not required, nor was one held.

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/30/12	Staff conducted a field check of the subject site with the following observations: • The area surrounding all four sides of the complex was neat and clean in appearance with landscaping areas being properly maintained. • Staff checked the three sides of the exterior of the building addressed 9061 West Sahara Avenue (where cars are permitted to travel), but could not locate a business sign for the massage establishment.

Details of Application Request	
Site Area	
Gross Acres	0.66

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Massage Establishment, Assorted Offices	SC (Service Commercial)	C-1 (Limited Commercial)
North	Restaurants, Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
South	Single Family Residences	ML (Medium-Low Density Residential)	R-CL (Single Family Compact-Lot)
East	Offices	SC (Service Commercial)	C-1 (Limited Commercial)
West	Offices	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area			
The Lakes	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

A Special Use Permit (SUP-38866) was approved for a 775 square-foot Massage Establishment with waivers of the distance separation requirements to allow 100 feet from a school where 400 feet is required, zero feet from residential use where 400 feet is required, and 230 feet from another massage establishment where 1,000 feet is required at 9061 West Sahara Avenue, Suite 104. The suite is located on the west side of the building with no wall sign. The applicant has obtained the appropriate business licenses and has not experienced any business licensing issues or received any negative police activity.

FINDINGS

As there have not been any licensing issues or complaints received from nearby residents/businesses, and all conditions of approval of the Special Use Permit (SUP-38866) have been satisfactorily met, staff is recommending approval of this request with no further reviews.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 7

NOTICES MAILED 960 (By Planning)

APPROVALS 0

PROTESTS 0

DS

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **RQR-44401** APN: 163-08-121-019

Name of Property Owner: Robin D. Lobato

Name of Applicant: Leslee Wilburn

Name of Representative: Leslee Wilburn

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

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JAN 19 2012
City of Las Vegas
Department of Planning

Signature of Property Owner: Robin Lobato

Print Name: ROBIN D. LOBATO

Subscribed and sworn before me

This 19th day of January, 2012

Latoya J. Williams

Notary Public in and for said County and State

LATOYA J. WILLIAMS
Notary Public, State of Nevada
Appointment No. 05-101392-1
My Appt. Expires Oct 25, 2013

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit

Project Address (Location) 9061 W. Sahara Ave. Ste 104 LV. NV 89117

Project Name Ilan Massage Studio **Proposed Use** Massage Establishment

Assessor's Parcel #(s) 163-08-121-019 **Ward #** 2

General Plan: existing SC proposed ____ **Zoning:** existing C-1 proposed ____

Commercial Square Footage 750 **Floor Area Ratio** ____

Gross Acres ____ **Lots/Units** ____ **Density** ____

Additional Information ____

PROPERTY OWNER Luke Lobato LLC **Contact** Robin Lobato

Address 9061 W. Sahara Ave. Ste 101 **Phone:** 877-0570 **Fax:** 877-9291

City Las Vegas **State** NV **Zip** 89117

E-mail Address drlobato@drlobato.com

APPLICANT Leslee Wilburn **Contact** 702-612-2008

Address ~~8045~~ 317 Whitney Breeze **Phone:** 612-2008 **Fax:** ____

City North Las Vegas **State** NV **Zip** 89031

E-mail Address leslee.wilburn@hotmail.com

REPRESENTATIVE ____ **Contact** ____

Address SAME AS ABOVE **Phone:** ____ **Fax:** ____

City ____ **State** ____ **Zip** ____

E-mail Address ____

Property Owner Signature* Robin Lobato

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name ROBIN D. LOBATO

Subscribed and sworn before me

This 19th day of January, 20 12.

Notary Public in and for said County and State

LATOYA J. WILLIAMS
Notary Public, State of Nevada
Appointment No. 05-101392-1
My Appt. Expires Oct 25, 2013

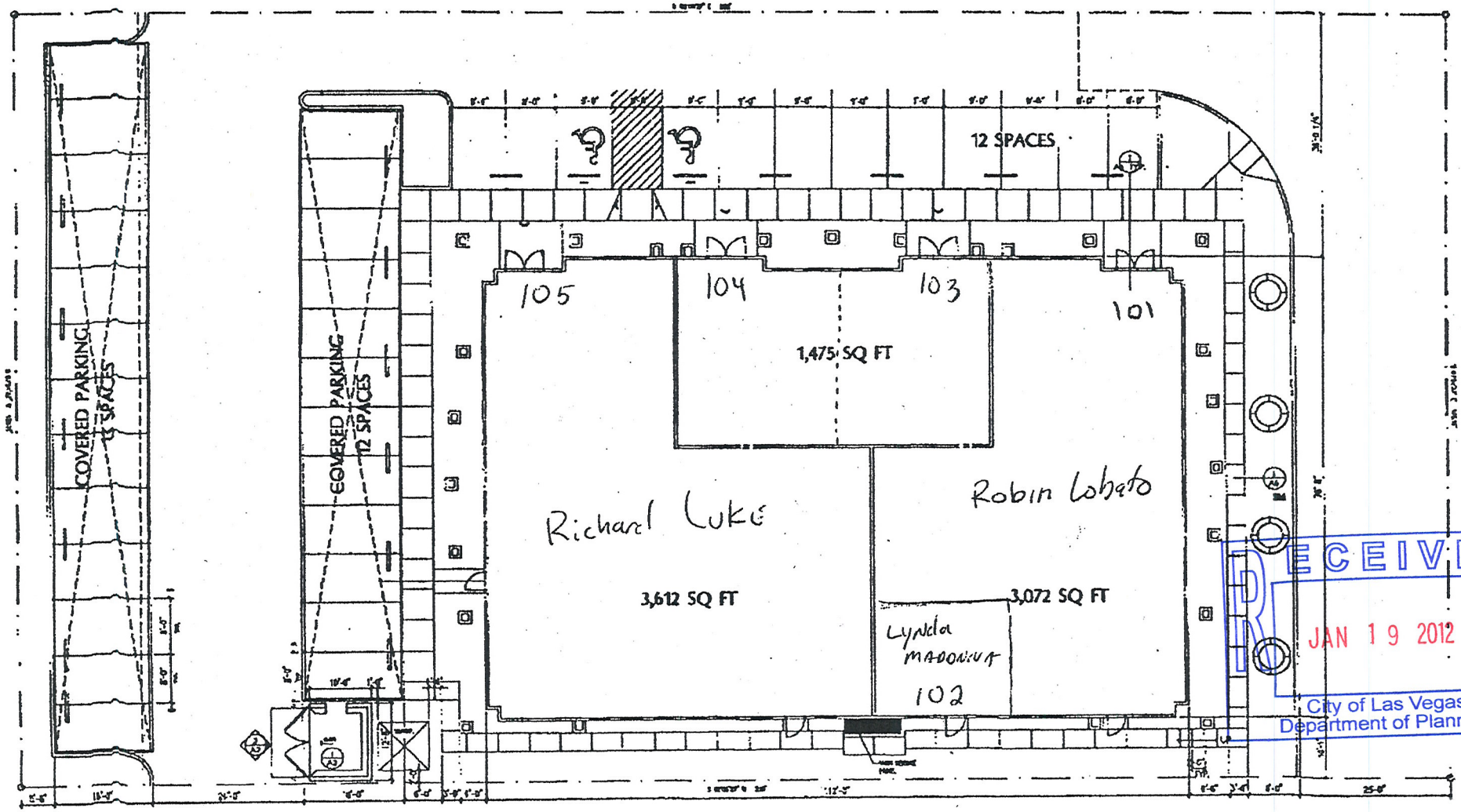
FOR DEPARTMENT USE ONLY

Case #	RQR-44140
Meeting Date:	3-7-12
Total Fee:	800.00
Date Received:*	1-19-12
Received By:	JFmed

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

Revised 10/27/08

f:\depot\Application Packet\Application Form.pdf



1 site plan
SCALE: N.T.S.

NORTH

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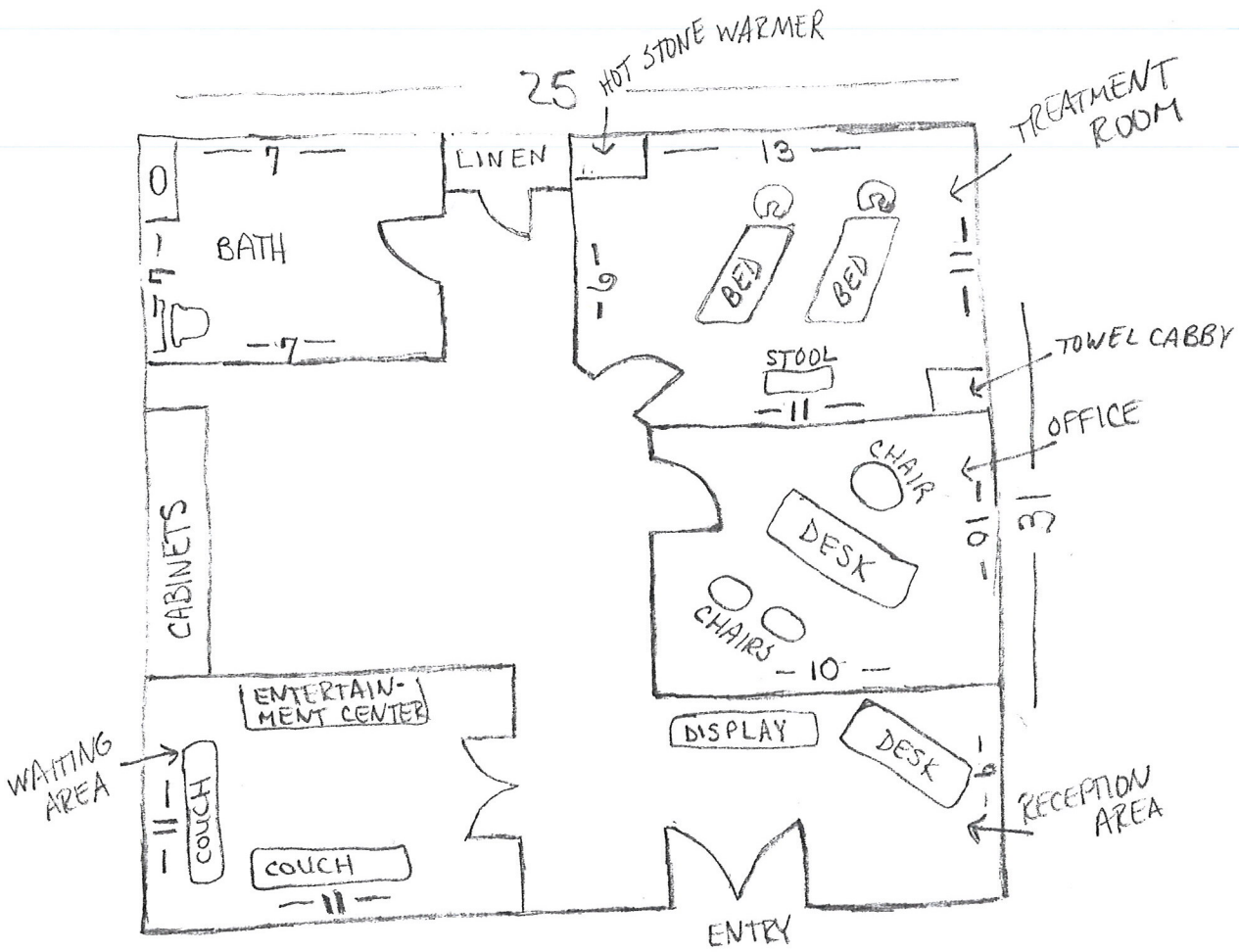
City of Las Vegas
Department of Planning

RQR-44401



775 sq. ft.

9061 W. Sahara Ave. #104
Las Vegas, NV. 89117

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City of Las Vegas
Department of Planning

RQR-44401

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

STEVE WOLFSON
LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
STAVROS S. ANTHONY

ELIZABETH N. FRETWELL
CITY MANAGER

October 18, 2010

Ms. Robin Lobato
Luke-Lobato, LLC
9061 West Sahara Ave., Suite #101
Las Vegas, Nevada 89117

RE: SUP-38866 – SPECIAL USE PERMIT
CITY COUNCIL MEETING OF OCTOBER 6, 2010

Dear Ms. Lobato:

The City Council at a regular meeting held October 6, 2010, APPROVED the request for a Special Use Permit FOR A 775 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS OF THE DISTANCE SEPARATION REQUIREMENTS TO ALLOW 100 FEET FROM A SCHOOL WHERE 400 FEET IS REQUIRED, ZERO FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED AND A 230 FEET FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 9061 West Sahara Avenue, Suite #104 (APN 163-08-121-019), C-1 (Limited Commercial) Zone. The Notice of Final Action was filed with the Las Vegas City Clerk on October 7, 2010. This approval is subject to:

Planning and Development

1. There shall be a six-month review after issuance of a business license at a public hearing of the City Council.

2. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Massage Establishment use.

3. Conformance to the approved conditions for Rezoning (Z-0004-85) and Site Development Plan Review [Z-0004-85(3)].

4. This approval shall be void two years from the date of final approval, unless a business license has been issued to conduct the activity. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. The business shall be open Monday thru Thursday 9:00 a.m. to 6:00 p.m., Friday 10:00 a.m. to 8:00 p.m., Saturday 8:00 a.m. to 6:00 p.m. and Sunday 9:00 a.m. to 3:00 p.m.

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JAN 19 2012
RQR-44401
City of Las Vegas
Department of Planning

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.lasvegasnevada.gov

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6. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Building and Safety Department.

Sincerely,

Lean Coleman
Deputy City Clerk II for
Beverly K. Bridges, MMC, City Clerk

M. Margo Wheeler, AICP
Director
Planning and Development Department

cc: Ms. Leslie Wilburn
8455 West Sahara Avenue, Suite #233
Las Vegas, Nevada 89117

RQR-44401

JUSTIFICATION LETTER FOR 9061 W. SAHARA AVE. #104

I am required review persuant to SUP#38866.

I have been using this space for my massage establishment, and am requesting approval for continued service. I have provided professional therapuetic services to all ages. I, currently, have a clientele base of 941 loyal clients. I am a nationally certified and state licensed therapist, who also has a background in nursing, while serving in the US Navy for 8 years. I provide a host of beneficial services for newborns to elderly clients. I have brought awareness to the valley about the importance of massage therapy for all ages, illnesses, medical issues, and athletes, through the many events that I've sponsored and attended.

My 750 square foot suite perfectly suits my needs for my practice with an office, treatment room, waiting area, and reception area. I am the sole provider in my office, i.e. a doctors/dentists office. My hours of operation are Tuesdays and Wednesdays 9am-6pm, Fridays 10am-6pm, and Saturdays 9am-6pm. I would also like to request extension of my hours for more flexibilty as needed to 7 days a week 8am-8pm.

My practice has been a phenomenal asset to Vegas valley. Its' focus is the entire family, not just adults.

In conclusion to this justification letter, I have thoroughly described the nature of my practice and its use.

Thank you,

Leslee Wilburn

RQR-44401

FEB-25-2012 10:22 FROM:JOHN CLELAND 7022334058 TO:3824803 P.1/1

CITY CLERK
2012 FEB 27 P 7:59

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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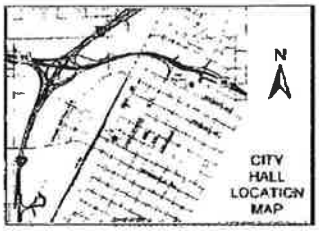

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of 03/07/2012

Case: RQR-44401
16305415231
CLELAND JOHN D
2200 S FORT APACHE RD #2115/14
LAS VEGAS NV 89117-5705 89117-5705

18 LRDFN11 89117

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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2012 FEB 27 P 1:59

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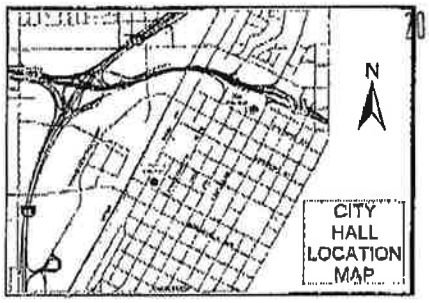

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☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16305415464
NEVADA PROPERTY MANAGEMENT I
202 E 1600 S
OREM UT 84058-7835 84058-7835

[illegible]

CITY CLERK

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

2012 FEB 27 P 7:59

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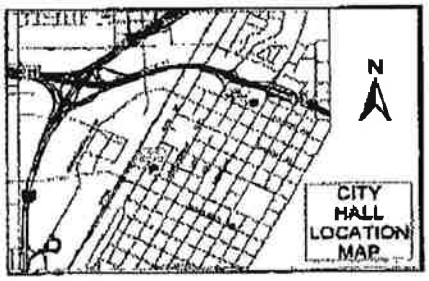

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16308116030
FARMER/BARKAWI REVOCABLE LIV TR
FARMER DONALD L TRS
21841 STARFIRE LN
HUNTINGTON BEACH CA 92646-7909 926

92 LRGFN1 92646

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Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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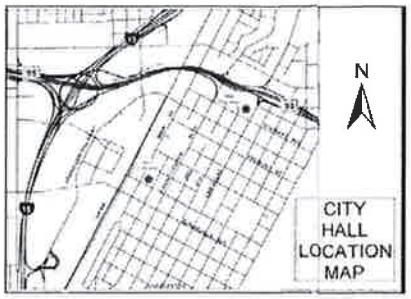

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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RQR-44401

City Council Meeting of **03/07/2012**

2012-02-15 LV NV 891

2012 MAR -5 A 11:34

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Case: RQR-44401
16305412008
DREYER FAMILY 2008 R E HOLD TR
DREYER STEVEN I TRS
10412 W STATE RD 84 #101
DAVIE FL 33324-4270 33324-4270

2 LRDFN11 33324

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

2012 FEB 28 A 11:56

RECEIVED CITY CLERK

Case: RQR-44401
16308119005
HART EDWIN L
2805 BLUFF COVE CIR
LAS VEGAS NV 89117-2236 89117-2236

16 LRDFN11 89117

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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CITY CLERK

2012 FEB 29 P 3:33

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Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16305415171
THOMPSON JANA P
328 S BUFFALO DR #102
LAS VEGAS NV 89145-4990 89145-4990

62-2

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 23 2012
MAILED FROM ZIP CODE 89101

CITY CLERK
2012 FEB 30 A 8:25

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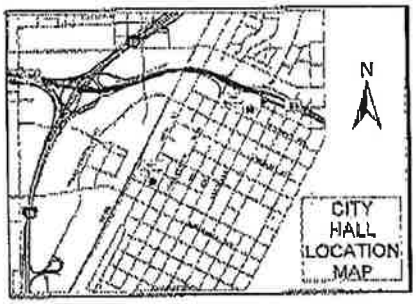

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401
City Council Meeting of **03/07/2012**

Case: RQR-44401
16308113008
RADEF NANCY LIVING TRUST 2011
RADEF NANCY TRS
2701 EAGLE SPRINGS CT
LAS VEGAS NV 89117-2411 89117-2411

891732411 0065

#0307 P.001/001

CITY CLERK

2012 FEB 28 A 8:27

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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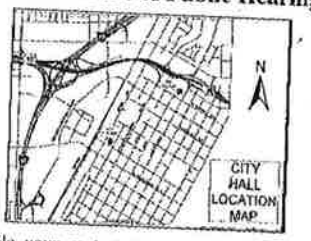
Return Service Requested
Official Notice of Public Hearing



Too close
Too many prior

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

16308111004 Case: RQR-44401
BERGER ALAN
RESCA LISA
2721 BROOKSTONE CT
LAS VEGAS NV 89117-2443 89117-2443

18 LRDFN11 89117

02/28/2012 21:30 17028380294

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE
PITNEY BOWES
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FEB 23 2012
MAILED FROM ZIPCODE 89101

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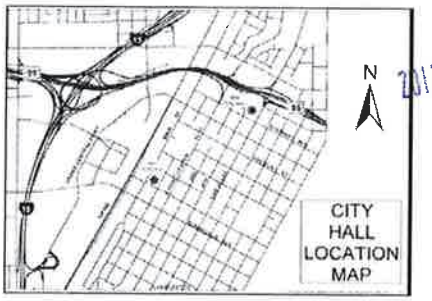
CITY CLERK
2012 FEB 28 P 12:09



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RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16308113003
MERCIER LINDA A REVOCABLE TRUST
MERCIER MARY L REVOCABLE TRUST
3208 BEACON SHORES CIR
LAS VEGAS NV 89117-0125 89117-0125

Application Information

RQR-44401 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LESLEE WILBURN - OWNER: LUKE LOBATO, LLC - For possible action on a request for a Required Review of a previously approved Special Use Permit (SUP-38866) FOR A 775 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS OF THE DISTANCE SEPARATION REQUIREMENTS TO ALLOW 100 FEET FROM A SCHOOL WHERE 400 FEET IS REQUIRED, ZERO FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED, AND 230 FEET FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 9061 West Sahara Avenue, Suite #104 (APN 163-08-121-019), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

We already have too many of those places in town. We don't need another - especially one that needs several Variances

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***March 7, 2012***
Time:	1:00 P.M.
Location:	City Council Chambers 495 South Main Street Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 495 South Main Street, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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FEB 23 2012
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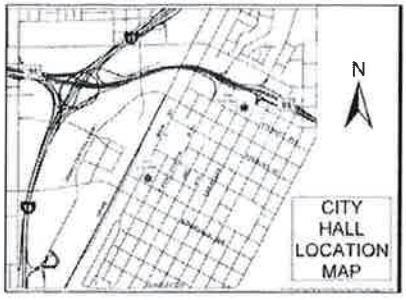
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401
City Council Meeting of **03/07/2012**

Case: RQR-44401
16308113018
DAVENPORT LAURIE L
9025 SANDY SHORES DR
LAS VEGAS NV 89117-2450 89117-2450

Application Information

RQR-44401 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: LESLEE WILBURN - OWNER: LUKE LOBATO, LLC - For possible action on a request for a Required Review of a previously approved Special Use Permit (SUP-38866) FOR A 775 SQUARE-FOOT MASSAGE ESTABLISHMENT WITH WAIVERS OF THE DISTANCE SEPARATION REQUIREMENTS TO ALLOW 100 FEET FROM A SCHOOL WHERE 400 FEET IS REQUIRED, ZERO FEET FROM A RESIDENTIAL USE WHERE 400 FEET IS REQUIRED, AND 230 FEET FROM ANOTHER MASSAGE ESTABLISHMENT WHERE 1,000 FEET IS REQUIRED at 9061 West Sahara Avenue, Suite #104 (APN 163-08-121-019), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson).

No suitable for this area

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***March 7, 2012***
Time:	1:00 P.M.
Location:	City Council Chambers 495 South Main Street Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 495 South Main Street, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

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495 South Main Street
Las Vegas, Nevada 89101

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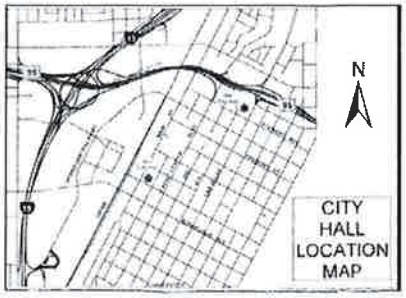

THE RECENT PAST YOU HAVE TRIED TO PLACE 2 BARS, 2 NIGHT CLUBS AND 2 MASSAGE — THIS IS A RESIDENTIAL AREA!

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Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16308115102
WATSON LEWIS R III 1998 FAM TR
WATSON LEWIS R III TRS
2712 BEAVER CREEK CT #202
LAS VEGAS NV 89117-1745 89117-1745

STOP YOUR CRAP

89117 LRDFN11 1 89117

City of Las Vegas
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495 South Main Street
Las Vegas, Nevada 89101

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CITY CLERK

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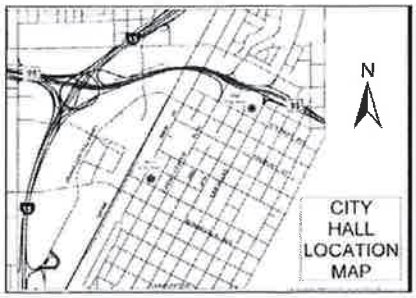

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401

City Council Meeting of **03/07/2012**

Case: RQR-44401
16308112015
BANNER 1993 REVOCABLE LIVING TR
BANNER JOHN D & SHELLEY J TRS
2720 CHERRY SPRINGS CT
LAS VEGAS NV 89117-2432 89117-2432

89117782432 C066

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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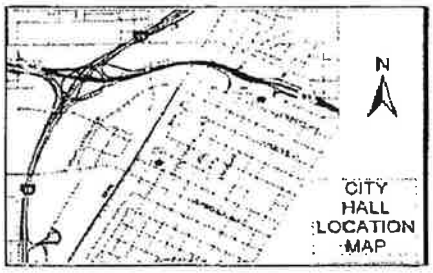
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401
City Council Meeting of **03/07/2012**

Case RQR-44401
16308120029
F M S HOLDINGS L L C
%F & M SISTILLI
2800 DARBY FALLS DR
LAS VEGAS NV 89134-7476 89134-7476

89134 LRDFN11

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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Official Notice of Public Hearing

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401
City Council Meeting of **03/07/2012**

Case: RQR-44401
16308120026
F M S HOLDINGS L L C
%F SISTILLI
2800 DARBY FALLS DR
LAS VEGAS NV 89134-7476 89134-7476

89134 LRDFN11

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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0004279215 FEB 23 2012
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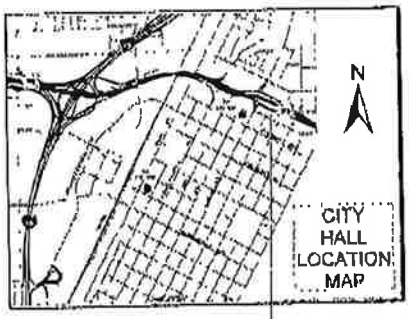

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

RQR-44401
City Council Meeting of **03/07/2012**

Case. RQR-44401
16305415148
SHIH MICHELLE CHIH-LAN
756 ARABIAN LN
WALNUT CA 91789-1280 91789-1280

89 LRDFN1 91789

City of Las Vegas Agenda Item No.: **55.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

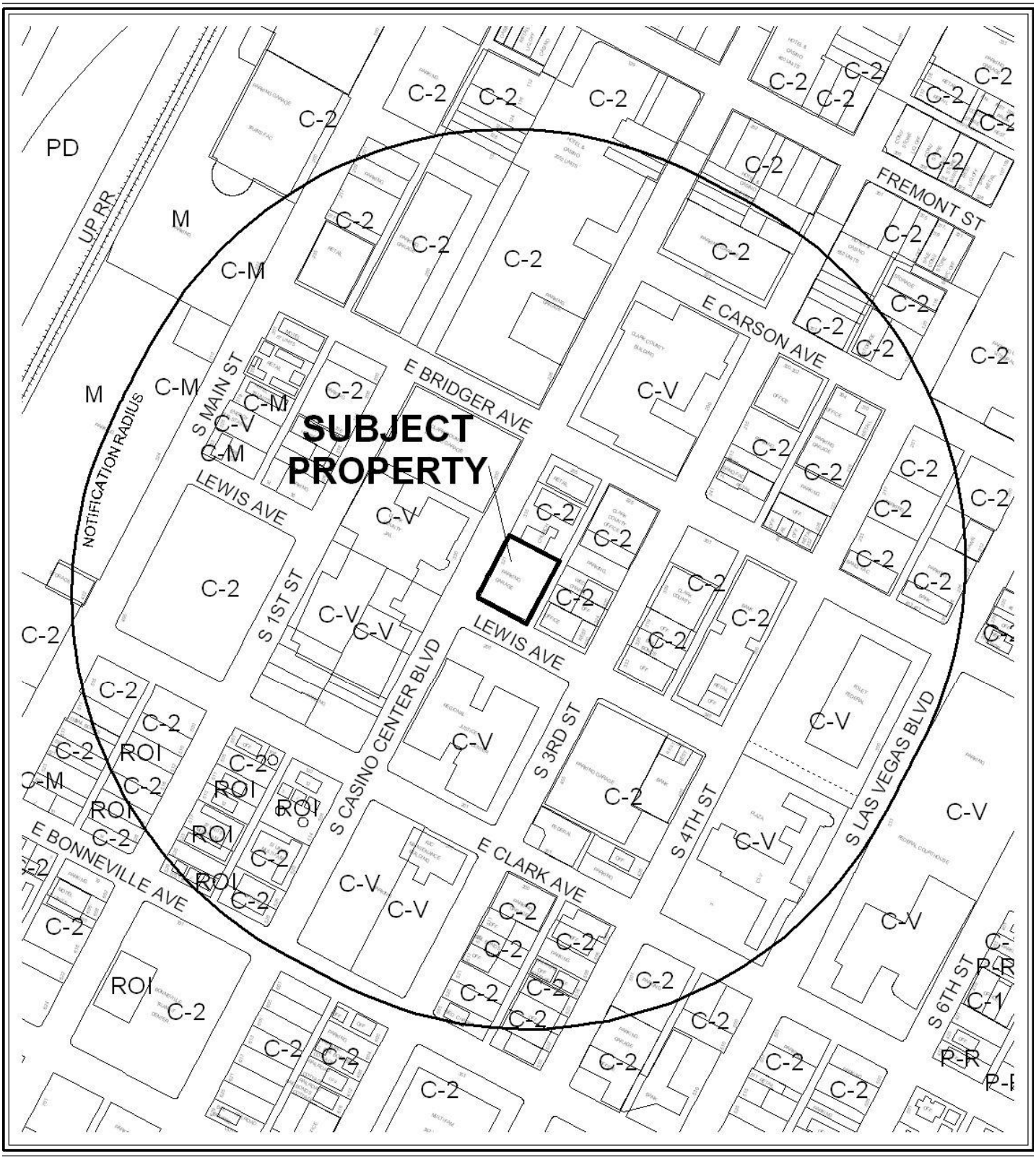
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-43723 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC - For possible action on a request for a Variance TO ALLOW TEN 210 SQUARE-FOOT PROJECTING SIGNS ON AN EXISTING BUILDING WHERE EIGHT SIGNS WITH A MAXIMUM AREA OF 32 SQUARE FEET PER SIGN ARE ALLOWED at 321 South Casino Center Boulevard (APN 139-34-201-020), C-2 (General Commercial) Zone, Ward 3 (Coffin). The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**2**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0-1 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letters
6. Backup referenced from the January 10, 2012 Planning Commission Meeting Item – VAR-43723



0 300 600 Feet

CASE: VAR-43723

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

0 300 600 Feet

CASE: VAR-43723

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-43723	Staff recommends DENIAL, if approved subject to conditions:	

** CONDITIONS **

VAR-43723 CONDITIONS

Planning

1. Conformance to the approved conditions for Site Development Plan Review (SDR-1298).

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. Submit an Encroachment Agreement for any portions of the proposed signage located in the Lewis Street and Casino Center Boulevard public rights-of-way adjacent to this site prior to occupancy of this site. The applicant must carry an insurance policy for the term of the encroachment agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove all private improvements encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's encroachment agreement. The installation and maintenance of all private structures in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement. This Encroachment Agreement may supersede L-ENCR #41924.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to replace existing artistic banners with signage bearing a commercial message on a parking garage at the northeast corner of Lewis Street and Casino Center Boulevard. These banners were architecturally designed to visually break up the building mass for curb appeal. Title 19 classifies these as projecting signs, which are permitted in the C-2 (General Commercial) zone. The signs exceed the number and maximum area allowed by Title 19. There has been no compelling reason presented to justify the request. For this reason, staff recommends denial. If denied, the artistic banners would remain.

ISSUES

- A Variance is required to allow projecting signs to exceed the maximum area and maximum number allowed by code. Staff does not support the request.
- Currently one of the banners on the south elevation has a sign with the word, "Parking" on it. This does not have a proper sign permit.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/24/63	The Board of City Commissioners approved zoning request (Z-0159-62) from C-1 (Limited Commercial) to C-2 (General Commercial) on the subject site. The Planning Commission and staff recommended approval.
02/19/03	The City Council approved a Site Development Plan Review (SDR-1298) and a waiver of the Downtown Centennial Plan building setback standards for a proposed eight-level parking garage with 17,959 square feet of ground level retail at 321 Casino Center Boulevard. Planning Commission and staff recommended approval.
01/05/05	The City Council approved a request for an Extension of Time (EOT-5631) for a previously approved Site Development Plan Review (SDR-1298) for a proposed eight-level parking garage with 17,959 square feet of ground level retail. Staff recommended approval.
02/21/07	The City Council approved a Special Use Permit (SUP-18695) for a proposed Bailbond Service at the northeast corner of Casino Center Boulevard and Lewis Avenue. Planning Commission and staff recommended approval.
03/21/07	The City Council approved a request for a Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. Planning Commission and staff recommended approval.

05/07/08	The City Council approved request for an Extension of Time (EOT-27576) for an approved Special Use Permit (SUP-19105) for a Bailbond Service at 321 South Casino Center Boulevard. Staff recommended approval.
01/20/10	The City Council approved a request for a Special Use Permit (SUP-36551) for a proposed 1,079 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suite 105. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Special Use Permit (SUP-36552) for a proposed 1,624 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suites 110 and 115. The Planning Commission and staff recommended approval.
02/02/11	The City Council approved a request for an Extension of Time (EOT-40580) of a previously approved Special Use Permit (SUP-36551) for a proposed 1,079 square-foot Bailbond Service at 321 South Casino Center Boulevard, Suite #105. Staff recommended approval.
12/13/11	The Planning Commission voted to hold this item in abeyance to the January 10, 2012 Planning Commission meeting.
01/10/12	The Planning Commission voted (6-0-1/gf) to recommend DENIAL (PC Agenda Item 20/yk).
02/15/12	The City Council voted to hold this item in abeyance to the March 21, 2012 meeting.

Most Recent Change of Ownership	
01/24/08	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
05/03/05	A building permit (#05002805) was issued for Certificate of Completion for a Parking Garage at 321 South Casino Center Boulevard. A final inspection was completed on 07/10/07.
11/30/06	A permit for Civil Improvement Plans (#18394) was issued for Lewis Center Parking Garage.
07/27/09	A business license (P02-01067) was issued for a commercial parking lot at 321 South Casino Center. The business license is still active.
10/15/09	A business license (P02-01068) was issued for a commercial parking lot at 321 South Casino Center. The business license is still active.

Pre-Application Meeting	
10/18/11	Staff met with the applicant and reviewed the requirements for a Variance to allow projecting signs to exceed the number and area allowed by code.

Neighborhood Meeting
No neighborhood meeting was required, nor was one held.

Field Check	
11/03/11	Staff visited the site and found a well maintained parking garage with suites on the ground floor. Artistic banners were up where the proposed signage will be located. One of the banners had the word, "Parking" on it, which is considered a commercial message and therefore requires a sign permit.

Details of Application Request	
Site Area	
Net Acres	0.56

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Parking Garage Bailbond Service Restaurant, Less than 2,000 SF (without Drive-Through)	C (Commercial)	C-2 (General Commercial)
North	Church/House of Worship	C (Commercial)	C-2 (General Commercial)
South	Regional Justice Center	PF (Public Facilities)	C-V (Civic)
East	Retail Wedding Chapel	C (Commercial)	C-2 (General Commercial)
West	Clark County Detention Center	PF (Public Facilities)	C-V (Civic)

Master Plan Areas	***Yes***	***No***	***Compliance***
Downtown Centennial Plan (Office Core)	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Overlay District	X		Y
A-O Airport Overlay District (200 Feet)	X		Y
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

YK

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Casino Center Boulevard	Secondary Collector	Master Plan of Streets and Highways	80	Y
Lewis Street	N/A	N/A	80	Y

Projecting Signs: *(West Elevation)*			
Standards	***Allowed***	***Provided***	***Conformance***
Maximum Number	1 / door entry 4 total	5	No
Maximum Area	35 SF	215 SF	No
Maximum Height	1 Foot above eave	Below eave	Yes
Minimum Setback	3 Feet	3 Feet	Yes
Illumination	Internal/External	N/A	N/A

Projecting Signs: *(South Elevation)*			
Standards	***Allowed***	***Provided***	***Conformance***
Maximum Number	1 / door entry 4 total	5	No
Maximum Area	35 SF	215 SF	No
Maximum Height	1 Foot above eave	Below eave	Yes
Minimum Setback	3 Feet	3 Feet	Yes
Illumination	Internal/External	N/A	N/A

ANALYSIS

The applicant is requesting to convert the artistic banners that were required as part of the approved Site Development Plan Review (SDR-1298) into commercial signage. The reason presented is that the required streetscape shade trees block the view of wall signage, making it less effective for advertising businesses on the site. Changing required artistic features for signage would change the character of the building and have a negative effect on the downtown aesthetic.

The Las Vegas 2020 Master Plan Policy 1.2.5 states: "That the City improve the quality and appearance of signage through review, amendment and consistent application of its Sign Code." This request is not consistent with the Sign Code and no evidence of a unique or extraordinary circumstance has been presented by the applicant to justify the request; therefore, staff recommends denial.

FINDINGS (VAR-43723)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing signage that exceeds Title 19 requirements. Alternative design of wall signage would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 30

NOTICES MAILED 70 (By City Clerk)

APPROVALS 0

PROTESTS 2

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-43723** APN: 139-34-201-020

Name of Property Owner: Oakbrook Realty & Investments II LLC

Name of Applicant: Oabrook Realty & Investments

Name of Representative: Kim M. Plencner

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: X _____

Print Name: Kim M. Plencner

Subscribed and sworn before me

This 28 day of September, 2011

_____

Notary Public in and for said County and State

OFFICIAL SEAL
JAMES R HORSTMAN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:12/16/13

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DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

19.08/120(F)

Application/Petition For: Sign Varience / PROJECTING SIGNS (24)

Project Address (Location) 321 Casino Center, Las Vegas , Nevada

Project Name Lewis Street, First Floor Retail **Proposed Use** Varience

Assessor's Parcel #(s) 139-34-201-020 **Ward #** Coffin

General Plan: existing C-2 proposed _____ **Zoning:** existing C-2 proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Oakbrook Realty & Investments II LLC **Contact** Kevin Plencner

Address 1000 Royce Blvd **Phone:** (847) 268-4000 **Fax:** (847) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

APPLICANT Oakbrook Realty & Investments II LLC **Contact** Kevin Plencner

Address 1000 Royce Blvd **Phone:** (847) 268-4000 **Fax:** (847) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address kvplncn@aol.com

REPRESENTATIVE Chris Denzel **Contact** Chris Denzel

Address 1000 Royce Blvd **Phone:** (630) 268-4000 **Fax:** (630) 268-4444

City Oakbrook Terrace **State** IL **Zip** 60181

E-mail Address _____

Property Owner Signature* X _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Kim M. Plencner, Managing Member

Subscribed and sworn before me

This 28 day of September, 2011.

_____

Notary Public in and for said County and State

OFFICIAL SEAL
JAMES R HORSTMAN
NOTARY PUBLIC STATE OF ILLINOIS
MY COMMISSION EXPIRES:12/16/12

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City of Las Vegas

FOR DEPARTMENT USE ONLY

Case #	VAR-43723
Meeting Date:	12/13/11 P.C.
Total Fee:	$830 —
Date Received:*	10/27/11
Received By:	B.S.

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

CASINO CENTER PARKING PLAZA
321 CASINO CENTER BOULEVARD
LAS VEGAS, NEVADA
CERTIFICATE OF CONSTRUCTION FOR PART OF THE FIRST FLOOR (PHASE 2)

COMMON AREA

OAKBROOK REALTY & INVESTMENT, LLC
8100 ROYCE BOULEVARD
OAKBROOK TERRACE, IL 60181
PHONE: 630-268-4000, FAX: 630-268-4444

SHEETS REVISED
1 SHEETS REVISED A-1, A-1A A-2, A-3, A-5, A-6, A-9, S-1

REVISIONS	BY
1 3 /31 / 10	

SPECIAL INSPECTION REQUIRED
BOLTS OR REBAR WITH EPOXY ANCHORAGE - SEE STRUCTURAL DRAWING S-1

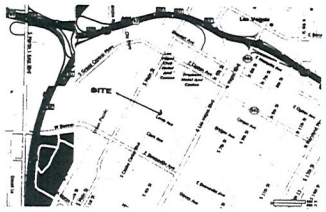
ARCHITECT
PRINCIPAL DESIGN PROFESSIONAL
THOMAS J. O'NEILL
ARCHITECTURE DESIGN & DEVELOPMENT
2160 W. CHARLESTON BLVD.
SUITE J
LAS VEGAS, NV 89102
TELEPHONE: 702-382-0427
FAX: 702-382-9952
EMAIL: add@lvcm.com

STRUCTURAL ENGINEER
JOHN S. KUBOTA
KUBOTA AND ASSOCIATES ENGINEERS, LTD.
5125 W. QUENDO #4
LAS VEGAS, NV 89119
TELEPHONE: 702-367-2800
FAX: 702-367-9669
EMAIL: kubotaengr@aol.com

MECHANICAL & PLUMBING ENGINEER
MOE KAZEMEINI, MSME, P.E.
PRECISION DESIGN GROUP
6275 MCLEOD DRIVE
SUITE 6
LAS VEGAS, NV 89120
TELEPHONE: 702-307-0912
FAX: 702-307-0913
EMAIL: moe@pd-group.net

ELECTRICAL ENGINEER
NOSRAT ROUHANI, P.E.
NRC ENGINEERS, INC.
3320 WYNN ROAD
SUITE D
LAS VEGAS, NV 89102
TELEPHONE: 702-248-1592
FAX: 702-3248-1593
EMAIL: nosrat@nrceng.com

GENERAL CONTRACTOR
RICK RAINEY
MILLENNIUM CONSTRUCTION INC.
3900 S. HUALAPAI WAY
SUITE 140
LAS VEGAS, NV 89147
TELEPHONE: 702-533-6423
FAX: 702-688-6438
EMAIL: rickrainey@mcinv.net

VICINITY MAP


GENERAL NOTES
1. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO COMPLETELY FAMILIARIZE HIMSELF WITH THESE PLANS AND THE EXISTING SITE CONDITIONS AND TO VERIFY ALL DETAILS WITH THE ARCHITECT PRIOR TO THE START OF CONSTRUCTION.
2. ANY DEVIATIONS FROM STAMPED AND APPROVED CONTRACT DOCUMENTS WITHOUT PROPER WRITTEN NOTIFICATION TO THE ARCHITECT WILL VOID THE ARCHITECTS RESPONSIBILITY FOR THE PROJECT.
3. INDICATED DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS-DO NOT SCALE DRAWINGS.
4. WHERE NECESSARY, THE SUB-CONTRACTOR IS TO PROVIDE LINE DIAGRAMS, LOAD CALCULATIONS, SHOP DRAWINGS, ETC. TO THE ARCHITECT FOR APPROVAL AND FOR ANY CHANGES AND OR SUBMITTAL.
5. ALL WORK SHALL EQUAL OR EXCEED ALL CURRENT BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, FIRE SAFETY, AND ZONING CODE ISSUES.
6. THE CONTRACTOR SHALL DIRECT ALL INQUIRIES TO THE ARCHITECT REGARDING PLAN CLARIFICATIONS AND SUBMITTALS.
7. CONSTRUCTION TECHNIQUES SHALL CONFORM WITH ALL LOCAL CODES AND ALL APPLICABLE HANDICAPPED ACCESSIBILITY CODEDS (FEDERAL AND LOCAL).
8. ALL PRODUCTS AND SYSTEMS TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S SPECIFICATIONS AND OR DETAILS.
9. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CHECK AND VERIFY ALL DIMENSIONS BIFORE STARTING CONSTRUCTION.
10. FAILURE TO COMPLY WITH THE ABOVE GENERAL NOTES AND THE CONSTRUCTION DOCUMENTS WILL VOID THE ARCHITECT'S RESPONSIBILITY FOR SAID PART OR MEANING OF THE ABOVE NOTES. FAILURE TO MAKE THE ARCHITECT AWARE OF AND /OR FAILURE TO SUBMIT TO THE ARCHITECT FOR APPROVAL ANY CHANGES, SUBMITTALS, REVISIONS TO CONSTRUCTION DOCUMENTS SHALL ALSO VOID THE ARCHITECT'S RESPONSIBILITY FOR SAID CHANGES, SUBMITTALS OR REVISIONS.
11. ALL FINISHES ARE OWNER SELECT U.N.O.

CODE ANALYSIS
SCOPE OF WORK:
INTERIOR:
-CERTIFICATE OF CONSTRUCTION FOR 1 TENANT AREA (#125) THE TENANT AREA CONSISTS OF DEMISING WALLS ONLY (GRAY SHELL) INDIVIDUAL TENANT IMPROVEMENT CONTRACT DOCUMENTS WILL BE SUBMITTED IN THE FUTURE.
EXTERIOR:
-CONSTRUCT COMMON AREA NEW HANDICAP RAMPS AND NEW PATIO FOR HANDICAP ACCESS ALONG LEWIS STREET.
-REMOVE & ADD DOORS IN EXISTING STOREFRONT.

CODES USED: 2006 I.B.C., 2006 IECC/UPC/UMC, 2005 NEC, ICC/ANSI A117.1-2003

ZONING: C-1/C-2 DOWNTOWN OVERLAY

GROSS SITE AREA: 24,500 SQ. FT.

EXISTING BUILDING CONSTRUCTION TYPE: 1A

NEW T.I SHELL CONSTRUCTION TYPE: 1A

OCCUPANCY GROUP: A-2 (ASSEMBLY) W/KITCHEN FOR TENANT #125.

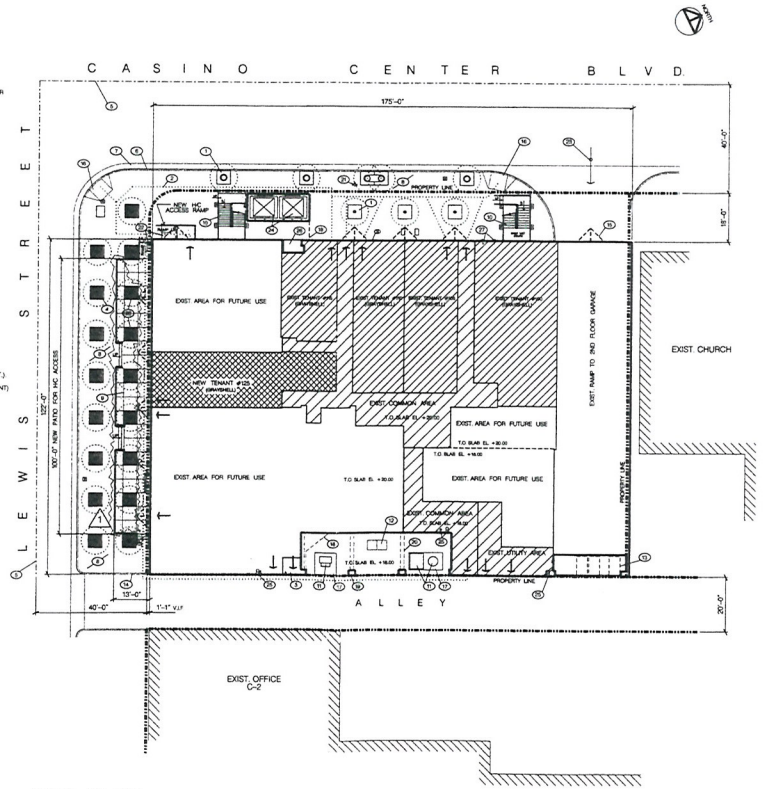
FLOOR AREA:
TENANT #125 = 1,233 SQ. FT.
COMMON AREA EXTERIOR PATIO = 857 SQ. FT.
ALLOWABLE FLOOR AREA (PER I.B.C. TABLE 503): UNLIMITED

OCCUPANCY LOADS (ASSEMBLY @ 1/15 SQ. FT. + KITCHEN @ 1/200 SQ.FT.):
TENANT #125 = 46 OCCUPANTS (ASSUMED AS FUTURE RESTAURANT)

EXITS REQ'D & PROVIDED (PER I.B.C. TABLE 1019.1): 2

FIRE SPRINKLERS: PROVIDED @ GROUND FLOOR

PARKING REQ'D: RESTAURANT (1 SPACE FOR EACH 100 SF OF GFA, INCLUDING OUTDOOR SEATING/EATING AREAS, PLUS 1 SPACE FOR EACH 200 SF OF THE TOTAL REMAING GFA, WITH A MINIMUM OF TEN SPACES) TO BE DETERMINED IN THE FUTURE T.I. PLANS
PARKING PROVIDED: 426 SPACES PROVIDED (INCLUDING 8 REGULAR HC SPACES & 2 VAN HC SPACES



SITE PLAN
1" = 20'

KEYNOTES
1. EXIST. CONC. GRATE AT EXIST TREE
2. ACCESSIBLE HC ROUTE
3. EXIST. FIRE RISER RM.
4. EXIST. CAST IRON GRATES AT EXIST. TREE WELLS
5. CENTERLINE OF STREET
6. EXIST. CONC. CURB
7. EXIST. CONC. GUTTER
8. EXIST. CONC. SIDEWALK
9. NEW PATIO DECK FOR HC ACCESS - SEE FIRST FLOOR PLAN SHEET A-2 & ENLARGED PLAN SHEET A-3
10. EXIST. STAIRS
11. EXIST. NEVADA POWER EQUIP.
12. EXIST. NEVADA POWER STEEL HATCH (AT GRADE) FOR ACCESS TO VAULT
13. TRASH CONTAINERS
14. EXIST. TOP OF CONC. CURB IS PLUSH W/EXIST. TOP OF ALLEY SURFACE.
15. EXIST. BANNER FRAME ABOVE
16. EXIST. HC CURB RAMP
17. EXIST. 6" HIGH CONC. PAD FOR EQUIPMENT
18. EXIST. 2ND FLOOR SOFFIT LINE ABOVE
19. EXIST. CONC. COL.
20. EXIST. 2ND FLOOR CAST CONC. BEAMS ABOVE
21. EXIST. FIRE HYDRANT
22. NEW CONC HC RAMP W/GUARDRAILS
23. EXIST. ENTRANCE TO GARAGE
24. EXIST. ELEVATOR
25. EXIST. DRAIN FROM ABOVE
26. EXIST. AUTOMATED GARAGE FEE MACHINE
27. EXIST. STANDPIPES
28. ELEVATE EXIST. CAST IRON GRATES - SEE PATIO ENLARGED FLOOR PLAN SHEET A-3

LIST OF DRAWINGS

A-1 COMMON AREA COVER SHEET /SITE PLAN
A-1A TENANT #125 COVER SHEET /SITE PLAN
A-2 FIRST FLOOR PLAN
A-3 FOUNDATION & ENLARGED FLOOR PLAN FOR HANDICAP ACCESS PATIO
A-4 SECOND FLOOR PLAN
A-5 ELEVATIONS
A-6 BUILDING SECTION
A-7 SCHEDULES
A-8 DETAILS
A-9 SECTIONS & DETAILS
A-10 HANDICAP DETAILS

S-1 STRUCTURAL DETAILS & SPECIFICATIONS

MG1.01 MECHANICAL COVER SHEET
M1.01 FIRST FLOOR MECHANICAL PLAN
M2.01 SECOND FLOOR MECHANICAL PLAN

PG1.01 PLUMBING COVER SHEET
P1.01 FIRST FLOOR PLUMBING PLAN

EG.01 SPECIFICATIONS AND LEGEND
EG.02 ONE-LINE DIAGRAM, SCHEDULES & CALCULATIONS
E1.01 FIRST FLOOR ELECTRICAL PLAN

PLUMBING ANALYSIS

AREA	OCCUPANCY	# OF OCCUPANTS	M.W.C.	W.W.C.	U.W.C.	M.LAV.	W.LAV.	U.LAV.
COMMON AREA	NA	0	0	0	1	0	0	1
TENANT #125	A-2	46 +/-	1 FUTURE MEN & 1 FUTURE WOMEN TOILET ROOM					

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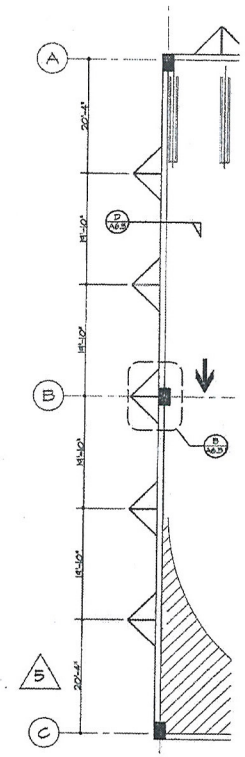
VAR-43723

CASINO CENTER PARKING PLAZA
FIRST FLOOR TENANT IMPROVEMENT ROUGH-OUT
PHASE 2 GRAY SHELL AT EXISTING PARKING STRUCTURE
321 CASINO CENTER BLVD.
LAS VEGAS, NV
OAKBROOK REALTY & INVESTMENT, LLC

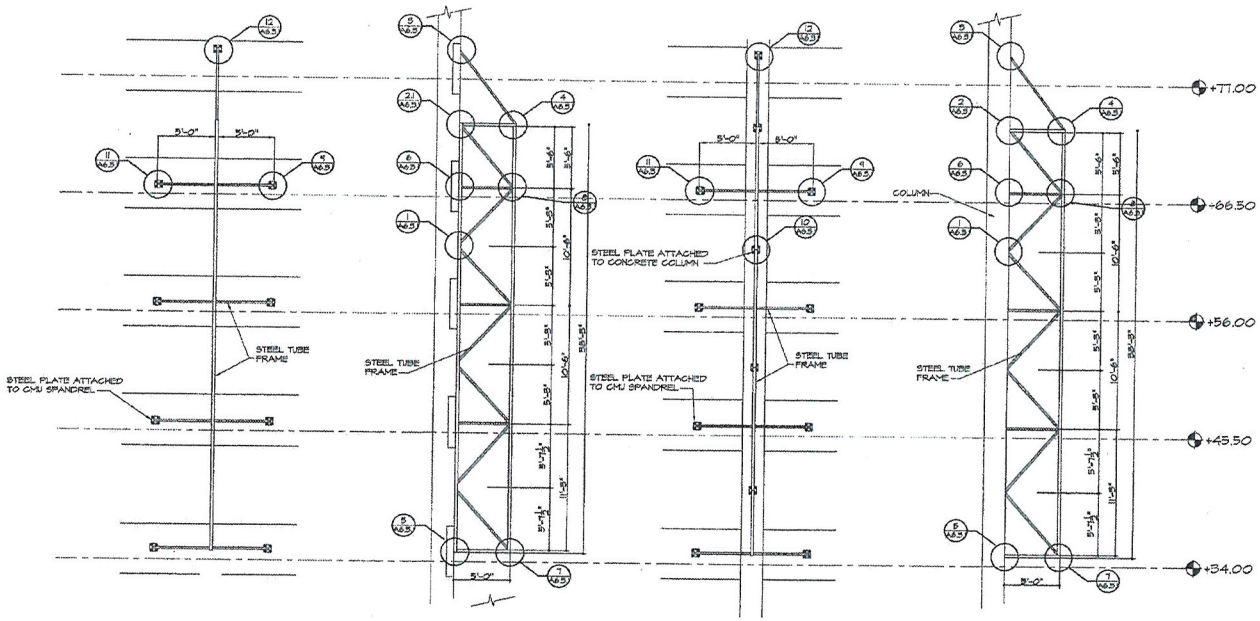
ARCHITECTURE DESIGN AND DEVELOPMENT
702-382-0427
fax. 382-9952
2160 W. Charleston Blvd. Suite J
Las Vegas, NV 89102

SITE PLAN, NOTES & LIST OF DRAWINGS

Date: 8 /11 /09
Scale: 1" = 20'-0"
Drawn:
Job:
Sheet: A-1 OF



2 PLAN VIEW
NTS

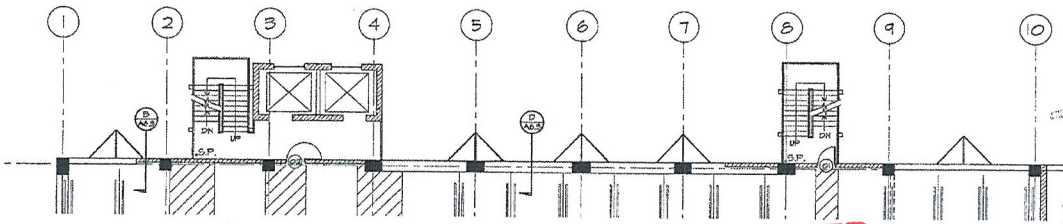


FRAME FRONT VIEW @ CMU
A NTS

FRAME SIDE VIEW @ CMU
B NTS

FRAME FRONT VIEW @ COMUMN
C NTS

FRAME SIDE VIEW @ COMUMN
D NTS



1 PLAN VIEW
NTS

2 REVISED ENTIRE SHEET

4/15/05 OWNER REVISIONS

PLANS APPROVED ARCHITECTURAL
T.S. SEP 07 2005

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VAR-43723

KJ Doors, Inc.

Jessen-Wright Structural Engineers

LEWIS STREET PARKING STRUCTURE
FOR
LEWIS CENTER PARKING, L.L.C.
LAS VEGAS, NEVADA

BANNER DETAILS

PROJECT NO. 02-118.01
DATE 3/21/2003
DRAWN BY RL
CHECKED BY
REVISED DATE
1\ 4/7/03-CITY CORRECTIONS
2\ 4/15/05 - OWNER REVISIONS
3\ 6/7/05 - REDESIGN

A-6.3

VAR-43723 - APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC
321 SOUTH CASINO CENTER BOULEVARD

11/03/11

VAR-43723 - APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC
321 SOUTH CASINO CENTER BOULEVARD

11/03/11

VAR-43723 - APPLICANT/OWNER: OAKBROOK REALTY AND INVESTMENTS II, LLC
321 SOUTH CASINO CENTER BOULEVARD

11/03/11

TANEY ENGINEERING
6030 SOUTH JONES BLVD. #100
LAS VEGAS, NV 89118
TELEPHONE: 702-362-8844
FAX: 702-362-5233

October 26, 2011

City of Las Vegas
Department of Planning
333 N. Rancho Dr
Las Vegas, NV 89106

Re: Justification Letter - Sign Variance 321 Casino Center

This letter is requesting a sign variance. Originally the banners were architecturally designed into the building to visually break up the building mass for curb appeal and to separate the public parking from the county employee parking lot across the street to avoid confusion. Now that there are tenants moving into the retail space, they require signage to promote their business. The trees in front of the building, planted in the streetscape, required by the downtown centennial plan, obstruct views of any signage on the first floor, thereby not allowing them to promote their business.

Currently there are four business entrances each on Lewis Street and Casino Center Boulevard. There are five signs on Lewis Street and five signs on Casino Center Blvd. The size of the banners are 5' x 42' – 6". To the best of our knowledge the proposed projecting signs meet the minimum setback requirements of 3 feet measured from the back of the curb and do not project more than 6 feet from the building elevation.

The variance we are requesting exceeds the one sign per entrance, maximum height and the maximum area code.

At present, the existing banners have the words "public parking" one on the Lewis side and one on the Casino Center of the subject property. The remaining banners are multi colored. The Justification for the change would number one be the hardship posed by the trees blocking the public from seeing what services are being offered. The banners fit into the long term development plan of the downtown in promoting new business and the excitement of same. Upgraded signage has been allowed at Neonopolis, the new clubs along the block on Fremont at Las Vegas Boulevard and on the parking garage at the outlet mall on Grand Canyon to name a few. They would help the proprietors achieve success in this struggling economy, which also can benefit the sales tax income for the city.

Sincerely,

Janet Avance

Janet Avance
Project Service Coordinator

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OCT 27 2011
City of Las Vegas
VAR-43723

OAKBROOK REALTY AND INVESTMENT, LLC

October 4, 2011

Justification Letter
Sign variance 321 Casino Center

The reason we are requesting a sign variance, originally the banners were architecturally designed into the building to visually break up the building mass for curb appeal and to separate the public parking from the county employee parking lot across the street to avoid confusion. Now that we have tenants moving into our retail space, they require signage to promote their business. The trees in front of the building, planted in the streetscape, required by the downtown centennial plan, obstruct views of any signage on the first floor, thereby not allowing them to promote their business.

To the best of our knowledge the proposed projecting signs meet the minimum setback requirements and the minimum clearance standard. The variance we are requesting exceeds the one sign per entrance, maximum height and the maximum area code.

At present the existing banners have the words public parking, one on the Lewis side and one on the Casino Center of the subject property. The remaining banners are multi colored. The Justification for the change would number one be the hardship posed by the trees blocking the public from seeing what services are being offered. The banners fit into the long term development plan of the downtown in promoting new business and the excitement of same. Upgraded signage has been allowed at Neonopolis, the new clubs along the block on Fremont at Las Vegas Boulevard and on the parking garage at the outlet mall on Grand Canyon to name a few. They would help the proprietors achieve success in this struggling economy, which also can benefit the sales tax income for the city.

Sincerely,

Kim M. Plencner

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OCT 27 2011
City of Las Vegas

VAR-43723

1000 Royce Boulevard
Oakbrook Terrace, Illinois 60181
(630) 268-4000
FAX: 630 268 4444

From: Tom Burkart <tburkart@LasVegasNevada.GOV>
To: kvplncn <kvplncn@aol.com>
Cc: lvchris <lvchris@hotmail.com>
Subject: RE: 321 Casino Center sign variance package for review prior to submission:
Date: Mon, Oct 3, 2011 4:16 pm

Kevin,

The Justification letter should be expanded upon.

The current code permits projecting signs, the letter submitted should explain why we are proposing to go above and beyond what the current code permits for projecting signs (aka the Variance request). To explain this, I would begin with the history of the decorative banners (originally installed to break-up building mass) and the transition to using the decorative banners for on-site signage (now that we have ground floor businesses and wall signs may be blocked by the trees), and what we're proposing to do to keep some of the decorative elements of the original banners.

I've included the Projecting sign standards below. You should review each requirement and comment on why the proposed sign either meets or does not meet what the current code permits in the justification letter. What does not meet current code will be the subject of the Variance review.

Your questions below also seem to reference Off-Site Advertising (different downtown events advertised on the banners). As we previously discussed any advertising for product not located on-site will be considered a "Billboard" or as the code defines, an "off-premise signage". Off Premise Signage requires the approval of a Special Use Permit, which is a separate review from the Variance for the On-Site Projecting Sign Standards.

The Pre-Application Request Form, Justification letter and Elevations need to be faxed to Planning No later than this Thursday, October 6th to be placed on the next agenda cycle. As long as the applications are signed and notarized by the Property Owner or Legal Representative, Chris will not need any power of attorney, he will simply be listed as the applicant.

Table 20. Projecting Sign Standards in Commercial and Industrial Districts (see Figure 23)

Standard	C-1, C-2, C-M and M
Maximum Number	1 sign per entrance
Maximum Area	32 square feet
Maximum Height	1 foot above eave or rafter line, whichever is higher
Minimum Setback	A projecting sign may project over the public right-of-way, provided the projecting sign maintains a minimum setback of 3 feet measured from the back of the curb and such signs do not project more than 6 feet from the building elevation to which they are attached
Minimum Clearance	8 feet from the ground to the bottom of the sign
Additional Standards	1. Projecting signs shall not be permitted on property that has freestanding signs 2. Projecting signs shall be subject to review by the Department of Public Works to the extent they extend over or near the public right-of-way

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City of Las Vegas

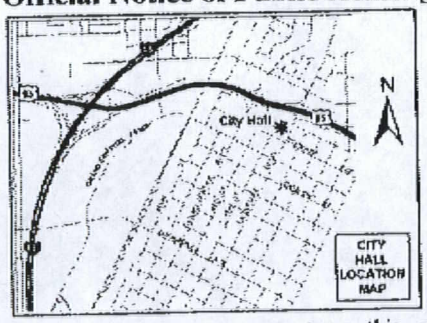
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

12/02/2011 17:04 7029387595 VEGAS WEDDING 320 PAGE 01/01

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-43723

Planning Commission Meeting of 12/13/2011

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DEC 05 2011

29P

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 01 2011
MAILED FROM ZIP CODE 89101

Case: VAR-43723
13934301007
BUYERS ONLY REAL EST AGENCY LLC
555 S 3RD ST
LAS VEGAS NV 89101-6501 89101-6501

12/02/2011 17:06 7029387595 VEGAS WEDDING 320 PAGE 01/01

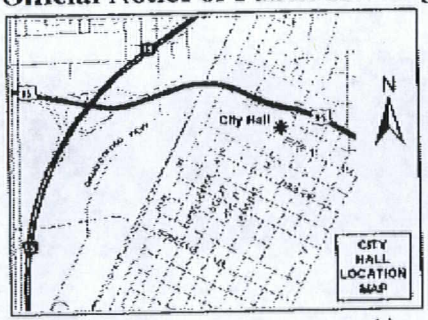
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.41⁴
0004279218 DEC 01 2011
MAILED FROM ZIP CODE 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-43723

Planning Commission Meeting of 12/13/2011

Case: VAR-43723
13934210060
LAS VEGAS WEDDING BUREAU L L C
555 S 3RD ST
LAS VEGAS NV 89101-6501 89101-6501

RECEIVED
DEC 05 2011

89101 JRDFN11

29P

City of Las Vegas Agenda Item No.: **56.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

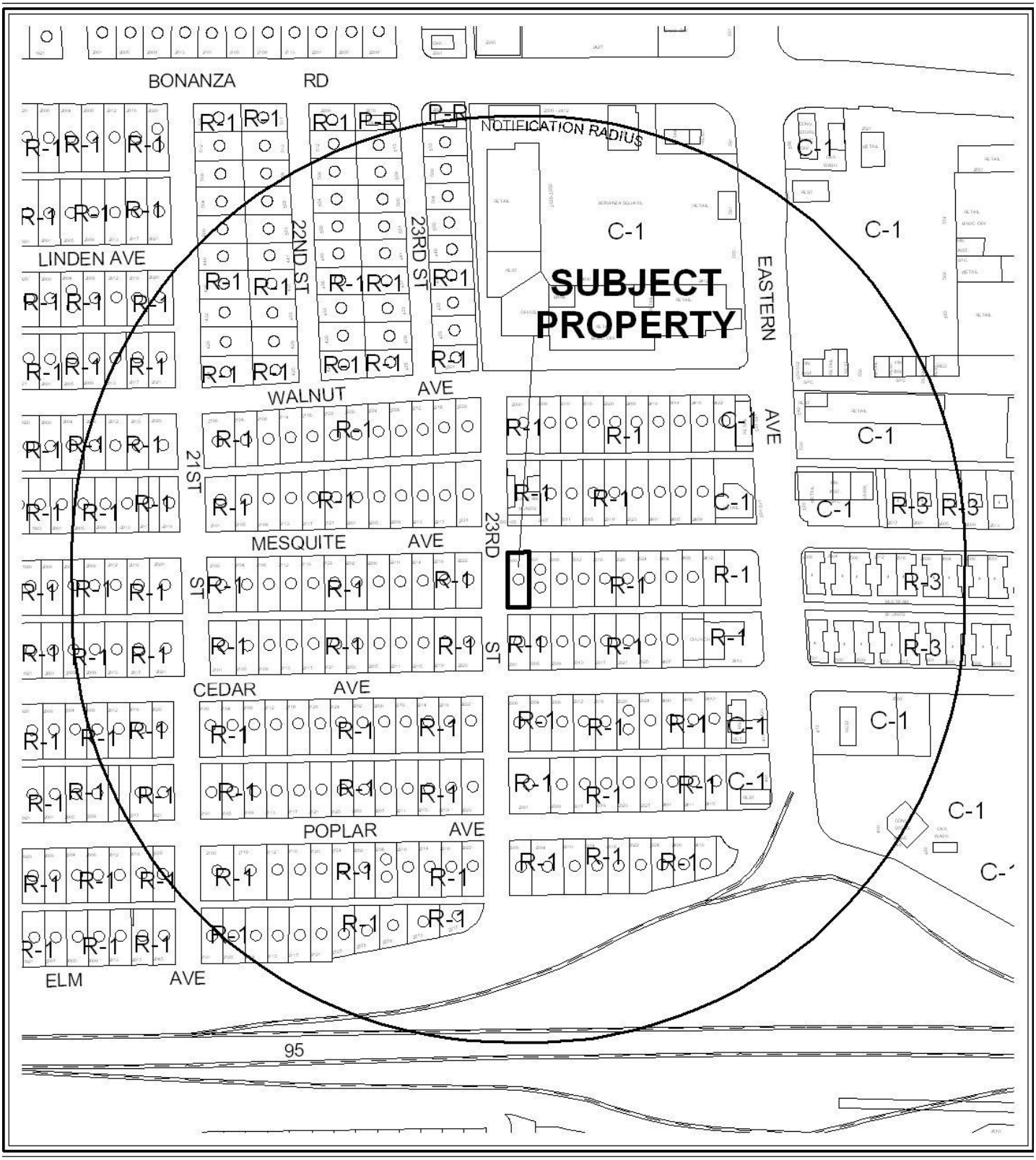
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-43956 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: WISEMAN LIVING TRUST - For possible action on a request for a Variance TO ALLOW A THREE-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED AND A SIX-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED ATTACHED CARPORT on 0.14 acres at 2300 East Mesquite Avenue (APN 139-35-513-022), R-1 (Single Family Residential) Zone, Ward 3 (Coffin). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) and Staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the January 10, 2012 Planning Commission Meeting Item – VAR-43956



CASE: **VAR-43956**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 300 600 Feet

N

0 300 600 Feet

CASE: VAR-43956

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: WISEMAN LIVING TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-43956	Staff recommends DENIAL, if approved subject to conditions:	N/A

** CONDITIONS **

VAR-43956 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the existing lots. The mapping action shall be completed and recorded prior to the issuance of any building permits.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request to allow a proposed carport to be located three feet from the front property line where 20 feet is required and six feet from the corner side property line where 15 feet is required at 2300 East Mesquite Avenue. There is a single family home with a detached garage on the property. The need for a Variance is self-imposed and does not meet the minimum standards for the R-1 (Single Family Residential) Zoning District; therefore, staff recommends denial. If the Variance is denied, the proposed structure will not be allowed to encroach into the front and side yard setbacks.

ISSUES

- A Variance is required to allow a carport to be three feet from the front property line where 20 feet is the required minimum setback.
- A Variance is required to allow a carport to be six feet from the side property line where 15 feet is the required minimum setback.
- The carport is proposed to be built across a lot line and a remapping action is required to create a single lot.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
02/15/2012	The City Council voted to hold this item in abeyance to the March 21, 2012 meeting.

Most Recent Change of Ownership	
02/01/2006	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
c.1948	A single family dwelling was constructed on the site.
02/05/76	A building permit (#541) was issued for two awning structures at 2300 East Mesquite Avenue. The permit was finalized 02/24/76.

DED

Pre-Application Meeting	
11/07/11	A pre-application meeting was held and issues concerning the application submittal of a Variance for setbacks were discussed with the applicant.
Neighborhood Meeting	
A Neighborhood Meeting is not required for this application, nor was one held.	

Field Check	
12/01/11	Staff conducted a field check of the subject property. Staff noted the site was a well maintained residential home with a detached garage and accessory additions.

Details of Application Request	
Site Area	
Net Acres	0.14

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
North	Multi-Family Residential	L (Low Density Residential)	R-1 (Single Family Residential)
South	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	Single Family Detached	L (Low Density Residential)	R-1 (Single Family Residential)

Master Plan Areas	***Yes***	***No***	***Compliance***
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to 19.06.070, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Size	6,500 SF	6,350 SF	N*
Min. Lot Width	65 Feet	50 Feet	N*
Min. Setbacks			
• Front	20 Feet	3 Feet	N
• Corner Side	15 Feet	6 Feet	N
Max. Lot Coverage	50 %	45 %	Y

*The subject site is legally non conforming in regards to the lot size and width.

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
East Mesquite Avenue	N/A	N/A	60	N/A

ANALYSIS

The applicant is proposing to construct a 703 square-foot attached carport in the front of the existing principal structure. The Variance is a deviation of 85 percent from the front yard setback standards of the R-1 (Single Family Residential) Zoning District and a deviation of 60 percent from the corner side yard setback standards of the R-1 (Single Family Residential) Zoning District.

The property is comprised of two legally subdivided lots. The carport is proposed to be built across a lot line; therefore, a remapping action is required to create a single lot. A condition of approval is included regarding this issue.

This property is not located within a Special Purpose or Overlay District. The proposed addition is a self-imposed hardship inconsistent with the intent of the R-1 (Single Family Residential) Zoning District; therefore, staff recommends denial.

FINDINGS (VAR-43956)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship by proposing to construct a structure within the front and corner side yard setback areas. To meet Title 19 requirements the proposed structure would need to be redesigned to meet the setback standards of an R-1 (Single Family Residential) Zoning District. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 41

NOTICES MAILED 261 (By City Clerk)

APPROVALS 1

PROTESTS 0

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-43956** APN: 139.35.513.022

Name of Property Owner: WISEMAN LIVING TRUST

Name of Applicant: WILLIAM (BILL) WISEMAN

Name of Representative: BRAZEN ARCHITECTURE INC % MONICA GRESSER

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: William B Wiseman

Print Name: William B Wiseman

Subscribed and sworn before me

This 10 day of November, 20 11

Notary Public in and for said County and State

State of Nevada
County of Clark

IRMA ZUNIGA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 7-23-14
Certificate No: 10-2541-1

RECEIVED
NOV 22 2011
City of Las Vegas
Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SETBACK VARIANCE

Project Address (Location) 2300 E MESQUITE AVE, LAS VEGAS, NV

Project Name WISEMAN CARPORT FOR SINGLE FAMILY **Proposed Use** NO CHANGE

Assessor's Parcel #(s) 139.35.513.022 **Ward #** 3

General Plan: existing LDR proposed NO CHANGE **Zoning:** existing R-1 proposed NO CHANGE

Commercial Square Footage N/A **Floor Area Ratio** N/A

Gross Acres 0.14 **Lots/Units** _____ **Density** LOW

Additional Information _____

PROPERTY OWNER WISEMAN LIVING TRUST **Contact** BILL WISEMAN

Address 2300 E MESQUITE AVE **Phone:** 702.384.1250 **Fax:** N/A

City LAS VEGAS **State** NV **Zip** 89101.3408

E-mail Address 1BillWiseman@gmail.com

APPLICANT BILL WISEMAN **Contact** _____

Address 2300 E MESQUITE AVE **Phone:** 702.384.1250 **Fax:** _____

City LAS VEGAS **State** NV **Zip** 89101.3408

E-mail Address 1BillWiseman@gmail.com

REPRESENTATIVE BRAZEN ARCHITECTURE INC **Contact** MONICA GRESSER

Address P.O. BOX 93754 **Phone:** 702.275.9503 **Fax:** N/A

City LAS VEGAS **State** NV **Zip** 89193-3754

E-mail Address mgresser@brazenarchitecture.com

Property Owner Signature* William B Wiseman

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name William B Wiseman

Subscribed and sworn before me

This 10 day of November, 20 11.

Notary Public in and for said County and State

State of Nevada
County of Clark

IRMA ZUNIGA
NOTARY PUBLIC
STATE OF NEVADA
My Commission Expires: 7-28-14
Certificate No: 10-2541-1

FOR DEPARTMENT USE ONLY

Case #	VAR-43956
Meeting Date:	1/10/12 PC
Total Fee:	$830
Date Accepted:	11/22/11
Accepted By:	

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City of Las Vegas
Department of Planning

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

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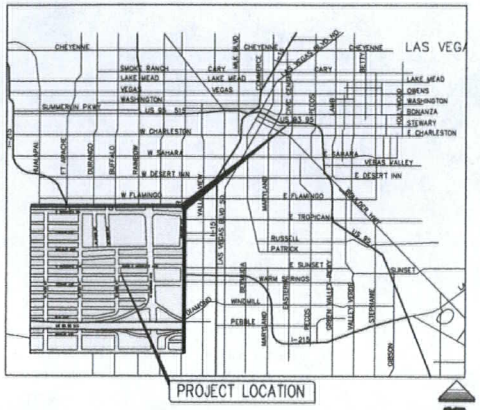
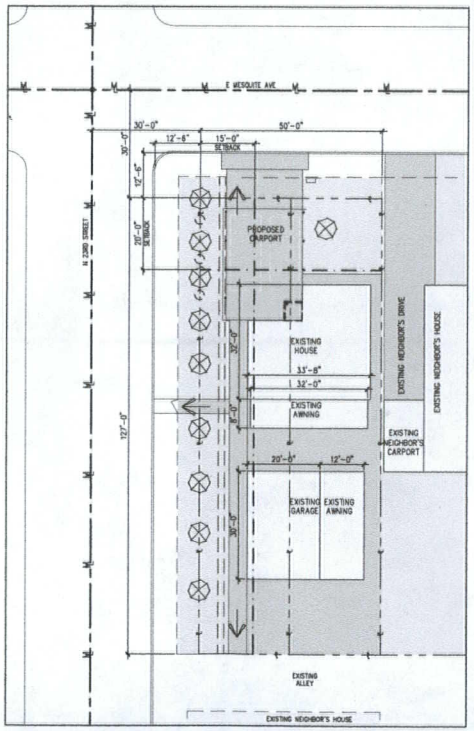
DEC 5 2011

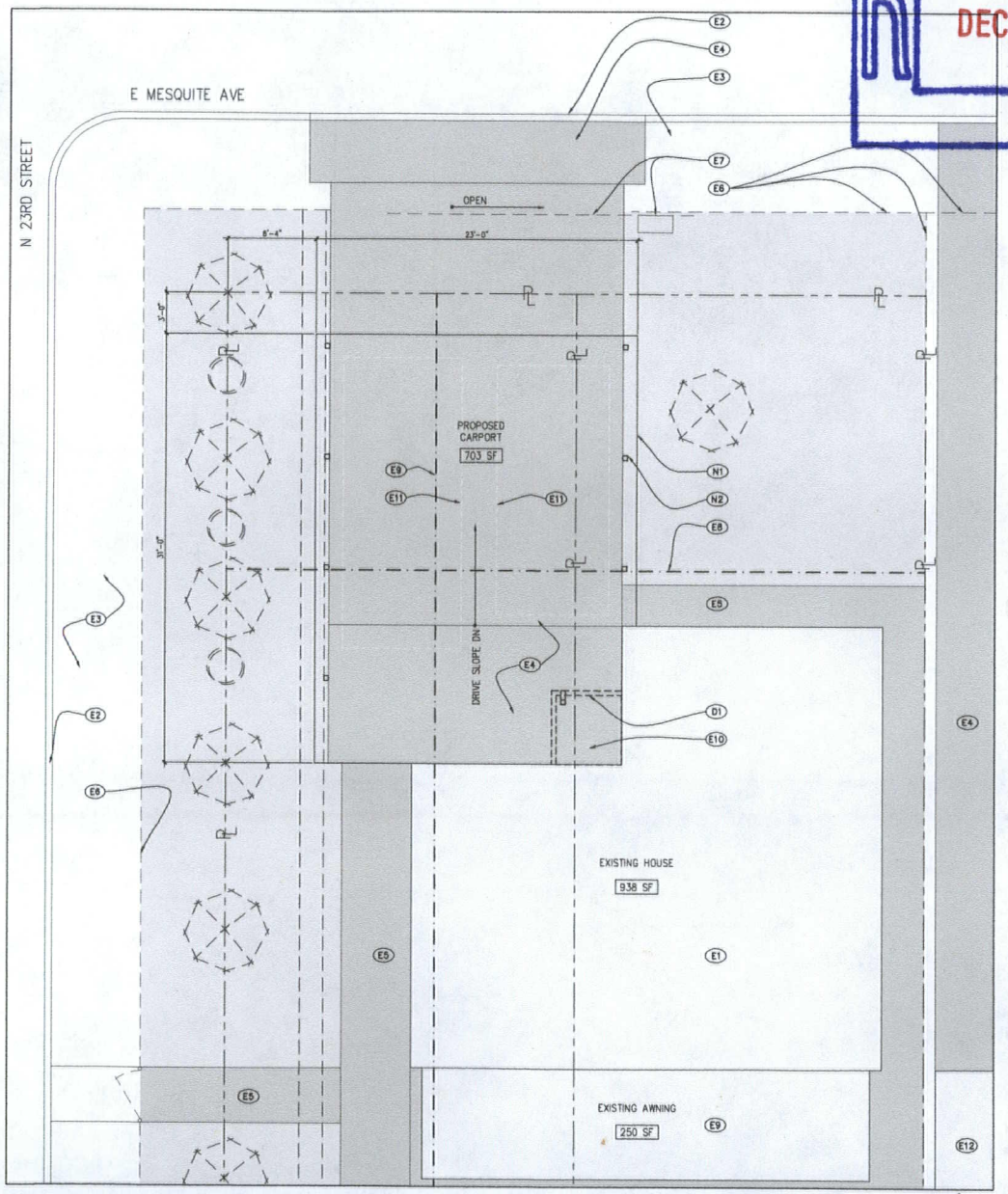


VICNITY MAP



SITE PLAN

SCALE: 1/16" = 1'-0"



ENLARGED PLAN

SCALE: 1/4" = 1'-0"

general notes:

keynotes:

- E1 EXISTING HOUSE
- E2 EXISTING CURB
- E3 UNDEVELOPED SIDEWALK (FUTURE, BY CLV)
- E4 EXISTING DRIVEWAY
- E5 EXISTING SIDEWALK
- E6 EXISTING FENCE
- E7 EXISTING GATE & GATE CONTROLLER
- E8 20' SETBACK LINE
- E9 15' SETBACK LINE
- E10 EXISTING CONCRETE STEP
- E11 CAR
- E12 EXISTING NEIGHBOR'S HOUSE
- D1 DEMO EXISTING ENTRY ROOF, COLUMN, DOWNSPOUT, & GUTTER
- N1 PROPOSED CARPORT ROOF
- N2 PROPOSED STEEL COLUMN, TYP

legend:

- EXISTING RESIDENTIAL BUILDING
- EXISTING LANDSCAPING
- EXISTING SIDEWALK/DRIVE
- PL – EXITING PROPERTY LINE
- EXISTING FENCE
- ML – MONUMENT LINE
- SETBACK LINE
- EXISTING TREE
- EXISTING SHRUB

brazen architecture INC
LAS VEGAS | NEVADA
702.275.9503
be-bold@brazenarchitecture.com

consultant / general:

seal:

as instruments of service, these documents are and shall remain the property of brazen architecture inc. any duplication is prohibited without express agreement of brazen architecture inc. (c)

project:

CARPORT ADDITION

2300 E MESQUITE AVE
LAS VEGAS, NV 89101

revisions:

12.05.11	ADD AREA INFO

drawing title:

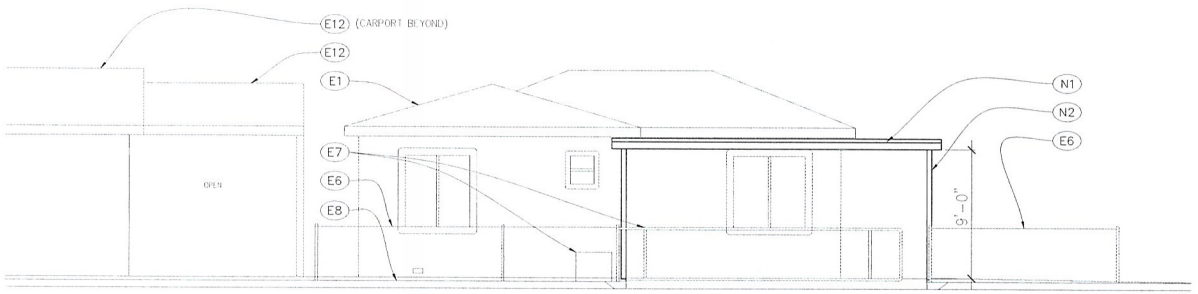
SITE PLAN &
ENLARGED SITE PLAN

project #: 103.WIS

date: 2011.12.05

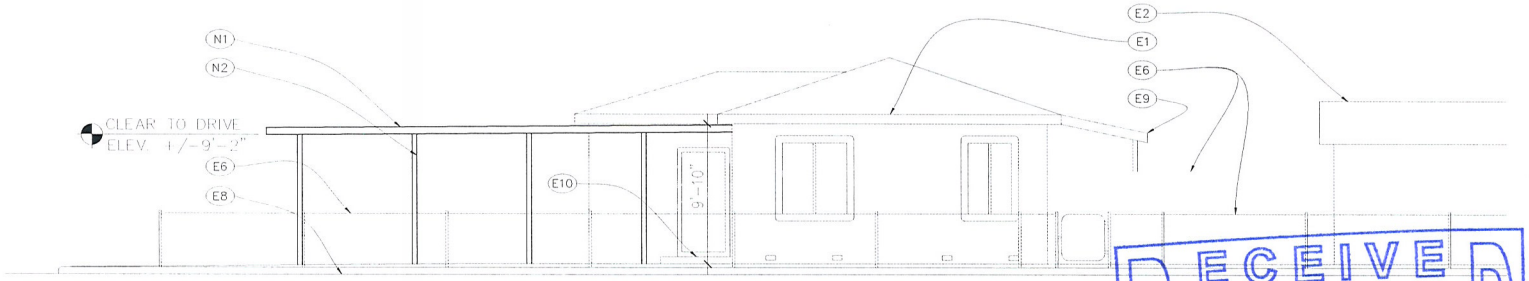
drawing #: A0.00

VAR-43956
REVISED



NORTH (FRONT) ELEVATION

SCALE: 1/4" = 1'-0"



WEST (SIDE) ELEVATION

SCALE: 1/4" = 1'-0"

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City of Las Vegas
Department of Planning

VAR-43956

general notes:

keynotes:

- E1 EXISTING HOUSE
- E2 EXISTING GARAGE
- E3 UNDEVELOPED SIDEWALK (FUTURE, BY CLV).
- E4 EXISTING DRIVEWAY
- E5 EXISTING SIDEWALK
- E6 EXISTING FENCE
- E7 EXISTING GATE & GATE CONTROLLER
- E8 EXISTING CURB
- E9 EXISTING AWNING
- E10 EXISTING CONCRETE STEP
- E11 CAR
- E12 20' SETBACK LINE
- E13 15' SETBACK LINE
- E14 EXISTING NEIGHBOR'S HOUSE
- D1 DEMO EXISTING ENTRY ROOF, COLUMN, DOWNSPOUT, & GUTTER
- N1 NEW CARPORT
- N2 NEW STEEL COLUMN, TYP

legend:

designer:
brazen
architecture INC
LAS VEGAS | NEVADA
702.275.9503
be-bold@brazenarchitecture.com

consultant / general:

seal:

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project:
CARPORT ADDITION
2300 E MESQUITE AVE
LAS VEGAS, NV 89101

revisions:

drawing title:
NORTH & WEST ELEVATIONS

project #: 103.WIS
drawing #: A1.00
date: 2011.11.23
scale: 3/16" = 1'-0"
drawn: mmq
checked:

VAR-43956 - APPLICANT/OWNER: WISEMAN LIVING TRUST
2300 EAST MESQUITE AVENUE

12/01/11

VAR-43956 - APPLICANT/OWNER: WISEMAN LIVING TRUST
2300 EAST MESQUITE AVENUE

12/01/11

VAR-43956 - APPLICANT/OWNER: WISEMAN LIVING TRUST
2300 EAST MESQUITE AVENUE

12/01/11

VAR-43956 - APPLICANT/OWNER: WISEMAN LIVING TRUST
2300 EAST MESQUITE AVENUE

12/01/11

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2300 EAST MESQUITE AVENUE

12/01/11

VAR-43956 - APPLICANT/OWNER: WISEMAN LIVING TRUST
2300 EAST MESQUITE AVENUE

12/01/11

brazen
architecture INC

23 Nov 2011

Mike Howe
City of Las Vegas Planning Commission
333 N Rancho Drive
Las Vegas, NV 89106
702.229.6301

RE: JUSTIFICATION LETTER | Variance for Setbacks for a Carport Addition at 2300 E Mesquite Ave, Las Vegas, NV (R-1)

Mike

Mr & Mrs William Wiseman bought their dream home in 1970, located at 2300 E Mesquite in Las Vegas. At the time of the purchase the 50'x127' lot contained a comfortable home and modest garage adjacent to the alley at the rear yard. Now retired, the Wisemans wish to build a carport in the front yard to protect their vehicles and themselves as they walk from their home to their cars. Since the existing garage was built to house a small single vehicle, it is now too small to store their cars.

We are requesting a variance to reduce the required setbacks from 20'-0" to 3'-0" at the front yard, and from 15'-0" to 6'-0" at the side corner yard. This will provide a location for an engineered, metal carport that offers weather protection from the north for the Wiseman's vehicles and persons. What we wish to achieve by constructing this carport is protection from the sun – providing added life to a retired couple's vehicles – and protection from potential slippage due to northern rains falling on the existing drive – a safety issue for the owners.

Additionally, please note that the location of this carport in relationship to the property lines and setback requirements for an R-1 zoned lot in this area has some history - as several lots in the area also contain carports (metal and wood) built within the required setbacks, next to the existing property lines.

Finally, know that Mr Wiseman has spoken to his nearest neighbors and received verbal acceptance to construct the carport. It is obvious to us that the Wisemans' neighbors do not believe the carport will cause any health, safety, or aesthetic issues for them; and we hope that the Commission will grant permission to construct it.

Please contact me at the phone number or email listed below for additional information about this project.

Sincerely

Monica M Gresser
Principal Architect
mgresser@brazenarchitecture.com

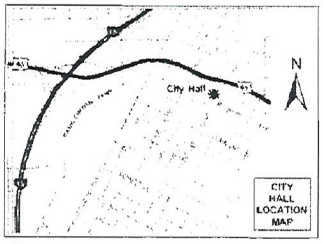
RECEIVED
NOV 22 2011
City of Las Vegas
Department of Planning

VAR-43956

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

VAR-43956
Planning Commission Meeting of 1/10/2012

PRESORTED FIRST CLASS

$00.41
DEC 27 20
MAILED FROM ZIP CODE 89

Case VAR-43956
13935513022
WISEMAN LIVING TRUST
WISEMAN WILLIAM B & PATRICIA TRS
2300 E MESQUITE AVE
LAS VEGAS NV 89101-3408 89101-3408

30 JRDFH1 1 89101

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35A

City of Las Vegas Agenda Item No.: **57.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

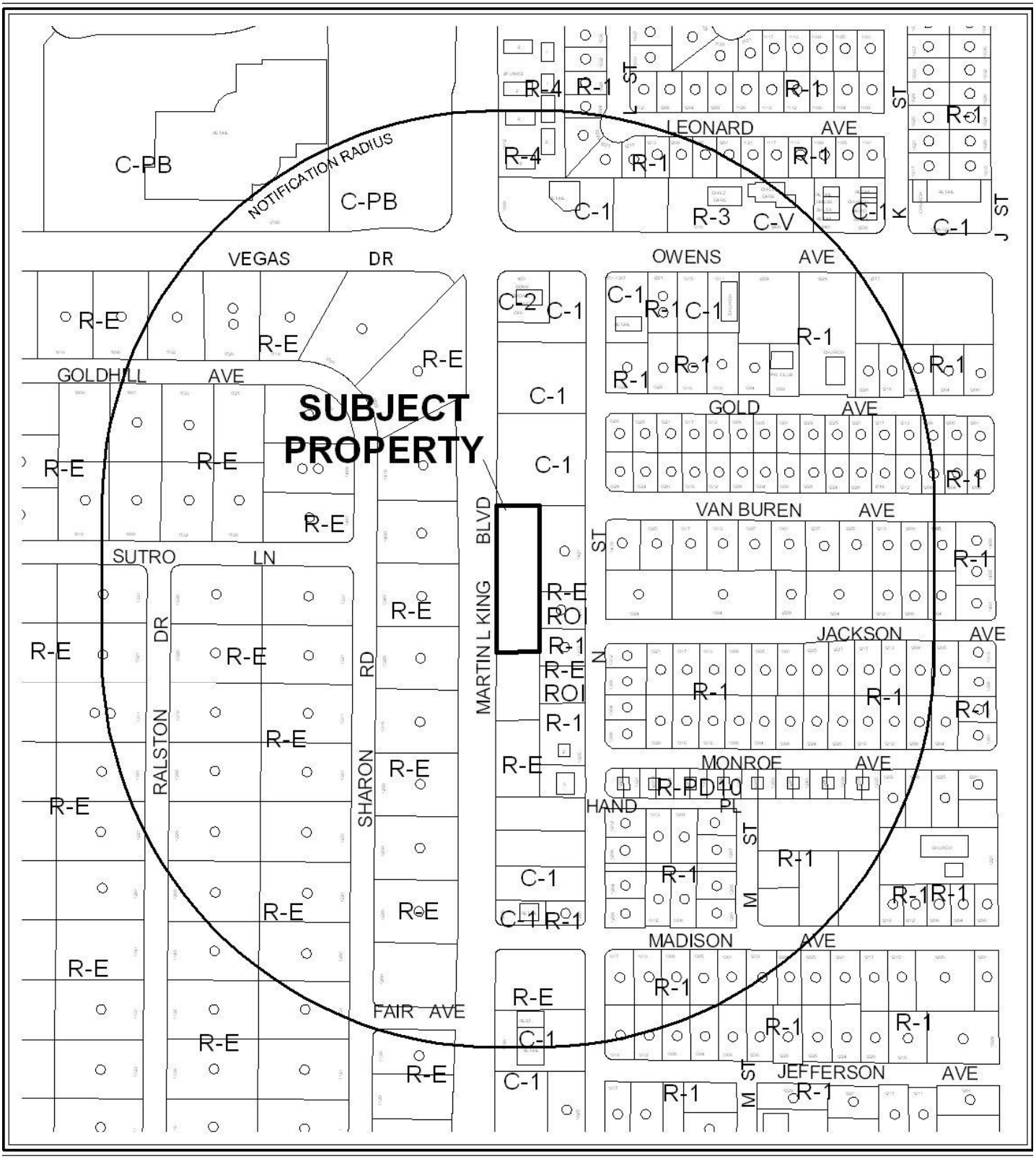
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
VAR-43359 – ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Variance TO ALLOW 21 PARKING SPACES WHERE 27 PARKING SPACES ARE REQUIRED on 0.88 acres at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**39**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps - VAR-43359, SUP-43358 and SDR-43360
2. Conditions and Staff Report - VAR-43359, SUP-43358 and SDR-43360
3. Supporting Documentation
4. Photos - VAR-43359, SUP-43358 and SDR-43360
5. Justification Letter - VAR-43359, SUP-43358 and SDR-43360
6. Protest/Support Postcards and Protest Petition - VAR-43359, SUP-43358 and SDR-43360
7. Backup referenced from the December 13, 2011 Planning Commission Meeting Items – SUP-41932 - VAR-43359, SUP-43358 and SDR-43360



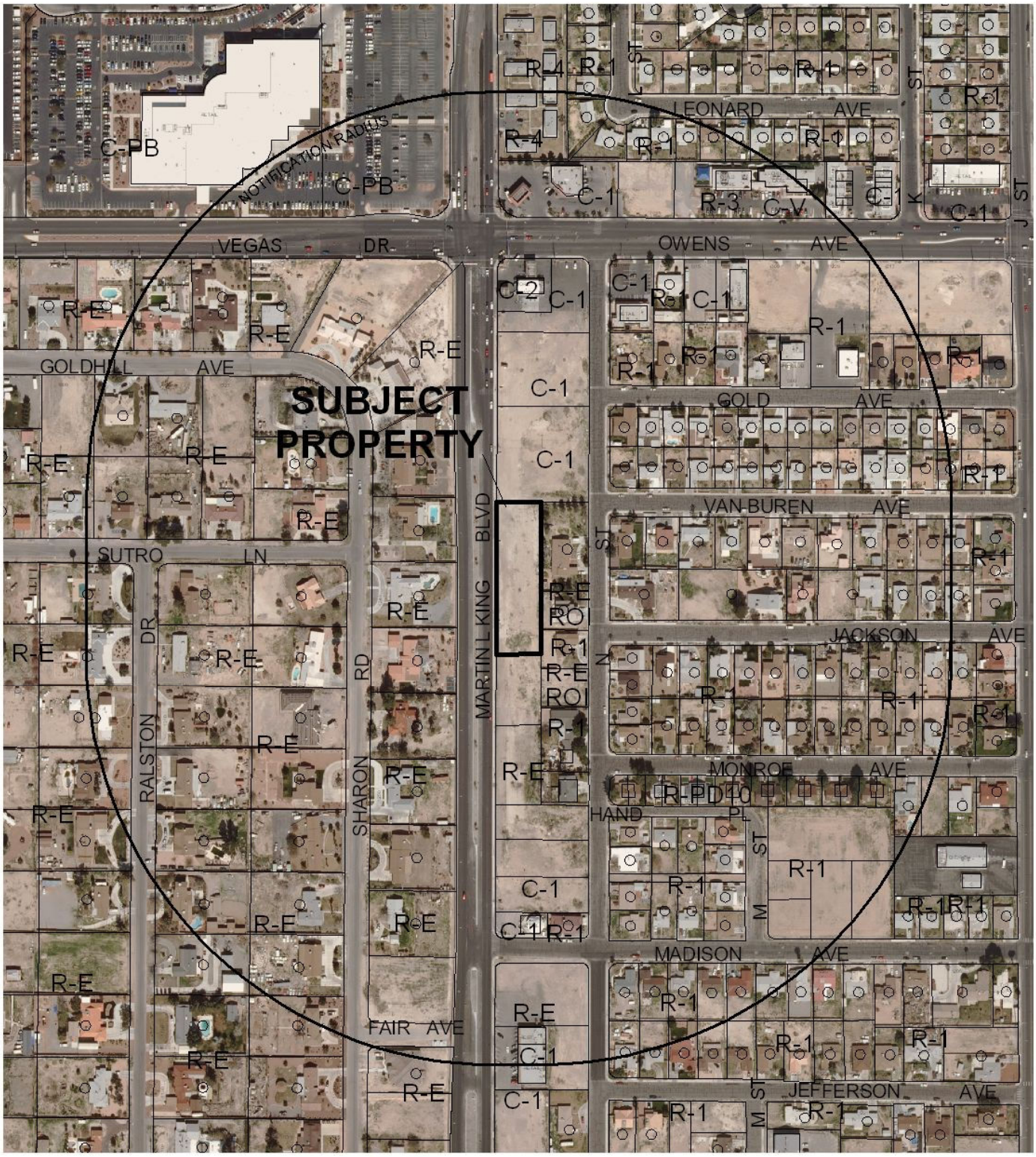
CASE: **SDR-43360;SUP-43358 AND VAR-43359**

0 300 600 Feet

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



CASE: **SDR-43360;SUP-43358 AND VAR-43359**

0 300 600 Feet

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
VAR-43359	Staff recommends APPROVAL, subject to conditions:	
SUP-43358	Staff recommends APPROVAL, subject to conditions:	**VAR-43359**
SDR-43360	Staff recommends APPROVAL, subject to conditions:	**VAR-43359 SUP-43358**

** CONDITIONS **

VAR-43359 CONDITIONS

Planning

1. Approval of and conformance to the approved conditions for Special Use Permit (SUP-43358) and Site Development Plan Review (SDR-43360).

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-43358 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Car Wash, Full Service or Auto Detailing Use.

2. Approval of and conformance to the approved conditions for Variance (VAR-43359) and Site Development Plan Review (SDR-43360).

3. Hours of operation are limited daily to 7:00 A.M. to 7:00 P.M.

4. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

5. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

6. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

7. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-43360 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 09/02/11, except as amended by conditions herein.

3. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 09/02/11. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

7. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

9. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.08.040.

10. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. Remove all substandard sidewalk improvements adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

14. Prior to the submittal of offsite construction drawings for this site, the applicant shall meet with the Sanitary Sewer Planning section of the Department of Public Works to provide the anticipated amount of wastewater to be generated from this business. If the proposed amount of wastewater to be discharged to the sanitary sewer is significant, or the wastewater discharge increases significantly after business operations begin, the applicant may be required to construct a relief public sewer at a size and location acceptable to the Sanitary Sewer Section of the Department of Public Works either concurrently with development of this site or when it is determined that discharge flow from this site exceeds allowable thresholds.

15. All landscaping and private improvements (including monument signage) installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits, or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

** STAFF REPORT **

PROJECT DESCRIPTION

This project is for a proposed 3,985 square-foot, 22-foot tall Car Wash, Full Service or Auto Detailing Facility to be located at 1326 North Martin Luther King Boulevard. The proposal will offer full service and moderated levels of service so that customers may vacuum and clean their own interiors at lower rates. The Car Wash will provide an internal lobby area with restrooms, offices, and equipment rooms that house all mechanical equipment, including the vacuums. There is an anticipated staffing of five to 15 employees, depending on the levels of business. Staff recommends approval.

ISSUES

- The Car Wash, Full Service or Auto Detailing Use is permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- The approval of the requested Variance to allow 21 parking spaces where the proposed use requires 27 spaces is required for approval of the Special Use Permit and Site Development Plan Review.
- The hours of operation are limited daily to 7 A.M. to 7 P.M.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
11/08/11	The Planning Commission voted to hold items VAR-43359, SUP-43358 and SDR-43360 in abeyance to the 12/13/11 meeting in an effort to provide the applicant with an opportunity to host a neighborhood meeting.
12/13/11	The Planning Commission voted (5-2/rt,ts) to recommend DENIAL of companion items VAR-43359, SUP-43358 and SDR-43360 (PC Agenda Items 19-21/mh).
01/18/12	The City Council voted to hold this item in abeyance to the March 21, 2012 meeting.

Most Recent Change of Ownership	
06/03/05	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
There are no relevant building permits or business licenses associated with the subject site.

Pre-Application Meeting	
09/19/11	A pre-application meeting was held with the applicant and his representative to discuss the requirements for submitting a Site Development Plan Review and Special Use Permit for a proposed Car Wash, Full Service use. During the meeting it was determined that a request for a Variance to allow a 22% deficiency in the required parking would be needed.

Neighborhood Meeting	
12/08/11	A voluntary neighborhood meeting was held at 6 p.m. in Room "A" of the West Las Vegas Library, 951 West lake Mead Boulevard. Las Vegas, NV. **17 members of the public, four members of the development, one Planning Commissioner, one member of the Council Office, and one member of the Planning Department attended.** During the meeting the following concerns were raised: • The onsite traffic flows. • The oversaturation of Car Washes in the area. • Additional noise..

Field Check	
09/29/11	A field check was performed on the subject site by staff. The undeveloped parcel abuts three existing residential dwellings with a six-foot tall block wall between the rear yard of two of the properties and a wire fence placed between the third property and the subject property.

Details of Application Request	
Site Area	
Net Acres	0.89

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
North	Undeveloped	C (Commercial)	C-1 (Limited Commercial)
South	Undeveloped	C (Commercial)	R-E (Residence Estates)
East	Single Family, Detached	C (Commercial)	R-E (Residence Estates)
West	Right-Of-Way	Right-Of-Way	Right-Of-Way

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
West Las Vegas Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District - 140	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Setbacks			
• Front	10 Feet	10 Feet	Y
• Side	10 Feet	68 Feet	Y
• Rear	20 Feet	57 Feet	Y
Max. Lot Coverage	50 %	21 %	Y
Max. Building Height	N/A	22 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof	Screened, Gated, w/ a Roof	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Title 19.08.040, the following standards apply:

Residential Adjacency Standards	*Required/Allowed*	*Provided*	*Compliance*
3:1 proximity slope	54 Feet	57 Feet	Y
Adjacent development matching setback	35 Feet	57 Feet	Y
Trash Enclosure	50 Feet	51 Feet	Y

Pursuant to Title 19.08, the following standards apply:

Landscaping and Open Space Standards				
Standards	***Required***		***Provided***	***Compliance***
	Ratio	***Trees***		
Buffer Trees:				
• North	1 Tree / 30 Linear Feet	5 Trees	5 Trees	Y
• South	1 Tree / 30 Linear Feet	5 Trees	5 Trees	Y
• East	1 Tree / 20 Linear Feet	18 Trees	18 Trees	Y
• West	1 Tree / 20 Linear Feet	15 Trees	15 Trees	Y
TOTAL PERIMETER TREES		**43 Trees**	**43 Trees**	**Y**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	2 Trees	7 Trees	Y
LANDSCAPE BUFFER WIDTHS				
Min. Zone Width				
• North	8 Feet		8 Feet	Y
• South	8 Feet		8 Feet	Y
• East	8 Feet		8 Feet	Y
• West	10 Feet		10 Feet	Y
Wall Height	6 to 8 Feet Adjacent to Residential		8 Feet	Y

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Actual Street Width (Feet)***	***Compliance with Street Section***
Martin L King Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Car Wash, Full Service or Auto Detailing	3,985 SF	1:150 SF					
TOTAL SPACES REQUIRED			27		21		
Regular and Handicap Spaces Required			25	2	20	1	N
Percent Deviation			22%				

MH

ANALYSIS

The proposed Car Wash, Full Service or Auto Detailing facility meets all Title 19.08 Development and Landscaping Standards and adheres to the West Las Vegas Plan by providing a suitable commercial use along Martin Luther King Boulevard. The overall site design, building scale, and massing demonstrate the appropriate level of sensitivity to the three residential structures that abut the subject site to the east. The applicant has placed all mechanical equipment, including the vacuum, internally and has proposed an eight-foot solid screen wall with landscaping to provide a suitable buffer.

Although the site provides good circulation and access, the applicant is requesting a Variance to allow 21 parking spaces where 27 are required. Staff supports this request, as the narrowness of the lot has provided a unique circumstance where the applicant will not be able to provide the full amount of required parking. The proposed site design provides ample landscaping with relatively low lot coverage; any changes to provide additional parking on site would require the applicant to eliminate landscaping and reduce building footprint for relatively small gains.

This development proposal is in conformance with the General Plan, the Title 19.08 Development Standards, and the West Las Vegas Plan and all Minimum Special Use Requirements for the proposed Car Wash use have been met. Staff recommends approval, with conditions.

FINDINGS (VAR-43359)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Evidence of a unique or extraordinary circumstance has been presented, in that a hardship has been created by an exceptionally narrow lot. Any alternative that would allow conformance to the Title 19 requirements would cause an unnecessary reduction in site landscaping and require a building footprint that would not be functional for its purpose. It is concluded that the applicant's hardship is not preferential in nature; therefore, it is within the realm of NRS Chapter 278 for granting of Variances.

FINDINGS (SUP-43358)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   This proposal can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses in the West Las Vegas Master Plan.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site is currently undeveloped and maintains the C (Commercial) land use designation and is with the C-1 (Limited Commercial) zoning district. The proposed Car Wash, Full Service or Auto Detailing Use meets all minimum requirements for the Special Use Permit and the applicant has provided a design that greatly mitigates any potential impacts the adjacent residential properties to the east.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Vehicular access to the site is provided solely from Martin Luther King Boulevard, which is adequate for traffic generated by the proposed use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   A Car Wash, Full Service or Auto Detailing Use will be subject to regular City inspections for construction and licensing; therefore, public health, safety, and welfare will not be compromised.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed Car Wash, Full Service or Auto Detailing Use meets all applicable conditions and Minimum Special Use Permit Requirements as listed for such use in Title 19.12.

FINDINGS (SDR-43360)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed Car Wash, Full Service or Auto Detailing facility is compatible with the adjacent development; the applicant has provide suitable buffering to the single family residences to the east by means of landscaping and an eight-foot screen wall. The level of commercial activity proposed is in context with the types of commercial uses along Martin Luther King Boulevard.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   The site is consistent with the General Plan, Title 19.08 and the West Las Vegas Plan, policies and standards. The applicant has provided suitable means to address site screening and impact mitigation to the adjacent residential properties by means of landscaping, enclosed mechanical equipment rooms, and an eight-foot solid wall. Although a variance has been requested for a 22% deficiency in onsite parking, this request is support by staff.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   The access is solely from Martin Luther King Boulevard, a 100-foot Primary Arterial. The circulation provided is logical and will not have a negative impact on adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The proposed building and landscaping materials are appropriate for the area and for the City. The proposed building colors are muted earth tones accented with blue trim that complements the blue metal canopies that cover portions of the parking lot.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The proposed elevations provide an overall commercial street front appearance, while providing the suitable massing and scale that remains sensitive to the adjacent residential properties to the east. Overall, the proposed development is harmonious and compatible with the neighborhood.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed project is subject to permit review and inspection; therefore, appropriate measures will be taken to protect the health, safety, and general welfare of the public.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 20

NOTICES MAILED 206 (By City Clerk)

APPROVALS 1

PROTESTS 39

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAR-43359** APN: 139-28-501-005

Name of Property Owner: JGM Holdings LLC, Gina Mazza

Name of Applicant: Trandy Hester

Name of Representative: John Roddell Arch

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

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SEP 22 2011
City of Las Vegas
Department of Planning

Signature of Property Owner: Trandy Hester

Print Name: Trandy Hester

Subscribed and sworn before me

This 21 day of September, 2011

Notary Public in and for said County and State

MEGAN GUIDRY
Notary Public State of Nevada
No. 10-2664-1
My Appt. Exp. August 12, 2014

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: PARKING VARIANCE

Project Address (Location) 1326 N. MARTIN LUTHER KING BLVD.

Project Name BUST'N SUDS CARWASH Proposed Use FULL SERVICE C.W.

Assessor's Parcel #(s) 139-28-501-005 Ward # _____

General Plan: existing C proposed NO CHANGE Zoning: existing C-1 proposed NO CHANGE

Commercial Square Footage BUILDING 3985 SF CANOPIES 9008 S.F Floor Area Ratio 20.8%

Gross Acres .88 AC Lots/Units _____ Density _____

Additional Information _____

PROPERTY OWNER GM HOLDINGS LLC. Contact GINA MAZZA

Address 116 RIVINGTON AVE Phone: (917) 2504978 Fax: NONE

City STATEN ISLAND State NY Zip 10314

E-mail Address GMAZZA804@AOL.COM

APPLICANT BUSTN'SUDS CARWASH Contact TRANDY HESTER

Address 4901 SPARKLING SKY AVENUE Phone: 702.860.1201 Fax: _____

City LAS VEGAS State NEVADA Zip 89130

E-mail Address TRANDYH357@GMAIL.COM

REPRESENTATIVE JOHN REDDELL ARCH. Contact JOHN REDDELL

Address 7524 E. ANGUS DRIVE #1 Phone: 480.946.0242 Fax: 480.946.0182

City SCOTTSDALE State AZ Zip 85251

E-mail Address JOHN@REDDELLARCHITECTS.COM

Property Owner Signature*: _____

*An authorized agent may sign in lieu of the property owner for Rezonings, Site Development Plan Reviews, Tentative Maps and Parcel Maps.

Print Name JEFFREY ANDERSON

Subscribed and sworn before me

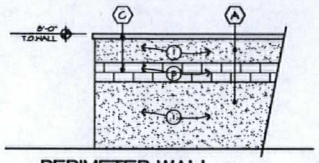
This 22nd day of September 2011

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LISA STARR PORTER
Appt. No. 04-88607-1
My Appt. Expires Feb. 28, 2012

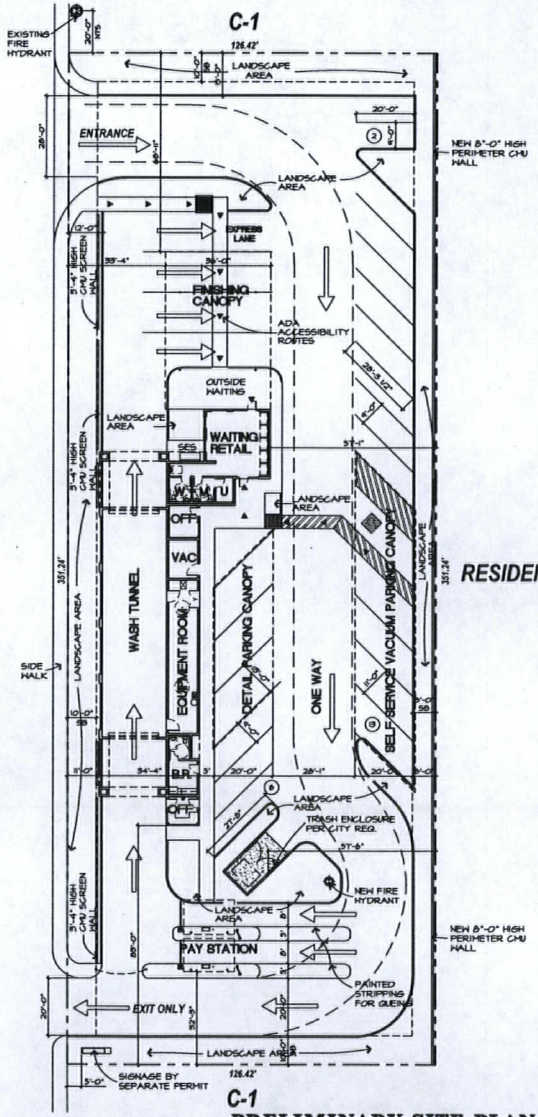
FOR DEPARTMENT USE ONLY

Case #	VAR-43359
Meeting Date:	PB 11-8-11
Total Fee:	$3200
Date Accepted:	9.22.11
Accepted By:	F.S.



PERIMETER WALL

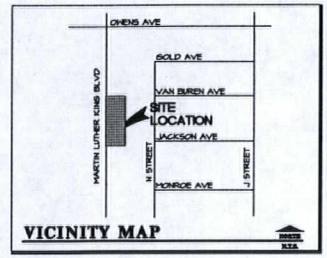
MARTIN LUTHER KING BLVD.



PRELIMINARY SITE PLAN

SCALE: 1"= 20'-0"

NORTH



VICINITY MAP

PROJECT DATA:

ADDRESS:	1326 N. Martin Luther King Blvd. Las Vegas, Nevada
OWNER / APPLICANT:	Trandy Hester 4901 Sparkling Sky Ave. Las Vegas, Nevada 89130
ARCHITECT/ REPRESENTATIVE:	JOHN REDDELL ARCHITECTS 7524 E. ANGUS DR. SUITE 1 SCOTTSDALE, AZ 85251 P 480 946-0242 F 480 946-0182
BOOK/ MAP:	T20S R61E SEC 28 IONE4
APN:	194-28-501-005
ZONING:	C-1
CONSTRUCTION TYPE:	V-B
SITE AREA:	
NET:	38,332 S.F.(.88 AC)
BUILDING USE:	FULL SERVICE CARWASH W/ FLEX SERVE
GROUP 'B' OCCUPANCY	
BUILDING AREA:	
CONDITIONED SPACE:	
OFFICE, RESTROOMS	1,308 SQ. FT.
WASH TUNNEL	1,842 SQ. FT.
EQUIPMENT ROOM	820 SQ. FT.
VACUUM RM	215 SQ. FT.
BUILDING AREA:	3,485 SQ. FT.
TOTAL CANOPY AREA:	4,008 SQ. FT.
TOTAL S.F.:	7,478 SQ. FT.
OCC. LOAD:	
OFFICE, RESTROOMS	1,308 S.F. / 100 = 13.07 OCC.
WASH TUNNEL	2,267 S.F. /300 = 7.55 OCC.
EQUIPMENT ROOM	820 S.F. / 300 = 2.06 OCC
TOTAL OCCUPANTS:	22.68 OR 23 OCCUPANTS
LOT COVERAGE	20.8%
PARKING REQUIRED	
PARKING SPACE	3485 S.F. / 150 = 26.5 OR 27 SP
STACKING	6 SP
PARKING SPACE COUNT:	
20 REGULAR + 0 COMPACT + 1 HANDICAP = 21 SP. TOTAL	
STACKING	6 SP
PARKING VARIANCE REQUEST FOR 6 SPACES	

NOTE:
A. ALL SIGNAGE SHALL BE REVIEWED AND APPROVED BY SEPARATE PERMIT.
B. ALL ROOF MOUNTED EQUIPMENT SHALL BE SCREENED FROM VIEW

RECEIVED
SEP - 2 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

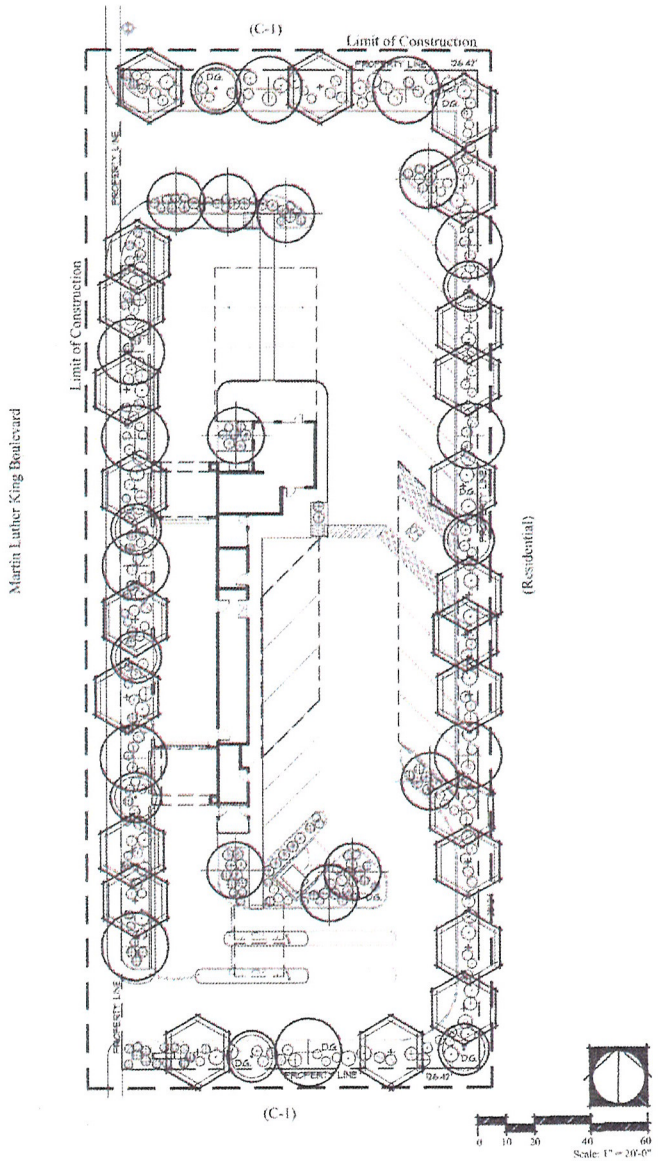
BUST'N SUDS Carwash
1326 N. Martin Luther King Blvd
Las Vegas, Nevada

John Reddell Architects, Inc.
Architecture Interiors Land Planning
7524 E. Angus Drive, Scottsdale, Arizona 85251
Office: (480) 946-0242 Fax: (480) 946-0182 Email: johnreddellarchitects.com

Date: 9/21/11
Revisions:

A

VAR-43359 SUP-43358
SDR-43360 REVISED



Martin Luther King Boulevard

Master Legend

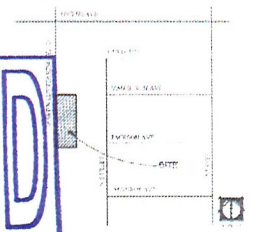
Sym.	Botanical Name	Common Name	#Qty.	Size	Remarks
Trees					
	ACACIA SALICINA	WILLOW ACACIA	9	24" BOX	TALL UPRIGHT WELL DEVELOPED BRANCHING STRUCTURE (8'-0" TALL, 4'-0" WIDE, 1.50" MIN CALIPER)
	CERCIDIUM 'HYBRID' DESERT MUSEUM - STD.	DESERT MUSEUM PALO VERDE	24	24" BOX	TALL UPRIGHT WELL DEVELOPED BRANCHING STRUCTURE (11'-0" TALL, 4'-0" WIDE, 1.50" MIN CALIPER)
	ACACIA FARNESIANA	SWEET ACACIA - MULTI.	6	36" BOX	MULTI, VASE SHAPED, WELL DEVELOPED BRANCHING STRUCTURE (13'-0" TALL, 7'-0" WIDE, 1.50" MIN CALIPER)
	CHITALPA TASHKENTENSIS 'PINK DAWN' - STD.	PINK DAWN CHITALPA	11	36" BOX	SINGLE TRUNK, LOW BRANCHING (MINIMUM 9.0' HEIGHT, 6.0' WIDE, 1.75" CALIPER)
Shrubs					
(G)	CALLIANDRA ERIOPHYLLA	FAIRY DUSTER	46	5 GAL	SPACE 5' O.C., 3' FROM HARDSCAPE
(C)	CONVOLVULUS CNEORUM	BUSH MORNING GLORY	43	5 GAL	SPACE 5' O.C., 3' FROM HARDSCAPE
(L)	LEUCOPHYLLUM ZYGOPHYLLUM 'CIMARRON'	CIMARRON BLUE RANGER	36	5 GAL	SPACE 4' O.C., 3' FROM HARDSCAPE
(C)	CAESALPINIA PULCHERRIMA	BIRD OF PARADISE	18	5 GAL	SPACE 6' O.C., 5' FROM HARDSCAPE
(C)	CHAPARRAL SAGE	SALVIA CLEVELANDII	40	5 GAL	SPACE 6' O.C., 5' FROM HARDSCAPE
Accents					
(D)	DASYLIRION WHEELERI	DESERT SPOON	6	5 GAL	FULL AND BUSHY
(H)	HESPERALOE PARVIFLORA	RED YUCCA	32	5 GAL.	FULL AND BUSHY
Ground Covers					
(L)	LANTANA MONTEVIDENSIS	PURPLE TRAILING LANTANA	53	1 GAL.	SPACE 3' O.C., 3' FROM HARDSCAPE
(L)	LANTANA SP. 'NEW GOLD'	NEW GOLD LANTANA	41	1 GAL.	SPACE 3' O.C., 3' FROM HARDSCAPE
D.G.	DECOMPOSED GRANITE	5/8" SCREENED MOHAVE GOLD	16,000 SF	5/8" SCREEN	ON APPROVED EQUAL SEE NOTE, THIS SHEET

#PLANT QUANTITIES ARE FOR REFERENCE ONLY. EXACT QUANTITIES ARE THE RESPONSIBILITY OF THE CONTRACTOR

Granite Note:

INSTALL A 3" LAYER OF DECOMPOSED GRANITE IN ALL PLANTERS UNDER ALL TREES AND SHRUBS BEFORE PLACING GRANITE, COMPACT SUB GRADE TO 85% AND APPLY A PRE-EMERGENT HERBICIDE TO SOIL. AFTER PLACING GRANITE, RAKE SMOOTH, WET TO ENTIRE DEPTH, ALLOW TO DRY, THEN LIGHTLY SCARIFY SURFACE WITH A LEAF RAKE. APPLY A SECONDARY APPLICATION OF PRE-EMERGENT HERBICIDE TO TOP OF GRANITE. KEEP TOP OF GRANITE 1" BELOW ADJACENT WALKS AND CURBS. DO NOT ALLOW GRANITE TO TOUCH THE TRUNK OF ANY PLANT. INSTALL AFTER INSTALLATION OF PLANT MATERIAL (MATCH PROPOSED COLOR AND SIZE WITH EXISTING).

Vicinity Map



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VAR-43359
SUP-43358
SDR-43360

Wildwood Design Studio
Landscape Architects
15207 Stayburn Drive
Fountain Hills, AZ 85268
Phone (480) 816-5529
Fax (480) 837-5104
E-Mail wildwooddesign@cox.net

Car Wash

Martin Luther King Boulevard
Las Vegas, NV.

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PROJECT NUMBER 1107
DATE 09.21.11
REVISIONS
REVISIONS

landscape plan

L-1

1 of 1

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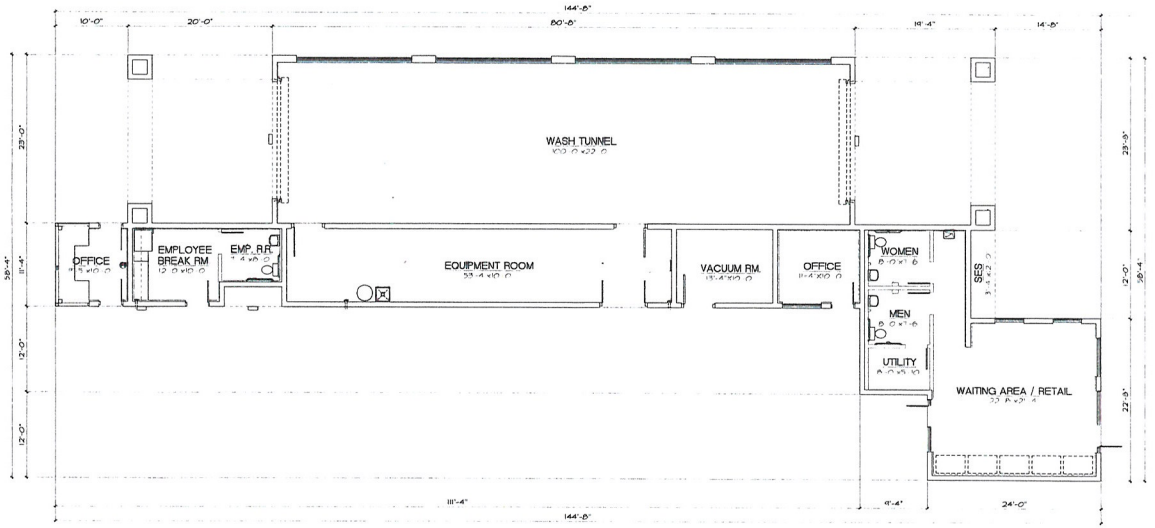

FLOOR PLAN

NORTH

1/8"= 1'-0"

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BUST'N SUDS Carwash
1326 N. Martin Luther King Blvd
Las Vegas, Nevada

John Reddell Architects, Inc.
Architecture Interiors Land Planning
7524 E. Angus Drive, Scottsdale, Arizona 85251
Office: (480) 946-0242 Fax: (480) 946-0182 Email: john@reddellarchitects.com

Date: 9/21/11
Revisions:

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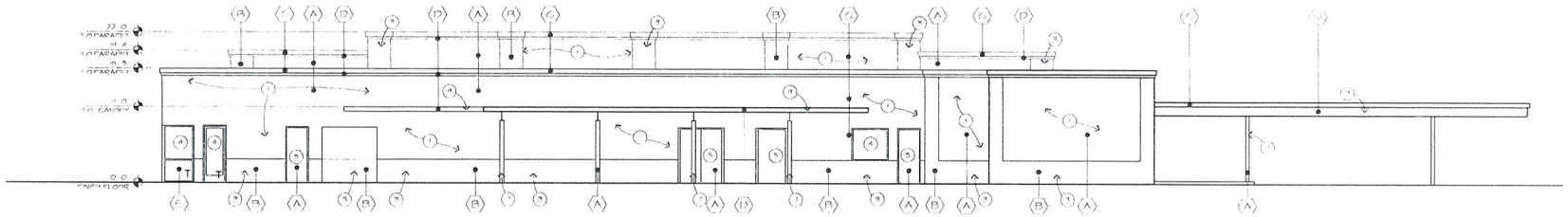
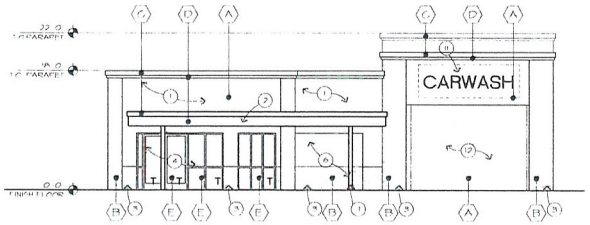
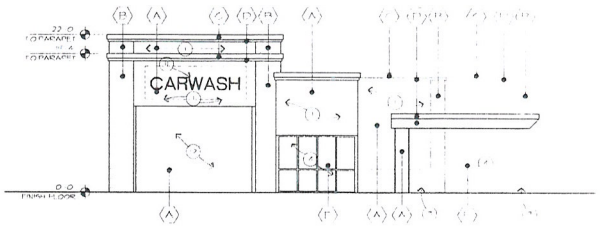


EAST



NORTH



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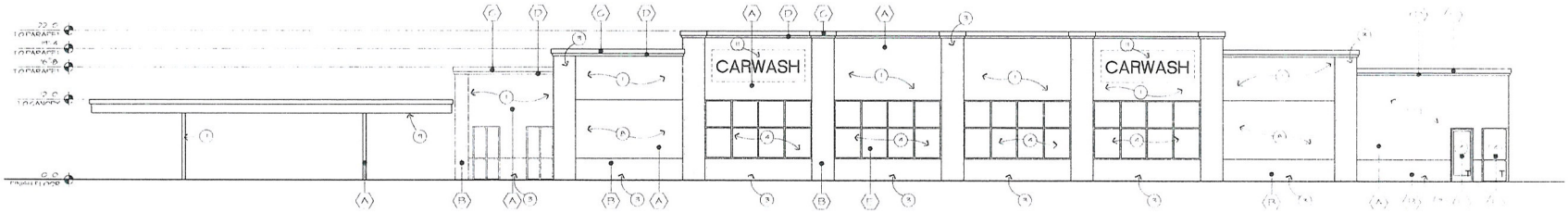
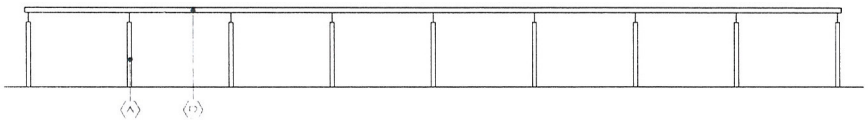


WEST

BUILDING ELEVATIONS

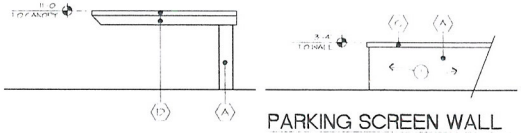
1/8"=1'-0"



VACUUM CANOPYS

CANOPY ELEVATIONS

1/8"=1'-0"



PARKING SCREEN WALL

TRASH ENCLOSURE

SCREEN WALL ELEVATIONS

1/4"=1'-0"

COLOR SCHEDULE

NOTES:

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BUST'N SUDS Carwash
1326 N. Martin Luther King Blvd
Las Vegas, Nevada

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Architecture Interiors Land Planning
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Office: (480) 946-0242 Fax: (480) 946-0182 Email: john@reddellarchitects.com

Date: 9/21/11

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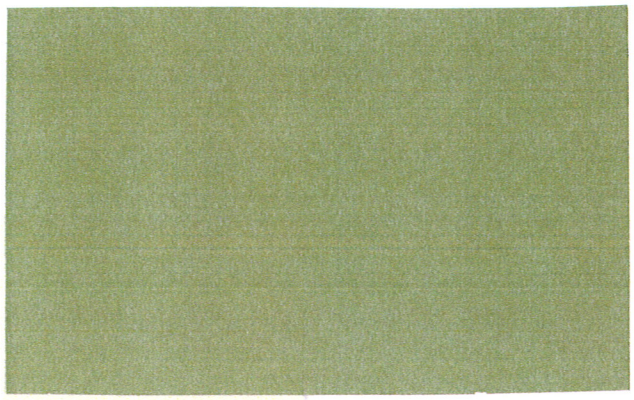
SDR-43360

MATERIAL / COLOR SCHEDULE

BUST'N SUDS Carwash
1326 N. Martin Luther King Blvd
Las Vegas, Nevada

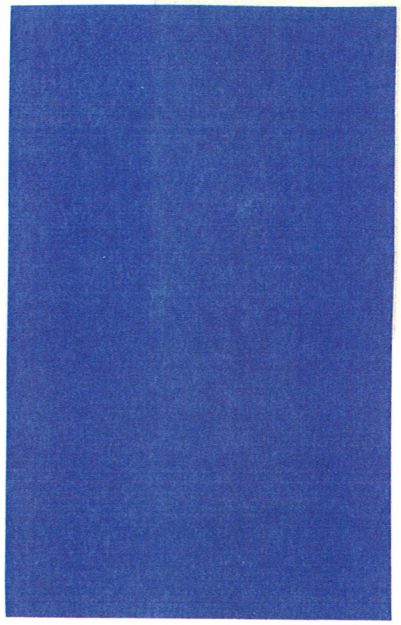
Building Color - B

Splitface CMU
DUNN-EDWARDS: DE 6145
COLOR: Rocky Ridge



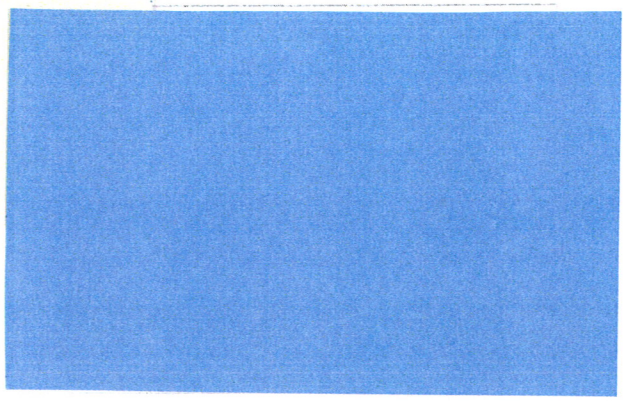
Building Color - A

Main Building Stucco Color
DUNN-EDWARDS: DEC 741
COLOR: Bone White



Building Color - C

Stucco Trim & Canopy Fascia
DUNN-EDWARDS: DE 5846
COLOR: Lapis



Building Color - D

Stucco Trim & Canopy Fascia
DUNN-EDWARDS: DE 5844
COLOR: Splish Splash

NOTE: STOREFRONT DOORS AND WINDOWS SHALL BE BRONZE ALUMINUM FRAME WITH BRONZE TINTED GLASS

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VAR-43359
SUP-43358
SDR-43360

VAR-43359, SUP-43358 & SDR-43360 - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC

1326 NORTH MARTIN LUTHER KING BOULEVARD

09/29/11

VAR-43359, SUP-43358 & SDR-43360 - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC
1326 NORTH MARTIN LUTHER KING BOULEVARD

09/29/11

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Architecture Interiors Land Planning

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City of Las Vegas
Department of Planning

September 21, 2011

Justification Letter

Bustin' Suds Car Wash
1326 N. Martin Luther King Blvd.

We are requesting Special Use Permit (required for car wash in C1 zoning), Site Development Review and a Variance for parking for a full service carwash with flex serve (flex serve is the ability to get an exterior car wash and self finish your own vehicle for a reduce rate).

The project is located south of the southeast corner of Owens Avenue and Martin Luther King Blvd. on a vacant C1 property. The proposed project is a full service car wash with flex service, this allows a customer the option to have the standard full service or an exterior only car wash with the option to self vacuum their own vehicle. The project consist of a pay canopy, a main building that houses the wash tunnel, equipment room, restrooms, offices, and waiting area, and a separate structure for a finishing canopy and covered parking areas for self vacuum. The car wash will require from 5 to 15 employees depending on the day of the week and time of the day. The site consists of 0.88 acres that is rectangular in shape that runs north / south along Martin Luther King Blvd. with pedestrian sidewalk connecting the parcels on the south and north. The building is sited along Martin Luther King Blvd. as to allow for the interior vehicle circulation to move thru the site on the east with minimum cross traffic circulation, the entrance to the site is on the north end of the property with vehicles circulating thru the site in a clockwise direction. The vehicles turn south to the queing lanes and those customers using the express process can vacuum their vehicles prior or after the wash process which we have provided an exit only at the south end which will allow vehicles that vacuum after the wash process to exit. To enter the auto wash you proceed to the south thru the automated pay stations and turn north thru the tunnel, the customer exiting the tunnel turns right to the finishing canopy for the full service or the express lane to exit the site.

We are requesting approval of site plan thru Site Development Review. The car wash development is along a major street (Martin Luther King Blvd.) between two other C1 Commercial sites that are vacant at this time and its is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and buffer Standards, and other duly-adapted city plans, policies and standards. The site access is in mid block with a median is the center of Martin Luther King and are a substantial distance from the major driveways to residential properties as not to have a negative impact on the adjacent properties and roadway. The building and landscape are so designed as to be durable and appropiate for the area with the elevations being asthetically pleasing while site designed to be considerate of the residential to the east. We have used earth tones as to blend with the surroundings and kept the heights down to be comfortable with the scale of the project. With our site layout and building design (explained in detail below in the Use Permit) we have taken in the considerations of the neighbors the operation of the business as not to impact in a negative way and with our hours of operations (explained below in the Use Permit) to be closed during the proper time with residential adjacent.

We are requesting a Special Use Permit for the car wash use in a C1 zoning. The structure will be constructed of a combination of exposed architectural masonry units with the pay station and finishing canopies being steel frame with shade screen. The orientation of the detail and self vacuum face inward to the site and screened from street view by the building structure. The site layout also removes the building away from the residential on the east and puts it along the west adjacent to Martin Luther King Blvd. to remove the operational noises and which also screens traffic noise to the residential. The equipment is all housed within building structure including the vacuum equipment and the air dryers are within the tunnel, this eliminates any sound transmission to the residential neighbors to the east and commercial properties to the north and south. Operational hours consist of summer hours from 7:00 am to 7:00 pm and winter hours reduced to 8:00 am to 6:00 pm. and at all times of operation the business has employees monitoring the site for cleanliness, debris and control of noise from any vehicle. The access to the site is located in the middle of the block with plenty of clear visibility for cars and

7524 E. Angus Drive Suite 1 Scottsdale, Arizona 85251
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VAR-43359
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SDR-43360

pedestrians at the entrance and exit for the site. Our traffic counts will be on the lower end of the numbers for our C1 zoning with approximate trip generations of average 250 to 300 cars a day, this would represent a significant less count than fast food, bank or restaurant. The approval of our Special Use Permit will not have adverse affect with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

We are requesting the approval of a parking Variance of 6 spaces from the required number of 27 per CLV zoning ordinance. The requirement is based upon a square foot of gross building, which does not accurately represent the use of the car wash, the customers do not park their vehicle in a parking space and enter the building. The customer stays in their vehicle thru the pay station into the carwash tunnel at which if they selected the full service they pull under the finishing canopy and they exit the vehicle and go to the waiting area inside or on the outside patio until their vehicle is vacuumed and finished. Their vehicle is never parked in a designated parking space rather they are under the finishing canopy. Those customers that decided upon the exterior car wash have the option of pulling into a covered parking stall to vacuum (that is usually 20% of the exterior wash customers) or they exit the site. We have also made the covered vacuum parking stalls wider than the city standard and that is for the ability of the customer to have their doors in the open position while they vacuum and not have any interference with the vehicle in the adjacent space, this has reduced a few more spaces because of the additional distance of width, but the space is necessary for the customers convenience. We have also included a site plan that shows vehicles circulating thru the car wash facility with them being in all different phases of the process (not in the drive lane) and that number is (45) which exceeds the requirements of the ordinance (27). This approval will allow the owner to operate the business without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent of and purpose of any ordinance or resolution.

Trandy Hester – Owner / Applicant
Bust'n Suds Car Wash

VAR-43359
SUP-43358
SDR-43360

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7026476432
Jan 09 12 04:10p Rutha Mcroy
01/09/2012 MON 16:13 [TX/RX NO 5789] 001

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2012 JAN -9 P 4:18

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.
VAR-43359, SUP-43358 & SDR-43360
City Council Meeting of 1/18/2012

MCROY RUTHA M
1331 SHARON RD
LAS VEGAS NV 89106-2032

APN# 139281 10026

25 LRDGN11 89106

Submitted after final agenda

Date 1/9/2011 Item 48-50

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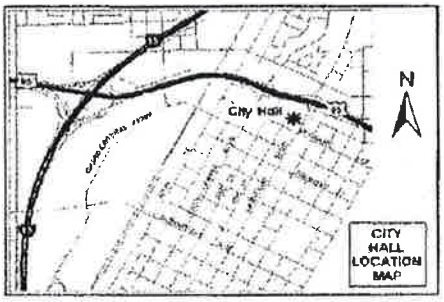

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-43359, SUP-43358 & SDR-43360
City Council Meeting of 1/18/2012

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GARRY AUGUSTA M
P O BOX 270015
LAS VEGAS NV 89127-4015

APN#13928504011

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GARRY AUGUSTA & HEDRAL
SAYLES ANDREA
P O BOX 270015
LAS VEGAS NV 89127-4015

APN#13928501006

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Date 1/17/2012 Item 48-50

21 LRDCNI1 89127

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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VAR-43359, SUP-43358 & SDR-43360
City Council Meeting of 1/18/2012

SAYLES ANDREA D
1411 N ST
LAS VEGAS NV 89106-2848

APN#13928501007

26 LRDGN11 89106

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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VAR-43359, SUP-43358 & SDR-43360
City Council Meeting of 1/18/2012

SMITH LEONARD S
1324 JACKSON AVE
LAS VEGAS NV 89106-2865

APN#13928504009

26 LRDGN11 89106

City of Las Vegas
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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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GLASS ROSIE
801 S RANCHO DR #E-4
LAS VEGAS NV 89106-3812

APN#13928610006

26 LRDSN11 89106

January 12, 2012

Councilman Barlow,

We're **100% in OPPOSITION** to the applicant Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360), establishing a business directly behind our home located at, 1411 "N" Street, Las Vegas, NV 89106. We returned to this neighborhood and have been residents for approximately ten (10) years. Our home is comparable to the homes located in some of the exclusive areas of the Las Vegas valley; Summerlin, Green Valley, Aliante, and The Lakes.

We custom built our two-story home, with more than 2800 square feet, located on a quarter acre. We paid extra to have a balcony in order to enjoy the Las Vegas valley views. Currently, we are able to enjoy the view of Mt. Charleston, and "the most beautiful" Martin Luther King Boulevard (MLK) in the nation, as you described MLK in a recent neighborhood meeting, held on January 5, 2012. Thank you for being instrumental in the MLK beautification project.

We do not want our (quiet) community disrupted by having a full service car wash located directly behind it, (Case #VAR-43359, SUP-43358 & SDR-43360). We are concerned with the unusual and high noise levels associated with a car wash, the days and hours of operation, the type of employee, (part-time, youth, and possible "ex" undesirables), hired to work at the car wash, and the viability of such a business because there are already five (5) other car wash establishments in the area; they are located on MLK and Bonanza, MLK and Carey, Rancho and Charleston, Rancho and Bonanza, and Decatur and Vegas Drive. Also, we have a six food block wall separating our property from the vacant desert behind it, (proposed site of the car wash). We do not want the proposed eight foot block wall abutting to our back wall. If this occurs, it will make us feel as though we're behind a "prison" wall, cutoff from society. The applicants' architect's rendering showed the car wash mostly surrounded by trees. If I were approaching this business I would think that it were a grotto or wine tasting establishment. And, the proposed color scheme is not pleasing. It would stand out like an eyesore.

Both our families have history in this neighborhood. Our parents built homes near the proposed site of this car was in 1964. We grew up in this quiet community, married, moved away for approximately (20) years, had children and decided to come back to support the revitalization of "The Westside." We also wanted our children to live in a great neighborhood near family, friends and our church. We could have lived anywhere in the Las Vegas valley. But, we chose to custom build our home in Historic West Las Vegas.

Martin Luther King Blvd is a major thoroughfare, running through the heart of the Historic West Las Vegas community. To aid in the revitalization of the West Las Vegas community similar businesses, that are located in other areas of the Las Vegas valley, would better serve nearby and valley-wide residents, rather than another car wash establishment. A strip mall could be developed in the area where the Bust'N Suds Carwash would like to locate including the adjacent vacant land. The following businesses would be welcomed in this area; a coffee shop, like Starbucks, a sandwich shop, like Subway, a Christian Supply/Book Store, an office supply store, like Office Depot, a pizza place, like Pizza Hut/Wing Stop, an independent Beauty Supply Store, a yogurt shop, like TCBY, technology businesses, like an Apple Retail Store and/or Mobile Telephone Stores, like Sprint, Verizon, T-Mobile, etc., a Dollar Store and a Dog Grooming establishment. Due to the size of the vacant land on MLK, some of these could downsize and be "express" or drive thru businesses. The residents, (tax payers), in Historic West Las Vegas, look to the City "Fathers" to provide a master plan to aid in the revitalization of "The Westside." Please take into consideration some of the abovementioned businesses when reaching out to prospective businesses.

On **December 13, 2011,** the City of Las Vegas, Planning Commission, heard the agenda item for the Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360). **They voted five (5) to two (2) to DENY the applicant's request to place the Bust'N Suds Carwash at the proposed location. On January 18, 2012, we are counting on your vote to deny this applicant as well, and for you to urge the other city council members to support you by voting no as well to deny this applicant as a final action**

To reiterate, we're **100% in OPPOSITION** to the applicant Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360), establishing a business directly behind our home located at, 1411 "N" Street, Las Vegas, NV 89106, for the abovementioned reasons.

The card the City of Las Vegas sent regarding this application is attached to this letter, indicating our opposition to the proposed car wash.

2012 JAN 17 A 8:20

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Respectfully Submitted On Behalf Of,

Andrea D. Sayles

Andrea D. Sayles
Edgar R. Sayles
cc: Byron A. Goynes, City of Las Vegas, Planning Commissioner
Trish Geran, F Street Coalition, Chair

Protest

January 12, 2011

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Councilman Barlow,

My mother, brother and myself, own the house located at 1421 "N" Street, Las Vegas, Nevada 89106. We're **100% in OPPOSITION** to the applicant Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360), establishing a business directly behind our property.

2012 JAN 17 A 8:20

This is one of the first homes built on "N" street in Historic West Las Vegas, (A.K.A. "The Westside"). Our home was built in 1964, but, the land was in our family back in the 1950s. It is one of the few ranch style homes located on "The Westside," with approximately 2500 square feet, on a half acre parcel.

My parents worked hard and sacrificed through the years to provide a safe place to rear their children in this quiet community. They purposely decided to enclose our property with a chain link fence, so that the front, side and back views would not be obstructed and there wouldn't be any blind spots in case someone trespassed on the property.

We do not want our (quiet) community disrupted by having a full service car wash located directly behind it, (Case #VAR-43359, SUP-43358 & SDR-43360). This location is not suitable for this type of establishment because of the proposed ingress-egress, high volume and swift flow of traffic on MLK, (possibility of high number of accidents). We are also concerned with the close proximity to homes to the east of the establishment, unusual and high noise levels, days and hours of operation, the type of employee, (part-time, youth, and possible "ex" undesirables), hired to work at the car wash, and the viability of such a business because there are already five (5) other car wash establishments in the area; they are located on MLK and Bonanza, MLK and Carey, Rancho and Charleston, Rancho and Bonanza, and Decatur and Vegas Drive.

Martin Luther King Blvd is a major thoroughfare, running through the heart of the Historic West Las Vegas community. To aid in the revitalization of the West Las Vegas community similar businesses, that are located in other areas of the Las Vegas valley, would better serve nearby and valley-wide residents, rather than another car wash establishment. A strip mall could be developed in the area where the Bust'N Suds Carwash would like to locate including the adjacent vacant land. The following businesses would be welcomed in this area; a coffee shop, like Starbucks, a sandwich shop, like Subway, a Christian Supply/Book Store, an office supply store, like Office Depot, a pizza place, like Pizza Hut/Wing Stop, an independent Beauty Supply Store, a yogurt shop, like TCBY, technology businesses, like an Apple Retail Store and/or Mobile Telephone Stores, like Sprint, Verizon, T-Mobile, etc., a Dollar Store and a Dog Grooming establishment. Due to the size of the vacant land on MLK, some of these could downsize and be "express" or drive thru businesses. The residents, (tax payers), in Historic West Las Vegas, look to the City "Fathers" to provide a master plan to aid in the revitalization of "The Westside." Please take into consideration some of the abovementioned businesses when reaching out to prospective businesses.

On **December 13, 2011,** the City of Las Vegas, Planning Commission, heard the agenda item for the Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360). **They voted five (5) to two (2) to DENY the applicant's request to place the Bust'N Suds Carwash at the proposed location. On January 18, 2012, we are counting on your vote to deny this applicant as well, and for you to urge the other city council members to support you by voting no to deny this applicant as a final action.**

To reiterate, we're **100% in OPPOSITION** to the applicant Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360), establishing a business directly behind our property located at, 1421 "N" Street, Las Vegas, NV 89106, for the abovementioned reasons.

The card the City of Las Vegas sent regarding this application is attached to this letter, indicating our opposition to the proposed car wash.

Respectfully Submitted On Behalf Of,

Andrea D. Sayles

Andrea D. Sayles
Augusta M. Garry
Hezdral L. Garry

cc: Byron A. Goynes, City of Las Vegas, Planning Commissioner
Trish Geran, F Street Coalition, Chair

PETITION

Background:

An application for a Bust'N Suds Carwash, (Case #VAR-43359, SUP-43358 & SDR-43360), was placed on the **November 8, 2011,** City of Las Vegas, Planning Commission agenda, for a Parking Variance, Special Use Permit, and Site Development Plan. The proposed site of the Bust'N Suds Carwash is 1326 N. Martin Luther King (MLK) Blvd, Las Vegas, Nevada 89106. **The staff recommended approval of this application.**

Prior to the meeting Planning Commissioner, Byron A. Goynes, received two (2) letters opposing this applicant. During the meeting the Planning Commission discovered that **no neighborhood meetings had been held** to inform the affected residents of this proposed car wash. The agenda item was held in **abeyance** until the applicant held a neighborhood meeting to share information on the proposed establishment and allow residents to voice their opinions regarding the Bust'N Suds Carwash location.

A neighborhood meeting was held on December 8, 2011, from 6:00pm until 7:00pm, at the West Las Vegas Library. Approximately **(20) concerned citizens** attended this meeting; including Planning Commissioner, Byron A. Goynes, and F Street Coalition, Chair, Trish Geran. The applicant shared why he wanted to locate the Bust'N Suds Carwash in Historic West Las Vegas. His architect described the construction of the car wash, but, could not provide information on noise levels, because they had not conducted a noise level study. Also, the architect stated that he had never built a car wash like this one in Las Vegas. The applicant stated that the car wash would be opened seven (7) days a week from early morning until sunset, according to daylight savings time. He also stated that the number of employees, (part-time), would vary from five (5) to (15), depending on peak times, and that he would hire youth from the community. A concerned citizen stated that the owner of the property of the proposed site of the car wash lived in Staten Island, New York. So, it did not matter to the owner if neighbors were negatively impacted by this car wash. There were a lot of questions that the applicant could not or did not answer adequately. The general consensus from the neighbors was that this type of establishment was not needed or welcomed in this location.

On **December 13, 2011,** the City of Las Vegas, Planning Commission, heard the agenda item for the Bust'N Suds Carwash. Prior to the meeting, Trish Geran, F Street Coalition, Chair, submitted a letter to the City of Las Vegas, Planning Commission, and other elected officials. The letter shared historical information regarding the proposed location of this car wash in relationship to long time residents who would be directly, (negatively), affected by the Bust'N Suds Carwash. Ms. Geran, as well as, two (2) other individuals spoke in opposition to the Bust'N Suds Carwash. It was stated that this location is not suitable for this type of establishment because of the proposed ingress-egress, high volume and swift flow of traffic on MLK, (possibility of high number of accidents), close proximity to homes to the east of the establishment, unusual and high noise levels, days and hours of operation, the type of employees hired, (part-time, youth, and possible "ex" undesirables), and the viability of such a business because there are already five (5) other car wash establishments in the area; they are located on MLK and Bonanza, MLK and Carey, Rancho and Charleston, Rancho and Bonanza, and Decatur and Vegas Drive. **The City of Las Vegas, Planning Commission, voted five (5) to two (2) to deny the applicant's request to place the Bust'N Suds Carwash at the proposed location.**

Martin Luther King Blvd is a major thoroughfare, running through the heart of the Historic West Las Vegas community, (A.K.A. "The Westside"). To aid in the revitalization of the West Las Vegas community similar businesses, that are located in other areas of the Las Vegas valley, would better serve nearby and valley-wide residents, rather than another car wash establishment. A strip mall could be developed in the area where the Bust'N Suds Carwash would like to locate including the adjacent vacant land. The following businesses would be welcomed in this area; a coffee shop, like Starbucks, a sandwich shop, like Subway, a Christian Supply/Book Store, an office supply store, like Office Depot, a pizza place, like Pizza Hut/Wing Stop, an independent Beauty Supply Store, a yogurt shop, like TCBY, technology businesses, like an Apple Retail Store and/or Mobile Telephone Stores, like Sprint, Verizon, T-Mobile, etc., a Dollar Store and a Dog Grooming establishment. Due to the size of the vacant land on MLK, some of these could downsize and be "express" or drive thru businesses. The residents, (tax payers), in Historic West Las Vegas, look to the City "Fathers" to provide a master plan to aid in the revitalization of "The Westside." We are urging them to take into consideration some of the abovementioned businesses when reaching out to prospective businesses.

The denial was not final action. The applicant will be heard once again on **January 18, 2012,** at the City of Las Vegas council meeting. The decision from this meeting will be a final action. Therefore, all who **OPPOSE** the Bust'N Suds Carwash are urged to sign this petition.

The <u>original copy</u> of the petition will be submitted to the City of Las Vegas, Clerk, to be distributed to Council Members; Carolyn Goodman, Mayor, Council Members; Ricki Y. Barlow (Ward 5), Lois Tarkanian, Steve Wolfson, Bob Coffin, Stavros S. Anthony, and Steven D. Ross. A <u>copy</u> of this petition will be sent to the following; Byron A. Goynes, City of Las Vegas, Planning Commissioner, and Trish Geran, Chair, F Street Coalition.

To Local Officials:	**Carolyn Goodman, Mayor, City of Las Vegas** **Ricki Y. Barlow, City Councilman, (Ward 5)** **City Council Members, City of Las Vegas (5)** **Byron A. Goynes, Planning Commissioner, City of Las Vegas (Ward 5)** **Trish Geran, Chair, F Street Coalition**
Action Petitioned for: VAR 43359, SUP 43358 SDR 43360	**<u>DENIAL</u> of the request for a Parking Variance, Special Use Permit, and Site Development Plan on behalf of the applicant, Bust'N Suds Carwash, (Case #VAR-43359). We, the undersigned, are concerned citizens and residents of the Historic West Las Vegas. We urge our leaders to stand in solidarity with us in <u>OPPOSITION</u> to the Bust'N Suds Carwash, locating at 1326 N. Martin Luther King Blvd, Las Vegas, Nevada 89106.**

	Printed Name	Signature	Address	Date
1.	Augusta Garry	Augusta Garry	1421 N Street LV NV 89106	1/2/12
2.	Edgar R. Sayles	Edgar R Sayles	1411 N St LV Nev 89106	1/2/12
3.	Andrea D. Sayles	Andrea D. Sayles	1411 N Street LV, NV 89106	1/2/12
4.	EARTHEAN SMITH	Earthean Smith	1313 N. ST LV. NV 89106	1/2/12
5.	VIRGINIA SMITH	Virginia Smith	1313 N. ST LV. NV 89106	1/2/12.
6.	Shirley Roberts	Shirley Roberts	1212 Madison	1/2/12
7.	Robin Roberts	Robin Roberts	1212 Madison	1/2/12
8.	Robin Roberts Jr.	Robin Roberts Jr.	1212 Madison	1/2/12
9.	Bryce Duncan	Bryce Duncan	1312 N. Street	1/2/12

To Local Officials:	**Carolyn Goodman, Mayor, City of Las Vegas** **Ricki Y. Barlow, City Councilman, (Ward 5)** **City Council Members, City of Las Vegas (5)** **Byron A. Goynes, Planning Commissioner, City of Las Vegas (Ward 5)** **Trish Geran, Chair, F Street Coalition**
Action Petitioned for:	**<u>DENIAL</u> of the request for a Parking Variance, Special Use Permit, and Site Development Plan on behalf of the applicant, Bust'N Suds Carwash, (Case #VAR-43359). We, the undersigned, are concerned citizens and residents of the Historic West Las Vegas. We urge our leaders to stand in solidarity with us in <u>OPPOSITION</u> to the Bust'N Suds Carwash, locating at 1326 N. Martin Luther King Blvd, Las Vegas, Nevada 89106.**

	Printed Name	Signature	Address	Date
10.	Marvin Robertson	Marvin Robertson	1304 N Stewart 89106	1-2-12
11.	Leonard S Smith	Leonard S Smith	1324 Jackson Ave 89106 LVNV	1-2-12
12.	Sam Hayes	Sam Hayes	1324 Van Buren 89106	1-2-12
13.	Carrie A. Williams Carrie A. Williams	Carrie A. Williams	1317 W Van Buren Ave	1-4-12
14.	Dennis Williams	Dennis Williams	1328 Van Buren	1-4-12
15.	Melton Sayles	Melton Sayles	1321 W. Owens 89106	1-4-12
16.	Shondra Summers-Armstrong	Shondra Summers-Armstrong	1931 Fair Ave 89106	1-5-12
17.	TRISHA GERAN Trish Geran	Trish Geran	500 Lilly Ave. 89106	1-5-12
18.	Henry Bunch	Henry Bunch	917 W Bartlett 89106	1-5-12

To Local Officials:	**Carolyn Goodman, Mayor, City of Las Vegas** **Ricki Y. Barlow, City Councilman, (Ward 5)** **City Council Members, City of Las Vegas (5)** **Byron A. Goynes, Planning Commissioner, City of Las Vegas (Ward 5)** **Trish Geran, Chair, F Street Coalition**
Action Petitioned for:	**<u>DENIAL</u> of the request for a Parking Variance, Special Use Permit, and Site Development Plan on behalf of the applicant, Bust'N Suds Carwash, (Case #VAR-43359). We, the undersigned, are concerned citizens and residents of the Historic West Las Vegas. We urge our leaders to stand in solidarity with us in <u>OPPOSITION</u> to the Bust'N Suds Carwash, locating at 1326 N. Martin Luther King Blvd, Las Vegas, Nevada 89106.**

	Printed Name	Signature	Address	Date
19.	Katherine Duncan	Katherine Duncan	1001 F Street, LV, N 89106	1/5/11
20.	Dr. S. S. Rogers	[illegible]	1025 Bulger ave L.V.N89106	1/05/12
21.	Harvey J. Manford	Harvey Manford	809 Sunny Place	1/5/12
22.	JOEL Brown	Joel Brown	1511 Ralston Dr	1/5/12
23.	Julius Rogers Sr.	Julius Rogers Sr.	732 Miller Ave	1/5/12
24.	DWAYNE Collins	[illegible]	304 Kings Ave	1/5/12
25.	Jimmy Banks	Jimmy Banks	2400 Lexington St.	1/5/12
26.	Oritha Lashley	Oritha Lashley	1208 Jackson	1-5-12
27.	Kyle W. Knapper	Kyle W. Knapper	1313 W. Van Buren	1-07-12

To Local Officials:	**Carolyn Goodman, Mayor, City of Las Vegas** **Ricki Y. Barlow, City Councilman, (Ward 5)** **City Council Members, City of Las Vegas (5)** **Byron A. Goynes, Planning Commissioner, City of Las Vegas (Ward 5)** **Trish Geran, Chair, F Street Coalition**
Action Petitioned for:	**<u>DENIAL</u> of the request for a Parking Variance, Special Use Permit, and Site Development Plan on behalf of the applicant, Bust'N Suds Carwash, (Case #VAR-43359). We, the undersigned, are concerned citizens and residents of the Historic West Las Vegas. We urge our leaders to stand in solidarity with us in <u>OPPOSITION</u> to the Bust'N Suds Carwash, locating at 1326 N. Martin Luther King Blvd, Las Vegas, Nevada 89106.**

	Printed Name	Signature	Address	Date
28.	Michelle Payton	Michelle Payton	1300 W. Van Buren, LVNV 89106	1/7/12
29.	Irene Payton	Irene Payton	1300 W. Van Buren Ave. LV NV 89106	1/7/12
30.	Lawrence Garrett	Lawrence Garrett	1301 W Van Buren Ln 89106	1/8/12
31.	Mitchell Sayles	Mitchell Sayles	1313 W VAN BUREN 89106	1/8/12
32.	Kathy Jackson	[illegible]	1317 W. Jackson Ln 89106	1/10/12
33.	LELAND McMORRIS	Leland McMorris	1202 TUMBERWEED	1-10-12
34.	Joseph Sayles	Joseph Sayles	1313 W VanBuren LV NV 89106	1-10-12
35.				
36.				

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

From: Andrea Sayles <andrea.sayles@gmail.com>
To: yobyron <yobyron@aol.com>
Subject: 11/08/2011 Planning Commission Meeting Agenda Items (27 & 28) Oppose Bustin' Suds Application for a Car Wash
Date: Tue, Nov 8, 2011 12:43 pm

#27 & #28

Planning Commissioner Goynes,

My mother, brother and myself, own the house located at 1421 "N" Street. We're 100% in opposition to the applicant (Bustin' Suds) establishing a business behind our property. This is one of the first homes built on "N" street. Our home was built in 1964. It is one of the few ranch style homes located in historical West Las Vegas, better known as "The Westside." My mother decided to have our property enclosed with a chain link fence so that the view would not be obstructed.

Allowing a full service car wash to be built behind a residencial area would disprupt our quiet neighborhood community. We are concerned about the noise levels that are usually associated with a car wash and the hours of operation.

We are in opposition of the (Bustin' Suds) full service car wash being located on MLK BLVD behind our property.

Respectfully Submitted On Behalf Of,

Augusta M. Garry, Andrea D. Sayles and Hezdral L. Garry

Submitted at Planning Commission
Date 11-08-2011 Item 26-28
COMM. GOYNES

TRISH GERAN
Contact: 702.379.8966
Email: tlgeran@aol.com
Site: www.WestLV.org

Protest

Protest

Byron Goynes
Planning Commissioner
Las Vegas City Hall
400 Stewart Avenue
Las Vegas, NV 89106

December 12, 2011

Protest

Re: Bustin' Suds Car Wash – Case #VAR-43359

Dear Commissioner Goynes;

I respectfully submit this letter on behalf of the residents who would be affected by the proposed project *Bust'N Suds Car Wash* (names listed below). There are only three homes located directly behind this project, however, all three of the owners are opposed to the project. Listed below are specific, pertinent reasons for their decisions. From the start, the presenter of the project had too many inconsistencies and incorrect data listed on documents. In other words, the residents feel that if you can't spell car wash (Carwash) you sure as hell can't construct one.

After seeking outside counsel from two civil engineers and one environmental consultant, the residents were informed that 98% of the items listed in the *City of Las Vegas Agenda Memo Planning*, section FINDINGS (SUP-43358) and FINDINGS (SDR-43360) are untrue and incompatible to the surroundings in the community. For instance, an eight-foot solid screen wall with landscaping to provide a suitable buffer and linear trees will not decrease the noise, pollution, or the piping for the toxic chemicals. Also, as noted on the *Agenda Memo*, the community meeting that took place on December 8th was supposed to have been held on October 8th, which left me little time to research every detail of this project.

On December 8, 2011, the planning commission along with the presenter and architect held a community meeting at the West Las Vegas Library. The presenter, Trandy Hester, obviously lacked a keen knowledge of the project and the origins of the Westside, even though he claimed to have lived in the Madison (something) Apartments. There is still no trace of his family heritage, if so, he failed to mention it. He said he lived mostly in Las Vegas but his sister said they lived mostly in North Las Vegas. The renderings were not clear and the architect created a blur when explaining the full design. There were no documents handed to those in attendance--a sure sign of disrespect. Mr. Hester said he would employ the youth but wasn't sure of the exact number. According to the *City of Las Vegas Agenda Memo Planning* section PROJECT DESCRIPTION, it says: "There is an anticipated staffing of five to 15 employees, depending on the levels of business." This small number of employees is not worth creating havoc in the lives of people who have spent most of their life savings building and maintaining their homes.

Submitted at Planning Commission
Date 12/13/2011 Item 11-21
by Trish Geran

After the meeting, many wondered why Mr. Hester did not mention who would purchase the $400,000 land that is presently in escrow if zoned. Perhaps this was a convenient oversight on his behalf? This is why he is referred to as the "presenter" and not investor. There is suspicion among the residents that he is nothing more than a "cover for someone who does not have the community's best interest in mind." This project has no teeth.

The residents, however, kept in mind what's best for many of the families who make a living washing and detailing cars in the area and decided they did not want to be responsible for placing their livelihood in jeopardy. They feel that if they do not look out for the small businessman, no one else will. There are three car washes within a 1-2 mile radius; one carwash is located literally three blocks down the street from the proposed project on MLK! The need for another one is simply not there.

Will this project be a way for the City to disregard the residents who have been loyal to the community for 55+ years in exchange for a presenter, Trandy Hester, who has **no** website, **no** trace, **no** history, "nothing" except an out of town architect named John Reddell from Scottsdale, Arizona, whose website is "under construction" and therefore cannot provide proof of any projects he has successfully developed?

In the late 1960s, Ms. Augusta Garry, one of the residents directly affected by this project, voted at a planning commission meeting for this specific piece of land and another adjoining parcel to become commercial. Her family has owned property in that area since the 1940s. Accompanying her at the planning commission meeting was Mr. Sam Williams, the owner of approximately three acres in the area--also since the 1940s. Together, they had clout. The projects that were proposed to be built on this land and the other parcel (owned by the Harris Family) were: a movie theater, a cocktail lounge, and a small business mall. The residents were 100% behind these developments. They felt they were suitable and they would not be "afraid for their lives." However, the owner of Tiberti Fence Company was against the land to be rezoned from residential to C1 (limited commercial). Mr. Tiberti said, "If we allow them to have a C1, all the rest of the owners of the land on Highland would also want to become commercial." One of the commissioners, Dr. Parker said he was tired of the members stalling and denying economic development in the community. "Its time we tell these people yes or no." The members went into a closed door meeting; and when they returned, there were just enough votes to rezone the land. So here we are, 40+ years later, ready to crucify the woman who is partially responsible for the commercial developments along MLK Boulevard, which was then Highland Avenue, but was later changed to MLK thanks to the efforts of the owner of Hair Unlimited Barbershop, Booker Burney, also located on MLK.

At that time, the residents wanted these types of businesses because no matter what the outcome, another business could easily be established. For example, a movie theater

could become a place for meetings, a cocktail lounge could become a beauty shop, and a mall could become another store or an office. But a car wash can only become a car wash. If it works or not, it would always be an unsafe entity in the area, making the issue of safety a major concern. Even worse, if it doesn't succeed and is forced to close, it would become a strip of vacant land for the homeless and a place to hang out and do drugs, which has already been the result when another car wash in this community was closed in the early 1990s.

About three years ago, I submitted a petition signed by 100 residents who were against the construction of the Sarah Ann Knight Apartments; and I was ignored. I alerted the press, and they, in turn, discovered that the developer had borrowed $4 million from the City to build the complex. The latest update on this matter is that it is classified as "open." About a month ago at the last community meeting, a request for the construction of middle income homes, which will allow more stability for businesses in the community, is now the latest demand. If only our representative and the City would have listened to the request of the community back then, we may be a little ahead instead of further behind.

This community has been denied a host of potential developments and stripped of their pride and dignity, but that is all in the past. Today, the tide has changed and I can firmly say that this wonderful, smart group of people, who live in this community, who are dear to my heart, will not stand for any more abuse from investors who hide behind the City of Las Vegas' curtain.

You certainly can't say that the community does not want new projects. Look around and notice that although there are a few under development, they represent potential growth and incentive to future development. More importantly, they represent their needs. The one good thing about the controversy surrounding this particular issue is that it shows that when a representative wants to put together a project, he or she *finds* a way to make it happen. This is a safe community and the residents intend to keep it that way. Let's go back to the drawing board and develop a project that is agreeable to the surrounding residents, the entire Ward 5 community, and profitable for the investor as well. Until then, I strongly recommend that *Bust'N Suds* find a new home.

With highest respect,

TRISH GERAN
Chairwoman, F Street Coalition
Administrator, Occupy Las Vegas

cc: Mayor Carolyn Goodman
City Council members (8)
Planning Commissioners (6)
Assemblyman Harvey Munford
State Senator Candidate – Assemblyman Kelvin Atkinson
Residents directly affected by project:
Augusta Garry 1421 N. Street – resident 58 years (family owned land since 40s)
Ephern Smith 1313 N. N Street – resident 3 years
Edgar & Andrea Sayles 1411 N. N Street – resident 6 years
F Street Coalition Board & Members
Organizations (9)
Media (15)
Etc.

From: Andrea Sayles <andrea.sayles@gmail.com>
To: yobyron <yobyron@aol.com>
Subject: 11/08/2011 Planning Commission Meeting Agenda Items (27 & 28) Oppose Bustin' Suds Application for a Car Wash
Date: Tue, Nov 8, 2011 12:24 pm

#27 & #28

Planning Commissioner Goynes,

We're 100% in opposition to the applicant (Bustin' Suds) establishing a business directly behind our home located at 1411 "N" Street, Las Vegas, NV 89106. We have been in this location for more than ten (10) years. Our home is comparable to the homes located in Summerlin and is over 2800 square feet. We paid extra to have a balcony built onto our home to enjoy the view of Mt. Charleston and now the beautiful landscape Councilman Barlow was instrumental in getting for MLK BLVD.

We do not want our (quiet) community disrupted by having a full service car wash located directly behind our home. We are concerned about the noise levels that are usually associated with a car wash and the hours of operation. We currently have a six food block wall in our back yard. And, we do not want a higher fence built next to our block wall. This will make us feel as though we're behind a "prison" wall cutoff from society.

We grew up in this neighborhood and could have lived anywhere in the Vegas valley, but, we chose to custom build our home in the West Las Vegas area to support the revitalization of the westside and because it was a quite community.

To reiterate, we are in opposition of the (Bustin' Suds) application to place a full service car wash directly behind our home.

Respectfully Submitted,

Edgar and Andrea Sayles

City of Las Vegas Agenda Item No.: **58.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-43358 – ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO VAR-43359 - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Special Use Permit FOR A CAR WASH, FULL SERVICE OR AUTO DETAILING at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone , Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation

Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.

COPY

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-43358** APN: 139-28-501-005

Name of Property Owner: JGM Holdings LLC, Gina Mazza

Name of Applicant: Trandy Hester

Name of Representative: John Roddell Arch

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Trandy Hester

Print Name: Trandy Hester

Subscribed and sworn before me

This 21 day of September, 2011

Notary Public in and for said County and State

MEGAN GUIDRY
Notary Public State of Nevada
No. 10-2664-1
My Appt. Exp. August 12, 2014

RECEIVED
SEP 22 2011
City of Las Vegas
Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SPECIAL USE PERMIT

Project Address (Location) 1326 N. MARTIN LUTHER KING BLVD.

Project Name BUST'N SUDS CARWASH Proposed Use FULL SERVICE C.W.

Assessor's Parcel #(s) 139-28-501-005 Ward # _____

General Plan: existing C proposed NO CHANGE Zoning: existing C-1 proposed NO CHANGE

Commercial Square Footage BUILDING 3985 SF CANOPIES 9008 S.F Floor Area Ratio 20.8%

Gross Acres .88 AC Lots/Units _____ Density _____

Additional Information _____

PROPERTY OWNER SGM Holdings LLC Contact GINA MAZZA

Address 116 Rivington Ave Phone: (917) 250-4928 Fax: NONE

City STATEN Island State NY Zip 10314

E-mail Address Jeffanderson702@gmail.com / GMAZZA864@Aol.com

APPLICANT BUSTN'SUDS CARWASH Contact TRANDY HEGSTER

Address 4901 SPARKLING SKY AVENUE Phone: 702-860-1201 Fax: _____

City LAS VEGAS State NEVADA Zip 89130

E-mail Address TRANDYH357@GMAIL.COM

REPRESENTATIVE JOHN REDDELL ARCH. Contact JOHN REDDELL

Address 7524 E. ANGUS DRIVE #1 Phone: 480-946-0242 Fax: 480-946-0188

City SCOTTSDALE State AZ Zip 85251

E-mail Address JOHN@REDDELLARCHITECTS.COM

Property Owner Signature* _____

*An Authorized agent may sign if letter of authorization is provided. Trust Documents, Powers of Attorney, Articles of Incorporation, Partnership Agreements, Corporate Resolutions, Limited Liability Company Documents, Partnership Documents, Trademarks and Service Marks, and Business Maps.

Print Name JEFFREY ANDERSON

Subscribed and sworn before me

This 22 day of September 2011

_____

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LISA STARR PORTER
Appt. No. 04-88607-1
My Appt. Expires Feb. 28, 2012

FOR DEPARTMENT USE ONLY

Case #	SUP-43358
Meeting Date:	11-8-11
Total Fee:	1030.00
Date Accepted:	9-22-11
Accepted By:	FS

City of Las Vegas Agenda Item No.: **59.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-43360 – ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-43359 AND SUP-43358 - PUBLIC HEARING - APPLICANT: BUSTN' SUDS CARWASH - OWNER: JGM HOLDINGS, LLC - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 3,985 SQUARE-FOOT CAR WASH, FULL SERVICE OR AUTO DETAILING on 0.88 acres at 1326 North Martin Luther King Boulevard (APN 139-28-501-005), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Consolidated Backup
2. Supporting Documentation

Consistent with the City's sustainability efforts to reduce paper use, backup documentation pertaining to related items will appear as backup under the first item. This item includes such consolidated backup documentation. Please refer to the first related application in the subject line of the Agenda Summary Page.

Copy

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-43360** APN: 139-28-501-005

Name of Property Owner: JGM Holdings LLC, Gina Mazza

Name of Applicant: Trandy Hester

Name of Representative: John Roddell Arch

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Trandy Hester

Print Name: Trandy Hester

Subscribed and sworn before me

This 21 day of September, 2011

Notary Public in and for said County and State

MEGAN GUIDRY
Notary Public State of Nevada
No. 10-2664-1
My Appt. Exp. August 12, 2014

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SEP 22 2011
City of Las Vegas
Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT REVIEW

Project Address (Location) 1326 N. MARTIN LUTHER KING BLVD.

Project Name BUST'N SUDS CARWASH Proposed Use FULL SERVICE C.W.

Assessor's Parcel #(s) 139-28-501-005 Ward # _____

General Plan: existing C proposed NO CHANGE Zoning: existing C-1 proposed NO CHANGE

Commercial Square Footage BUILDING 3985 SF CANOPIES 9008 S.F Floor Area Ratio 20.8%

Gross Acres .88 AC Lots/Units _____ Density _____

Additional Information _____

PROPERTY OWNER JGM HOLDINGS LLC Contact GINA MAZZA

Address 116 RIVINGTON AVE Phone: (917) 250-4978 Fax: NONE

City STATEN ISLAND State NY Zip 10314

E-mail Address GMAZZA804@AOL.COM

APPLICANT BUSTN'SUDS CARWASH Contact TRANDY HESTER

Address 4901 SPARKLING SKY AVENUE Phone: 702.860.1201 Fax: _____

City LAS VEGAS State NEVADA Zip 89130

E-mail Address TRANDYH357@GMAIL.COM

REPRESENTATIVE JOHN REDDELL ARCH. Contact JOHN REDDELL

Address 7524 E. ANGUS DRIVE #1 Phone: 480.946.0242 Fax: 480.946.0188

City SCOTTSDALE State AZ Zip 85251

E-mail Address JOHN@REDDELLARCHITECTS.COM

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps and Parcel Maps

Print Name JEFFREY ANDERSON

Subscribed and sworn before me

This 22 day of September 2011

_____

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
LISA STARR PORTER
Appt. No. 04-88607-1
Expires Feb. 28, 2012

FOR DEPARTMENT USE ONLY

Case #	SDR-43360
Meeting Date:	11-8-11
Total Fee:	1032.00
Date Accepted:	9-22-11
Accepted By:	FS

SDR 43360
Bustin' Suds Carwash

1326 M. Martin L. King Boulevard

Proposed 1 stall car wash.

Traffic produced by proposed development:

Proposed Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	CAR WASH, SELF SERVICE [STALL]	1	108.00	108
AM Peak Hour			8.00	8
PM Peak Hour			5.54	6

(heaviest 60 minutes)

Existing traffic on all nearby streets:

Martin L. King Blvd.

Average Daily Traffic (ADT)	33,838
PM Peak Hour	2,707

(heaviest 60 minutes)

Owens Ave.

Average Daily Traffic (ADT)	12,925
PM Peak Hour	1,034

(heaviest 60 minutes)

Washington Ave.

Average Daily Traffic (ADT)	12,813
PM Peak Hour	1,025

(heaviest 60 minutes)

Traffic Capacity of adjacent streets:

	Existing Street Capacity
Martin L. King Blvd.	51,800
Owens Ave.	34,500
Washington Ave.	34,500

This project will add approximately 108 trips per day on Martin L. King Boulevard, Owens Avenue and Washington Avenue. Martin L. King is currently at about 65 percent of capacity, and Owens and Washington are both at about 37 percent of capacity. After this project is added, Martin L. King is expected to be at about 66 percent of capacity, and Owens and Washington to be at about 38 percent of capacity.

Based on Peak Hour use, this development will add roughly 8 additional cars into the area, which works out to about two every fifteen minutes.

Note that this report assumes all traffic from this development uses all named streets.

City of Las Vegas Agenda Item No.: **60.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

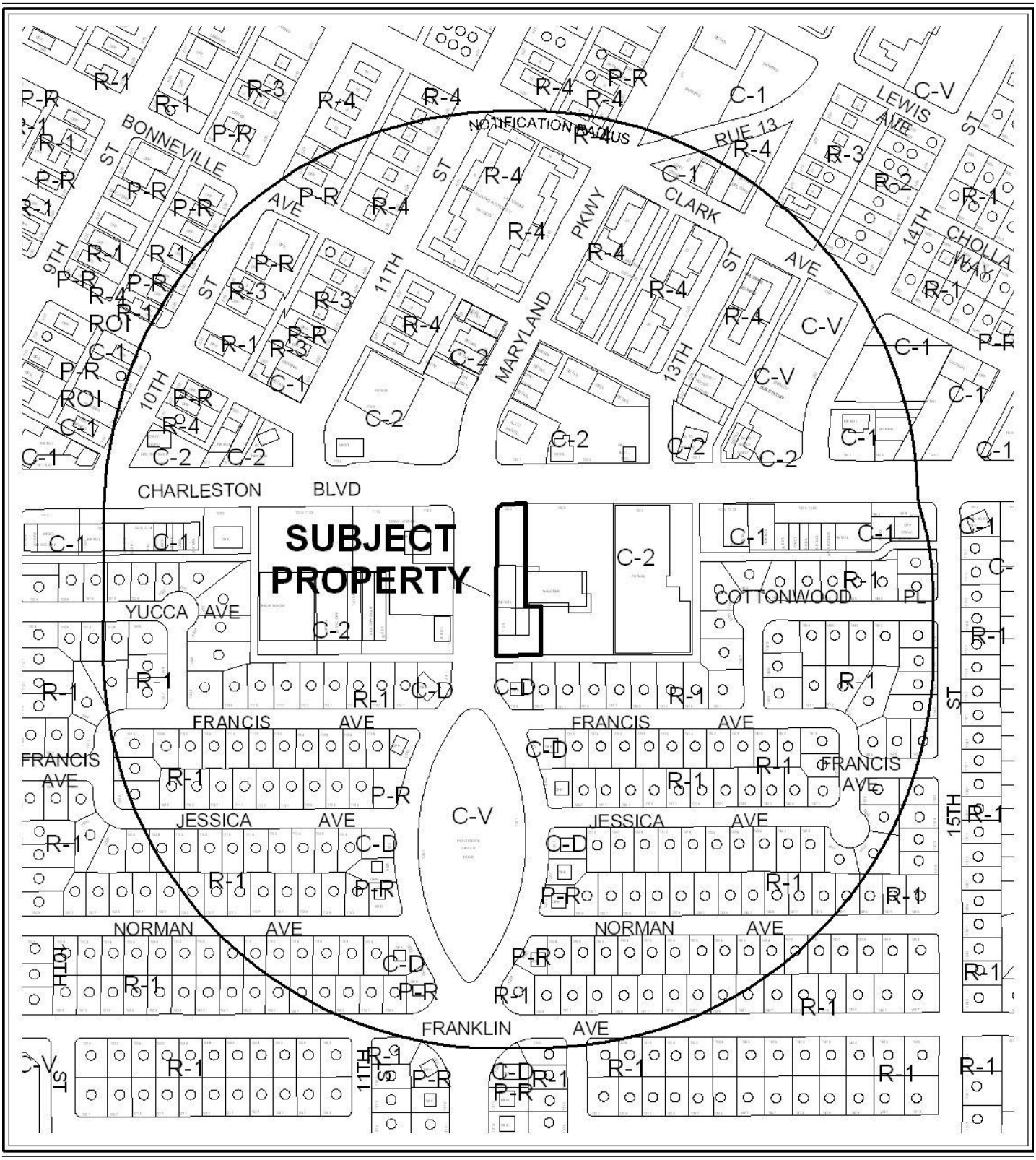
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-43987 – ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC - For possible action on an Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER at 1200 East Charleston Boulevard and 1125 South Maryland Parkway (APNs 162-02-110-015 and 018), C-2 (General Commercial) Zone, Ward 3 (Coffin). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**9**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Appeal Letter Submitted by Cima Mizrachi
3. Conditions and Staff Report
4. Supporting Documentation
5. Photos
6. Justification Letter
7. Protest Postcards



0 300 600 Feet

CASE: **SUP-43987**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

0 300 600 Feet

CASE: **SUP-43987**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

Cima Mizrachi
1200 E. Charleston Blvd
Las Vegas, Nevada 89104
SUP- 43987

RECEIVED
CITY CLERK

2012 JAN 18 P 3:52

Las Vegas City Council
400 Stewart Blvd.
Las Vegas, Nevada 89101

To whom it may concern:

I would like to appeal the decision to deny SUP- 43987at the Planning Commission Meeting on January 10, 2012.

A Special Use Permit is required to obtain a Secondhand Dealer license for the following locations: 1200 E. Charleston Blvd. and 1125 S Maryland Pkwy. The staff recommended approval of the Special Use Permit and I concurred with all conditions set forth.

When I submitted the application for the above addresses I also submitted a separate application for the adjacent address at 1208 E. Charleston Blvd. This address is that of The Huntridge Theater, which is registered as an historic building.

All of the objectors who came to the Planning Commission Meeting seemed to be objecting the idea that a secondhand store would be located within the historic building, but there was little to no conversation in regards to the addresses I am writing to you about today: 1200 E. Charleston Blvd. and 1125 S. Maryland Pkwy.

The only references made to the above addresses where in conjunction with The Huntridge Theater and referred to the general aesthetic of the building, or where in regards to the plans submitted in 2008 for the renovation of all three addresses. Unfortunately, my family came into some financial hardships after those plans were submitted and we were unable to follow through with the site development as intended. I know the community is strongly opposed to having The Huntridge Theater be a retail store for secondhand items, and that is fine, I am no longer asking for that right. I am only asking for reconsideration of the adjacent properties which have been used as furniture retail stores since the 1980's.

Much of the objection about the proposed plan of a secondhand dealer license for the locations was a fear about the ability to buy and sell guns. I, however, omitted guns from my Privilege License application. There were also complaints about of the building's exterior being in bad condition. The day after the meeting I made sure to have someone out there to make cosmetic improvements to the exterior. I will be happy to submit photos of the repairs once they are completed.

The Planning Department staff recommended approval for this site to be used as a secondhand store, there are already many in the nearby area. Daily people enter the store occupying the building currently and ask if secondhand merchandise is available, upon hearing there is not they leave. This location is losing business without the ability to sell secondhand items. Everyday on my way to and from these locations I pass by The Charleston Outlet and I am astonished by how many people are always there. Their store looks clean, organized and respectable and they sell secondhand items. I would like to maintain a store like theirs, but with furniture and accessories.

I believe I deserve a fair chance to have this SUP looked at again. I specifically asked commissioners to take both properties into separate consideration, but there was only one conversation. I submitted two applications, paid two fees, had two separate blueprints made yet I only received one discussion regarding the two separate issues.

I appreciate your time and consideration. Please feel free to contact me at anytime with questions or comments in regards to this matter.

With regard,

Cima Mizrachi
702-371-9680
cimamizrachi@yahoo.com

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-43987	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-43987 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Secondhand Dealer use.

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle displayed for sale in the parking lot of the subject property without the appropriate permits.

4. All deliveries, loading, unloading and services to the premises shall be completed during regular business hours

5. The applicant shall work with city staff to determine the most appropriate mapping action necessary to consolidate the existing lots/parcels. The mapping action shall be completed and recorded prior to the issuance of any business license for a Secondhand Dealer use.

6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to add a Secondhand Dealer use to the existing retail use at 1200 East Charleston Boulevard and 1125 South Maryland Parkway. The subject site is currently used for the retail sale of new furniture. The applicant would like add a Secondhand Dealer use to display and sell used home décor items. A Secondhand Dealer use is permitted within the C-2 (General Commercial) Zoning District with the approval of a Special Use Permit. The proposed Secondhand Dealer use is appropriate for the site and can be conducted in manner that is harmonious and compatible with surrounding uses; therefore, staff recommends approval. If the application is denied, the Secondhand Dealer use will not be allowed at this location.

ISSUES

- A Secondhand Dealer use is allowed within a C-2 (General Commercial) Zoning District with the approval of a Special Use Permit.
- The existing subject building shares two parcels, 162-20-110-018 and 162-02-110-015; therefore, a remapping action is required to create a single parcel as a condition of approval.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/03/08	The City Council approved the following requests at 1208 East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial) Zone: • A Variance (VAR-29443) to allow 136 parking spaces where 158 are required, and to allow one loading zone where two are required; • A Variance (VAR-29494) to allow a 15-foot front setback where 20 feet is required and to allow a zero-foot corner side building setback where 15 feet is required; and • A Site Development Plan Review (SDR-29440) for a proposed 39,420 square-foot commercial development, which includes 14,320 square feet of new construction with waivers of perimeter landscape buffer requirements to allow a 10-foot buffer along the north property line where 15 feet is required, a five-foot buffer along the west property line where 15 feet is required, a three-foot buffer along the east property line where eight feet is required and to allow a waiver of the building placement standards. The Planning Commission recommended approval while staff recommended denial of all items. These items were approved with a two-year expiration date; no permits were issued and no Extensions of Time were requested within that period and the entitlements subsequently expired on 12/03/10. There are no entitlements currently active for the subject site.

DED

Staff Report Page Two
March 21, 2012 - City Council Meeting

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/10/12	The Planning Commission voted (7-0) to DENY two related items SUP-43985 and SUP-43987 as it determined the proposed uses to not be compatible with surrounding area.
01/18/12	The Applicant filed an appeal with the City Clerk regarding the Planning Commission's denial of SUP-43987. The item will be considered by the City Council on February 15, 2012.
02/15/12	The City Council voted to hold this item in abeyance to the March 21, 2012 meeting.

Most Recent Change of Ownership	
06/22/2011	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
10/25/10	A business license for a Furniture Store (F07-02081) was issued at 1200 East Charleston Boulevard. This license remains active.
10/25/10	A business license for Jewelry Sales (J01-02197) was issued at 1200 East Charleston Boulevard. This license remains active.

Pre-Application Meeting	
11/10/11	A pre-application meeting was held and issues concerning the submittal requirements of a Special Use Permit for a Secondhand Dealer were discussed with the applicant.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application nor was one held.

Field Check	
12/01/11	Staff conducted a field check of the subject property. Staff noted the subject site was a well maintained commercial property.

Details of Application Request	
Site Area	
Net Acres	0.76

Surrounding Property	*Existing Land Use*	*Planned Land Use*	*Existing Zoning*
Subject Property	General Retail Store	C (Commercial)	C-2 (General Commercial)
North	General Retail Store	C (Commercial)	C-2 (General Commercial)
South	Office	SC (Service Commercial)	C-D (Designed Commercial)
	Single-Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
East	General Retail Store	C (Commercial)	C-2 (General Commercial)
West	Convenience Store	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Charleston Boulevard	Primary Arterial	Master Plan of Streets and Highways	100	Y
Maryland Parkway	Primary Arterial	Master Plan of Streets and Highways	110	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Secondhand Dealer	8,768 SF	1:250 SF	36				
TOTAL SPACES REQUIRED			36		32		Y*
Regular and Handicap Spaces Required			34	2	30	2	Y*

* The project location is considered parking impaired pursuant to Title 19.18.030(d).

ANALYSIS

A Secondhand Dealer use is defined by Title 19.20 as a specialty shop which deals solely in one kind of used commodity with no new commodities, or a business in which the sale of secondhand or used articles is incidental to the sale of new articles of the same kind. For purposes of this description, the sale of secondhand or used articles is deemed to be incidental to the sale of new articles. Used articles may include wearing apparel, furniture, fixtures, appliances, tableware, offices supplies, pictures, paintings, jewelry, cutlery or guns. This use includes the sale of jewelry (Class III type) and scrap precious metals as defined in LVMC Chapter 6.74, but does not include the sale of junk as defined in that Chapter, the sale of used cars or the sale of other items which the City Council determines do not fit within the intent of this term. This use does not include the buying and selling of foreign or domestic coins for numismatic purposes or used books, which shall be allowed where retail sales of new merchandise, is permitted. This use also does not include a thriftshop or nonprofit thriftshop.

The Secondhand Dealer use has three minimum Special Use Permit Requirements:

* 1. No outdoor display, sales or storage of any merchandise shall be permitted.

* 2. The use shall comply with the applicable requirements of LVMC Title 6.

* 3. No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.

The subject property is zoned C-2 (General Commercial) and is intended to provide the broadest scope of compatible services that allows retail, service and mixed-use developments. The C-2 (General Commercial) Zoning District is consistent with the General Plan of C (Commercial). The proposed use of a Secondhand Dealer use is permissible in the C-2 (General Commercial) Zoning District with approval of a Special Use Permit and adherence to the minimum conditions. The subject site is within the Las Vegas Redevelopment Plan Area and meets requirements for the plan area.

The applicant has indicated that the tenant space will not be expanded and the existing site plan will not change the provided parking. The site is considered a "parking-impaired development" and no additional parking spaces are required, as the parking requirements for the proposed use are the same as the current use parking requirements.

The subject building for the proposed Secondhand Dealer use shares two parcels, 162-20-110-018 and 162-02-110-015; therefore, a remapping action is required to create a single parcel, and eliminate the property line that runs through the building. A condition of approval is included regarding this issue.

The Las Vegas Metropolitan Police Department notes that the request will have minimal impact on police services; however, due to the economy, the special use permits for secondhand dealer are becoming more prevalent which gives our agency concern. There is potential for these locations to be used by certain criminal elements. If the application is approved, LVMPD requests the applicant strictly adhere to Las Vegas Municipal Code 6.74.

The retail building is approximately 54 feet from the rear property line and buffered by an alley separating the use from the office building and residential property to the south. The use will be conducted within a fully enclosed building and is compatible with the commercial uses along Charleston Boulevard. A condition of approval is included to limit all deliveries, loading, unloading and services to the premises to be completed during regular business hours. The Secondhand Dealer use is appropriate for the site and can be conducted in a manner that is harmonious and compatible with the surrounding uses; therefore, staff recommends approval with conditions. If the application is denied, the Secondhand Dealer use will not be allowed.

FINDINGS (SUP-43987)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed Secondhand Dealer use can be operated in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   No significant changes are proposed to the existing structure or the site for the proposed Secondhand Dealer use that would increase the intensity of the subject site.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Charleston Boulevard and Maryland Parkway are designated as a Primary Arterials by the city's Master Plan of Streets and Highways and provides access to the property. The roadway facilities are adequate to serve the Secondhand Dealer use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   Approval of a Special Use Permit for a Secondhand Dealer use at this location will not compromise the public health, safety and welfare or the primary objectives of the General Plan, as the use will be subject to regular to inspections and licensing requirements.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The Secondhand Dealer use meets all of the applicable conditions per Title 19.12

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 37

NOTICES MAILED 270 (By City Clerk)

APPROVALS 0

PROTESTS 9

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-43987** APN: 162-02-110-018 and 162-02-110-015

Name of Property Owner: King George LLC

Name of Applicant: Cima Mizrachi

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N/A

Partner(s): _____ _____

APN: _____

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NOV 23 2011

Signature of Property Owner: _____

Print Name: Cima Mizrachi

Subscribed and sworn before me

This 23rd day of November, 2011

_____
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RHIANNON H. TURLEY
Appt. No. 10-1248-1
My Appt. Expires Jan. 20, 2014

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit

Project Address (Location) 1125 S. Maryland Pkwy & 1200 E. Charleston Blvd LV, NV 89104

Project Name Main Street California **Proposed Use** secondhand dealer

Assessor's Parcel #(s) 162-02-110-018 & 162-02-110-015 **Ward #** 3-Coffin

General Plan: existing C proposed ____ **Zoning:** existing C-2 proposed ____

Commercial Square Footage 8,750 **Floor Area Ratio** 26.09%

Gross Acres 0.77 **Lots/Units** N/A **Density** N/A

Additional Information Both addresses are accessible from one entrance

PROPERTY OWNER King George LLC **Contact** ____

Address 2425 Ping Dr. **Phone:** ____ **Fax:** ____

City Henderson **State** NV **Zip** 89074

E-mail Address ____

APPLICANT Cima Mizrachi **Contact** ____

Address 2047 Smoketree Village Cr. **Phone:** 702-371-9680 **Fax:** ____

City Henderson **State** NV **Zip** 89012

E-mail Address mainstreetcalifornia.LLC@gmail.com

REPRESENTATIVE N/A **Contact** ____

Address ____ **Phone:** ____ **Fax:** ____

City ____ **State** ____ **Zip** ____

E-mail Address ____

Property Owner Signature* ____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Cima Mizrachi

Subscribed and sworn before me

This 23rd day of November, 20 11.

Rhiannon H. Turley

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
RHIANNON H. TURLEY
Appt. No. 10-1248-1
My Appt. Expires Jan. 20, 2014

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	43987
Meeting Date:	1/10/12
Total Fee:	$1030
Date Received:*	11/23/11
Received By:	Romer

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

RECEIVED
NOV 23 2011

f:\depot\Application Packet\Application Form.pdf

MERCANTILE GROUP OCCUPANCY

BUILDING 'A'

A. PARKING:
- H.C. PARKING = 2 SPACES
- REG. PARKING = 29 SPACES
- TOTAL PARKING = 31 SPACES

B. LOT SIZE: 19,602 S.F. (0.45 ACRES)

C. BLDG. SQ. FT.: 4,998 S.F.

BUILDING 'B'

A. PARKING:
- H.C. PARKING = 5 SPACES
- REG. PARKING = 104 SPACES
- TOTAL PARKING = 109 SPACES

B. LOT SIZE: 88,179 S.F. (2.0 ACRES)

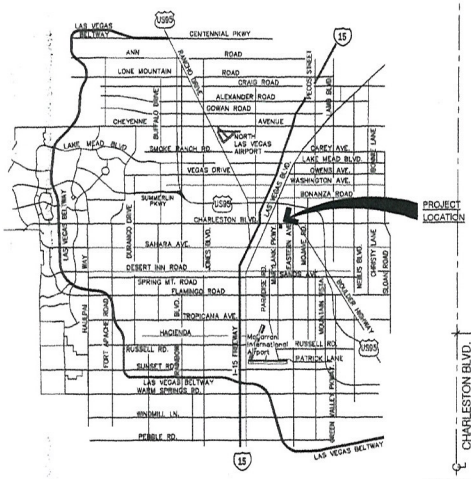
C. BLDG. SQ. FT.: 14,718 S.F.

BUILDING 'C'

A. PARKING:
- H.C. PARKING = 2 SPACES
- REG. PARKING = 45 SPACES
- TOTAL PARKING = 47 SPACES

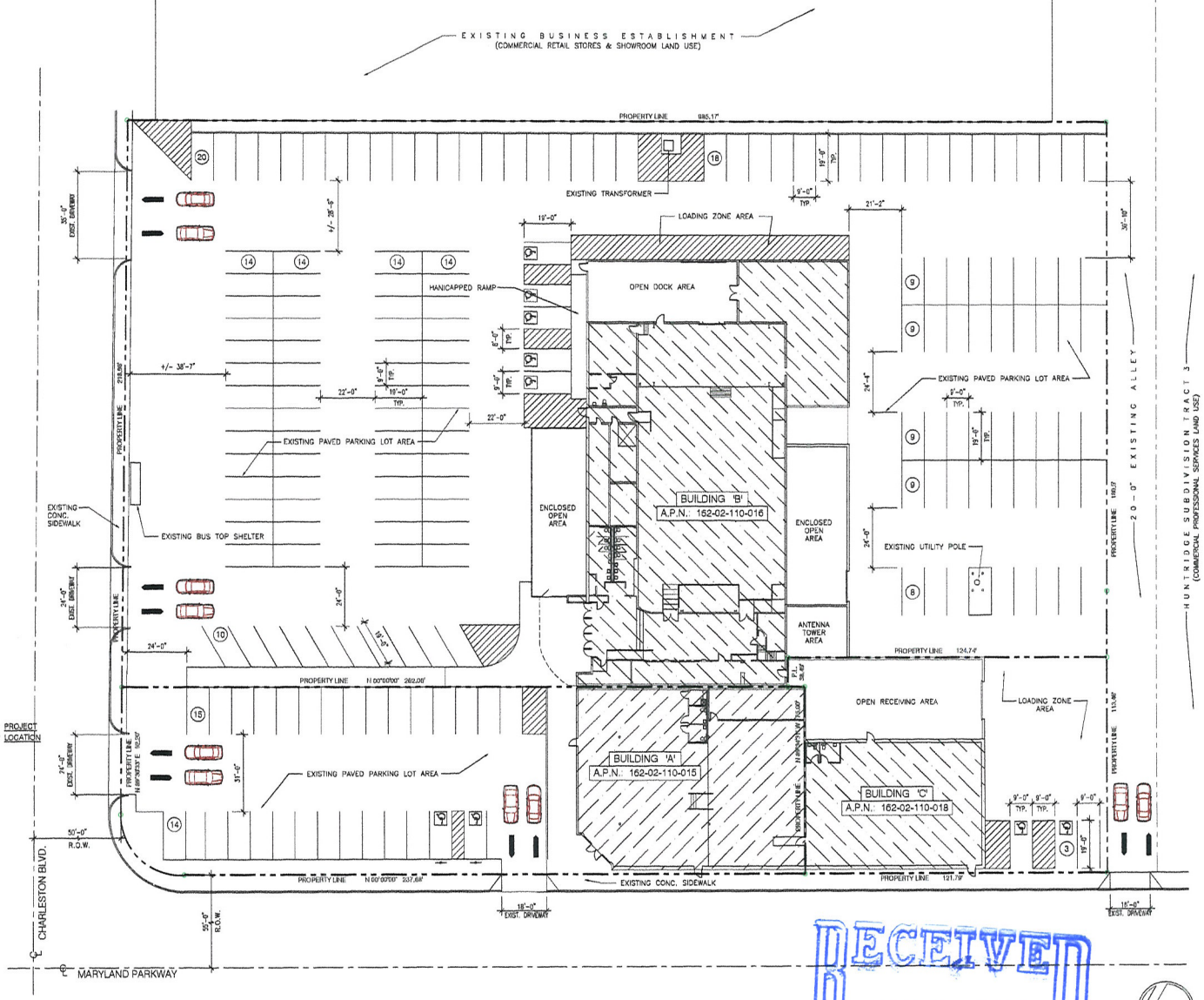
B. LOT SIZE: 13,939 S.F. (0.32 ACRES)

C. BLDG. SQ. FT.: 3,770 S.F.



SCALE: NOT TO SCALE

VICINITY MAP | 2



SCALE: 1" = 20'-0"

SITE PLAN | 1

RECEIVED
NOV 23 2011

No:	Date:	Revision:

SHEET TITLE: SITE PLAN

PROJECT TITLE: HUNTRIDGE SUB AMD
TRACTS 1, 2 & 3
LAS VEGAS, NEVADA 89104
CLARK COUNTY

DRAWING DATE: 11/21/2011
DRAWN BY: RE
JOB NUMBER:
SHEET NO. G1

SUP-43987

MERCANTILE GROUP OCCUPANCY

BUILDING 'A'

A. PARKING:
- H.C. PARKING = 2 SPACES
- REG. PARKING = 29 SPACES
- TOTAL PARKING = 31 SPACES

B. LOT SIZE: 19,602 S.F. (0.45 ACRES)

C. BLDG. SQ. FT.: 4,998 S.F.

BUILDING 'B'

A. PARKING:
- H.C. PARKING = 5 SPACES
- REG. PARKING = 104 SPACES
- TOTAL PARKING = 109 SPACES

B. LOT SIZE: 88,179 S.F. (2.0 ACRES)

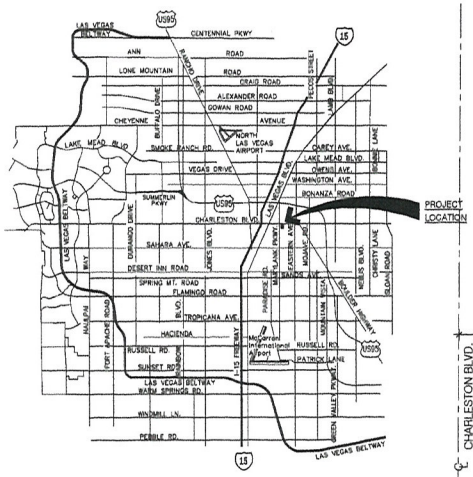
C. BLDG. SQ. FT.: 14,718 S.F.

BUILDING 'C'

A. PARKING:
- H.C. PARKING = 2 SPACES
- REG. PARKING = 45 SPACES
- TOTAL PARKING = 47 SPACES

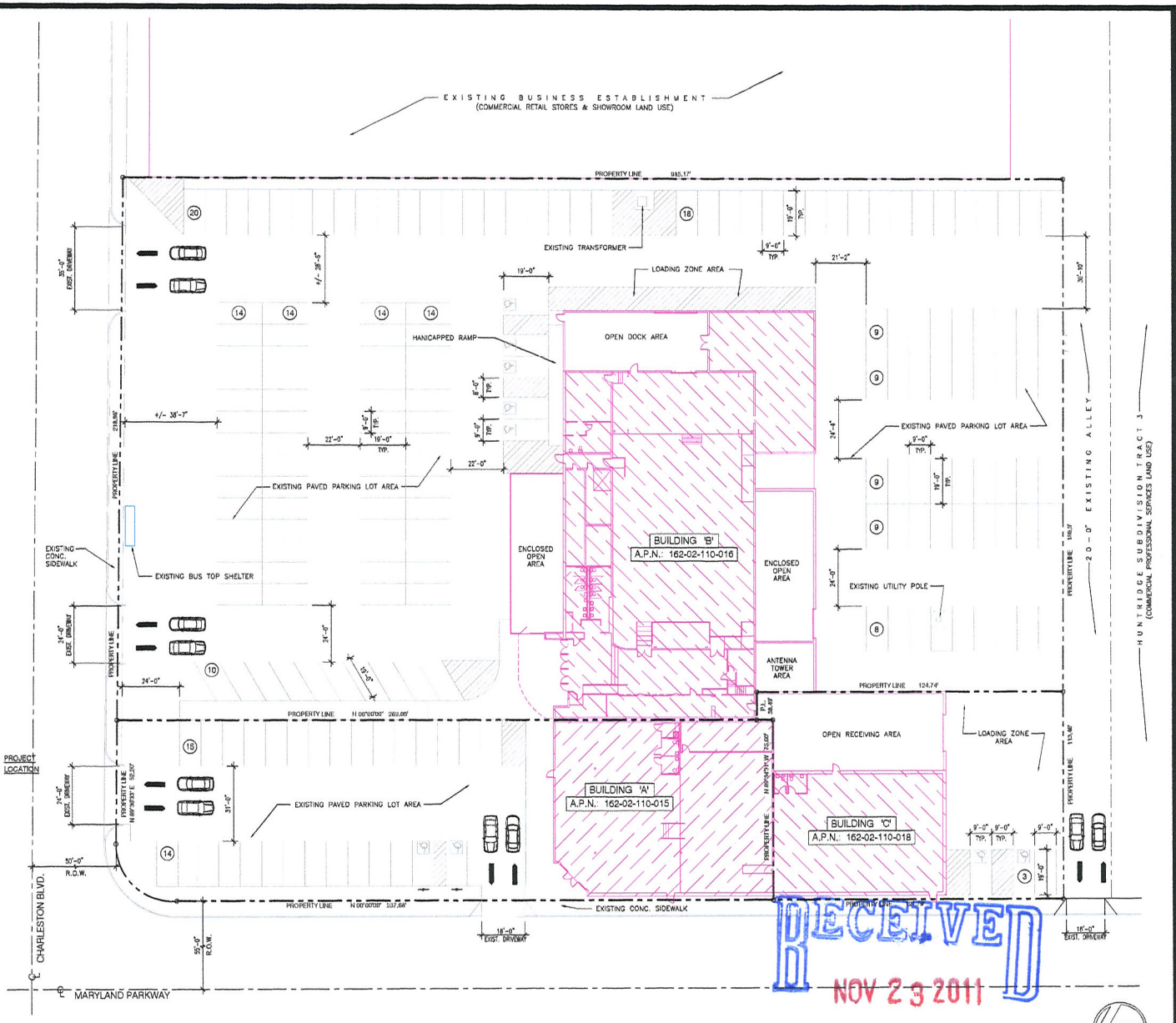
B. LOT SIZE: 13,939 S.F. (0.32 ACRES)

C. BLDG. SQ. FT.: 3,770 S.F.



SCALE: NOT TO SCALE

VICINITY MAP | 2



RECEIVED
NOV 23 2011

SCALE: 1" = 20'-0"

SITE PLAN | 1

No:	Date:	Revision:

SHEET TITLE: SITE PLAN

PROJECT TITLE: HUNTRIDGE SUB AMD
TRACTS 1, 2 & 3
LAS VEGAS, NEVADA 89104
CLARK COUNTY

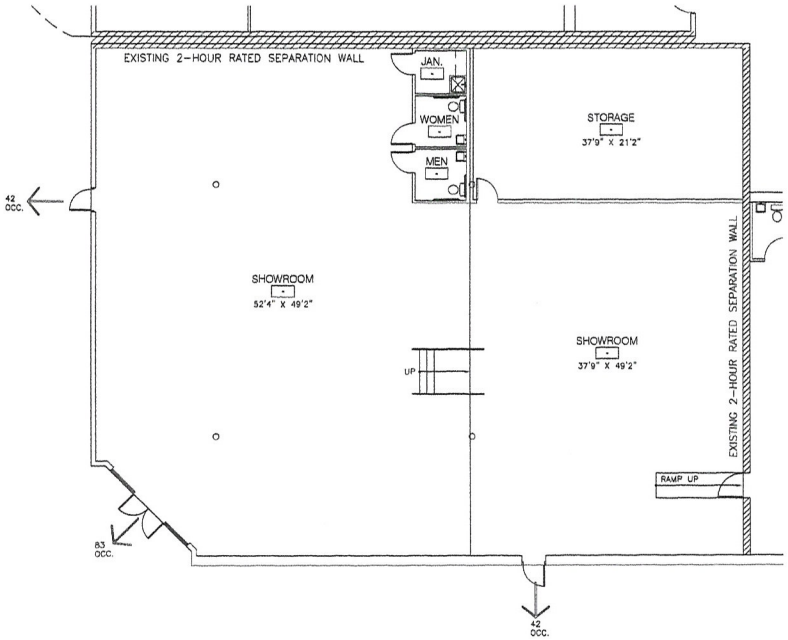
DRAWING DATE: 11/21/2011
DRAWN BY: RE
JOB NUMBER:
SHEET NO.: G1

SUP-43987

OCCUPANT LOAD: 4,998 SF (SHOWROOM)/30=167
TOTAL OCCUPANT LOAD = 167

NUMBER OF EXITS: 2 REQUIRED
3 PROVIDED

RECEIVED
NOV 23 2011



4,998 SQ. FT.

NORTH

SCALE: 1/8" = 1'-0"

BLDG. 'A' - FLOOR PLAN | 1

No:	Date:	Revision:

BLDG. 'A' - FLOOR PLAN

PROJECT TITLE:
HUNTRIDGE SUB AMD
TRACTS 1, 2 & 3
LAS VEGAS, NEVADA 89104
CLARK COUNTY

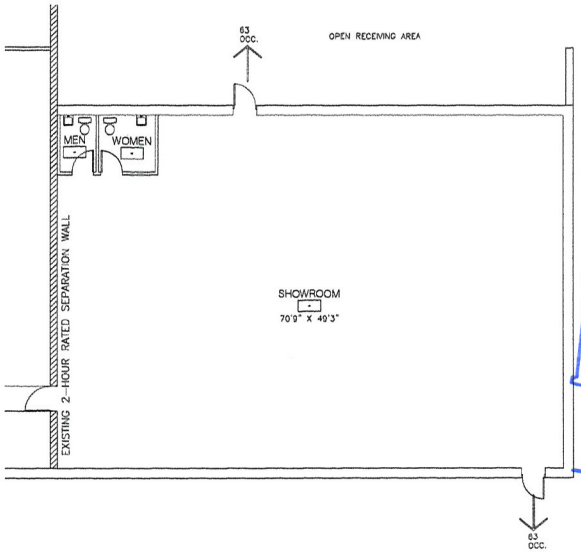
DRAWING DATE: 11/21/2011
DRAWN BY: RE
JOB NUMBER:
SHEET NO. A1

SUP-43987

No:	Date:	Revision:

OCCUPANT LOAD: 3,770 SF (SHOWROOM)/30=126
TOTAL OCCUPANT LOAD = 126

NUMBER OF EXITS: 2 REQUIRED
2 PROVIDED



3,770 SQ. FT.

NORTH

SCALE: 1/8" = 1'-0"

BLDG. 'C' - FLOOR PLAN | 1

SHEET TITLE: BLDG. 'C' - FLOOR PLAN

PROJECT TITLE: HUNTRIDGE SUB AMD
TRACTS 1, 2 & 3
LAS VEGAS, NEVADA 89104
CLARK COUNTY

RECEIVED
NOV 23 2011

DRAWING DATE: 11/21/2011
DRAWN BY: RC
JOB NUMBER:
SHEET NO. C1

SUP-43987

SUP-43987 - APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC
1208 EAST CHARLESTON BOULEVARD

12/01/11

SUP-43987 - APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC
1208 EAST CHARLESTON BOULEVARD

12/01/11

SUP-43987 - APPLICANT: CIMA MIZRACHI - OWNER: KING GEORGE, LLC
1208 EAST CHARLESTON BOULEVARD

12/01/11

October 27, 2011
Department of Planning
333 N. Rancho Dr.
Las Vegas, NV 8910

RE: Justification for Special Use Permit for Secondhand Dealer License

To whom it may concern:

Please consider this justification for a Special Use permit for two locations: 1) 1200 E. Charleston Blvd., 2) 1125 S. Maryland Pkwy. We would like to open secondhand retail stores at the aforementioned locations. We will be applying for a Privilege License for Secondhand Dealers.

The two addresses are adjacent and would be run by a single company. Initially, there will be one employee in charge of the secondhand stores. We will be open Monday-Saturday from 9am-6pm.

Currently, the location at 1200 E. Charleston is in use as a retail store selling new furniture and accessories. There are currently several other secondhand dealers in the surrounding area, and a large number of potential customers who come into the existing store are in search of used items. Because of this, it can be inferred that not only will the proposed use be compatible with existing surrounding land uses, but there is still a need in the area for this type of store.

Both locations are already set up for retail sales. Per the parking space requirements for secondhand dealers there must be 1 parking space for every 250 square feet of floor space. The store at 1200 E. Charleston Blvd. is 4,999 square feet and there are 30 parking spots in front, which are accessible from both Charleston Blvd. and Maryland Pkwy. There are another 17 parking spots accessible from Maryland Pkwy. for the store at 1125 S. Maryland Pkwy. That location has 3,750 square feet of floor space.

With approval and Privilege Licensing we will abide by the guidelines set forth in Chapter 6.74 which will prevent compromising the public safety and welfare of our customers and surrounding neighborhoods.

Thank you for your time and consideration,

RECEIVED
NOV 23 2011

Cima Mizrachi
Principal Owner
Main Street California LLC

SUP-43987

1125 S. Maryland Pkwy
Las Vegas, NV 89104
cimamizrachi@yahoo.com

RECEIVED
CITY CLERK

2012 FEB -7 P 12:54

Fax

To:	City Clerk	**From:**	Cima Mizrachi
Fax:	382-4803	**Pages:**	1
Phone:		**Date:**	February 7, 2012
Re:	SUP 43987 abeyance	**cc:**	Planning

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

• **Comments:**

I would like to request an abeyance for SUP 43987 to the City Council meeting scheduled on March 21, 2012.

Thank you,

Cima Mizrachi

Submitted after final agenda

Date 2/7/2012 Item 114

Angela Crolli

From: Carman Burney
Sent: Tuesday, February 07, 2012 1:52 PM
To: Agenda Items
Cc: Flinn Fagg; Deborah Sullivan; Steve Gebeke
Subject: SUP-43987 Abeyance Request
Attachments: SUP-43987 Abeyance Request.pdf

Good Afternoon,

Attached please find an abeyance request for SUP-43987 (02/15 CC). The applicant wants it held to the 03/21 CC.

Thank you!

DEPARTMENT OF PLANNING

CARMAN BURNEY | Agenda Technician | Case Planning Division
City of Las Vegas | Development Services Center
333 North Rancho Drive, 3rd Floor | Las Vegas, Nevada 89106
☎: 702-229-6897 | 🖷: 702-385-7268 | :cburney@lasvegasnevada.gov
Business Hours: Monday through Thursday 7:00AM - 5:30PM

"Have the courage to say no. Have the courage to face the truth. Do the right thing because it is right. These are the magic keys to living your life with integrity." -W. Clement Stone

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

RECEIVED
CITY CLERK
2012 FEB -8 P 12:44

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987
City Council Meeting of 2/15/2012

WHITAKER JOANN J & SETH
WYNN PATRICE
338 N CLAYTON ST
LAS VEGAS NV 89110-5106

APN#16203512052

22 LRDFN11 89110

Submitted after final agenda

Date 2/8/2012 Item 114

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

RECEIVED
CITY CLERK
2012 FEB -8 P 12:43

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987
City Council Meeting of 2/15/2012

A M S FAMILY TRUST
SANDOVAL ANN MARIE TRS
1023 JESSICA AVE
LAS VEGAS NV 89104-1562

APN#16203512030

27 LRDFN11 89104

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

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Official Notice of Public Hearing

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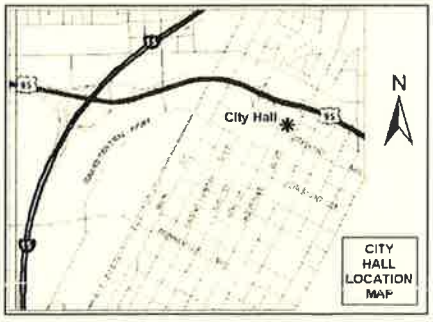
CITY CLERK
2012 FEB -8 P 12:43



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987
City Council Meeting of 2/15/2012

Submitted after final agenda

Date Item

GAY & LESBIAN COM CTR SO NV
953 E SAHARA AVE #B31
LAS VEGAS NV 89104-3072

APN#13934811047

27 LRDFN11 89104

CITY CLERK

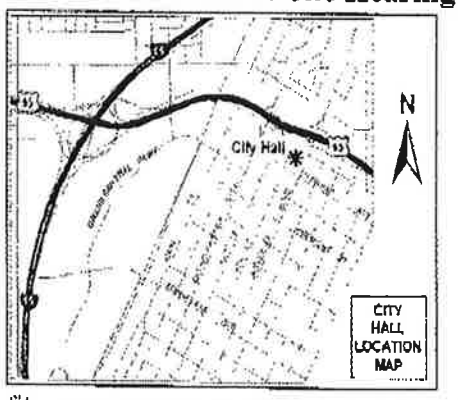
2012 FEB -7 P 2:11

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987

City Council Meeting of 2/15/2012

LEE SAE E & KYUNG J FAMILY TRUST
LEE SAE E & KYUNG J TRS
71 PANORAMA CREST AVE
LAS VEGAS NV 89135-7830

APN#16202115056

114

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIP CODE 89101

2012 FEB 13 A 7:19

Return Service Requested
Official Notice of Public Hearing

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☐ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987

City Council Meeting of 2/15/2012

Bigs is a dump

QUINTERO CINDY ESTHER
1411 JESSICA AVE
LAS VEGAS NV 89104-1714

APN#16202115121

ZIP 89104 02 4W

114

https://cusbna.emdeon.com/secure/scripts/upload.dll/process 2/8/2012

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987

City Council Meeting of 2/15/2012

PRESORTED FIRST CLASS

$00.42

02 1M 0004270216 FEB 08 2012
MAILED FROM ZIP CODE 89101

2012 FEB -9 P 12:08

RECEIVED CITY CLERK

DIVINE LAND L L C
60 TAHITI DR
HENDERSON NV 89074-1817

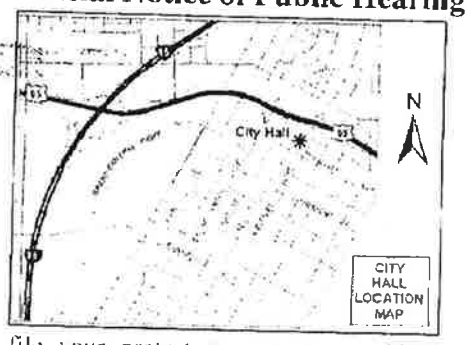
APN#16202210001

42 LRDFN11 89074

WEB2-AE-CUS

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987
City Council Meeting of 2/15/2012

2012 FEB 13 A 6:53

RECEIVED
CITY CLERK

WHITT FAMILY TRUST
WHITT PERRY B & ARMINTA J TRS
2701 BRYANT AVE
LAS VEGAS NV 89102-2161

APN#13934811014

32 LADFH11 89102

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested

CITY CLERK

Official Notice of Public Hearing

2012 FEB 13 P 1:20

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987

City Council Meeting of 2/15/2012

SIMOS HRISOULA
1415 NORMAN AVE
LAS VEGAS NV 89104-1732

APN#16202115069

27 LRDFN11 89104

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested

CITY CLERK

Official Notice of Public Hearing

2012 FEB 13 P 1:20

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43987

City Council Meeting of 2/15/2012

LEE SAE E & KYUNG J FAMILY TRUST
LEE SAE E & KYUNG J TRS
71 PANORAMA CREST AVE
LAS VEGAS NV 89135-7830

APN#16202115056

36 LRDFN11 89135

City of Las Vegas Agenda Item No.: **61.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-44234 – ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: SLE INVESTMENTS, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (U-0052-99) TO DELETE CONDITION #3 WHICH STATES, "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE SHALL BE PROHIBITED" at 6698 Sky Pointe Drive (APN 125-21-710-002), T-C (Town Center) Zone, Ward 6 (Ross). Staff recommends DENIAL.

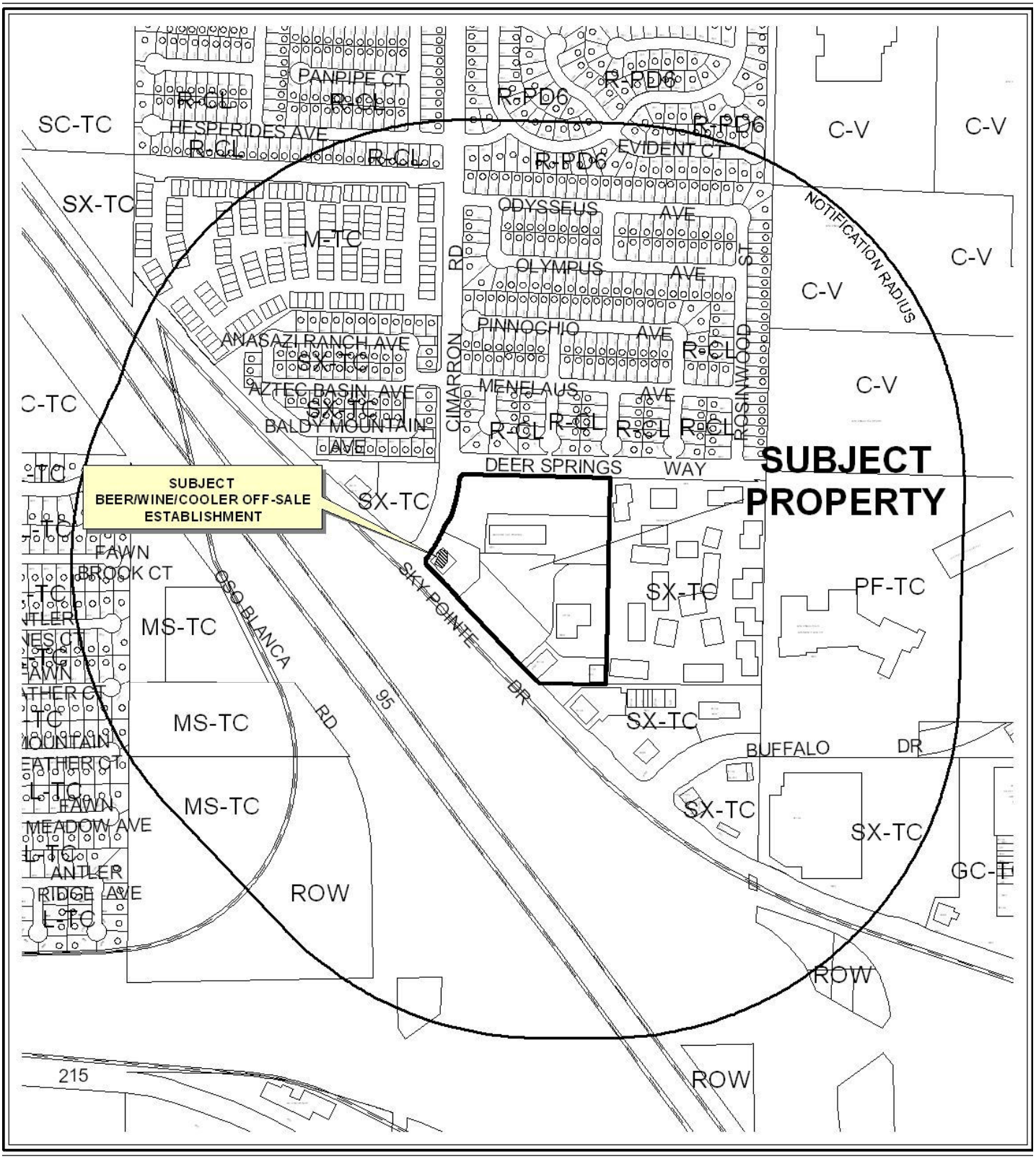
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**57**	**City Council Meeting**	**6**

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location, Aerial and Special Maps
2. Request to Withdraw Without Prejudice - Submitted by S.L.E. Investments, LLC
3. Supporting Documentation
4. City Council Approval Letter for U-52-99
5. Justification Letter
6. Protest/Support Postcards and Protest Petition



CASE: **ROC-44234**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

0 500 1000 Feet

CASE: **ROC-44234**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: T-C (TOWN CENTER)

N

ROC-44234

Business Licenses

- Tavern
- Supper Club/ Restaurant Service Bar
- Beer/Wine/Cooler On Sale
- Child Care/ Children Facility
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

S.L.E. Investments, LLC
EXPRESS MARKET
7380 Eastgate Road, Suite 110
Henderson, Nevada 89011
TEL 702.396.6703 FAX 702.396.6705

March 1, 2012

Michelle Thackston
Executive Assistant City Council Office Ward 6
City of Las Vegas City Hall
495 S. Main St.
Las Vegas, NV 89101

Re: ROC-44234 Review of Condition
6698 Sky Pointe Drive
Las Vegas, NV

Dear Michelle:

Thank you for meeting with Duane Shields and me this week.

Pursuant to our discussion, please withdraw, without prejudice, the above referenced Review of Condition application. It is currently being held in abeyance until the March 21, 2012 City Council Meeting.

Thank you and contact me at (702) 595-1711 if you have any questions.

Sincerely,

Robert M. Morton II

Robert M. Morton II
Manager/Member
cc: Duane Shields

owner

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **ROC-44234** APN: 125-21-710-002

Name of Property Owner: SLE Investments, LLC

Name of Applicant: same

Name of Representative: Robert M Morton

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Robert M Morton, Mgr

Print Name: Robert M Morton

Subscribed and sworn before me

This 21 day of December, 2011

Barbara A Salisbury

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BARBARA A. SALISBURY
No: 96-4380-1
My Appointment Expires Sept. 9, 2012

RECEIVED
JAN 03 2012

owner

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SLE Investments, LLC

Project Address (Location) 6698 Sky Pointe Dr.

Project Name _____ **Proposed Use** _____

Assessor's Parcel #(s) 125-21-710-002 **Ward #** _____

General Plan: existing T-C proposed _____ **Zoning:** existing T-C proposed _____

Commercial Square Footage 3,783 **Floor Area Ratio** _____

Gross Acres .92 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER SLE Investments, LLC **Contact** Robert M Morton

Address 7380 Eastgate Rd. #110 **Phone:** 595-1711 **Fax:** 837-5025

City Henderson **State** Nv **Zip** 89011

E-mail Address winwindeal@cox.net

APPLICANT same **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

REPRESENTATIVE same **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* Robert M Morton, Mgr

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Robert M Morton

Subscribed and sworn before me

This 21 day of December, 2011.

Barbara A Salisbury

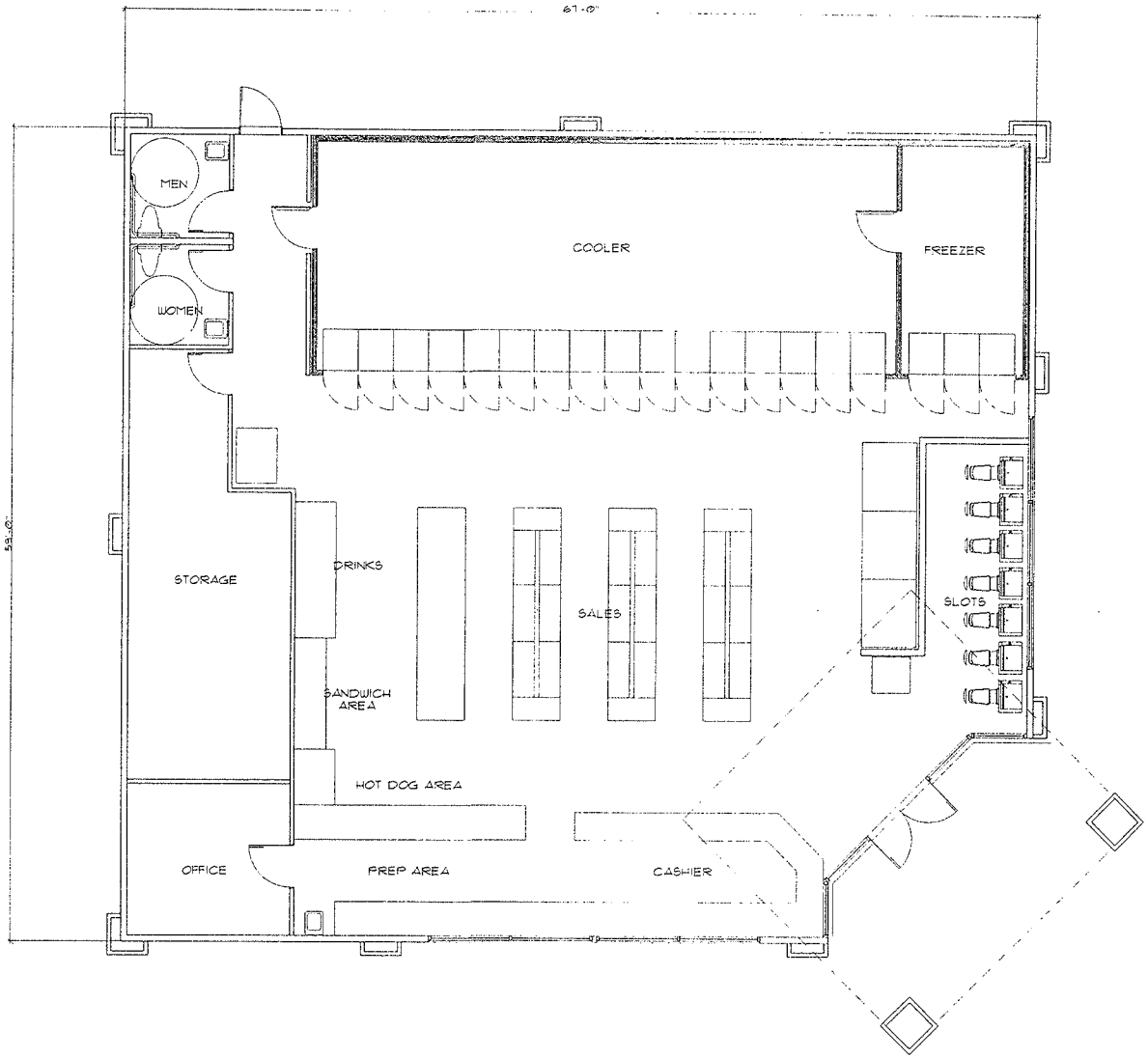
Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
BARBARA A. SALISBURY
No: 96-4380-1
My Appointment Expires Sept. 9, 2012

FOR DEPARTMENT USE ONLY

Case #	RA-44234
Meeting Date:	2/15/2012
Total Fee:	1080.00
Date Accepted:	1/3/2012
Accepted By:	M REA

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.



1 FLOOR PLAN 3,783 s.f.

SCALE: 1/4" = 1'-0"

KEYNOTES

description

RECEIVED
JAN 03 2012

CC 6/17/99
PC 5/13/99

CASE: U-51-99 / U-52-99
MAY 13 1999
ADMIN N/A

U-51-99, U-52-99

revisions

john david burke, architect
2655 S. RAINBOW BLVD. #101 LAS VEGAS, NV 89102 (702) 876-4863

CONVENIENCE STORE
FOR: S.L.E. INVESTMENTS
CITY OF LAS VEGAS NEVADA

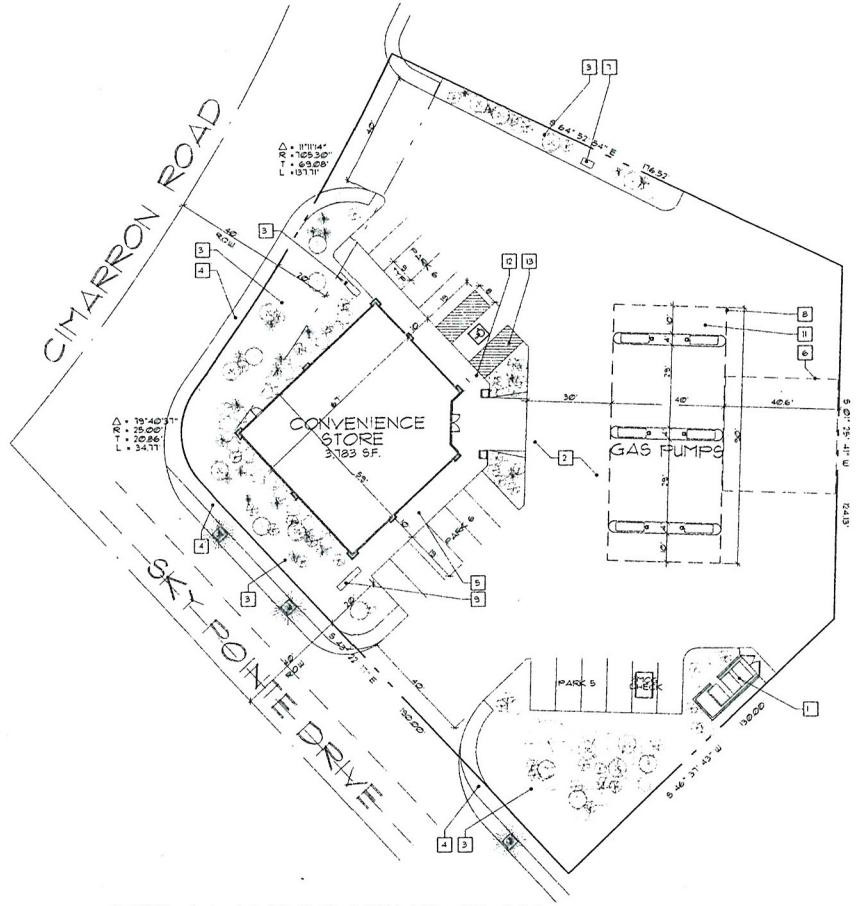
date:	3/10/99
proj. no.	994
drwn. by	
chkd. by	

sheet no. A3

ROC-44234

LANDSCAPE LEGEND

ALEPPO PINE - 24" BOX	CALIFORNIA PEPPER TREE - 15 GALLON	DESERT SPOON - 5 GALLON
MONDEL PINE - 24" BOX	MIMOSA - 15 GALLON	FEATHERY CASSIA - 5 GALLON
DESERT WILLOW - 15 GALLON	SILVER DOLLAR GUM - 15 GALLON	TEXAS RANGER/ SILVERCLOUD - 5 GALLON
CHILEAN MESQUITE - 15 GALLON	CHASTE TREE - 5 GALLON	BUSH MORNING GLORY - 1 GALLON
SHOESTRING ACACIA - 15 GALLON	HOLLYWOOD JUNIPER - 5 GALLON	ROSEMARY - 1 GALLON
PHOENIX DACTYLIFERA PALM - 24" BOX	BOTTLEBRUSH - 5 GALLON	LANTANA - 1 GALLON
RED BOULDERS	NANDINA - 5 GALLON	



1 SITE / LANDSCAPING PLAN

SCALE: 1" = 20'-0"

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JAN 03 2012

KEYNOTES

#	description
1	6'-0" HIGH CONCRETE BLOCK TRASH ENCLOSURE WITH PAIR OF WROUGHT IRON GATES WITH STAMPED METAL BACKING AND LIFT PIN LOCK/LATCH
2	2" AC PAVING
3	LANDSCAPED AREA - BY OTHERS
4	CONCRETE SIDEWALK, CURB & GUTTER AS PER CITY OF LAS VEGAS / TOWN CENTER DESIGN STANDARDS
5	4" CONCRETE SIDEWALK W/ROCKSALT FINISH
6	UNDERGROUND GASOLINE STORAGE TANKS
7	AIR & WATER STATION
8	METAL CANOPY ABOVE - BY OTHERS
9	MONUMENT SIGN
10	HANDICAP ACCESS AISLES
11	GAS PUMP ISLANDS
12	HANDICAP RAMP
13	PAINTED STRIPES

PROJECT DATA

REQUIRED ZONING: TC

EXISTING ZONING: TC

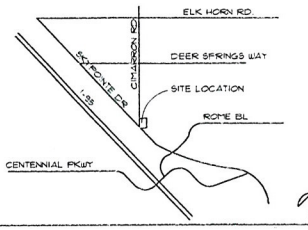
REQUIRED PARKING: (1 SPACE/250 S.F.) = 15 SPACES

EXISTING PARKING: 17 SPACES

SITE ACREAGE: 42,001 S.F.(NET) .96 ACRES (NET)

APN#: 125-21-701-001
125-21-701-002
125-21-701-003
(A PORTION OF)

LOCATION



STAMP: CASE NO. V-31-99/U-32-99 MAY 13 1999 PC ADMIN BZA

joan gaul burke, architect
2655 S. RAINBOW BLVD. #401 LAS VEGAS, NV 89121 (702) 876-4863

revisions

CONVENIENCE STORE
FOR: S.L.E. INVESTMENTS
CITY OF LAS VEGAS NEVADA

date	3/19/99		
proj. no.	9914		
drwn. by			
chkd. by			

sheet no. A1

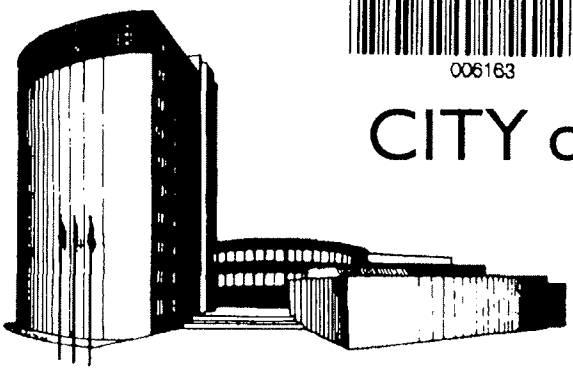
ROC-44234

006163

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 15, 1999(Mailed July 20, 1999)

Mr. Robert Morton
S.L.E. Investments, Limited Liability Company
50 South Jones Boulevard, Suite 100
Las Vegas, Nevada 89107

RE: U-52-99 - SPECIAL USE PERMIT

Dear Mr. Morton:

The City Council at a regular meeting held June 14, 1999 APPROVED the request for a Special Use Permit on property located east of Cimarron Road, north of Skypointe Drive, FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED 3,783 SQUARE FOOT CONVENIENCE STORE; AND A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A PROPOSED CITY PARK, TC (Town Center) Zone, Ward 4 (Brown), APN: 125-21-701-007. The Notice of Final Action was filed with the Las Vegas City Clerk on June 15, 1999. This approval is subject to:

1. If this Special Use Permit is not exercised within one year after the approval, the Special Use Permit shall be void unless an Extension of Time is granted.

2. Approval of this Special Use Permit does not constitute approval of a liquor license.

3. The sale of individual containers of any size beer, wine coolers or screw cap wine shall be prohibited.

4. Conformance to all relevant sections of the Municipal Code.

5. Conformance to all Conditions of Approval for Z-76-98 and Z-76-98(3) and any other site-related actions.

6. All City Code requirements and design standards of all City departments must be satisfied.

Sincerely,

BARBARA JO RONEMUS
City Clerk

/ac
See Attached List

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)

CLV 7009
3810-015-6/98

ROC-44234

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services
Land Development Services

ROC-44234

SLE Investments, LLC
7380 Eastgate Road, Suite 110
Henderson, Nevada 89011
TEL 702.396.6703 FAX 702.396.6705

December 21, 2011

City of Las Vegas
Dept. Of Planning
333 N. Rancho Dr., 3rd Floor
Las Vegas, NV 89106

RE: Short Line Express Market
6698 Sky Pointe Drive
Las Vegas, NV 89131

Ladies and Gentlemen:

We were approved for U-52-99 covering the above referenced location June14, 1999. Condition #3 of the approval deals with the sale of alcoholic beverages as follows:

3. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited.

The City of Las Vegas Code Enforcement has noticed us to stop selling all single sell beer and wine, and any malt beverage, wine cooler, or other alcoholic beverage that contains 6% or less alcohol.

Since 1999, when we were approved, the marketing, package size, and types of alcoholic beverages have changed significantly. While operating eleven (11) stores in Clark County, Nevada we have been able to determine that this single-sell package now represents of 20% of our total in-store sales. This popular package allows a customer to purchase an alcoholic beverage at a more affordable price point versus a 12 to 24 pack which costs much more. Also, there are now several other malt beverages, wine coolers, and other beverages that are in the "beer/wine" category which are very popular with the general public.

I surveyed all retail establishments (c-stores, liquor stores, grocery stores) within three (3) miles of the above referenced location and each one of them offers single sell beer, wine, screw cap wine, malt beverages, wine coolers, etc. This puts our store at an extreme disadvantage in the market.

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JAN 03 2012

ROC-44234

Conditions #3 has not accomplished its original intent in 1999 and are now putting a strangle-hold on our ability to compete and do business in the marketplace.

Therefore, please change conditions #3 to

3. This business shall not sell any hard liquor.

Please contact me at 595-1711 if you have any questions. Thank you for your consideration.

Sincerely,

Robert M. Morton
Member/Manager

cc: Duane Shields

RECEIVED
JAN 03 2012

ROC-44234

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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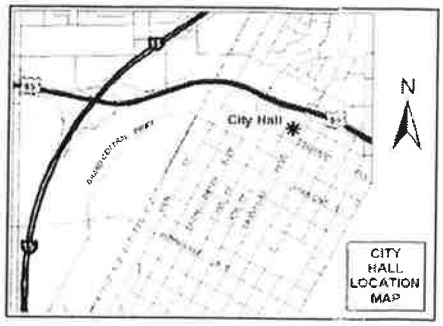
CITY CLERK
2012 FEB -8 P 12:44

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.42⁴
FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234
City Council Meeting of **02/15/2012**

Case: ROC-44234

12521613015
SNELL JERRY
6928 ROSINWOOD
LAS VEGAS NV 89131-3597 89131-3597

65 LRDFM11 89131

Application Information

ROC-44234 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: SLE INVESTMENTS, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (U-0052-99) TO DELETE CONDITION #3 WHICH STATES, "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE SHALL BE PROHIBITED" at 6698 Sky Pointe Drive (APN 125-21-710-002), T-C (Town Center) Zone, Ward 6 (Ross).

There is Schools Parks YMCA within the Area of Request

We Have Enough Problems with Drugs Legal and illLegal. NO. To Drugs Period.

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	City Council
Date:	***February 15, 2012***
Time:	1:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals there of with the City Clerk, 1st Floor, City Hall, 400 Stewart Avenue, Las Vegas, Nevada 89101. For further information, please call 702-229-6301 (TDD 702-386-9108), http://www.lasvegasnevada.gov.

no to this request, thank you —

Submitted after final agenda

Date 2/8/2012 Item 115

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIP CODE 89101

RECEIVED CITY CLERK
2012 FEB -8 P 12:45

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Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521211017
VOLLE KYLE & KIRA
VOLLE DANIEL
8048 ANASAZI RANCH AVE
LAS VEGAS NV 89131-6123 89131-6123

65 LRDFN11 89131

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIP CODE 89101

RECEIVED CITY CLERK
2012 FEB -7 P 4:25

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521312042
HAIR RONALD LEE & BARBARA N
8205 FAWN HEATHER CT
LAS VEGAS NV 89149-4508 89149-4508

31 LRDFN11 89149

PAGE 01/01
MEDICAL LOGISTICS
7026532126
02/09/2012 07:13
02/09/2012 THU 07:21 [TX/RX NO 5928] 001

CITY CLERK
2012 FEB -9 A 7:32

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004278218 FEB 02 2012
MAILED FROM ZIPCODE 89101

Return Service Requested

Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234

12521612044
MERCER SUNNIE L
7937 PINNOCHIO AVE
LAS VEGAS NV 89131-3589 89131-3589

89 LRDFN11 89131

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

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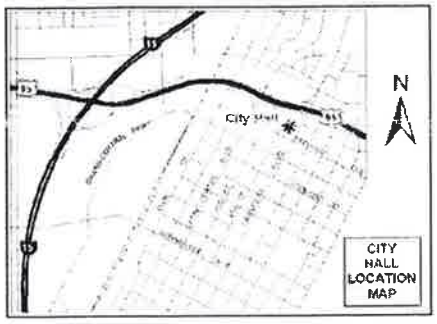
2012 FEB 13 P 1:20



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521611059
KENT PATRICIA S TRUST
KENT PATRICIA S TRS
4358 APPLE ORCHARD
ROOTSTOWN OH 44272-9289 44272-9289

2 LRDFM11 44272

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

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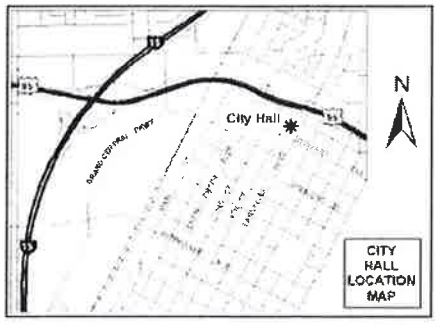
CITY CLERK
2012 FEB -9 P 1:33



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521213305
HARRIS PAMELA J
6868 SKY POINTE DR #1154
LAS VEGAS NV 89131-6116 89131-6116

6 LRDFM11 89131

Page

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CITY CLERK
2012 FEB 13 A 8:15

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

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CITY CLERK
2012 FEB 13 A 8:15

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

12521611005 Case: ROC-44234
JOHNSON WINSTON H & JANET L
7932 MENELAUS AVE
LAS VEGAS NV 89131-3574 89131-3574

89131 LASPN11 89131

02/13/12 8:18 AM

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST-CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

2012 FEB 14 P 4:08

Return Service Requested
Official Notice of Public Hearing

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

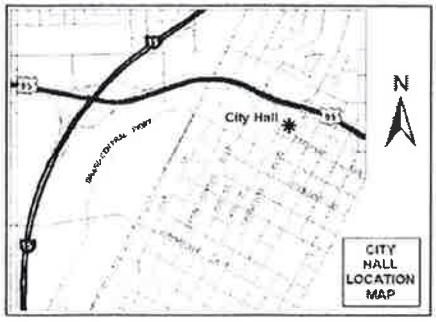
ROC-44234
City Council Meeting of **02/15/2012**

Case: ROC-44234
12521511046
BARNES REBECCA
7924 SIERRA RIM DR
LAS VEGAS NV 89131-3536 89131-3536

66 LRDFM11 89131

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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ROC-44234

City Council Meeting of **02/15/2012**

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CITY CLERK

2012 FEB 15 P 12:26

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.42⁴
FEB02 2012
MAILED FROM ZIP CODE 89101

I302-03-12 LV NV 891X

Case: ROC-44234
12521511012
ZWIJAC WALTER JR & PAULA J
7941 SIERRA RIM DR
LAS VEGAS NV 89131-3558 89131-3558

65 LRDFN11 89131

11 of

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
2012 FEB -9 A 7:10

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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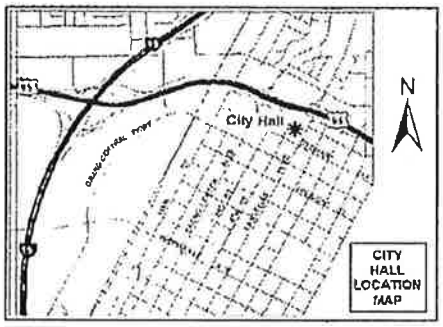
0004279218
$ 00.42⁴
FEB02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234
City Council Meeting of **02/15/2012**

Case: ROC-44234
12521613030
SMITH PAMELA T
7216 OLD MISSION DR
LAS VEGAS NV 89128-8309 89128-8309

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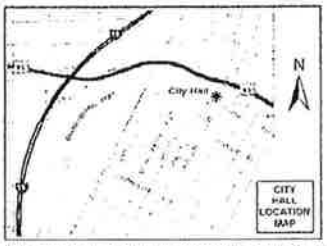
CITY CLERK

2012 FEB -7 P 3:59

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested

Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521710002
S L E INVESTMENTS L L C
7380 EASTGATE RD #110
HENDERSON NV 89011-4012 89011-4012

60 LRDFN11 89011

Feb 07 12 03:58p

02/07/2012 TUE 16:03 [TX/RX NO 5922] 001

p.1

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIPCODE 89101

2012 FEB -7 A 9:12

Case: ROC-44234
12521112006
PUNELLI CHARLES J & JEAN
8021 HESPERIDES AVE
LAS VEGAS NV 89131-8131 89131-8131

86 LRDFN11 89131

FEB-07-2012 10:44 From:IFA Las Vegas #70 7028375315 To:3824803 Page:1/1
02/07/2012 TUE 09:14 [TX/RX NO 5908] 001

Summary of Signatures

41 households successfully contacted

50 individuals asked to sign petition

47 signatures obtained

94% of residents opposed to removal of Condition #3

Submitted at City Council
Date 2/15/12 Item #115
By: DANIEL FERLAND

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
Pearl Paulo	6808 Urania Court	702-328-4082
MICHELE MILLER	6812 URANIA CT	702-655-2074
Jason Genest	6809 Rhea St	702-810-9939
Kaz Takagi	6801 Rhea St	702-612-7381
Andrea	7898 Menelaus Ave	702-884-7886
Stacy Cohen	7808 Menelaus Ave	702-884-7887
RANDY KAJIKO	7812 MENELAUS AVE	702-241-0066
Silke Matero	7824 Menelaus Ave	702-622-0308
JON MATERO	7824 MENELAUS AVE	(702)460-5795

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
Ruth Stephenson Ruth Ste	8019 Aztec Basin LV NV 89131	395-1673
DANNY TOCL	8016 ANASAZI RANCH LV NV 89131	
Sarah Hamilton Sthamilton	8032 Anasazi Ranch Las Vegas NV 89131	354-2780
Kira Valle	8048 Anasazi Ranch Las Vegas, NV 89131	702-540-9857
Julie Batista Julie Batista	8051 Anasazi Ranch Las Vegas NV 89131	279-6305
Ricardo Batista Ric Bat	8051 Anasazi Ranch Ave Las Vegas NV 89131	279-6305
Debra Stephens	4875 N. Bonita Vista Las Vegas NV 89149	501-8545
Vincent Aules	8047 anasazi Ranch LV NV 89131	702-427-3605
Roderick Rembert	8027 Anasazi Ranch LV NV 89131 Ave	702-823-6374

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
Laura Bundy	7332 Menelaus Ave Las Vegas, NV 89131	702-656-6775
[redacted] Chris Zinke	7924 Menelaus Ave	449-9511
Alica Fedland	8015 Aztec Basin Ave LV 89131	449-5105
Ciji Rembert	8027 Anasazi Ranch Ave Las Vegas NV 89131	702-370-7932
Kyle Cossette	8027 Aztec Basin Ave Las Vegas, NV 89131	702-982-8415
Amber Calixto	8047 Aztec Basin Ave. LV, NV 89131	702-275-7177
Troy Pollock	8068 Aztec Basin	702 569-4582
Keshia Phillipenas	8052 Aztec Basin Av 89131	702-882-6987
Calatan Lester	8056 Aztec Basin Ave 89131	702 569 3345

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
David Sproat	8044 Aztec Basin ave	480-305-3798
Sam Hiatt	8036 Aztec Basin Ave	7028693417
Amy Hiatt	8036 Aztec Basin Ave	702-869-3417
Jennifer Smith	8024 Aztec Basin Ave	702-497-0298
Arie Wedemeyer	8016 Aztec BASIN Ave	702-395-8454
Lauren Beggs	8040 Aztec Basin Ave	480-720-5674
Kelvin Brady	8027 BALDY MOUNTAIN	702 609-0409
Laura Underhill	8007 Baldy Mountain Ave	702-782-7855
Chris	6810 Colfax Crest St.	702-214-0795

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
Leon Wright	6813 Antlers Ct. Las Vegas, NV 89131	(702) 301-4078
Stephanie Wright	6813 Antlers Ct. Las Vegas, NV 89131	(702) 540-6220
Melissa Kardashian	6805 Antlers Ct. Las Vegas, NV 89131	
Pat + Joe Jurgielewicz	6801 Antlers Ct LV, NV, 89131	—
Jen Fisher	6800 Antlers Ct. LV, NV 89131	—
Paty Huidobro	6808 Tartarus St LV. NV. 89131	—
Al Huidobro	6808 Tartarus St. L.V. NV 89131.	—
Dean Basden	6812 Tartarus St L.V NV 89131	
Chris Kuchmus	6813 Urania Ct LV NV 89131	

We, the undersigned residents of Ward 6 in the City of Las Vegas, do OPPOSE the removal of condition #3 of Special Use Permit (U-0052-99). We oppose the sale of individual containers of beer, wine coolers and crew cap wine at 6698 Sky Pointe Drive, Short Line Express (Shell Station). We ask the Las Vegas City Council to deny this change and keep the current condition #3 in place.

NAME	ADDRESS	PHONE
EUGENE GOONERATNE	8044 BALDY MT. AV LV, NV. 89131	889-4967
Elwood Galon	6816 Colfax Crest St LV, NV 89131	(702) 343-9836

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK

2012 FEB -8 P 12:43

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.42⁴
FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521213049
BLAYLOCK KEVIN
GONZALEZ JOYCE
6868 SKY POINTE DR #1026
LAS VEGAS NV 89131-6103 89131-6103

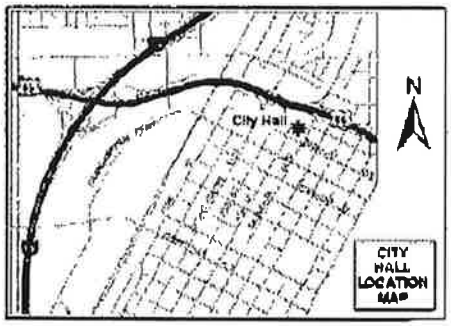
65 LRDPN11 89131

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

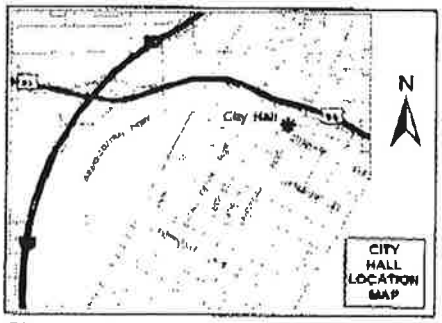
RECEIVED
2012 FEB -6 A 7:04
CITY CLERK

12521213304 Case: ROC-44234
SARGENT EMORY & GLADYS
6868 SKY POINTE DR #1153
LAS VEGAS NV 89131-6116 89131-6116

89131 NV-US

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234
City Council Meeting of **02/15/2012**

PRESORTED FIRST CLASS

UNITED STATES POSTAGE

02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

2012 FEB -6 A 7:03

RECEIVED
CITY CLERK

Case: ROC-44234

12521310029
LEASURE HARRYE & SANDRA A
8217 DEER SPRINGS WY
LAS VEGAS NV 89149-4401 89149-4401

31 LROFN11 89149

LEASURE

PAGE 01/01
CHUCK SQUIRES
7605475538
02/04/2012 12:55

City of Las Vegas
Office Of The City Clerk
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
2012 FEB -6 A 7:03

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

ROC-44234

City Council Meeting of **02/15/2012**

Case: ROC-44234
12521213260
SQUIRES FAMILY TRUST
SQUIRES CHARLES J & JOAN M TRS
3825 ORANGE WAY
OCEANSIDE CA 92057-8309 92057-8309

90 LRDFN11 92057

02/04/2012 SAT 12:49 [TX/RX NO 6009] 001

City of Las Vegas Agenda Item No.: **62.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

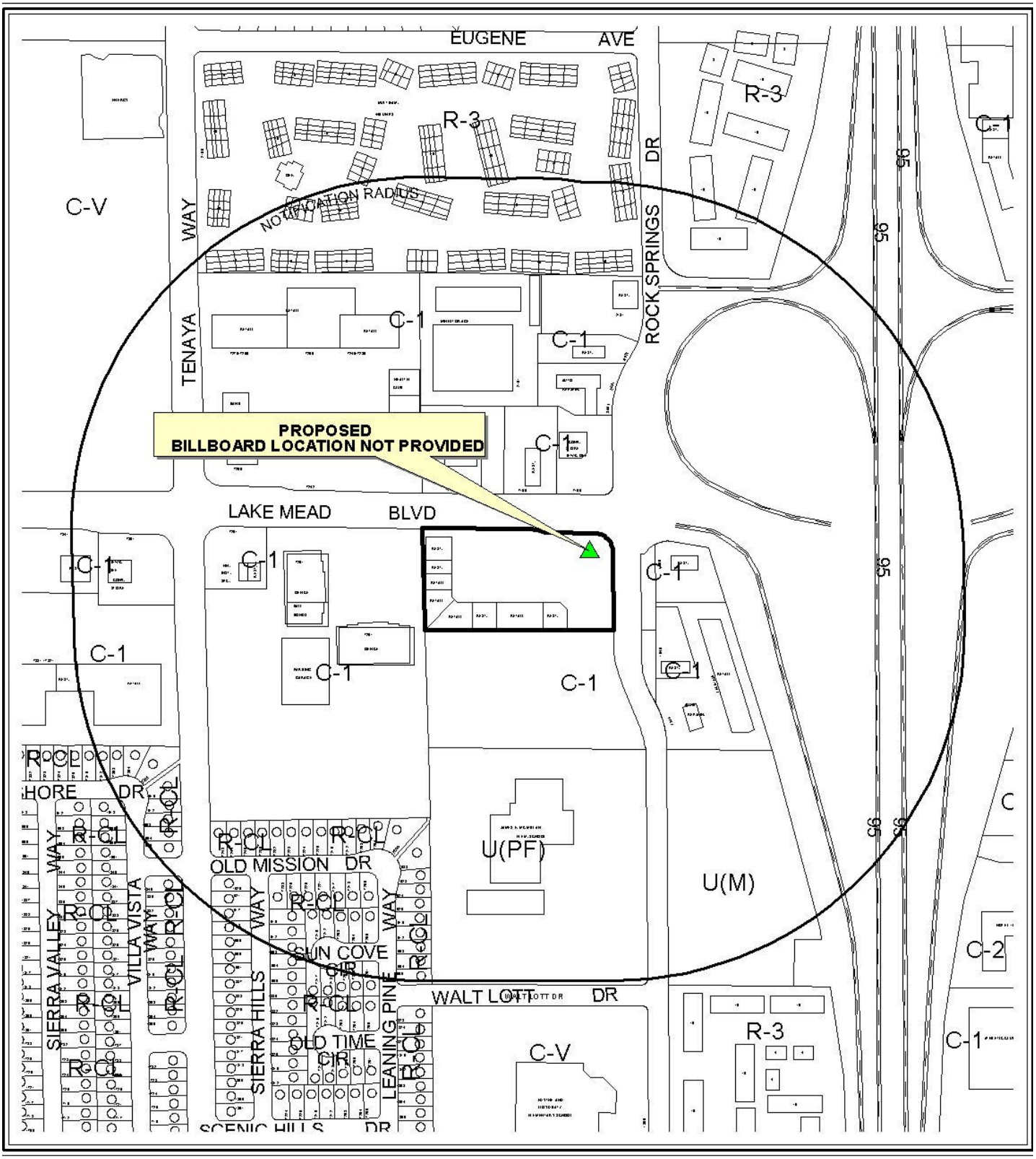
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-43285 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: ROCK SPRING PLAZA, LLC - For possible action on a request for a Special Use Permit FOR A 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE SIGN at 7175 West Lake Mead Boulevard (APN 138-22-701-007), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest Postcard
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – SUP-43285



0 300 600 Feet

CASE: **SUP-43285**

RADIUS: 1000 FT

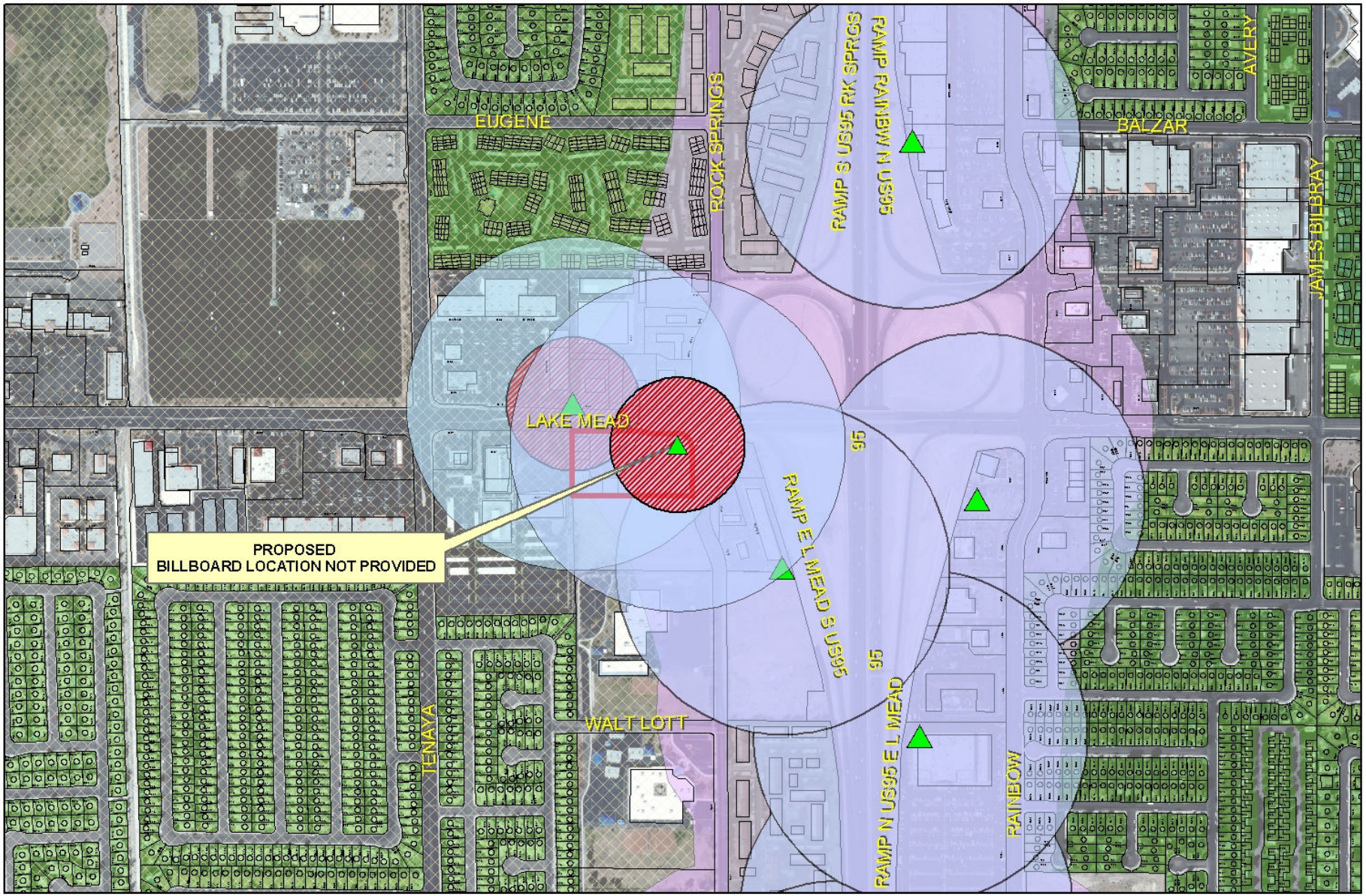
ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

CASE: **SUP-43285**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



SUP-43285

SUBJECT PROPERTY

City of Las Vegas Billboard Location

Clark County Billboard Location

City of Las Vegas Billboard Data

300 Foot Buffer Around Billboard

750 Foot Buffer Around Freeway Billboard

Residential Zoned Property

Off Premise Sign Exclusion Area

Exempt - Off Premise Area Sign Area

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: ROCKSPRINGS PLAZA, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-43285	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-43285 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for an Off-Premise Sign use.

2. Conformance to the approved conditions for Site Development Plan Review (SDR-5711).

3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

6. This Special Use Permit shall be reviewed in three (3) year(s), at which time the City Council may require the Off-Premise Sign be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Sign be removed.

Conditions Page Two
March 21, 2012 - City Council Meeting

7. The Off-Premise Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Sign.

8. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the Off-Premise Sign.

9. Per Title 19.12.120 the sign must be oriented toward US- 95 as such only one sign face is permitted which must face US-95. The western facing portion of the sign shall have sufficient screening to cover the internal sign structures.

10. If the existing Off-Premise Sign is voluntarily demolished, this Special Use Permit shall be expunged and a new Off-Premise Sign shall not be permitted in the same location unless a Special Use Permit is approved for the new structure by the City Council.

11. The Off-Premise Sign supporting structure shall be redesigned to include finish materials that complement the existing on-site building. The entire face-area of both sides of the Off-Premise Sign shall be signage area or its border framework; none of the supporting structure shall be visible aside from the support pole.

12. Bird deterrent devices shall be installed on the sign.

13. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is proposing to install a 40-foot tall, 14-foot x 48-foot Off-Premise Sign within an existing Shopping Center located at 7175 West Lake Mead Boulevard. The supporting base of the proposed sign will be located within a landscape island with the sign projecting northwards within 11-feet of the north property line. The double-face v-shaped sign will be oriented towards the eastbound and westbound traffic along Lake Mead Boulevard. Staff recommends approval, with conditions. If denied, the applicant will not be allowed to construct an Off-Premise Sign at this location.

ISSUES

- An Off-Premise Sign is only permitted in the C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit.
- The proposed sign will not reduce onsite parking nor impede onsite circulation.
- The proposed Off-Premise Sign meets all Minimum Special Use Permit requirements.
- The proposed Off-Premise Sign is located within the Off-Premise Exclusionary Zone
- The proposed Off-Premise Sign is within 660 feet of the US-95
- Off-Premise Signs within the Exclusionary Zone which are less than 660 feet from US-95 must be oriented toward the freeway or highway

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
03/16/05	The City Council approved a Site Development Plan Review (SDR-5711) for a proposed 40,125 square-foot commercial development and Waivers of the build-to line, front landscaping, and front, side and rear setback standards on the subject site. The Planning Commission and staff recommended approval.
11/08/11	The Planning Commission voted to hold this item in abeyance to the December 13, 2011 meeting.
12/13/11	The Planning Commission voted to hold this item in abeyance to the February 14, 2012 Planning Commission meeting.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item #32/mh).

Most Recent Change of Ownership	
05/14/07	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
There are no relevant building permits or business licenses relate to this request for a proposed Off-Premise Sign (Billboard)

Pre-Application Meeting	
09/13/11	A pre-application meeting was held with the applicant to discuss the requirements for a submitting a Special Use Permit for a proposed Off-Premise Sign (Billboard).

Neighborhood Meeting
A neighborhood meeting is not required for this type of application, nor was one held.

Field Check	
09/29/11	Staff conducted a field check of the subject site and found the location for the proposed sign's structural base as adequate in size and location. The proposed location should allow for unimpeded site circulation and have no impact on the provided onsite parking.

Details of Application Request	
Site Area	
Net Acres	3.48

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial) Zone
North	Restaurant Tavern	SC (Service Commercial)	C-1 (Limited Commercial) Zone
South	Undeveloped	M (Medium Density Residential)	U (Undeveloped) [M (Medium Density Residential) General Plan Designation)
East	Restaurant	SC (Service Commercial)	C-1 (Limited Commercial) Zone
West	Office, Other Than Listed	SC (Service Commercial)	C-1 (Limited Commercial) Zone

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District – 175 Feet	X		Y
Trails			N/A
Rural Preservation Overlay District			N/A
Las Vegas Redevelopment Plan Area			N/A
Development Impact Notification Assessment			N/A
Project of Regional Significance			N/A

DEVELOPMENT STANDARDS

Pursuant to Title19.12, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Shopping Center	40,125 SF	1:250SF					
Off Premise Sign	-	-					
TOTAL SPACES REQUIRED			161		212		Y
Regular and Handicap Spaces Required			155	6	205	7	Y

Pursuant to Title 19.12.120, the following standards apply:

Off Premise Signs			
Standards	***Code Requirement***	***Provided***	***Compliance***
Location	No Off-Premise Sign may be located within public right-of-way	Sign is not located in public right-of-way.	Y
Zoning	Off-Premise Signs are permitted in C-1. C-2, C-M, and M zoning districts only	The sign is located in a C-1 (Limited Commercial) zoning district.	Y
Area	No Off-Premise Sign shall have a surface area greater than 672 square feet, except that an embellishment of not to exceed five feet above the regular rectangular surface of the sign may be added if the additional area contains no more than 128 square feet.	Sign is 672 square feet in size and it does not have an embellishment on it.	Y

Off Premise Signs: *(cont.)*			
Standards	***Code Requirement***	***Provided***	***Compliance***
Height	No higher than 40 feet from grade at the point of construction: may be raised to a maximum of 55 feet with approval of the City Council if significantly obscured from view of travel lanes.	Sign is 40 feet tall.	Y
Screening	All structural elements of an Off-Premise Sign to which the display panels are attached shall be screened from view.	Structural elements of the sign are screened from public view.	Y
Off-Premise Sign	At least 750 feet to another Off-Premise Sign along US-95 or at least 300 feet to another Off-premise Sign (if not along US-95)	Sign is at least 450 feet from another Off-Premise Sign along Lake Mead Boulevard.	Y
Off-Premise Sign	At least 300 feet to the nearest property line of a lot in any "R" or U" zoned districts.	Sign is approximately 850 feet northeast of property zoned for residential use.	Y
Off-Premise Sign	Off-Premise Sings located within the Exclusionary Zone and less than 660 feet from US-95 must be oriented towards a freeway or highway	Sign as proposed has two faces one which is oriented toward US-95. The other sign face is oriented away from the Highway	N*
Other	All Off-Premise Signs shall be detached and permanently secured to the ground and shall not be located on property used for residential purposes.	Sign is permanently secured to the ground and is located on commercially zoned property.	Y

*Limited one sign face oriented toward the Highway by Condition.

ANALYSIS

The proposed 40-foot tall, 14-foot by 48-foot Off-Premise Sign is located in the C-1 (Limited Commercial) zoning district and is located within the Off-Premise Sign Exclusionary Zone, however it is located within 660 feet of the Highway. Per Title 19.12.120.E.2: the sign must be oriented towards US-95. A Condition of approval allowing only one sign face oriented towards US-95 has been added to bring the application into conformance with the Unified Zoning Code. The sign's supporting base will be located within a parking lot landscape finger island with the sign's structure cantilevered over two parking spaces in the northeast corner of the site. There is no anticipated impact to either the onsite circulation or parking and the sign meets all necessary setbacks. There is no anticipated change to the existing landscaping and no trees are proposed to be removed.

All Minimum Special Use Permit Requirements for the proposed Off-Premise Sign, as conditioned, have been met and that there are no adverse impacts regarding the proposed use at this location; therefore, staff recommends approval with conditions.

FINDINGS (SUP-43285)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed Off-Premise Sign can be conducted in a manner that is harmonious and compatible with the existing surrounding land uses.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The subject site is currently developed as a Shopping Center and maintains the C (Commercial) land use designation and is with the C-1 (Limited Commercial) zoning district. The proposed Off Premise Sign Use meets all minimum requirements as listed in Title 19.12.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Vehicular access to the site will remain unaffected by the proposed use. The applicant proposes to install the sign base within an existing parking lot landscape island, which will leave all existing parking spaces and site circulation intact.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   The proposed Off Premise Sign will be subject to regular City inspections; therefore, public health, safety, and welfare will not be compromised.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The proposed Off-Premise Sign Use meets all applicable conditions and Minimum Special Use Permit Requirements as listed for such use in Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

NOTICES MAILED 85 (By City Clerk)

APPROVALS 1

PROTESTS 1

MH

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-43285** APN: 138-22-701-007

Name of Property Owner: Rock Springs Plaza L.L.C

Name of Applicant: Rock Springs plaza L.L.C

Name of Representative: Ali Kaveh

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Alireza Kaveh

Subscribed and sworn before me

This 19th day of September, 2011

_____

Notary Public in and for said County and State

BRIELLE BROWNLEE
Notary Public, State of Nevada
Appointment No. 11-4488-1
My Appt. Expires Nov 22, 2014

RECEIVED
SEP 20 2011
City of Las Vegas
Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: _____

Project Address (Location) 7175 W. Lake Mead

Project Name Rock Springs plaza **Proposed Use** OFF-site Advertising

Assessor's Parcel #(s) 138-22-701-007 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 5 **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER Rock Spring plaza L.L.C **Contact** Ali Kaveh

Address 7175 W. Lake Mead **Phone:** 251-0218 **Fax:** 251-0918

City LV **State** NV **Zip** 89103

E-mail Address Kaveh1769@gmail.com

APPLICANT Rock Spring plaza **Contact** Ali Kaveh

Address 7175 W. Lake Mead **Phone:** 277-0494 **Fax:** 251-0918

City LV **State** NV **Zip** 89103

E-mail Address Kaveh1769@gmail.com

REPRESENTATIVE Ali Kaveh **Contact** _____

Address 3804 S. Jones #F **Phone:** _____ **Fax:** _____

City LV **State** NV **Zip** 89103

E-mail Address Kaveh1769@gmail.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Alireza Kaveh

Subscribed and sworn before me

This 19th day of September, 20 11.

Brielle Brownlee

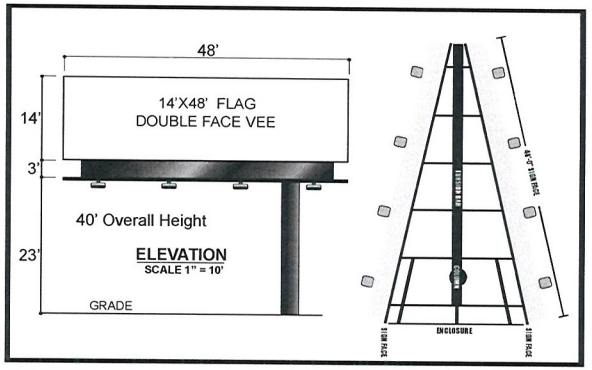
Notary Public in and for said County and State

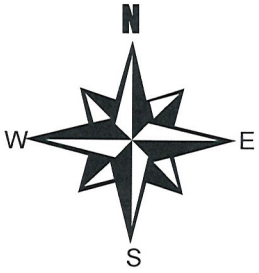
BRIELLE BROWNLEE
Notary Public, State of Nevada
Appointment No. 11-4488-1
My Appt. Expires Nov 22, 2014

FOR DEPARTMENT USE ONLY

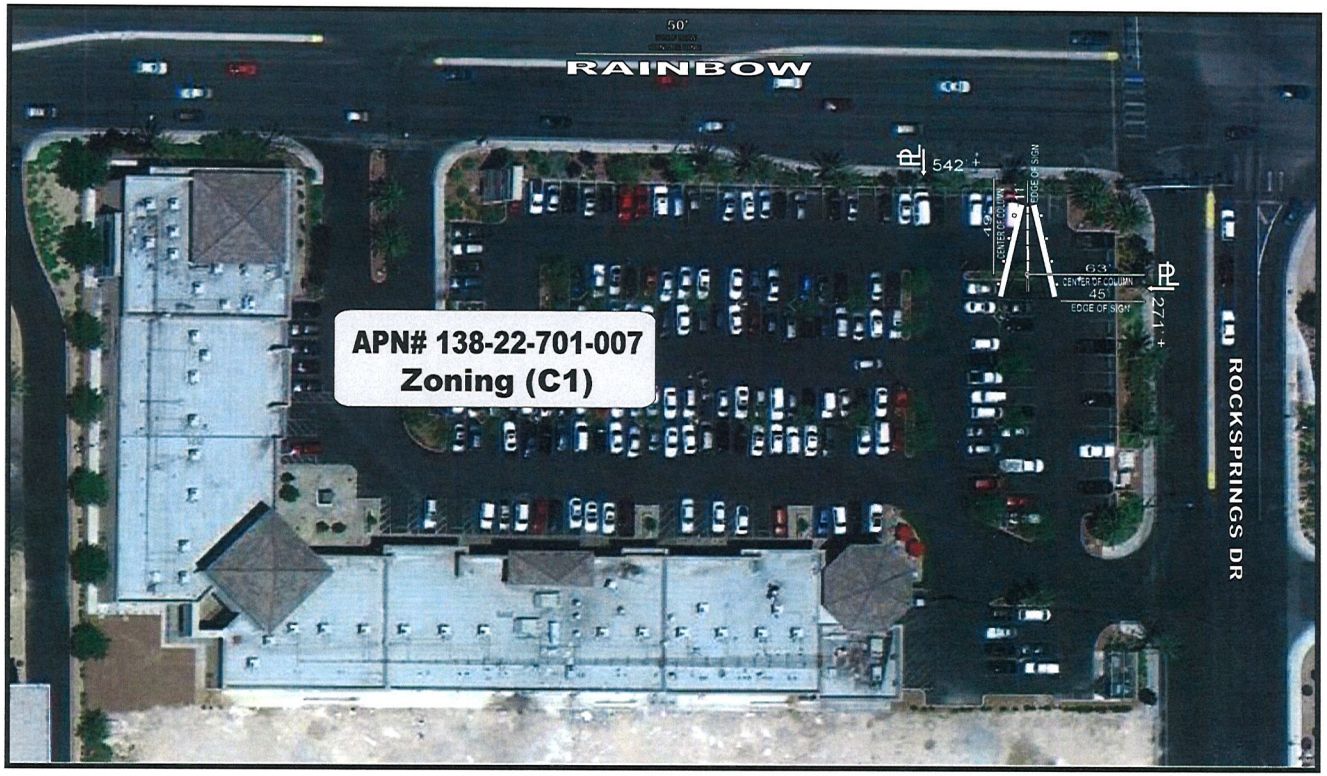
Case #	SUP-43285
Meeting Date:	11-8-11
Total Fee:	1030.00
Date Accepted:	9-20-11
Accepted By:	JTM

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.





TOP VIEW
SCALE 1" =30'
DETAIL



GENERAL NOTES
1. Not within 300 foot radius of another off-premise billboard.
2. Not within 300 foot radius of residential use.
3 No parking spaces will be taken for this location.

RECEIVED
SEP 20 2011
Department of Planning

ALI R KAVEH
277-0194
JONES
4445W. TECO AVE. LAS VEGAS, NV 89118/ 702-645-0092

OWNER: ROCKSPRINGS PLAZA INVEST LLC		
SCALE: NOTED	APPROVED BY:	DRAWN BY: TOM JONES
DATE: 9-15-11		REVISED:
LOCATION: 7175 W LAKE MEAD BLVD		
APN# 138-22-701-007		DRAWING NUMBER: 314

SUP-43285

SUP-43285 - APPLICANT/OWNER: ROCK SPRING PLAZA, LLC
7175 WEST LAKE MEAD BOULEVARD

09/29/11

SUP-43285 - APPLICANT/OWNER: ROCK SPRING PLAZA, LLC
7175 WEST LAKE MEAD BOULEVARD

09/29/11

SUP-43285 - APPLICANT/OWNER: ROCK SPRING PLAZA, LLC
7175 WEST LAKE MEAD BOULEVARD

09/29/11

To Whom It May Concern:

Rockspring Plaza was built in May of 2006 and is located on Lake Mead Boulevard, just west of the 95 freeway. This 39,000 sqft shopping center has approximately 600 feet of frontage on Lake Mead blvd with a car count of 50,000 cars a day. We feel that this is an ideal location to construct a billboard for the following reasons:

1. It is surrounded by existing billboards in the area.
2. It meets all the set backs and requirements to our knowledge for a billboard structure.
3. It is located in a heavily commercial area and will have no effect on any residential.

We would kindly as you to consider our request to establish an off –Premises advertising sign at this location(billboard).

Sincerely Yours,

Ali Kaveh
Managing Member, RockSprings Plaza
7175 W. Lake Mead Blvd.
APN 138-22-701-007
Cell: 277-0194

RECEIVED
SEP 20 2011
City of Las Vegas
Department of Planning

SUP-43285

PAGE 01/01

RECEIVED
CITY CLERK

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

2012 MAR 12 P 3:55

PRESORTED FIRST CLASS
UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR08 2012
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43285
City Council Meeting of 3/21/2012

MORAN SHAUNA M
1924 LEANING PINE WY
LAS VEGAS NV 89128-3173

APN#13822710016

ii BRDFNii 89128

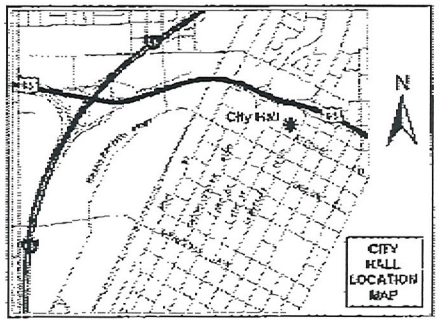
LVICC 7025155310 03/07/2012 15:03

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

PAGE 01/01
LVICC
7025155310
10/26/2011 10:40

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43285

Planning Commission Meeting of 11/8/2011

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UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.414
0004279218 OCT 27 2011
MAILED FROM ZIP CODE 89101

RECEIVED
OCT 31 2011
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SUP-43285
13822710016
MORAN SHAUNA M
1924 LEANING PINE WY
LAS VEGAS NV 89128-3173 89128-3173

29P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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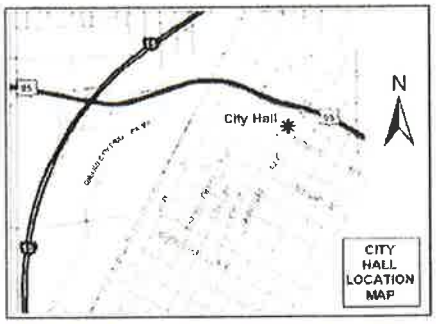
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-43685
Planning Commission Meeting of 12/13/2011

RECEIVED
DEC 08 2011

Case: SUP-43685
13934710005
KOTCHKA-SMITH FAMILY TRUST
SMITH GREGORY E TRS
804 SHETLAND RD
LAS VEGAS NV 89107-4520 89107-4520

25 JRDFN1 89107

Submitted after final agenda
Date 12/8/11 Item 24

24
A

City of Las Vegas Agenda Item No.: **63.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

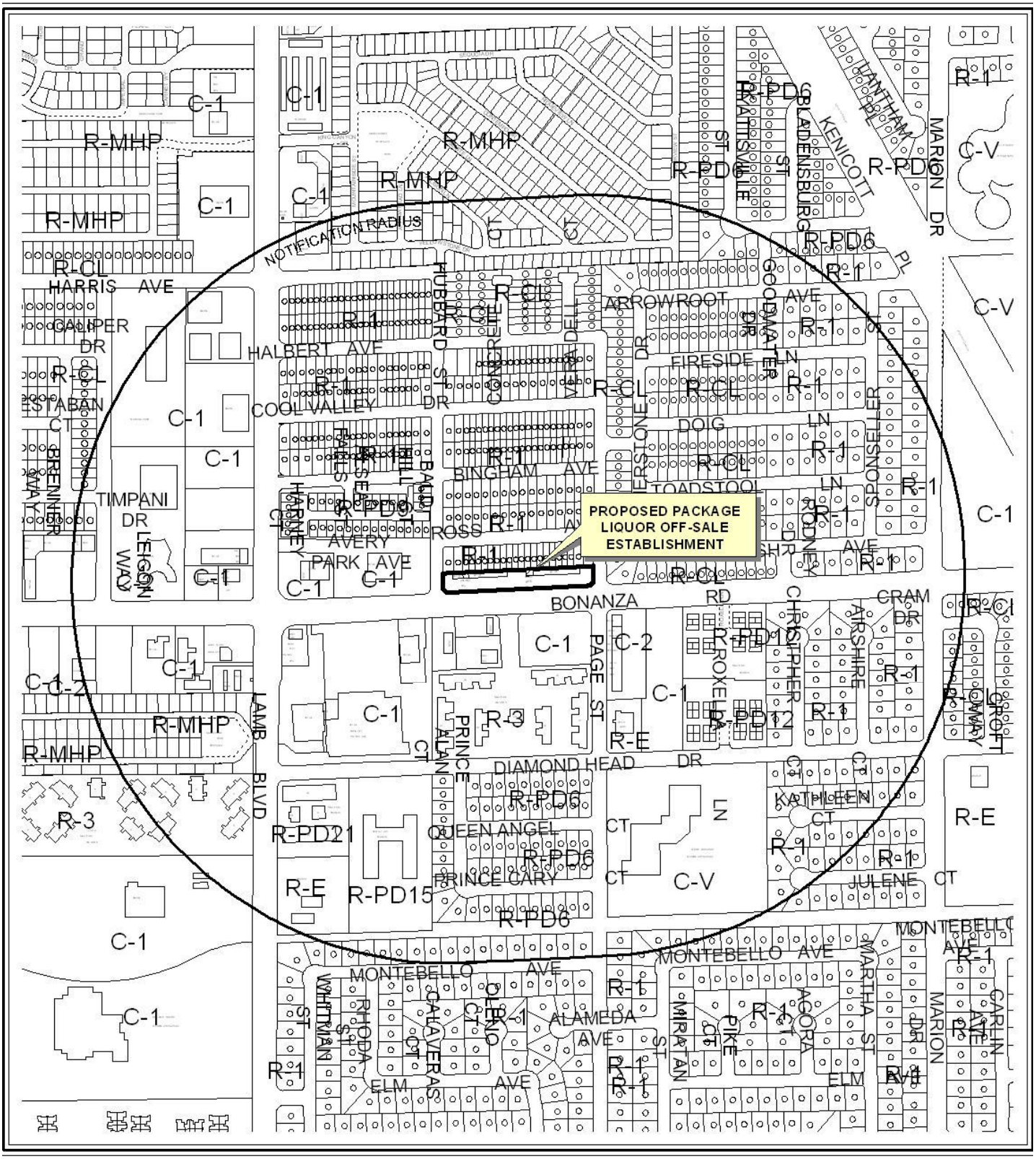
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-44154 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: NADA HAMIKA - OWNER: BONANZA/LAMB BUSINESS PK - For possible action on a request for a Special Use Permit FOR A 20 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 1,680 SQUARE-FOOT CONVENIENCE STORE at 4550 East Bonanza Road, Suite A (APN 140-29-411-217), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). The Planning Commission (5-1 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**0**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (5-1 vote) and Staff recommend APPROVAL, subject to conditions:

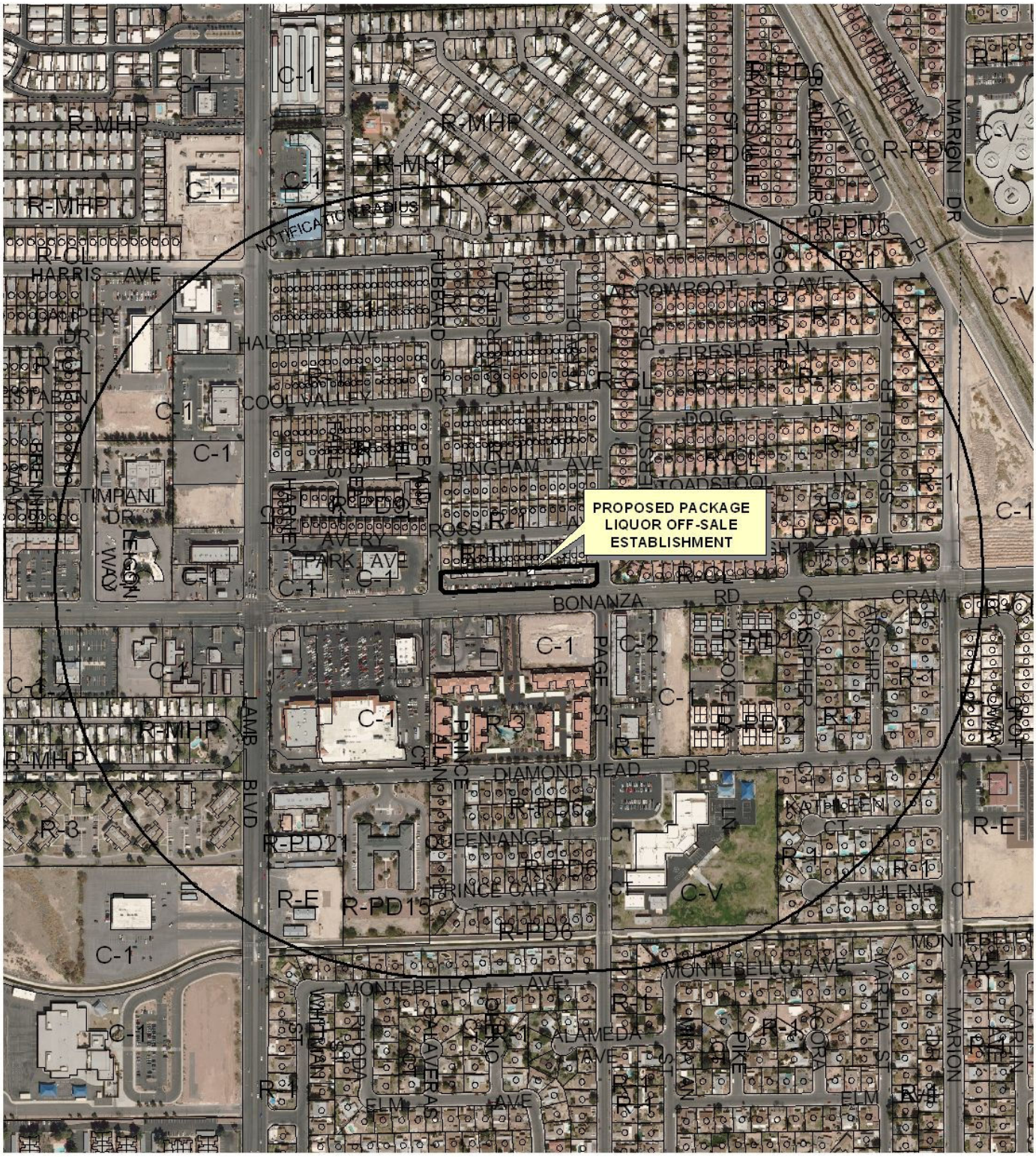
BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – SUP-44154



CASE: **SUP-44154**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



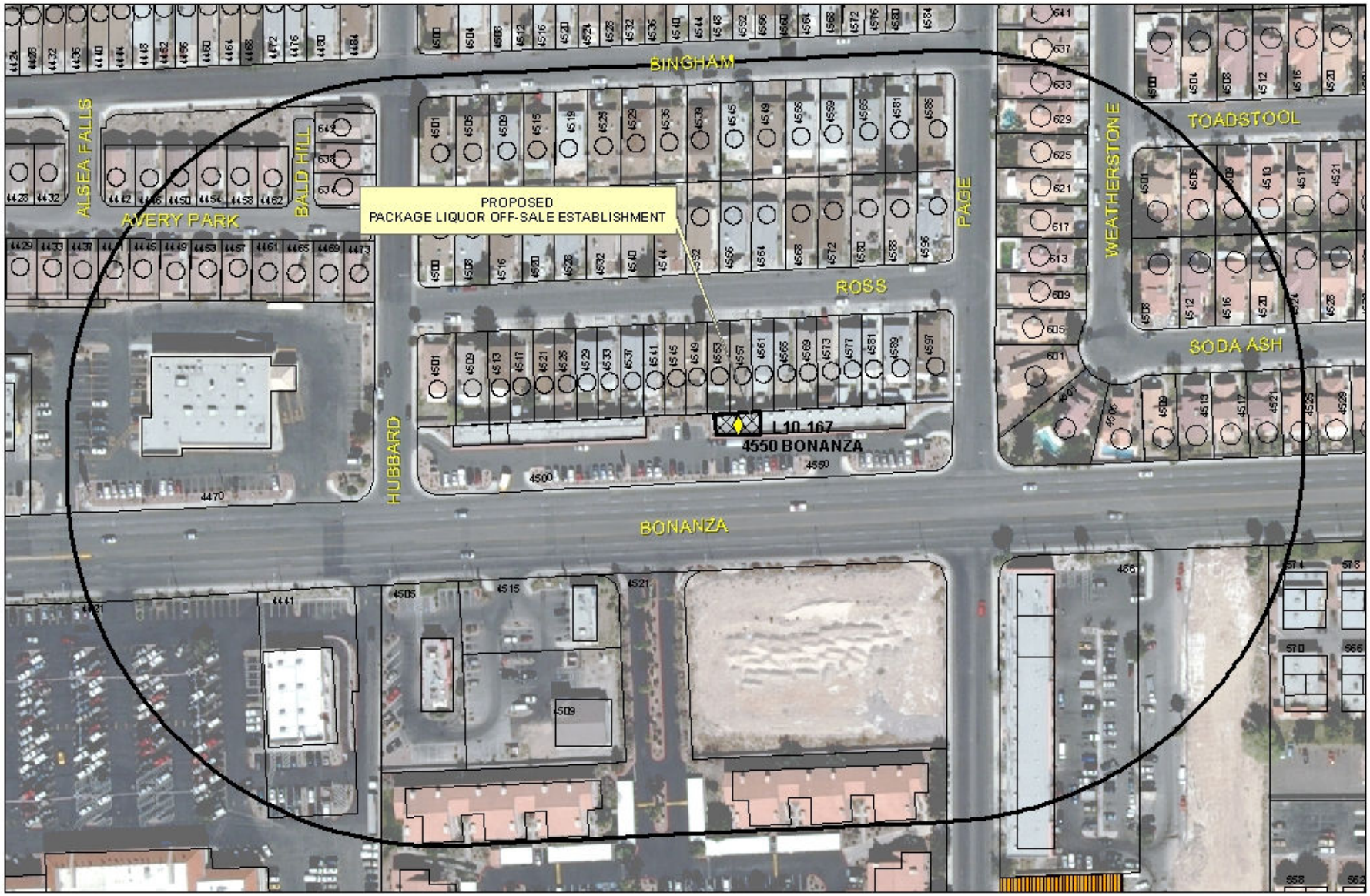
0 300 600 Feet

CASE: **SUP-44154**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N



SUP-44154

Package Liquor Sales

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: NADA HAMIKA - OWNER: BONANZA/LAMB BUSINESS PK

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-44154	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-44154 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. Conformance to the approved conditions for Special Use Permit (U-0121-96).

3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle in the parking lot of the subject property without the appropriate permits.

7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Retail Establishment with Accessory Package Liquor Off-Sale use within an existing convenience store at 4550 East Bonanza Road, Suite A. The proposed use meets Title 19 requirements and will be in addition to the retail sales and off-premise beer and wine sales at this location. The use is permitted in the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit, and can be conducted in a manner that is harmonious and compatible with the surrounding uses; therefore, staff recommends approval. If the application is denied, the Accessory Package Liquor Off-Sale use would not be allowed and the existing retail sales and Beer/Wine/Cooler Off-Sale Establishment could continue.

ISSUES

- A Special Use Permit is required for Retail Establishment with Accessory Package Liquor Off-Sale use in the C-1 (Limited Commercial) Zoning District.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
08/27/96	The Board of Zoning Adjustment denied a request for a Special Use Permit (U-81-96) to allow a proposed Tavern at 4550 East Bonanza Road. Staff recommended denial.
02/05/97	The City Council approved a request for a Special Use Permit (U-0121-96) to allow a Beer/Wine/Cooler Off-Sale Establishment at 4550 East Bonanza Road. The Board of Zoning Adjustment denied and staff recommended approval.

Most Recent Change of Ownership	
09/09/99	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
07/30/97	A business license for Convenience Store (C15-00176) was issued at 4550 East Bonanza Road, suite A. This license remains active.
07/30/97	A business license for Beer Wine Cooler Off Sale (L10-00167) was issued at 4550 East Bonanza Road, suite A. This license remains active.

11/04/97	A business license for Gaming Restricted (G01-01806) was issued at 4550 East Bonanza Road, suite A. This license remains active.
01/08/10	A business license for Check Cashing Service Limited (C23-00069) was issued at 4550 East Bonanza Road, suite A. This license remains active.
02/14/12	The Planning Commission voted (5-1/rt) to recommend APPROVAL (PC Agenda Item #39/ded).

Pre-Application Meeting	
11/09/11	A pre-application meeting was held with the applicant and submittal requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use were discussed with the applicant.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application nor was one held.

Field Check	
01/04/12	Staff conducted a field check of the subject property. Staff noted the subject site was in violation of the sign code that requires window signage to be limited to 25% and that the banners were not properly permitted.

Details of Application Request	
Site Area	
Net Acres	1.09

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Convenience Store	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-1 (Single Family Residential)
South	Undeveloped	SC (Service Commercial)	C-1 (Limited Commercial)
East	Single Family, Detached	ML (Medium Low Density Residential)	R-CL (Single Family Compact-Lot)
West	General Retail Store	SC (Service Commercial)	C-1 (Limited Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Bonanza Road	Primary Arterial	Master Plan of Streets and Highways	100	Y

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	*Gross Floor Area or Number of Units*	*Required*			*Provided*		*Compliance*
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail Uses	12,320 SF	1:175 SF	71				
TOTAL SPACES REQUIRED			71		48		N*
Regular and Handicap Spaces Required			68	3	46	2	N*

*Title 19.18.030(D) (1) Parking Impaired Site

ANALYSIS

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined as "A retail establishment:

1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location."

The applicant has submitted a floor plan that depicts 20 square feet of interior space devoted to the display and storage of package liquor located behind the service counter and out of the reach of minors. The 20 square feet of floor space used for package liquor is less than 10 percent of the 1,680 square feet of total floor space and meeting the definition for Retail Establishment with Accessory Package Liquor Off-Sale use.

This Special Use Permit is in addition to the existing approved Special Use Permit for Beer/Wine/Cooler Off-Sale Establishment use. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is 400 feet from any church, synagogue, school, child care facility licensed for more than 12 children, or City park and is in compliance with all Minimum Special Use Permit Requirements.

The property is zoned C-1 (Limited Commercial) Zoning District and is intended to provide retail shopping and personal services. The C-1 (Limited Commercial) Zoning District is consistent with the General Plan designation of SC (Service Commercial). The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is permissible in the C-1 (Limited Commercial) Zoning District with the approval of a Special Use Permit. The subject site is not located within a Special Purpose or Overlay District.

The site is considered parking impaired because a land use which is existing on the effective date of Title 19 and which complied with the applicable parking standards at the time the use was established, but which does not comply with the on-site parking requirements of this Title, shall not be considered a nonconforming use; but rather, it shall be considered a "parking-impaired development." The proposed Retail Establishment with Accessory Package Liquor Off-Sale use does not require additional parking for the approval of Special Use Permit.

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is appropriate for the site and can be conducted in a manner that is harmonious and compatible with the surrounding uses; therefore, staff recommends approval with conditions. If the application is denied, the Accessory Package Liquor Off-Sale use would not be allowed and the existing Beer/Wine/Cooler Off-Sale Establishment and retail sales could continue.

FINDINGS (SUP-44154)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use can be operated in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. The subject site is physically suitable for the type and intensity of land use proposed.

No significant changes are proposed to the existing structure or the site for the proposed Retail Establishment with Accessory Package Liquor Off-Sale use that would increase the intensity of the subject site.

3. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.

Bonanza Road is designated as a Primary Arterial by the city's Master Plan of Streets and Highways and provides access to the property. The roadway facilities are adequate to serve the Retail Establishment with Accessory Package Liquor Off-Sale use.

4. Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.

Approval of a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use at this location will not compromise the public health, safety and welfare or the primary objectives of the General Plan, as the use will be subject to regular to inspections and licensing requirements.

5. The use meets all of the applicable conditions per Title 19.12.

The Retail Establishment with Accessory Package Liquor Off-Sale use meets the applicable conditions per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 26

NOTICES MAILED 816 (By City Clerk)

APPROVALS 0

PROTESTS 3

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: SUP-44154 APN: 140-29-411-217

Name of Property Owner: BONANZA / LAMB BUSINESS PARK (LLC)

Name of Applicant: NADA HAMKA

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: HAZEL PIERCE-MANFKA

Subscribed and sworn before me

This 17th day of NOVEMBER, 2011

Debra M. Giambelluca

Notary Public in and for said County and State

DEBRA M. GIAMBELLUCA
Notary Public, State of Nevada
Appointment No. 94-1670-1
My Appt. Expires April 23, 2014

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: PACKAGE LIQUOR

Project Address (Location) 4550 EAST BONANZA # A

Project Name VEGAS MINI-MART **Proposed Use** Package Liquor

Assessor's Parcel #(s) 140-29-411-217 **Ward #** _____

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres 1.1 acre **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER BONANZA/LAMB BUSINESS PK **Contact** HAZEL PIERCE-MANFRA

Address 4500 EAST BONANZA # E **Phone:** (702) 373-5537 **Fax:** (702) 388-2877

City LAS VEGAS **State** NV **Zip** 89110

E-mail Address hpm5@hotmail.com

APPLICANT NADA HAMIKA **Contact** _____

Address 4550 E BONANZA #A **Phone:** 452-7703 **Fax:** 453-9495

City Las Vegas NV 89110 **State** NV **Zip** 89110

E-mail Address _____

REPRESENTATIVE SAM E. HAMIKA **Contact** _____

Address 5164 Mountain Foliage Dr **Phone:** 480 594 5 **Fax:** 453-9495

City Las Veg **State** NV **Zip** 89146

E-mail Address SmHamika@yahoo.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name HAZEL PIERCE-MANFRA

Subscribed and sworn before me

This 17th day of NOVEMBER, 20 11.

Debra M. Giambelluca

Notary Public in and for said County and State

DEBRA M. GIAMBELLUCA
Notary Public, State of Nevada
Appointment No. 94-1670-1
My Appt. Expires April 23, 2014

FOR DEPARTMENT USE ONLY

Case #	SUP-44154
Meeting Date:	2/14/2011
Total Fee:	1280.00
Date Accepted:	12/19/2014
Accepted By:	M Rey

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

SUP-44154

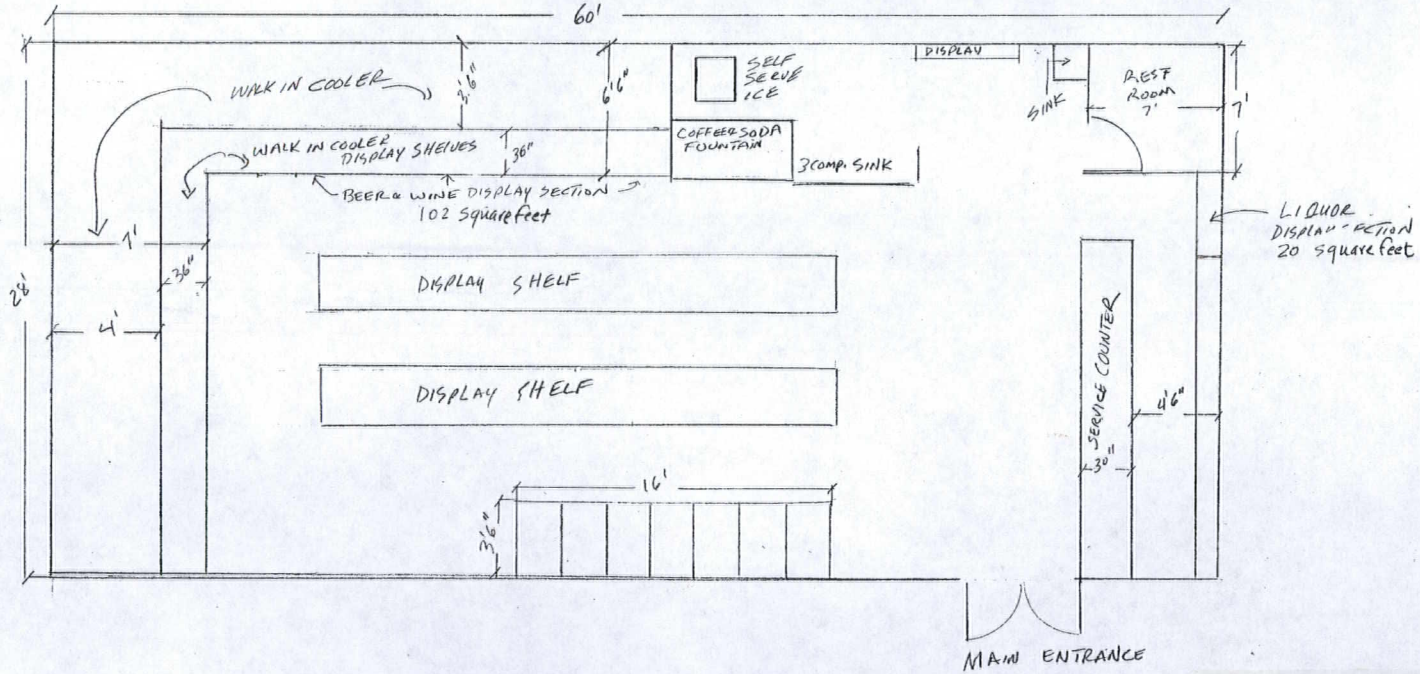
RECEIVED
DEC 19 2011

EXISTING SITE PLAN SCALE 1"=20'
4550 E. BONANZA AVE, A.P.N 140-29-411-217
LAS VEGAS NV 89115
12320 SF RETAIL, 45 PARKING AND 2 H/C

Valley Blueprint 12/12/2011

RECEIVED
11 DEC 22 PM 1:08
PLANNING AND
DEVELOPMENT

EXISTING FLOOR PLAN SCALE ¼"=1'
VEGAS MINI MART
4550 E. BONANZA AVE #A & B
LAS VEGAS NV
TOTAL S.F. 1688, DISPAY S.F. 1250



SUP-44154
REVISED

Slideshow

1 of 1

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SUP-44154

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SUP-44154

2 of 2

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SUP-44154

2 of 2

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SUP-44154

1 of 2

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DEC 19 2011

SUP-44154

SUP-44154 - APPLICANT: NADA HAMIKA - OWNER: BONANAZA/LAMB BUSINESS PK
4550 EAST BONANZA ROAD, SUITE A

01/04/12

SUP-44154 - APPLICANT: NADA HAMIKA - OWNER: BONANAZA/LAMB BUSINESS PK
4550 EAST BONANZA ROAD, SUITE A

01/04/12

DECEMBER 15, 2011

City of Las Vegas Planning
Vegas Mini Mart
4550 E, Bonanza Ave Suite A
Las Vegas NV 89110

Re; Approval of a package Liquor sale in an existing Mini Mart with off sale Beer and Wine with 10% or less of the total display area designated for alcoholic beverages.

To Whom It May Concern:

I have been the owner of Vegas Mini Mart located at 4550 E. Bonanza Ave Las Vegas NV since 1998, it is a family business and I mostly serve the surrounding neighbors, I have had no violations with the city of the state during this time, due to recent economic conditions my business has gone down, I change business hours to 24 hrs about a year ago, I respectfully request your consideration for approval of this use permit so I can stay in business and keep my employees working, Thanks

Please phone me at 480-5945 if you have any concerns or comments, Thanks.

Nada Hamika

Nada Hamika

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DEC 19 2011

SUP-44154

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

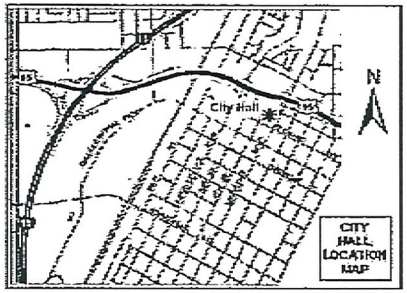
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIPCODE 89101

Return Service Requested

Official Notice of Public Hearing



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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44154

Planning Commission Meeting of 2/14/2012

To close to schools Thankyou

Case: SUP-44154

14032112061
SWEAT ANN
4537 DIAMOND HEAD DR
LAS VEGAS NV 89110-3342 89110-3342

22 LRDFN1 89110

RECEIVED
FEB - 7 2012

39P

Feb-07-2012 01:53 PM Global Experience Specialists 702-515-5779

1/1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
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0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

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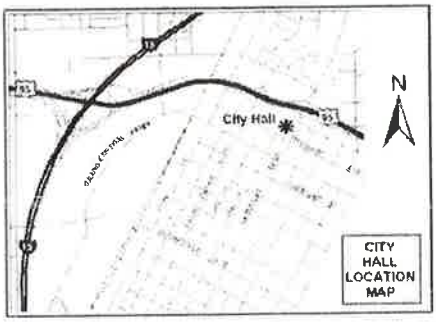

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44154

Planning Commission Meeting of 2/14/2012

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FEB - 7 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SUP-44154
14029410027
QUINTANILLA MICHAEL A
7541 ISLEY AVE
LAS VEGAS NV 89147-4001 89147-4001

89147

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44154

Planning Commission Meeting of 2/14/2012

Case SUP-44154
14029410009
FLORES JOSE E & CHRISTINA Q TR
FLORES JOSE E & CHRISTINA Q TRS
7541 ISLEY AVE
LAS VEGAS NV 89147-4001 89147-4001

89147

39
27

City of Las Vegas Agenda Item No.: **64.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

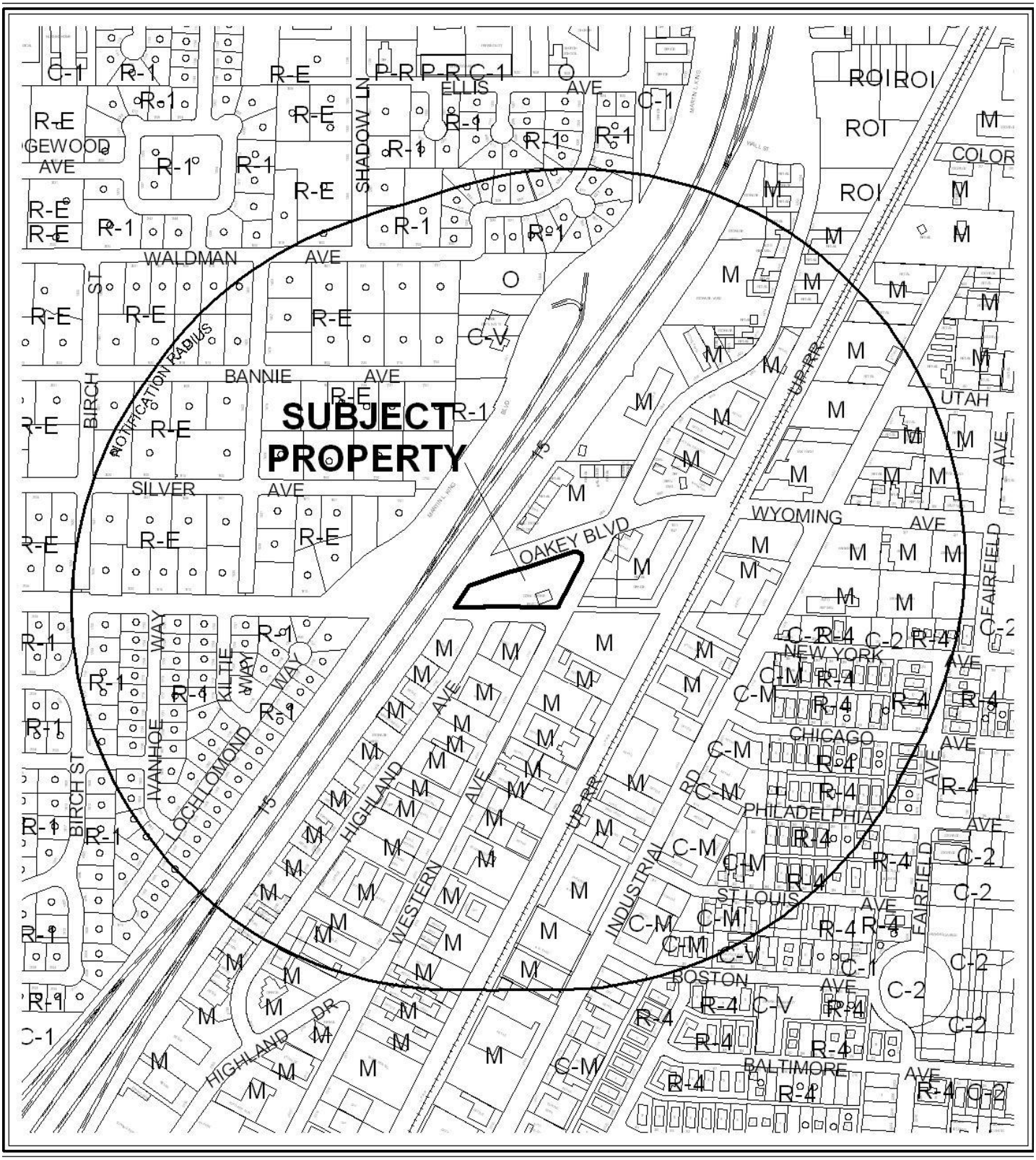
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-44164 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WGTO, INC. - OWNER: 7-ELEVEN, INC. - For possible action on a request for a Special Use Permit FOR A 12 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 2,940 SQUARE-FOOT CONVENIENCE STORE at 1601 West Oakey Boulevard (APN 162-04-603-001), M (Industrial) Zone, Ward 3 (Coffin). The Planning Commission (5-1 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**3**	**Planning Commission Mtg.**	**1**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (5-1 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – SUP-44164



CASE: **SUP-44164**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 500 1000 Feet

CASE: **SUP-44164**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N

SUP-44164

Package Liquor Sales

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: WGTO, INC. - OWNER: 7-ELEVEN, INC.

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-44164	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITIONS **

SUP-44164 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. Conformance to the approved conditions for Special Use Permit (U-147-95).

3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

4. Approval of this Special Use Permit does not constitute approval of a liquor license.

5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

6. No temporary signs such as banners, pennants, inflatable objects, streamers, flags, or other similar attention gaining item or devices shall be displayed upon the subject property or a vehicle in the parking lot of the subject property without the appropriate permits.

7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit to allow a Retail Establishment with Accessory Package Liquor Off-Sale use at 1601 West Oakey Boulevard. The proposed use will be an addition to the retail sales and off-premise beer and wine sales at this location. The use is appropriate for the M (Industrial) Zoning District, as it is harmonious and compatible with the surrounding uses; therefore, staff recommends approval. If the application is denied, the Accessory Package Liquor Off-Sale use would not be allowed and the existing retail sales and Beer/Wine/Cooler Off-Sale Establishment may continue.

ISSUES

- A Special Use Permit is required for Retail Establishment with Accessory Package Liquor Off-Sale use in the M (Industrial) Zoning District.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
01/18/95	The City Council denied a request for a Special Use Permit (U-306-94) to allow a proposed Tavern at 1601 West Oakey Boulevard. The Board of Zoning Adjustment and staff recommended denial.
01/17/96	The City Council approved a request for a Special Use Permit (U-147-95) to allow a proposed Beer/Wine/Cooler Off-Sale Establishment at 1601 West Oakey Boulevard. The Board of Zoning Adjustment and staff recommended approval.
02/14/12	The Planning Commission voted (5-1/rt) to recommend APPROVAL (PC Agenda Item #41/ded).

Most Recent Change of Ownership	
04/29/96	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
09/24/97	A building permit (#097019690) was issued for a Convenience Store at 1601 West Oakey Boulevard. The permit was finalized 12/24/97.
10/29/97	A business license for Convenience Store (C15-00007) was issued at 1601 West Oakey Boulevard. This license remains active.

DED

10/29/97	A business license for Beer Wine Cooler Off Sale (L10-00015) was issued at 1601 West Oakey Boulevard. This license remains active.
10/06/09	A business license for Service Station (S05-01096) was issued at 1601 West Oakey Boulevard. This license remains active.
07/23/10	A business license for Gaming Restricted (G01-02422) was issued at 1601 West Oakey Boulevard. This license remains active.
11/28/11	A business license (L15-95905) was denied by the Department of Planning at 1601 West Oakey Boulevard for a Package Liquor Off-Sale Establishment requiring the approval of a Special Use Permit.

Pre-Application Meeting	
12/12/11	A pre-application meeting was held with the applicant and submittal requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use were discussed with the applicant.

Neighborhood Meeting
A Neighborhood Meeting is not required for this application nor was one held.

Field Check	
01/04/12	Staff conducted a field check of the subject property and noted the subject site was a well maintained commercial development.

Details of Application Request	
Site Area	
Net Acres	1.54

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Convenience Store	C (Commercial)	M (Industrial)
North	Tavern	C (Commercial)	M (Industrial)
South	Retail Store	LI/R (Light Industry / Research)	M (Industrial)
East	Retail Store	LI/R (Light Industry / Research)	M (Industrial)
West	Single-Family, Detached	DR (Desert Rural Density Residential)	R-E (Residence Estates)
	Interstate - 15	Right-of-Way	Right-of-Way

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area		X	N/A
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Oakey Boulevard	Secondary Collector	Master Plan of Streets and Highways	90	Y
Western Avenue	Secondary Collector	Master Plan of Streets and Highways	70	N

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Convenience Store	2940 SF	1:175 SF	17				
TOTAL SPACES REQUIRED			17		21		Y
Regular and Handicap Spaces Required			16	1	21	1	Y

ANALYSIS

A Retail Establishment with Accessory Package Liquor Off-Sale use is defined as "A retail establishment:

> 1. Whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. In which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages.

This use includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location."

The applicant has submitted a floor plan that depicts 12 square feet of interior space devoted to the display and storage of package liquor located behind the service counter and out of the reach of minors. The 12 square feet of floor space used for package liquor is less than 10 percent of the 2,940 square feet of total floor space, meeting the definition for Retail Establishment with Accessory Package Liquor Off-Sale use. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is in compliance with all Minimum Special Use Permit Requirements.

The property is zoned M (Industrial) and is intended to provide heavy manufacturing industries. The M (Industrial) Zoning District is consistent with the General Plan of LI/R (Light Industry / Research). The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is permissible in the M (Industrial) Zoning District with the approval of a Special Use Permit. The subject site, witch is located within the Las Vegas Redevelopment Plan Area and Live/Work Overlay District, meets the Special Purpose and Overlay District requirements.

The site has 21 parking spaces where 17 parking spaces are required for a Convenience Store. The proposed Retail Establishment with Accessory Package Liquor Off-Sale use does not require additional parking for the approval of a Special Use Permit.

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use is appropriate for the site and can be conducted in a manner that is harmonious and compatible with the surrounding uses; therefore, staff recommends approval with conditions. If the application is denied, the Accessory Package Liquor Off-Sale use would not be allowed and the existing Beer/Wine/Cooler Off-Sale Establishment and retail sales may continue.

FINDINGS (SUP-44164)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

The proposed Retail Establishment with Accessory Package Liquor Off-Sale use can be operated in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   No significant changes are proposed to the existing structure or the site for the proposed Retail Establishment with Accessory Package Liquor Off-Sale use that would increase the intensity of the subject site.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Oakey Boulevard and Western Avenue are designated as Secondary Collectors by the city's Master Plan of Streets and Highways and provides access to the property. The roadway facilities are adequate to serve the Retail Establishment with Accessory Package Liquor Off-Sale use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   Approval of a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use at this location will not compromise the public health, safety and welfare or the primary objectives of the General Plan, as the use will be subject to regular to inspections and licensing requirements.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The Retail Establishment with Accessory Package Liquor Off-Sale use meets the applicable conditions per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 27

NOTICES MAILED 273 (By City Clerk)

APPROVALS 1

PROTESTS 3

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-44164** APN: 162-04-603-001

Name of Property Owner: 7 Eleven Inc (Chris A Beyer, OFFICER)

Name of Applicant: Ritu Chopra WGTO, Inc

Name of Representative: P Kumar Chopra

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N.A.

Partner(s): _____ _____

APN: _____

Signature of Property Owner: Christopher A Beyer

Print Name: Christopher A. Beyer

RECEIVED
DEC 20 2011

Subscribed and sworn before me

This 19 day of Dec., 2011

Michele A. Williams

Notary Public in and for said County and State

Clark / Nevada

Notary Public - State of Nevada
County of Clark
MICHELE A. WILLIAMS
My Appointment Expires
August 29, 2013
No: 05-99624-1

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-44164** APN: 162-04-603-001

Name of Property Owner: Kimberly A. Reilley

Name of Applicant: Ritu Chopra

Name of Representative: Kumar Chopra

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: N.A.

Partner(s): _____ _____

APN: _____

RECEIVED
DEC 19 2011
City of Las Vegas
Department of Planning

Signature of Property Owner: _____

Print Name: Kimberly A. Reilley

Subscribed and sworn before me

This 13 day of Dec., 2011

Notary Public - State of Nevada
County of Clark
MICHELE A. WILLIAMS
My Appointment Expires
August 29, 2013
No: 05-99624-1

Michele A. Williams
Notary Public in and for said County and State

Clark / Nevada

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SUP for Retail Establishment with Accessory Liquor Off-Sale

Project Address (Location) 1601 W Oakey Bl, Las Vegas, NV. 89102

Project Name 1601 W. Oakey Bl, Las Vegas 7-11 for Pkg Liquor **Proposed Use** Retail W/ Pkg Liq. Off Sale Establishment

Assessor's Parcel #(s) 162-04-603-001 **Ward #** 3-Coffin

General Plan: existing M Comm. proposed No Chg **Zoning:** existing M proposed No Change

Commercial Square Footage 2940 SF **Floor Area Ratio** _____

Gross Acres 42,972 SF **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER 7 Eleven Inc **Contact** Chris A. Beyer

Address % Tax Dept, #3211, PO Box 711 **Phone:** _____ **Fax:** _____

City Dallas **State** TX **Zip** 75221-0711

E-mail Address _____

APPLICANT WGTO, Inc **Contact** Ritu Chopra

Address 116 Serramonte Ct **Phone:** 702-505-3711 **Fax:** _____

City Henderson **State** NV **Zip** 89074

E-mail Address 7Eleven FZ e Gmail.com

REPRESENTATIVE P. Kumar Chopra **Contact** P. Kumar Chopra

Address 116 Serramonte Ct **Phone:** 702-505-3711 **Fax:** _____

City Henderson **State** NV **Zip** 89074

E-mail Address _____

Property Owner Signature* Christopher A Beyer

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Christopher A. Beyer

Subscribed and sworn before me

This 19 day of December, 20 11.

Michele A. Williams

Notary Public in and for said County and State Clark/Nevada

Notary Public - State of Nevada
County of Clark
MICHELE A. WILLIAMS
My Appointment Expires
August 29, 2013
No: 05-99624-1

FOR DEPARTMENT USE ONLY

Case #	SUP-44164
Meeting Date:	2-14-12
Total Fee:	RECEIVED
Date Accepted:	DEC 20 2011
Accepted By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM Accessory

Application/Petition For: SUP for Retail Establishment w/ A Package Liquor off sale Establishment.

Project Address (Location) 1601 W. Oakey Bl. Las Vegas. NV 89102

Project Name 1601 W. Oakey Bl. 7-11 for Package Liquor **Proposed Use** Retail w. Package Liquor off sale Establishment

Assessor's Parcel #(s) 162-04-603-001 **Ward #** 3-Coffin

General Plan: existing Comm. M proposed No change **Zoning:** existing M proposed No change

Commercial Square Footage 2940 sq. ft. **Floor Area Ratio** _____

Gross Acres 1.54 Ac **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER 7-Eleven Inc. **Contact** Kimberly A Reilley

Address % Tax Dept. - #3211 PO Box 711 **Phone:** _____ **Fax:** _____

City Dallas **State** TX **Zip** 75221-0711

E-mail Address _____

APPLICANT WGTO, Inc. **Contact** Ritu or Kumar Chopra

Address 116 Serramonte Ct. **Phone:** 702 505 3711 **Fax:** _____

City Henderson **State** NV **Zip** 89074

E-mail Address 7ElevenFZ@Gmail.com

REPRESENTATIVE _____ **Contact** _____

Address _____ **Phone:** _____ **Fax:** _____

City _____ **State** _____ **Zip** _____

E-mail Address _____

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Kimberly A. Reilley

Subscribed and sworn before me

This 13 day of December, 20 11.

Michele A Williams

Notary Public in and for said County and State

Notary Public - State of Nevada
County of Clark
MICHELE A. WILLIAMS
My Appointment Expires
August 29, 2013
No: 05-99624-1

FOR DEPARTMENT USE ONLY

Case #	SUP-44164
Meeting Date:	2-14-11
Total Fee:	1280.00
Date Accepted:	12-19-11
Accepted By:	JFmuel

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

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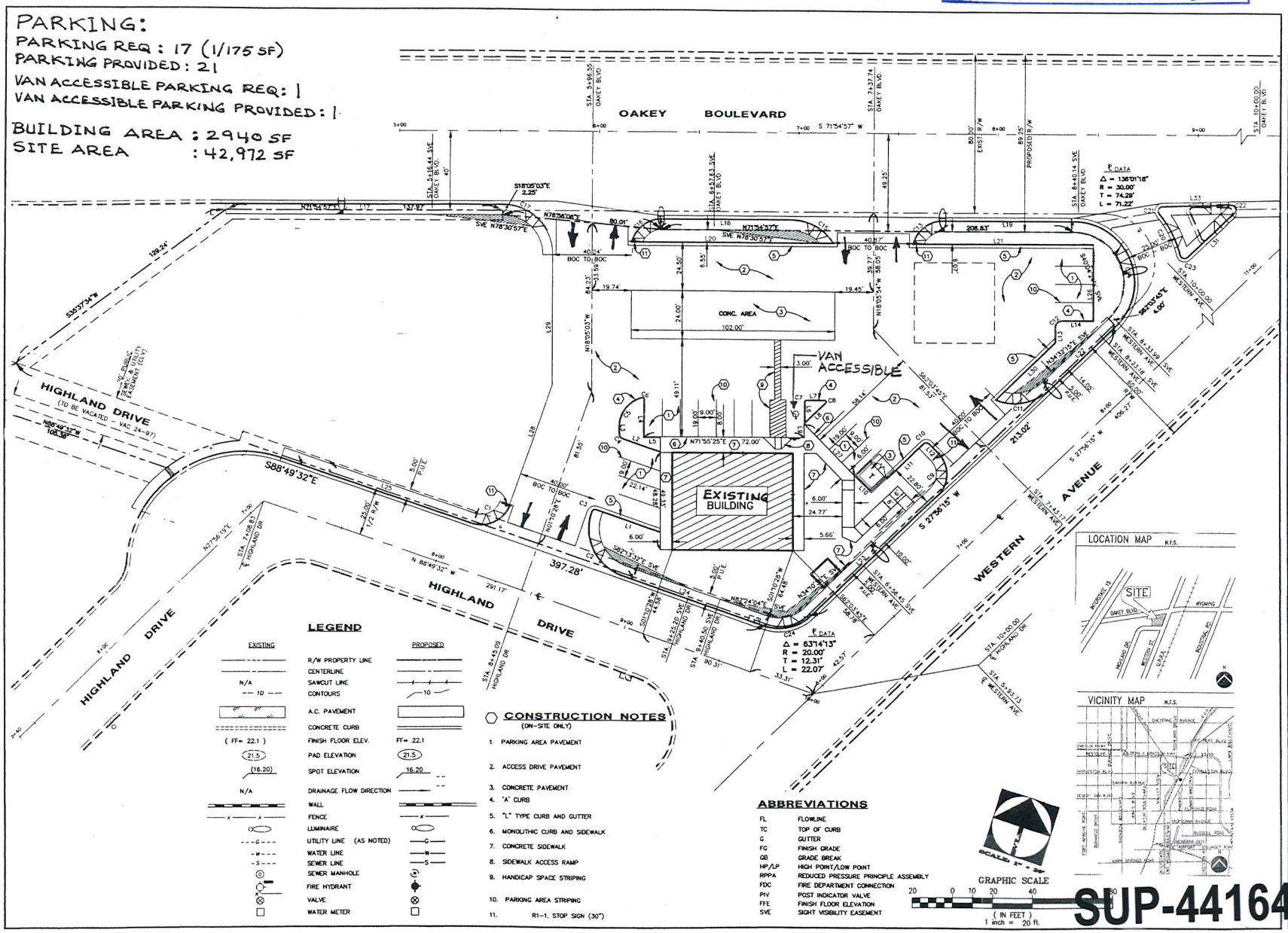
City of Las Vegas
Department of Planning

PARKING:
PARKING REQ : 17 (1/175 SF)
PARKING PROVIDED : 21
VAN ACCESSIBLE PARKING REQ: 1
VAN ACCESSIBLE PARKING PROVIDED: 1

BUILDING AREA : 2940 SF
SITE AREA : 42,972 SF


OAKEY BOULEVARD
HIGHLAND DRIVE
(TO BE VACATED - VAC 24-97)
HIGHLAND DRIVE
WESTERN AVENUE
EXISTING BUILDING
CONC. AREA
VAN ACCESSIBLE
S88°49'32"E
N88°49'32"W
397.28'
291.17'
213.02'
406.27'
129.24'
108.38'
S 71°54'57" W
S 27°36'15" W
N 27°36'15" E
S35°37'34"W
N71°55'25"E
72.00'
S18°05'03"E
2.25'
N78°54'04"E
N21°54'57"W
137.82'
N18°05'03"W
N18°05'54"W
58.05'
S87°03'45"E
81.53'
N34°59'15"E
S01°10'28"W
44.58'
N88°24'04"E
64.48'
S01°10'28"E
24.50'
S87°13'32"E
58.78'
N01°10'28"E
S87°03'45"E
4.00'
N87°56'19"E
N34°59'15"E
S 27°36'15" W
S 71°54'57" W
N 88°49'32" W
N18°05'54"W
S87°13'32"E
S01°10'28"W
N88°24'04"E
S01°10'28"E
N87°56'19"E
S87°03'45"E
N34°59'15"E
S 27°36'15" W
N 88°49'32" W
S88°49'32"E
N88°49'32"W
N71°55'25"E
N18°05'03"W
N18°05'54"W
S18°05'03"E
N78°54'04"E
N21°54'57"W
S35°37'34"W

RECEIVED
DEC 19 2011
City of Las Vegas
Department of Planning

DOOR SCHEDULE

DOOR NUMBER	DOOR TYPE	DOOR OPENING SIZE	DOOR THICKNESS	MATERIALS: DOOR: ALUMINUM & GLASS	DOOR: HOLLOW METAL	DOOR: SOLID CORE WOOD	FRAME: ALUMINUM	FRAME: METAL	FRAME: WOOD	DETAILS: HEAD	DETAILS: JAMB	DETAILS: JAMB	DETAILS: SILL	REMARKS	HARDWARE: HINGES	HARDWARE: CLOSURE	HARDWARE: FLOOR STOP	HARDWARE: KICK PLATE	HARDWARE: HANDEL CAL-ROYAL #SC-	HARDWARE: HANDEL CAL-ROYAL #BA-
1	1	6'-0" X 7'-0"	1 3/4"			●		●		7-A38	7-A38	7-A38	11-A3	VISTAWALL	●	●				
2	2	3'-0" X 7'-0"	1 3/4"		●			●		1-A32	1-A32	2-A33	2-A33	PANIC HARDWARE	●	●			●	●
3		NOT USED																		
4	4	3'-0" X 7'-0"	1 3/4"		●			●		5-A35	5-A35	5-A36	5-A36	20 MIN. FIRE RATING	●	●	●	●	●	●
5	5	3'-0" X 7'-0"	1 3/4"		●			●		5-A35	5-A35	5-A36	5-A36	20 MIN. FIRE RATING	●	●	●		●	●
6		NOT USED																		
7	7	3'-0" X 7'-0"	1 3/4"		●			●		5-A35	5-A35	5-A36	5-A36	KICK PLATE BOTH SIDES	●	●	●	●	●	●
8		NOT USED																		
9		NOT USED																		
10		NOT USED																		

GENERAL NOTES
-UNDERCUT ALL INTERIOR DOORS 1" A.F.F.

ROOM FINISH SCHEDULE

ROOM NUMBER	ROOM NAME	FLOOR: VINYL COMP. TILE	FLOOR: EXPOSED CONC. W/SEALANT	BASE: QUARRY TILE	BASE: 6" RUBBER	BASE: NONE	WALLS: MARLITE FRP	WALLS: PAINTED & TEXT. GYP. BD.	CLNG: STRIPE DECOR PACKAGE	CLNG: 5/8" PLYWOOD - PAINTED	CLNG: 2' x 4' LAY-IN ACOUST. TILE	CEILING HEIGHT	REMARKS
101	MERCHANDISE		●	●			●		●		●	10'-0"	
102	SALES		●	●			●		●		●	10'-0"	
103	F. F. PREP		●	●			●		●		●	10'-0"	
104	COFFEE ISLAND		●	●			●		●		●	10'-0"	
105	BEV. BAR		●	●			●		●		●	10'-0"	
106	BACKROOM	●		●				●			●	10'-0"	
107	HALL	●		●				●			●	10'-0"	
108	TOILET			●			●				●	10'-0"	
109	STORAGE	●		●				●			●	10'-0"	
110	ELECTRICAL	●		●				●		●	●	10'-0"	
111	OFFICE	●		●				●			●	10'-0"	
112	10 DR VAULT	●			●		●						PRE-FAB FINISHES
113	OFFICE	●		●				●			●	10'-0"	

MATERIALS SCHED.

FLOOR
1. QUARRY TILE SUMMITVILLE, NO.56 "APPALOOSA", 4 X 8 RUNNING BOND, STRATA II GROUT, SUMMITVILLE, NO. 947 "BLACK WALNUT".
2. VINYL COMPOSITION TILE ARMSTRONG IMPERIAL MODERN #51858 "SANDRIFT WHITE" 12" X 12" X 1/8" GAUGE. ALTERNATE: AZROCK #V-149 "ALMONDINE".
3. EXPOSED CONCRETE - SEALED, 2 COATS - THOMPSON WATER SEAL.

BASE
1. BURKE BASE - 6" WITH 3/8" RADIUS COVE, No. 597P-MOCHA.

WALLS
1. PAINT--INTERIOR -SEE PAINT SCHED., SHT. SP5. PAINT--EXTERIOR -SEE PAINT SCHED., SHT. SP5.
2. PRE-FINISHED WALL PANEL "FRP" MARLITE PEBBLE FINISH, ALMOND
3. RED STRIPE DECOR TAPE COLOR: RED STRIPE WITH CHROME, 9" HEIGHT. MFR. BY RUX.

CEILING
1. ACOUSTICAL TILE, ARMSTRONG SAHSTA 2807 NON PERFORATED STD FIBERGLASS CLG. PANELS WHITE VINYL FACED, SUSPENSION SYSTEM - PRELUDE XL

MISC.
1. PLASTIC LAMINATE © DESKTOP FORMICA "CREAM OF WHEAT" No. 864, MATTE FINISH ALTERNATE: WILSONART D329-6 BISQUE.

GENERAL NOTES

1. CONTRACTOR'S SHALL NOT SCALE THESE DRAWINGS FOR CONSTRUCTION PURPOSES. IN THE EVENT OF OMISSION OF NECESSARY DIMENSIONS THE CONTRACTORS SHALL NOTIFY THE ARCHITECT, AND THE SOUTHLAND CORP. CONSTRUCTION MANAGER.
2. VERIFY ALL DIMENSIONS, CONDITIONS, AND GRADES AT JOB SITE.
3. VERIFY SIZE, LOCATION, AND CHARACTERISTICS, OF ALL WORK AND EQUIPMENT TO BE FURNISHED BY OWNER OR OTHERS, WITH THE MANUFACTURER OR SUPPLIER BEFORE ANY CONSTRUCTION PERTAINING TO SAME IS BEGUN.
4. VERIFY SIZE AND LOCATION OF ALL OPENINGS FOR MECHANICAL EQUIPMENT AND WORK WITH CONTRACTORS INVOLVED.
5. ERRORS AND/OR OMISSIONS IN ROOM, DOOR, AND WINDOW SCHEDULES DO NOT RELIEVE THE CONTRACTOR FROM EXECUTING WORK SHOWN ON DRAWINGS OR DESCRIBED IN SPECIFICATIONS.
6. FURNISH AND INSTALL METAL CORNER REINFORCING AT ALL EXTERIOR CORNERS OF GYPSUM BOARD INCLUDING DOOR JAMBS AND HEADS, WINDOW JAMBS AND HEADS.
7. ALL DIMENSIONS ON PLANS UNLESS OTHERWISE NOTED ARE TO FACE OF GYPSUM BOARD TO FACE OF GYPSUM BOARD AND FROM FACE OF INTERIOR FINISH SURFACE TO FACE OF EXTERIOR FINISH SURFACE.
8. REFER TO SHEET EF1 FOR THE SECURITY SYSTEM AND RETAIL AUTOMATION COMPUTER STATION LOCATION.

SYMBOL LEGEND

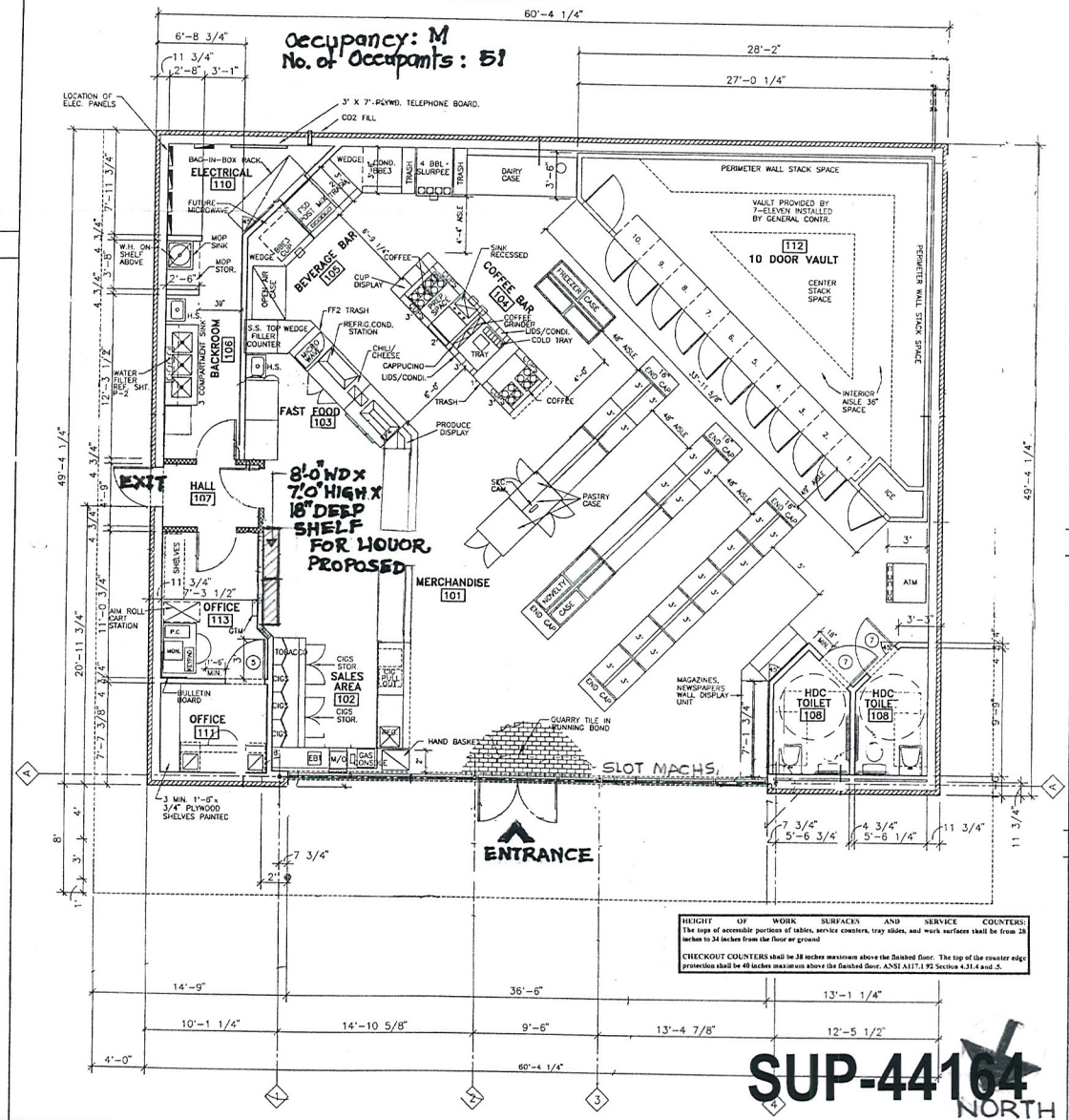
106 ROOM NUMBER
(1) DOOR NUMBER
(X) WINDOW MARK
(X) COLUMN LINE
R RADIUS
B.C.R. BACK OF CURB RADIUS
16.5 EXISTING SPOT GRADE
120 NEW SPOT GRADE
EXISTING CONTOUR
100 NEW CONTOUR
M.T. METAL THRESHOLD
S.S. SERVICE SINK
LAV. LAVATORY
U. URINAL
W.H. WATER HEATER
D.F. DRINKING FOUNTAIN
DETAIL REFERENCES (ITEM / SHEET)
ITEM SHEET
1/A7 ITEM NUMBER, SHEET NUMBER
3/A7 WALL SECTION
3/A5 ROOM OR CABINET ELEVATION
3/A7 EXTERIOR ELEVATION
F.D. FLOOR DRAIN
W.C. WATER CLOSET

MATERIAL LEGEND

EARTH IN SECTION
GRANULAR FILL
SAND
ASPHALT
CONCRETE PAVING
CONCRETE IN SECTION
FACE BRICK
CONCRETE BLOCK
BATT INSULATION
RIGID INSULATION
CONTINUOUS WOOD FRAMING
FINISH WOOD
WOOD BLOCKING (SHORT OR SPACED)
PLYWOOD
STEEL
GYPSUM BOARD OR
GYPSUM SHEATHING AS NOTED
CEMENT PLASTER
QUARRY TILE
CERAMIC TILE
ACOUSTIC TILE OR PARTICLE BOARD AS NOTED
GLASS IN SECTION

AREA ALLOWED FOR LIQUOR DISPLAY: 250SF (10% OF FLOOR AREA)

AREA PROVIDED FOR LIQUOR DISPLAY: 12SF



SUP-44164

NORTH

FLOOR PLAN SC: 1/4"=1'-0" (1)

7-ELEVEN
STORE NO. 32113
@: OAKEY & WESTERN
1601 W. OAKEY BL.
CITY OF LAS VEGAS, NEVADA

PROJ.NO	
PROJ.ARCH	
PROJ.MGR.	
TECH'N	
ARCH.CHK.	
DATE	

REVISIONS

FLOOR PLAN/SCHEDULES

FLOOR PLAN

SHT.NO. A-2

SC: 1/4"=1'0" PLOTSPEC: LIMITS, 36 x 24 SHEET FILE: N:\AGAB\FILES\FREQ_DATA\10645b10\ARCH\E\10645b10A-2 3-18-97 5:47:05 pm EST

SUP-44164 - APPLICANT: WGTO, INC. - OWNER: 7-ELEVEN, INC.
1601 WEST OAKEY BOULEVARD

01/04/12

SUP-44164 - APPLICANT: WGTO, INC. - OWNER: 7-ELEVEN, INC.
1601 WEST OAKEY BOULEVARD

01/04/12

Dated: 12-19-2011

TO: Dept. of Planning
City of Las Vegas
Las Vegas, NV.

RECEIVED
DEC 19 2011
City of Las Vegas
Department of Planning

Sub: Justification letter for SUP

We have an existing & operational 7-Eleven Store since 1997 with Convenience Store, Food Service, Beer & Wine, & Gasoline at 1601 W. Oakey Bl., Las Vegas, NV. Though this location has been in operation since 1997; 7 Eleven corporation awarded this franchised location to us in May 2010.

Due to public demand in the area, we want to upgrade our Beer & Wine License to ACCESSORY PACKAGE LIQUOR OFFSALE LICENSE; with other parts of business remaining the same.
This upgrade requires us to obtain a SUP for Retail Establishment with Accessory Pkg Liquor offsale.

We are proposing only upto 10% floor area dedicated for Liquor Display; which is proposed to be behind employee counter, away from customer reach.
THIS LICENSE IS ONLY INCIDENTAL TO OUR MAIN BUSINESS OF CONVENIENCE STORE & FOOD SERVICE.

We have 8-10 employees at this location, with 24 hours of operation. we do not have another site with similar usage & we have complied with all the local, state, & federal Laws. There are no schools, churches, child care facilities in the vicinity.

Please give this application a due consideration & approval.

Sincerely,

Ritu Chopra

(RITU CHOPRA)

SUP-44164
City of Las Vegas
Department of Planning

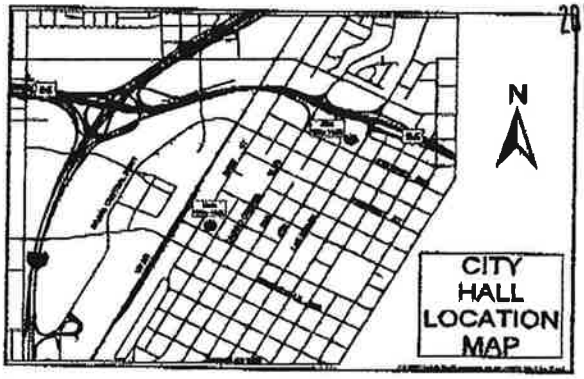
City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
2012 MAR 12 A 10:3

PRESORTED
FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.42⁴
MAR 08 2012
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☑ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

City Council Meeting of 3/21/2012

PERRY KATHLEEN F & ARTHUR
1701 IVANHOE WY
LAS VEGAS NV 89102-4425

APN#16204311062

3B PROPNL 89102

RECEIVED
CITY CLERK

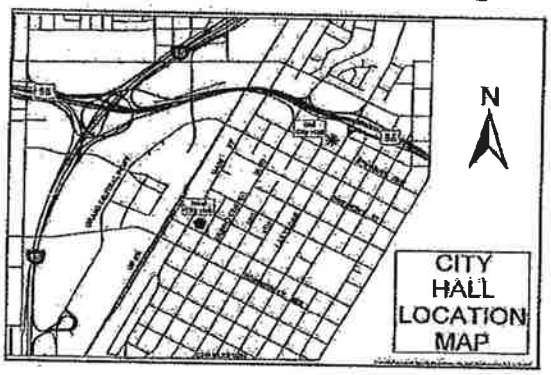
2012 MAR 12 A 7:26

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR 08 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

City Council Meeting of 3/21/2012

FELDMAN SAM TRUST
FELDMAN ROBERT L TRS
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193

APN#16204301010

25 APR 2012 89107

03/09/2012 11:36 7029485001 SAMSON EQUITIES PAGE 01/01

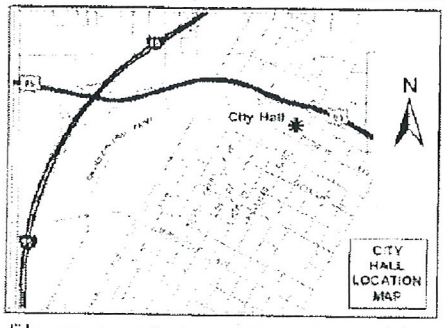
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

RECEIVED
FEB - 7 2012

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

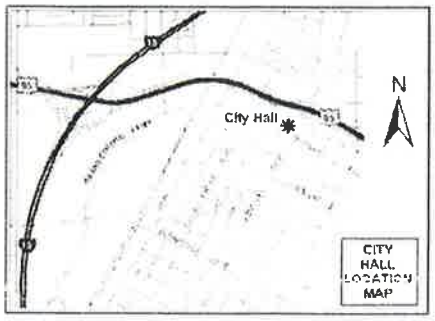
Planning Commission Meeting of 2/14/2012

Case: SUP-44164
16204103007
SIMON FAMILY TRUST
SIMON ALAN & CAROL TRS
1800 WALDMAN AVE
LAS VEGAS NV 89102-2437 89102-2437

Feb 07 12 01:15p Carol Simon 702-387-3331 p.1

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

Planning Commission Meeting of 2/14/2012

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES

02 1M $ 00.42⁴
0004279218 FEB 02 2012
MAILED FROM ZIP CODE 89101

RECEIVED
FEB - 7 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SUP-44164
16204210025
ROBINSON MARILYN JUNE
ROBINSON MARY K TRS
1407 WESTWOOD DR
LAS VEGAS NV 89102-2442 89102-2442

32 LRDFN11 89102

appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

Planning Commission Meeting of 2/14/2012

Case SUP-44164
16204210049
CILIAX WILLIAM E & STEPHEN J
1909 BANNIE AVE
LAS VEGAS NV 89102-2418 89102-2418

32 LRDFN11 89102

4 1 2P

PAGE 01/01

SAMSON EQUITIES

7029485001

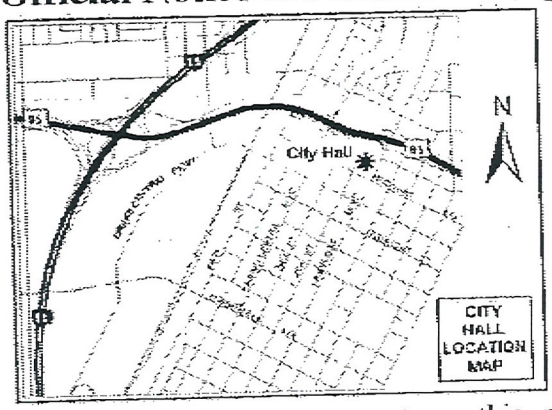
03/22/2006 03:56

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M
0004279218
$ 00.42⁴
FEB02 2012
MAILED FROM ZIPCODE 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request

☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44164

Planning Commission Meeting of 2/14/2012

Case: SUP-44164
16204301010
FELDMAN SAM TRUST
FELDMAN ROBERT L TRS
800 N RAINBOW BLVD #208
LAS VEGAS NV 89107-1193 89107-1193

RECEIVED
FEB – 6 2012

LAS VEGAS NV 89107

4/A

City of Las Vegas Agenda Item No.: **65.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

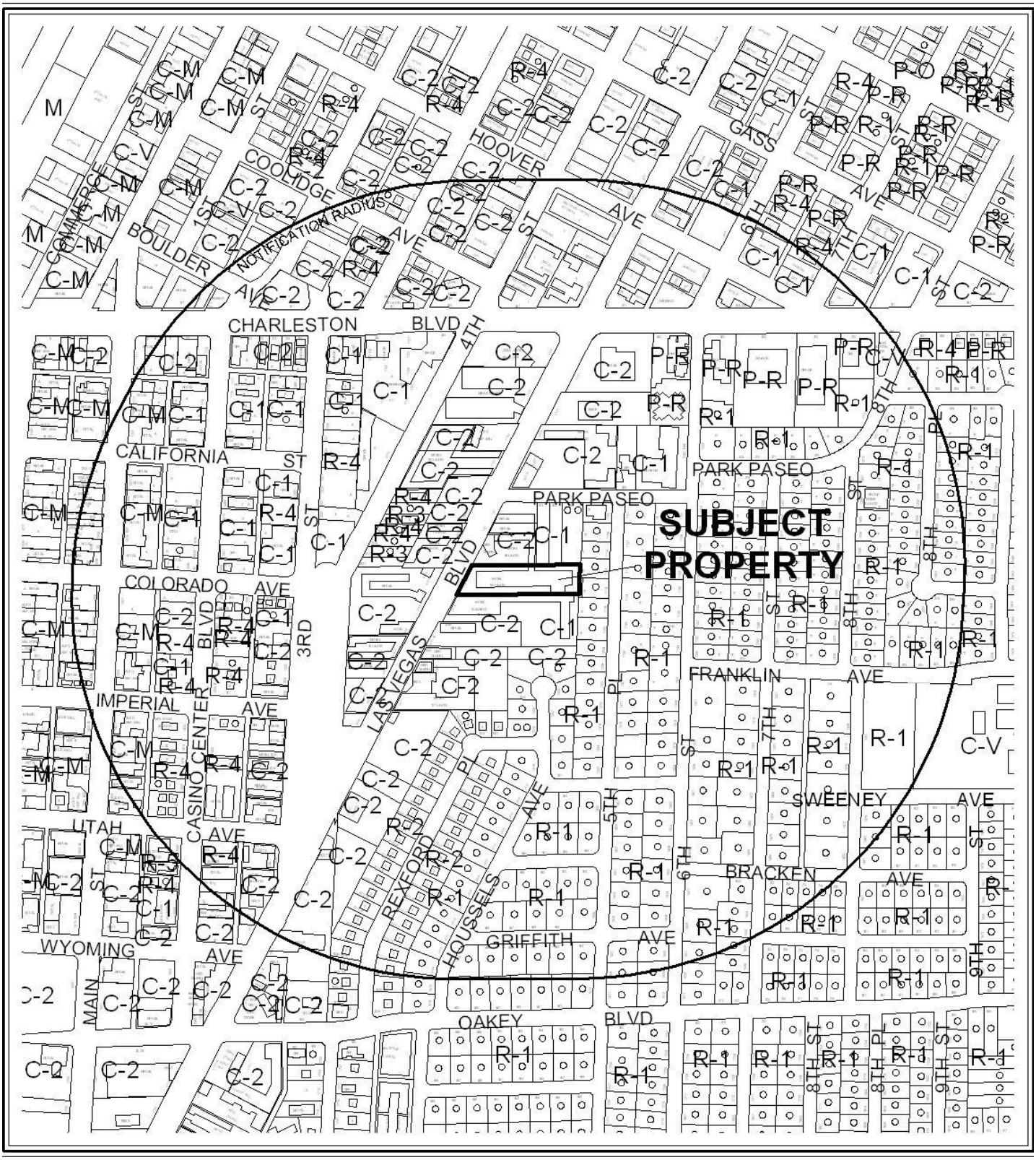
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-44165 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC - For possible action on a request for a Special Use Permit FOR A 29 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING MOTEL at 1213 South Las Vegas Boulevard (APN 162-03-112-028), C-2 (General Commercial) and C-1 (Limited Commercial) Zones, Ward 3 (Coffin). The Planning Commission (5-0-1 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**16**	**Planning Commission Mtg.**	**3**
City Council Meeting	**3**	**City Council Meeting**	**2**

RECOMMENDATION:
The Planning Commission (5-0-1 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Items – SUP-44165



0 500 1000 Feet

CASE: **SUP-44165**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL) &
C-2 (GENERAL COMMERCIAL)

0 500 1000 Feet

CASE: **SUP-44165**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL) &
C-2 (GENERAL COMMERCIAL)

N

SUP-44165

Package Liquor Sales

Business Licenses

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-44165	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SUP-44165 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Retail Establishment with Accessory Package Liquor Off-Sale use.

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

7. All beer and wine coolers shall remain in the original manufacturer's configuration intended for off-sale resale.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant requests a Special Use Permit for the accessory off-premise sale of package liquor in conjunction with a proposed 350 square-foot retail area within the lobby of an existing Motel at 1213 South Las Vegas Boulevard. The proposed liquor display area would be located along the east wall of the lobby, which is located on the west side of the building near the entrance to the property. As the proposed use meets applicable use requirements, is compatible with the Motel use and can be conducted in a manner that is harmonious with surrounding uses, staff recommends approval with conditions. If denied, packaged liquor could not be sold on the premises.

ISSUES

- A Special Use Permit is required for a Retail Establishment with Accessory Package Liquor Off-Sale use in the C-2 (General Commercial) and C-1 (Limited Commercial) Districts. The retail area where package liquor is proposed to be sold is only located within the C-2 District.
- The liquor display area is less than 10 percent of the retail area in compliance with Title 19 for the Retail Establishment with Accessory Package Liquor Off-Sale use.
- The site is parking impaired and located within the Downtown Centennial Plan Overlay District, where the property is exempt from the strict application of Title 19 parking requirements.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/24/99	The City Council denied a request for a Rezoning (Z-0019-99) from C-1 (Limited Commercial) and C-2 (General Commercial) to C-2 (General Commercial) on a larger 7.60-acre tract that included the subject parcel. The Planning Commission recommended denial and staff had recommended approval.
12/15/04	The City Council approved a Site Development Plan Review (SDR-5369) for a proposed 505 square-foot lobby addition to an existing Motel. The applicant's accompanying request for Waivers of Downtown Centennial Plan streetscape standards was partially approved, with conditions to provide a portion of the required streetscape. The Planning Commission and staff recommended approval. The approval expired 12/15/06.

09/18/07	Department of Planning staff approved a Site Development Plan Review (SDR-23776) for a proposed 529 square-foot lobby expansion within an existing Motel on 1.17 acres at 1213 South Las Vegas Boulevard. The approval expired 09/18/09.
03/15/11	A Code Enforcement case (99064) was processed for demolition, foundation repair, underground plumbing and sewer work, installation of water valves and electrical work without permits at 1213 South Las Vegas Boulevard. The case was resolved 04/04/11.
11/15/11	The Downtown Design Review Committee approved a Signage Design Review (ARC-43672) for a proposed 25-foot tall freestanding sign at an existing Motel at 1213 South Las Vegas Boulevard. Staff recommended denial.
01/10/12	The Planning Commission approved a Variance (VAR-43719) to allow a zero-foot setback with no encroachment for a proposed freestanding sign where five feet from the right-of-way is required. Staff recommended denial.
02/14/12	The Planning Commission voted (5-0-1/rt) to recommend APPROVAL (PC Agenda Item #42/ss).
02/15/12	The City Council will consider an appeal of the approval of the Downtown Design Review Committee for a Signage Design Review (ARC-43672) for a proposed 25-foot tall freestanding sign at 1213 South Las Vegas Boulevard.
	The City Council will consider a Variance (VAR-43719) to allow a zero-foot setback with no encroachment for a proposed freestanding sign where five feet from the right-of-way is required. Staff recommends denial.

Most Recent Change of Ownership	
01/03/11	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
12/03/10	A building permit (177221) was issued for a tenant improvement for Buildings #1 and #2 at an existing Motel at 1213 South Las Vegas Boulevard. A final inspection was approved and Certificate of Occupancy was issued on 02/24/11.
03/21/11	A building permit (183768) was issued for a tenant improvement for Building #3 at an existing Motel at 1213 South Las Vegas Boulevard. A final inspection was approved and Certificate of Occupancy was issued on 05/25/11.
05/16/11	A business license (M06-03210) was issued for General Merchandise at 1213 South Las Vegas Boulevard. The license is still active.
	A business license (M08-00206) was issued for a 151-unit Motel at 1213 South Las Vegas Boulevard. The license is still active.

Pre-Application Meeting	
12/08/11	A pre-application meeting was held with the applicant to discuss submittal requirements for a Special Use Permit for a Retail Establishment with Accessory Package Liquor Off-Sale use on the subject site. No major issues were noted at the meeting.

Neighborhood Meeting
A neighborhood meeting is not required, nor was one held.

Field Check	
01/04/11	The site contains an existing Motel. The lobby is located on the west side of the building, near Las Vegas Boulevard. Two portable signs and one banner advertising onsite services are located on the property. One of the banners is attached to a freestanding sign on the adjacent property to the north (off the premises).

Details of Application Request	
Site Area	
Net Acres	1.17

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Motel	C (Commercial)	C-2 (General Commercial) and C-1 (Limited Commercial)
North	Wedding Chapel Motel	C (Commercial)	C-2 (General Commercial)
	General Retail Store Parking Lot	C (Commercial)	C-1 (Limited Commercial)
South	Hotel	C (Commercial)	C-2 (General Commercial) and C-1 (Limited Commercial)
East	Single Family, Detached	L (Low Density Residential)	R-1 (Single Family Residential)
West	General Retail Store	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan	X		Y
John S. Park Historic Neighborhood	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District (Downtown South District)	X		Y
Las Vegas Boulevard Scenic Byway Overlay District	X		Y
Trails	X		Y
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area	X		Y
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Street Name	*Functional Classification of Street(s)*	*Governing Document*	*Actual Street Width (Feet)*	*Compliance with Street Section*
Las Vegas Boulevard	Primary Arterial	Master Plan of Streets and Highways	92	N

Parking Requirement - Downtown							
Use	***Gross Floor Area or Number of Units***	***Base Parking Requirement***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Hotel, Motel or Hotel Suites	151 units	1 space per guest room	151				
TOTAL SPACES REQUIRED			**151**		**70**		N
Regular and Handicap Spaces Required			145	6	67	3	N
Loading Spaces	19,852 SF	N/A	2		0		N

Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.

ANALYSIS

Title 19.18 defines a Retail Establishment with Accessory Package Liquor Off-Sale use as a retail establishment whose license to sell alcoholic beverages authorizes their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and in which the sale of alcoholic beverages is ancillary to the retail use, and in which no more than 10 percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages. The submitted floor plan indicates that 350 square feet of retail area are available within the lobby area of the Motel. Of this, approximately 29 square feet (or 8 percent) will be dedicated to the display of package liquor in an area behind the reservation desk, in compliance with Title 19.12 and 19.18.

The minimum Special Use Permit requirements for this use include:

1. Except as otherwise provided, no retail establishment with accessory package liquor off-sale (hereinafter "establishment") shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.

The proposed use meets this requirement. There are no protected uses within 400 feet of the subject property.

2. Except as otherwise provided in Requirement 3 below, the distances referred to in Requirement 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed establishment. The distance shall be measured in a straight line without regard to intervening obstacles. For purposes of measurement, the term "property line" refers to property lines of fee interest parcels and does not include the property line of:
    a. Any leasehold parcel; or
    b. Any parcel which lacks access to a public street or has no area for onsite parking and which has been created so as to avoid the distance limitation described in Requirement 1.

As there are no protected uses within 400 feet of the subject property, Requirement 2 does not apply.

3. In the case of an establishment proposed to be located on a parcel of at least 80 acres in size, the minimum distances referred to in Requirement 1 shall be measured in a straight line:
    a. From the nearest property line of the existing use to the nearest portion of the structure in which the establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed establishment which will be located within a shopping center or other multiple tenant structure, from the nearest property line of the existing use to the nearest property line of a leasehold or occupancy parcel in which the establishment will be located, without regard to intervening obstacles.

The subject property is located on a parcel that is less than 80 acres in size; therefore, Requirement 3 is not applicable to this request.

4. When considering a Special Use Permit application for an establishment which also requires a waiver of the distance limitation in Requirement 1, the Planning Commission shall take into consideration the distance policy and shall, as part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.

No waiver of the distance separation requirement is necessary.

5. The minimum distance requirements in Requirement 1 do not apply to:
   a. An establishment which has a nonrestricted gaming license in connection with a hotel having 200 or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992; or
   b. A proposed establishment having more than 50,000 square feet of retail floor space.

The existing Motel does not meet conditions (5a) or (5b) for exemption; therefore, the minimum 400-foot distance separation requirement applies.

*6. All businesses which sell alcoholic beverages shall conform to the provisions of LVMC Chapter 6.50.

This is a non-waivable condition of Special Use Permit approval for this use.

7. The minimum distance requirements set forth in Requirement 1, which are otherwise nonwaivable under the provisions of LVMC 19.12.050(C), may be waived:
   a. In accordance with the provisions of LVMC 19.12.050(C) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;

b. In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;
c. In connection with a proposed establishment having between 20,000 square feet and 50,000 square feet of retail floor space; or
d. In connection with a retail establishment having less than 20,000 square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least 100 feet.

None of Conditions (a) through (d) apply to the subject establishment. Should this Special Use Permit request not be approved and a protected use become established within 400 feet of the property on the same side of Las Vegas Boulevard prior to a similar request for a Special Use Permit at this location, the distance separation requirement could not be waived.

The subject parcel is located in the Downtown South District within the Downtown Centennial Plan area. The Downtown South District is intended to accommodate a wide variety of land uses and density, and encourages redevelopment that contributes to the vitality of the area while supporting the adjacent residential uses. Single-family dwellings that are designated historic properties within the John S. Park Historic Neighborhood are located adjacent to the east side of the subject site.

The subject property is located within the Las Vegas Boulevard Scenic Byway Overlay, which is intended to preserve the character of Las Vegas Boulevard as a nighttime urban scenic route. The Overlay requires the use of neon and/or animation for all signage, and prohibits new off-premise signage.

It is noted that the site is parking impaired and is exempt from strict application of Title 19 parking requirements by virtue of its location within the Downtown Centennial Plan Overlay District. No additional parking spaces are required as result of approval of the proposed alcohol-related use on the site.

The applicant states that hours of operation for the retail sales area are 12:00 p.m. to 10:00 p.m. seven days per week.

The subject property is multi-zoned, with the C-2 (General Commercial) portion of the property located along Las Vegas Boulevard and the C-1 (Limited Commercial) portion located adjacent to single-family residential properties to the east. The lobby area of the Motel is located in the C-2 (General Commercial) zoned portion of the site. The Motel use is permitted in both districts, as is the accessory retail use and the Retail Establishment with Accessory Package Liquor Off-Sale use.

As the proposed use complies with the requirements of Title 19.12 and can be conducted in a manner that is harmonious and compatible with the surrounding uses, staff recommends approval with conditions.

FINDINGS (SUP-44165)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed use would be located within the lobby area of an existing Motel facing Las Vegas Boulevard. There are no protected uses within the required separation distance.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

   The proposed use can be accommodated by the space allocated within the existing Motel. Although the site is already parking impaired, no additional parking is needed as a result of the addition of this use.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Las Vegas Boulevard provides access to the site. This access is adequate to accommodate the proposed alcohol use.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   The proposed use will be subject to licensing requirements and inspection for compliance with applicable codes, and therefore will not compromise the public health, safety and welfare or the objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.12.**

   The distance separation requirements of Title 19.12 are met by the proposed Retail Establishment with Accessory Package Liquor Off-Sale use.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 28

NOTICES MAILED 557 (By City Clerk)

APPROVALS 16

PROTESTS 3

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-44165** APN: 162-03-112-028

Name of Property Owner: 1213 S. Las Vegas Blvd, LLC

Name of Applicant: ILAN GORODEZKI

Name of Representative: ZOHAR ROBIN

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: ILAN Gorodezki

Subscribed and sworn before me

This 19th day of December, 2011

_____

Notary Public in and for said County and State Clark / NEVADA

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
TANDI HUIZENGA
No: 04-86863-1
My Appointment Expires Feb. 4, 2012

RECEIVED
DEC 19 2011
City of Las Vegas
Department of Planning

Revised 11-14-06

f:\depot\Application Packet\Statement of Financial Interest.pdf

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Special USE Permit (Retail Establishment with Accessory Package Liq. Off-sale)

Project Address (Location) 1213 S. LAS VEGAS BLVD, Las vegas NV 89104

Project Name 1213 S LAS Vegas BLVD PACKage Liquor **Proposed Use** _____

Assessor's Parcel #(s) 162-03-112-028 **Ward #** 3

General Plan: existing _____ proposed _____ **Zoning:** existing _____ proposed _____

Commercial Square Footage _____ **Floor Area Ratio** _____

Gross Acres _____ **Lots/Units** _____ **Density** _____

Additional Information _____

PROPERTY OWNER 1213 S. LAS VEGAS BLVD, LLC **Contact** ZOHAR ROBIN

Address 1213 S. LAS vegas BLVD **Phone:** 702-210-6182 **Fax:** 702-331-0546

City LAS vegas **State** NV **Zip** 89104

E-mail Address ZRE702@GMAIL.com

APPLICANT ILAN GORODEZKI **Contact** ZOHAR ROBIN

Address 19653 Wells DR **Phone:** 702-210-6182 **Fax:** 702-331-0546

City Tarzana **State** CA **Zip** 91356

E-mail Address ZRE702@GMAIL.com

REPRESENTATIVE ZOHAR ROBIN **Contact** ZOHAR ROBIN

Address 100 URBANA DR **Phone:** 702-210-6182 **Fax:** 702-331-0546

City Henderson **State** NV **Zip** 89074

E-mail Address ZRE702@gmail.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name ILAN GORODEZKI

Subscribed and sworn before me

This 19th day of December, 20 11.

_____

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
TANDI HUIZENGA
No: 04-86963-1
My Appointment Expires Feb. 4, 2012

FOR DEPARTMENT USE ONLY

Case #	SUP-44165
Meeting Date:	2/14/12 PC
Total Fee:	$1,280
Date Accepted:	12/19/11
Accepted By:	

***The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.**

(E) RETAIL + HOTEL

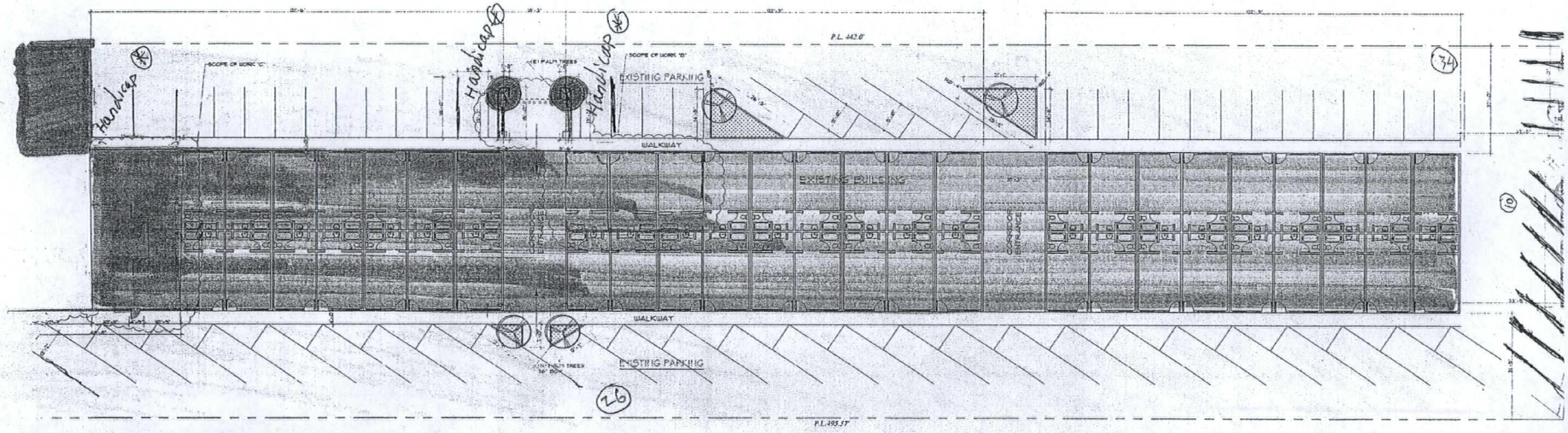
S. LAS VEGAS BLVD.

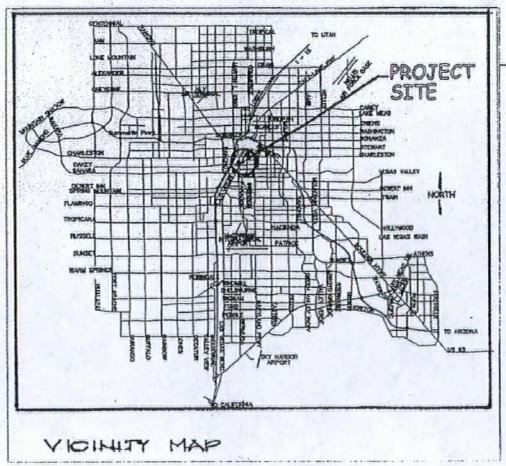
OUT

IN

LAS VEGAS BLVD

(E) HOTEL





VICINITY MAP

1213 S. LAS Vegas BLVD., LLC

HOTEL

LOT AREA:	54,807 SQ. FT.
BUILDING AREA	19853 SQ. FT.
LOT COVERAGE:	36.2% - INCLUDING NEW ADDITION
LANDSCAPING AREA:	13248 SQ. FT.
LANDSCAPING:	24%
PARKING:	76

N

SITE PLAN

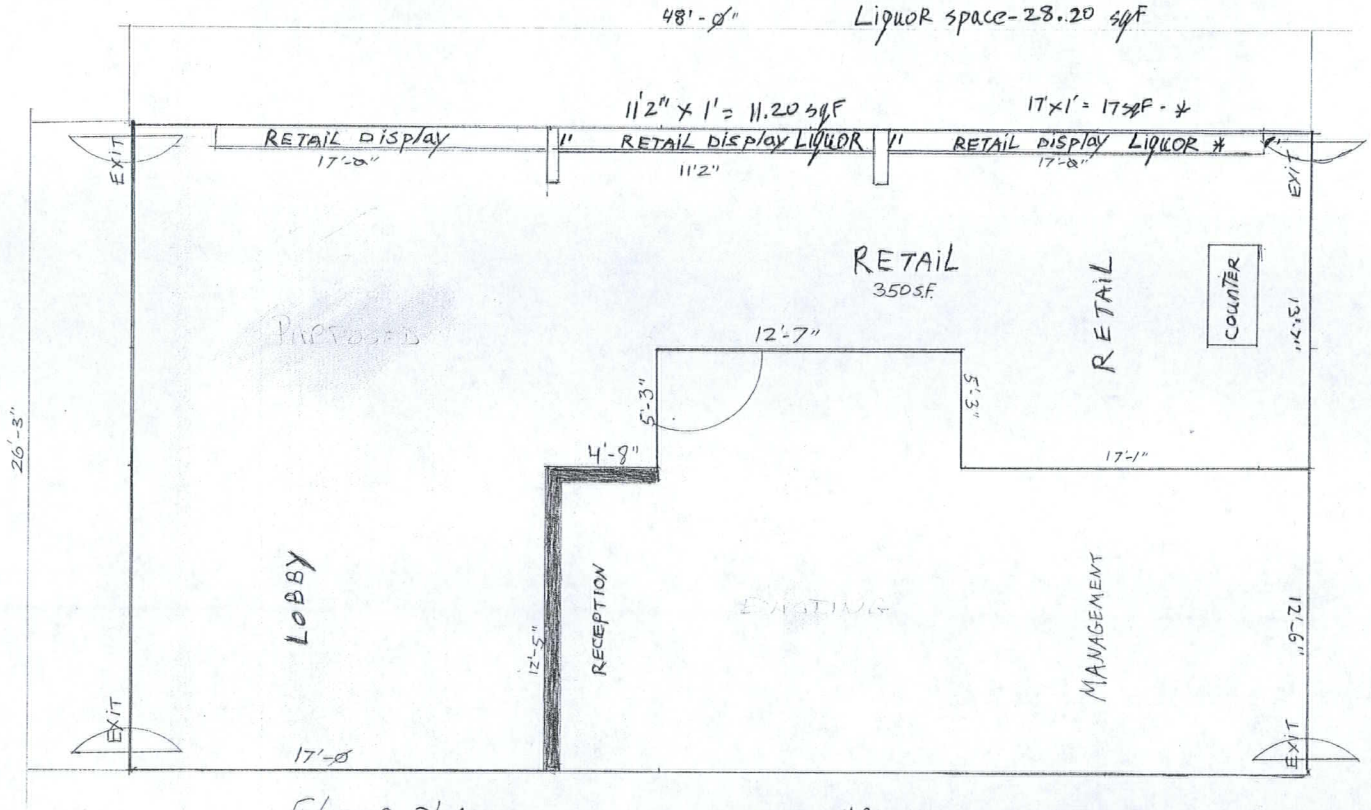
SCALE: 1/16" = 1'- 0"

RECEIVED

JAN 05 2012

SUP-44165

REVISED



FLOOR PLAN

APN: 162-03-112-028
1213 S. LAS VEGAS BLVD., LLC
1213 S, LAS VEGAS BLVD
LAS VEGAS, NV. 89104

N

LAS-VEGAS BOULEVARD

SCALE: 1/4"-1'-0"

RECEIVED
JAN 05 2012

SUP-44165
REVISED

SUP-44165 - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC
1213 SOUTH LAS VEGAS BOULEVARD

01/04/12

SUP-44165 - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC
1213 SOUTH LAS VEGAS BOULEVARD

01/04/12

1213 S. LAS VEGAS BLVD., LLC

To: Department of Planning

From: 1213 S. Las Vegas Blvd., LLC

Date: December 19, 2011

Re: Application Conference Request

This letter is to request a special use permit for a retail establishment with accessory Package Liquor. We are in a process of getting our Retail store ready and we will like to add package liquor to it. We will sale Las Vegas Souvenirs, our Hotel brand Souvenir, novelties, Beverages, snakes, condiments, gift bags and other.

We will have 3 full time employees.

Hours of operation – 7 days – 12 PM – 10 PM

The building is not a Green Building or will use any alternative energy, we did install in our Hotel Rooms Energy Zero so we can save Energy.

No Construction will be made at the new Project

Thank You,

Ilan Gorodezki

Owner

1213 S. Las Vegas Blvd LLC.,

Continentals Suites

1213 S. LAS VEGAS BLVD, LAS VEGAS NEVADA 89104. TEL 702-331-0545

www.continentalsuiteslv.com

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DEC 19 2011
SUP-44165
City of Las Vegas
Department of Planning

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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FIRST CLASS

UNITED STATES POSTAGE
PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR 08 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
City Council Meeting of 3/21/2012

MOONEY COURTNEY
1608 HOUSSELS AVE
LAS VEGAS NV 89104-1431

APN#16203212016

27 89104

p.1
7023840190
Mar 09 12 02:25p Viva Las Vegas

RECEIVED
CITY CLERK
2012 MAR 12 A 6:23

RECEIVED
CITY CLERK
2012 MAR 12 A 7:25

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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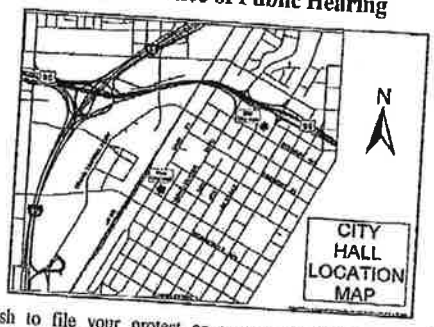

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

City Council Meeting of 3/21/2012

DECAR ENTERPRISES L L C
1205 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1307

APN#16203112027

27 BRDFN11 89104

RECEIVED
CITY CLERK

2012 MAR 12 A 7:25

03/10/2012 12:03 17022569688 CDC INC PAGE 01/01

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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0004279218 MAR 08 2012
MAILED FROM ZIP CODE 89101

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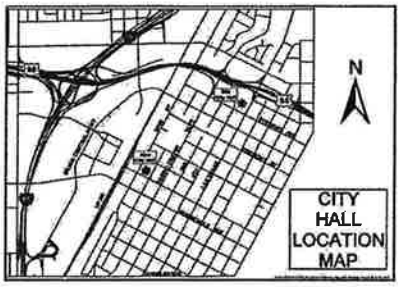
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
City Council Meeting of 3/21/2012

NO LIQUOR STORES ARE NECESSARY — ESPECIALLY WHAT WILL BE ESSENTIALLY A LIQUOR "WINDOW"!

REZA JAMES P & STACI D
1201 STRONG DR
LAS VEGAS NV 89102-2100

APN#16203515061

32 BRDFN11 89102

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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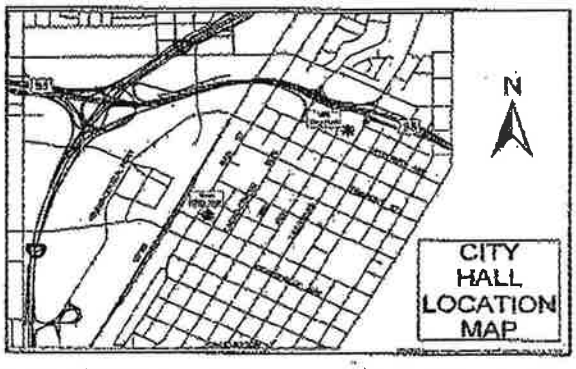
CITY CLERK

2012 MAR 12 A 10:32



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
City Council Meeting of 3/21/2012

ALPHA TRUST
15303 VENTURE BLVD #1050
SHERMAN OAKS CA 91403-5862

APN#16203210025

91403

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing

2012 MAR 12 A 10:32

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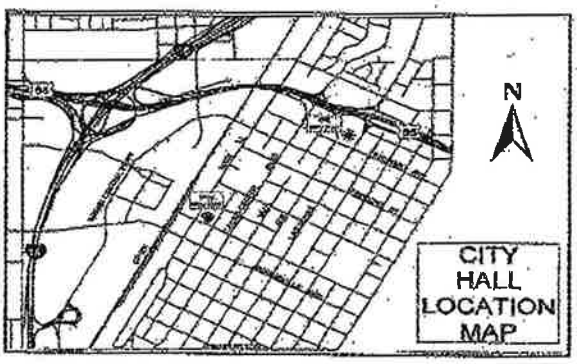
CITY CLERK



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☑ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
City Council Meeting of 3/21/2012

AVGANIM YEHUDA
ALPHA TRUST
15303 VENTURA BLVD #1050
SHERMAN OAKS CA 91403-5862

APN#16203210024

91403

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested

Official Notice of Public Hearing

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning. Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

13934411105
AKULIAN DAVID
1783 SONOMA AVE
BERKELEY CA 94707-2548 94707-2548

Case: SUP-44165

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42P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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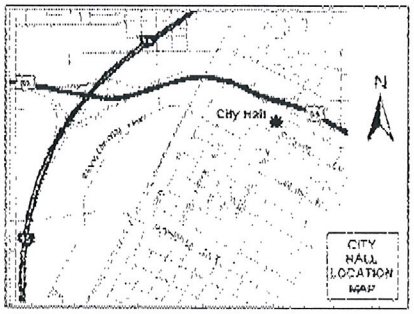
Official Notice of Public Hearing



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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, ~~Case Planning~~ Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☑ I OPPOSE this Request

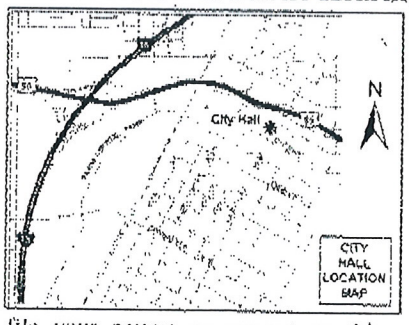
Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

16203210025 Case: SUP-44165
ALPHA TRUST
15303 VENTURE BLVD #1050
SHERMAN OAKS CA 91403-5862 91403-5

Official Notice of Public Hearing



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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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☐ I SUPPORT this Request ☑ I OPPOSE this Request

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SUP-44165

Planning Commission Meeting of 2/14/2012

16203210024 Case: SUP-44165
AVGANIM YEHUDA
ALPHA TRUST
15303 VENTURA BLVD #1050
SHERMAN OAKS CA 91403-5862 91403-5

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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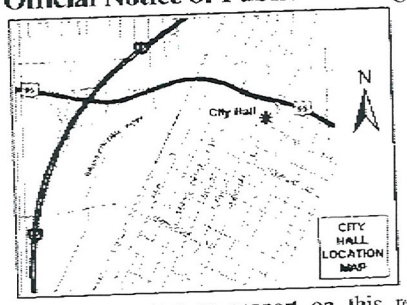

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-44165

Planning Commission Meeting of 2/14/2012

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MAILED FROM ZIP CODE 89101

2012-02-12 LV NV 8912

Case: SUP-44165

16203113008
MARTENSON TRUST
PANIAGUA RAUL A TRS
%R PANIAGUA
2207 BANCROFT ST #605
HOUSTON TX 77027-3721 77027-3721

99 LRDFN1.1 77027

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02.07.2010 01:37 AM

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Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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No. 9186 P. 2/2

02/06/2012 MON 14:14 [TX/RX NO 5903] 002

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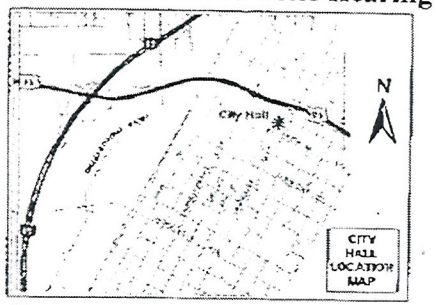

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

Case: SUP-44165

16203115001
305 LAS VEGAS L L C
421 HUDSON ST
NEW YORK NY 10014-3646 10014-3646

102 LRDFH11 10014

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FEB - 7 2012

Feb. 6. 2012 5:12PM

42A

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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FEB 02 2012
MAILED FROM ZIPCODE 89101

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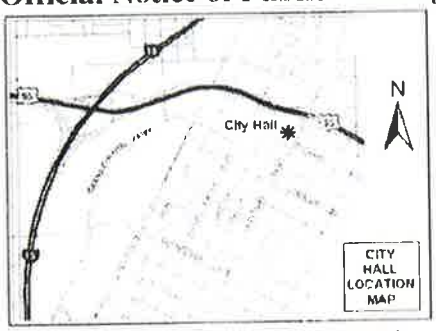

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case SUP-44165
16203515037
ASMUSSEN JEANNE
718 PARK PASEO ST
LAS VEGAS NV 89104-1532 89104-1532

fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
Planning Commission Meeting of 2/14/2012

Case SUP-44165
16203213054
SHALIMAR HOTEL ENTERPRISES
%S FAYEGHI
1401 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1327 89104-1327

27 LRDFN11 89104

Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
Planning Commission Meeting of 2/14/2012

CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SUP-44165
16203116007
DESERT STAR MOTEL ENTERPRISES
1401 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1327 89104-1327

27 LRDFN11 89104

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3P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

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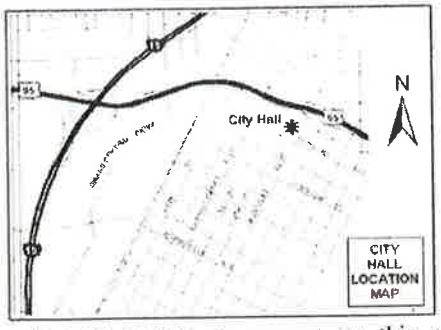

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PLANNING & DEVELOPMENT

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SUP-44165

Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203112032
SHALIMAR HOTEL ENTERPRISES
1401 S LAS VEGAS BLVD
LAS VEGAS NV 89104-1327 89104-1327

27 LRDFN1 89104

fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-44165

Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203112027
DECAR ENTERPRISES L L C
1205 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1307 89104-1307

27 LRDFN1 89104

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SUP-44165

Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203113011
FEY CHARLES BRUCE
FROST DIANE LORRAINE
8798 COLBATH AVE
PANORAMA CITY CA 91402-2634 91402-2

89 LRDFN1 91402

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3P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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Please use available blank space on card for your comments.

SUP-44165
Planning Commission Meeting of 2/14/2012

Case: SUP-44165
13934410099
CAVIGLIA DENNIS G & C M MARTL TR
HECKETHORN LIVING TRUST
%D HECKETHORN
4181 SQUAW CREEK CT
LAS VEGAS NV 89120-3872 89120-3872

40 LRDFM1 89120

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Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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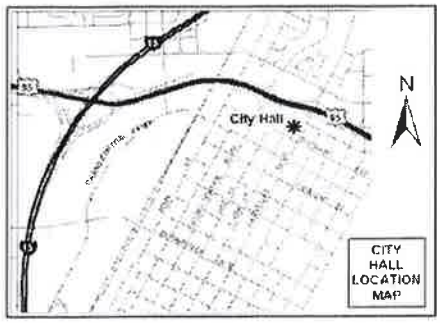

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SUP-44165
Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203602001
FOUNTOS DIANA K 2010 REV LIV TR
1469 S 7TH ST
LAS VEGAS NV 89104-1632 89104-1632

27 LRDFH11 89104

Application Information

SUP-44165 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC - For possible action on a request for a Special Use Permit FOR A 29 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING MOTEL at 1213 South Las Vegas Boulevard (APN 162-03-112-028), C-2 (General Commercial) and C-1 (Limited Commercial) Zones, Ward 3 (Coffin).

I'M AGAINST THIS PERMIT BECAUSE THERE IS LIQUOR SOLD AT WHITE CROSS DRUG AND WALGREENS. IF THIS IS BEING CONSIDERED, WHATS NEXT.? PLEASE DON'T TRASH MY AREA, ANYMORE. GO TO SUMMERLIN AND GREEN VALLEY AND TRY THIS!

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***February 14, 2012***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Department of Planning, Case Planning Division, Development Services Center, 333 North Rancho Drive, 3rd Floor, Las Vegas, Nevada 89106. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. For further information, including the full staff report, please call (702) 229-6301 (TDD 386-9108) or go to http://www.lasvegasnevada.gov.

P.S. ALSO ON SIGN - WANT NO SET-BACK

42

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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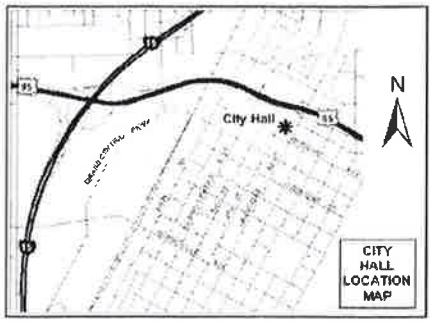

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203212016
MOONEY COURTNEY
1608 HOUSSELS AVE
LAS VEGAS NV 89104-1431 89104-1431

27 LRDFM11 89104

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

CITY CLERK
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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

We don't need this in our area like intrusion of homeless who are drinking in our residential areas

Case: SUP-44165
16203511002
HOWARD FAMILY TRUST
1101 S 6TH ST
LAS VEGAS NV 89104-1539 89104-1539

27 LRDFM11 89104

Application Information

SUP-44165 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ILAN GORODEZKI - OWNER: 1213 S. LAS VEGAS BLVD, LLC - For possible action on a request for a Special Use Permit FOR A 29 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING MOTEL at 1213 South Las Vegas Boulevard (APN 162-03-112-028), C-2 (General Commercial) and C-1 (Limited Commercial) Zones, Ward 3 (Coffin).

Same Soup. Different Name. We do not need anything else to attract the hookers, panhandlers and drug dealers to this neighborhood. NO to this request!

Application Location

The proposed project may not pertain to the entire highlighted project site.

Public Hearing Information

Meeting:	Planning Commission
Date:	***February 14, 2012***
Time:	6:00 P.M.
Location:	City Council Chambers 400 Stewart Avenue Las Vegas, Nevada

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Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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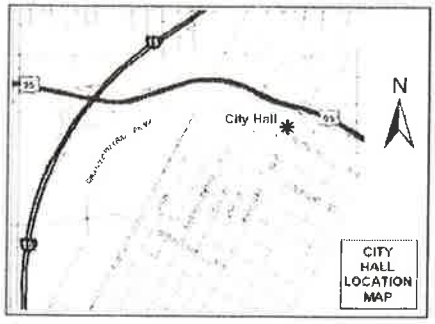

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165
Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203212010
MORNINGSTAR PAULA
1504 HOUSSELS AVE
LAS VEGAS NV 89104-1433 89104-1433

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CITY OF LAS VEGAS
PLANNING DEPARTMENT

02/11/2012 18:45 17022569588 CDC INC PAGE 01/01

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Development Services Center
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Las Vegas, Nevada 89106

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SUP-44165
Planning Commission Meeting of 2/14/2012

Case: SUP-44165
16203515061
REZA JAMES P & STACI D
1201 STRONG DR
LAS VEGAS NV 89102-2100 89102-2100

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Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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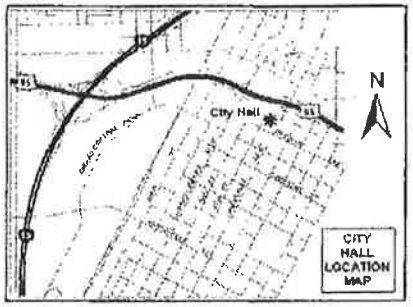

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

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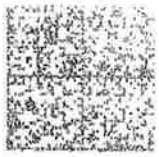

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ARISTOTLE HOLDING L P
1531 LAS VEGAS BLVD S
LAS VEGAS NV 89104-1311 89104-1311

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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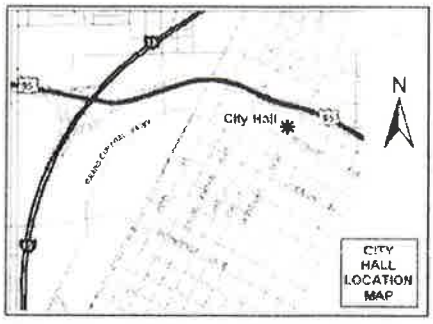

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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44165

Planning Commission Meeting of 2/14/2012

PRESORTED FIRST CLASS

Case: SUP-44165
16203110100
MAIN STREET VENTURES L L C
%T PRATO
105 W CHARLESTON
LAS VEGAS NV 89102-2532 89102-2532

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2A

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02/16/2012 14:47 FAX

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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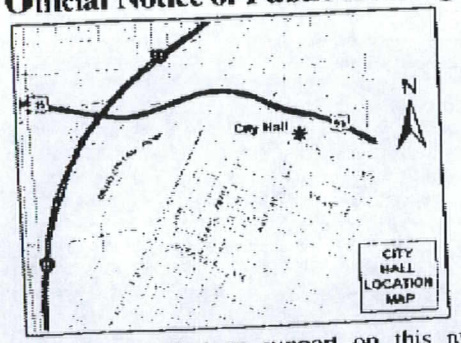

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☐ I SUPPORT this Request

☒ I OPPOSE this Request

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SUP-44165

Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SUP-44165

16203610009
HASSELL CAROLYN FREEMAN LIV TR
HASSELL CAROLYN FREEMAN TRS
1321 S 7TH ST
LAS VEGAS NV 89104-1632 89104-1632

27 LADFN11 89104

001

City of Las Vegas Agenda Item No.: **66.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

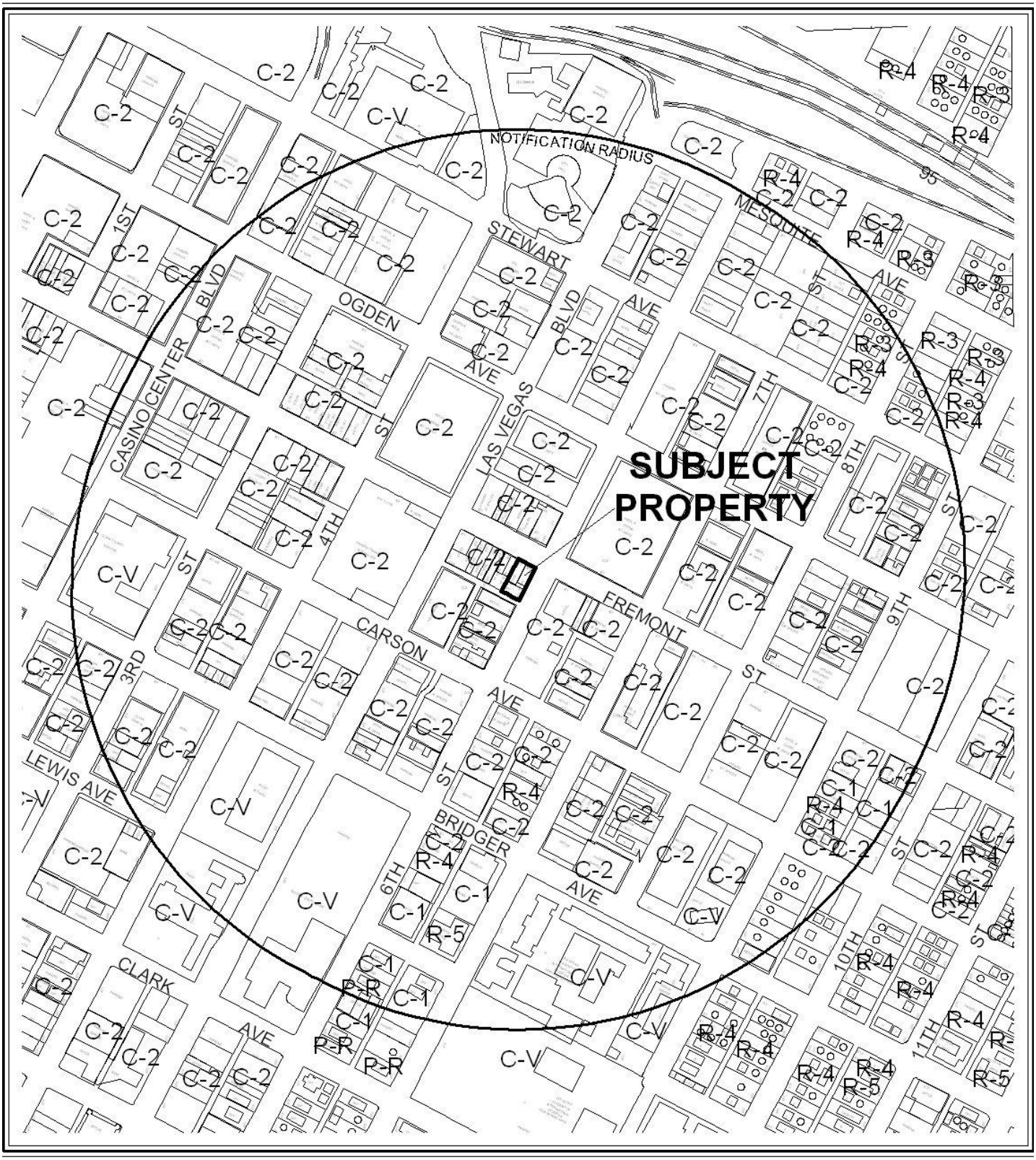
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SUP-44167 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED 5,958 SQUARE-FOOT TAVERN-LIMITED ESTABLISHMENT WITH A 1,055 SQUARE-FOOT OUTDOOR SEATING AREA at 525 East Fremont Street (APN 139-34-611-017), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**1**	**Planning Commission Mtg.**	**1**
City Council Meeting	**0**	**City Council Meeting**	**0**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location, Aerial and Special Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – SUP-44167



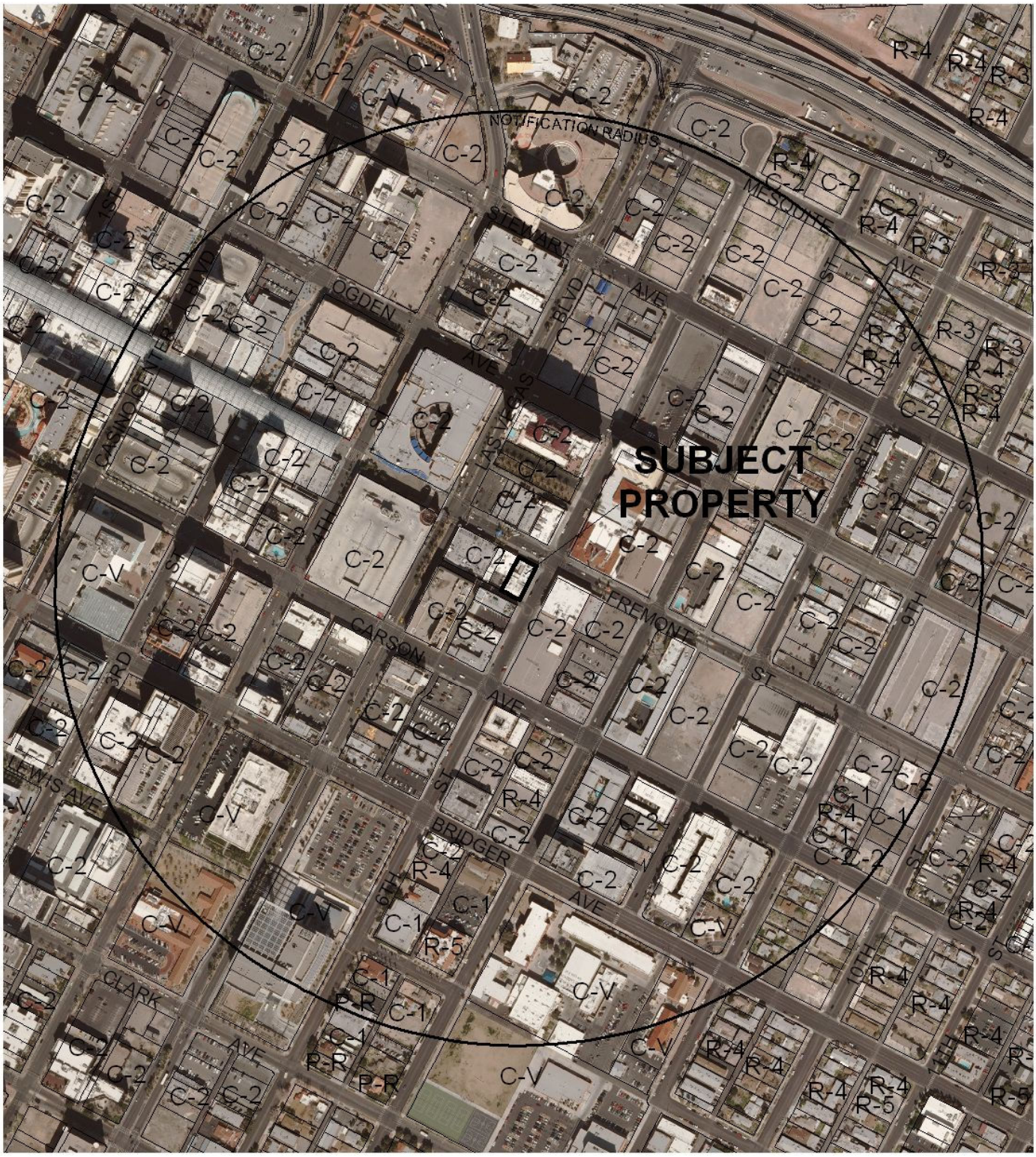
0 400 800 Feet

CASE: **SUP-44167**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

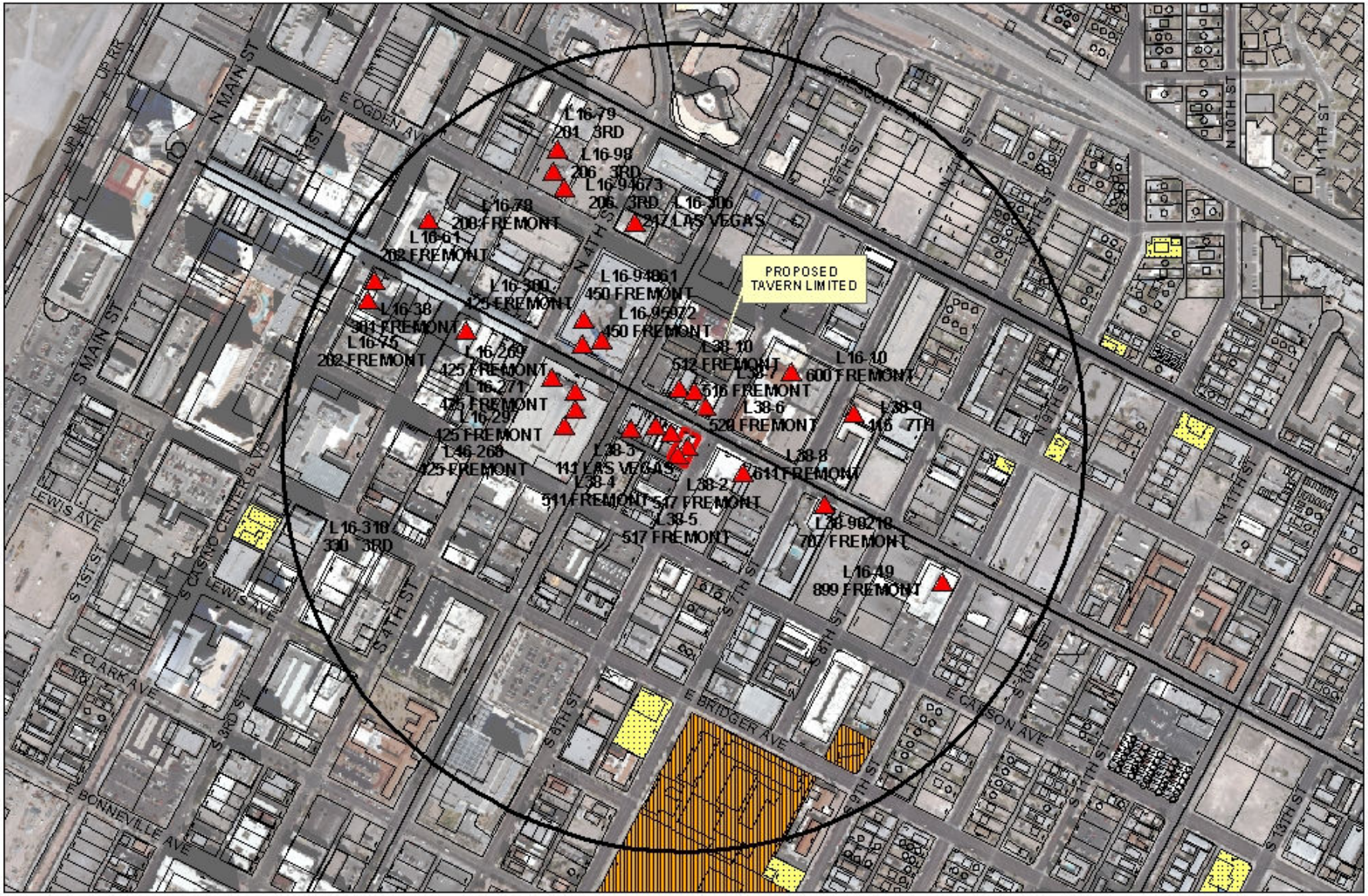
N



CASE: **SUP-44167**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



SUP-44167

Taverns

Business Licenses

Child Care/ Children Facility

Tavern

0 270 540 1,080 Feet

RELIGIOUS

CITY PARKS

SCHOOLS

Subject Property

1500 foot buffer

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SUP-44167	Staff recommends APPROVAL, subject to conditions:	N/A

** CONDITION(S) **

SUP-44167 CONDITIONS

Planning

1. Conformance to all Minimum Requirements under LVMC Title 19.12 for a Tavern-Limited use.

2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

3. Approval from the DDRC-ARC is required for proposed signage prior to submitting for sign permits.

4. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety. All issues concerning accessibility and compliance with ADA requirements shall be resolved prior to operation.

5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for a building permit.

6. Approval of this Special Use Permit does not constitute approval of a liquor license.

7. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

9. Submit an Encroachment Agreement to the City of Las Vegas for the outdoor dining furniture and any other privately maintained improvements in the Fremont Street and 6th Street public rights-of-way adjacent to this site prior to the issuance of any building permits. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 5,958 square-foot Tavern-Limited Establishment at 525 Fremont Street. The two-story establishment is made up of approximately 3,374 square feet gross floor area for the first floor bar area, 2,584 square feet gross floor area for the rooftop bar area, and 1,055 square feet gross floor area for the outdoor seating area. The applicant will provide live entertainment four nights a week and will operate from 4 p.m. to 3 a.m., seven days a week. Staff recommends approval of this request, as it directly meets the objectives of the Downtown Entertainment Overlay District and Downtown Centennial Plan by providing a live entertainment venue and by adding to the interest of the pedestrian environment. If denied, the applicant will not be allowed to operate a Tavern-Limited Establishment at this location.

ISSUES

- The Tavern-Limited Establishment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.
- The proposed Tavern use is located within the Downtown Entertainment Overlay District.
- All signage requires DDRC-ARC approval prior to issuance of permits.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
04/12/11	The Planning Commission approved a request for a Special Use Permit (SUP-41036) for a proposed 1,983 square-foot Tavern-Limited Establishment at 523 Fremont Street. Staff recommended approval.
05/10/11	Code Enforcement Case #101729 was issued for illegal signage consisting of off-premise advertising for a Casino at Fremont Street. This case was resolved on 12/01/11.
09/20/11	The Downtown Design Review Committee approved a request for a sign review (ARC-43058) for a Restaurant and Tavern-Limited Establishment adjacent to this site, at 523 Fremont Street.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item #43/mh).

Most Recent Change of Ownership	
11/06/06	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/14/08	A Building Permit (#108392) was issued over-the-counter for interior demolition work at 525 Fremont Street.

Pre-Application Meeting	
10/18/11	A pre-application meeting was held with staff and the applicant to discuss the submittal requirements for a Special Use Permit to operate a proposed Tavern-Limited Establishment.

Neighborhood Meeting
A neighborhood meeting is not required for this type of request, nor was one held.

Field Check	
01/04/12	Staff conducted a field check and found an unoccupied building with remnants of illegal banners pasted to the facade. The property was properly secured.

Details of Application Request	
Site Area	
Net Acres	0.20

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	General Retail Store	C (Commercial)	C-2 (General Commercial)
North	Tavern-Limited Establishment	C (Commercial)	C-2 (General Commercial)
South	General Retail Store	C (Commercial)	C-2 (General Commercial)
East	General Retail Store	C (Commercial)	C-2 (General Commercial)
West	Tavern-Limited Establishment	C (Commercial)	C-2 (General Commercial)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Downtown Centennial Plan	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts			
Downtown Centennial Plan Overlay District - Fremont East District	X		Y
A-O (Airport Overlay) District – 200 Feet	X		Y
Downtown Entertainment Overlay District	X		Y
Live/Work Overlay District	X		N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Parking Requirement - Downtown							
Use	***Gross Floor Area or Number of Units***	***Base Parking Requirement***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Tavern-Limited	7,013 SF (3,977 SF public seating & 3,036 SF remaining GFA)	1 space per 50 sq. ft. of public seating and waiting area (including outdoor areas for seating and waiting), plus 1 space for every 200 sq. ft. of the total remaining gross floor area					
TOTAL SPACES REQUIRED			95		0		
Regular and Handicap Spaces Required			93	2	0	0	Y*

**Projects located within the Las Vegas Downtown Centennial Plan area are not subject to the automatic application of parking requirements. However, the above table should be used to illustrate the requirements of an analogous project in another location in the City.*

ANALYSIS

A Tavern-Limited Establishment is described in Title 19.12 as: "An establishment that is licensed with a tavern-limited license in accordance with LVMC Chapter 6.50." There are no Minimum Special Use Permit Requirements for this use. This use is permitted in the C-2 (General Commercial) zoning district with an approved Special Use Permit.

As this project is located within the Downtown Entertainment Overlay District, live entertainment will be provided four days a week inside of the Tavern and will add to the variety of entertainment options in the neighborhood. The proposed Tavern Limited Establishment will be open seven days a week, operating from 4 p.m. to 3 a.m. It is noted that there is no elevator access provided to the 2,584 square-foot second level rooftop bar area. The applicant has provided a copy of his interpretation of ADA requirements and how those issues are addressed. In addition to the first and second floor bar areas, this proposal depicts 1,236 square feet of outdoor seating space among three areas along Fremont and Sixth Street; however, only 1,055 square feet of seating area is available once required circulation areas are removed (i.e. the pedestrian walkway from the public sidewalk to the main entry). Approval of an Encroachment Agreement is required in order to have outdoor seating within the Fremont Street and Sixth Street rights-of-way prior to occupancy.

This project is located on Fremont Street with ample parking for the proposed use provided by two public parking garages within one block of the establishment and public parking meters located on all surrounding streets. The project is located within the Downtown Centennial Plan area which allows for deviation from the standard parking requirements.

FINDINGS (SUP-44167)

In order to approve a Special Use Permit application, per Title 19.16.110(L) the Planning Commission and City Council must affirm the following:

1. **The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.**

   The proposed Tavern-Limited Establishment use is located in the Downtown Centennial Plan - Fremont East District and the Downtown Entertainment Overlay District and will serve as a live entertainment venue that is complementary to the other nightclubs in the neighborhood. This proposal will contribute to the vibrant nightlife specifically encouraged within the Downtown Entertainment Overlay District.

2. **The subject site is physically suitable for the type and intensity of land use proposed.**

The subject site can physically accommodate the proposed Tavern-Limited Establishment use and is in close proximity other nightclubs in the neighborhood. However, the proposed internal building circulation is not physically suitable for a Tavern-Limited use, as there is no elevator access to the second floor for the wheelchair using public.

3. **Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.**

   Site access is provided from Fremont Street, an 80-foot Secondary Collector as designated in the Master Plan of Streets and Highways and 6th Street, an 80-foot right-of-way. These streets are sufficient in size to accommodate the needs of the proposed use. The parking standards of Title 19 are not automatically applied for proposals within the Downtown Centennial Plan area; however, the applicant anticipates utilizing two nearby public parking garages and on-street parking meters to satisfy the developments parking demand. Staff finds that a sufficient amount of available parking is located within a one-block radius of this proposal.

4. **Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.**

   Approval of this proposed Special Use Permit will not compromise the public health, safety and general welfare of the public. The use will be subject to regular inspections and is subject to licensing restrictions.

5. **The use meets all of the applicable conditions per Title 19.12.**

   There are no applicable conditions for a Tavern-Limited Establishment per Title 19.12.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 34

NOTICES MAILED 201 (By City Clerk)

APPROVALS 1

PROTESTS 0

MH

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-44167** APN: 139-34-611-017

Name of Property Owner: T-BREO II LLC

Name of Applicant: 6th & Free, LLC

Name of Representative: Michael Parks

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: JONATHAN JOSSEL, AUTHORIZED Signatory

Subscribed and sworn before me

This 19 day of December, 2011

Stephanie F. Gantt Clark, Nevada

Notary Public in and for said County and State

STEPHANIE F. GANTT
Notary Public State of Nevada
No. 08-5715-1
My appt. exp. Jan. 23, 2012

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DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Special Use Permit

Project Address (Location) 523 E. Fremont Street

Project Name Commonwealth Bar **Proposed Use** Tavern-Limited

Assessor's Parcel #(s) 139-34-611-017 **Ward #** 5 - Barlow

General Plan: existing C proposed C **Zoning:** existing C-2 proposed C-2

Commercial Square Footage 5615 **Floor Area Ratio**

Gross Acres 20 **Lots/Units** **Density**

Additional Information

PROPERTY OWNER T-BREO II LLC **Contact** Jonathan Jossel

Address 1 Main Street **Phone:** (702) 386-2526 **Fax:** (702) 386-2552

City Las Vegas **State** NV **Zip** 89101

E-mail Address jjossel@tamares.com

APPLICANT 6th and Free, LLC **Contact** Michael Parks

Address 900 Las Vegas Blvd. S. #805 **Phone:** (702) 523-8360 **Fax:** (702) 369-4911

City Las Vegas **State** NV **Zip** 89101

E-mail Address michael.parks@cbre.com

REPRESENTATIVE same as applicant **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

Property Owner Signature* [signature]

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name JONATHAN JOSSEL, AUTHORIZED SIGNATORY

Subscribed and sworn before me

This 19th day of December, 20 11.

Stephanie F. Gantt Clark, Nevada

Notary Public in and for said County and State

Revised 10/27/08

STEPHANIE F. GANTT
Notary Public State of Nevada
No. 08-5715-1
My appt. exp. Jan. 23, 2012

FOR DEPARTMENT USE ONLY

Case #	SUP-44167
Meeting Date:	2/14/12 PC
Total Fee:	1280.00
Date Received:*	12/19/11
Received By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

f:\depot\Application Packet\Application Form.pdf

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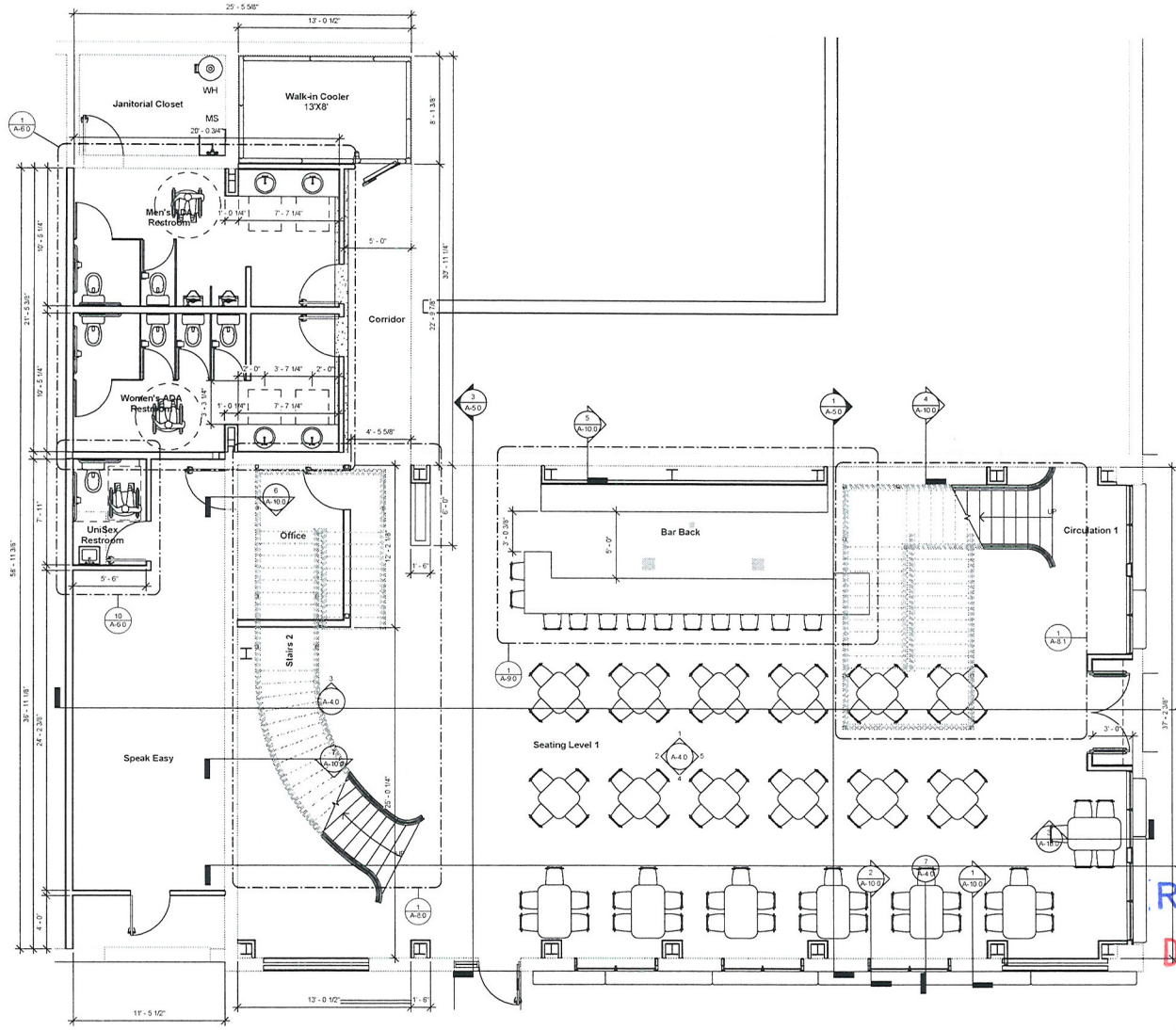

Occupancy Load Table

Number	Name	Area	Load Fact	Occupant Load
Level 1				
100	Seating Level 1	1835.62 SF	15	123
101	Corridor	112.43 SF	100	2
102	Office	92.83 SF	100	1
104	Walk-in Cooler	106.66 SF	300	1
105	Men's ADA Restroom	206.06 SF	100	3
106	Women's ADA Restroom	205.21 SF	100	3
107	Bar Back	177.17 SF	200	1
108	Circulation 1	174.04 SF	100	2
109	Stairs 2	119.53 SF	100	2
110	Janitorial Closet	83.54 SF	300	1
117	Speak Easy	323.50 SF	15	22
120	UniSex Restroom	43.54 SF		0
		3469.14 SF		161
Roof Level				
111	Bar Back	198.67 SF	200	1
112	Seating 2	1871.14 SF	15	125
113	Stairs 1	27.55 SF	100	1
118	Storage	13.37 SF		0
119	Storage	24.32 SF		0
		2135.05 SF		127
		5615.19 SF		288

1 Floor Plan Level 1 (New)
1/4" = 1'-0"

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Date Plotted: 12-5-2011 6:48:26 PM

REV	DATE	DESCRIPTION

CONSULTANT

DESIGNED MA
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FILE
DATE 09/25/11

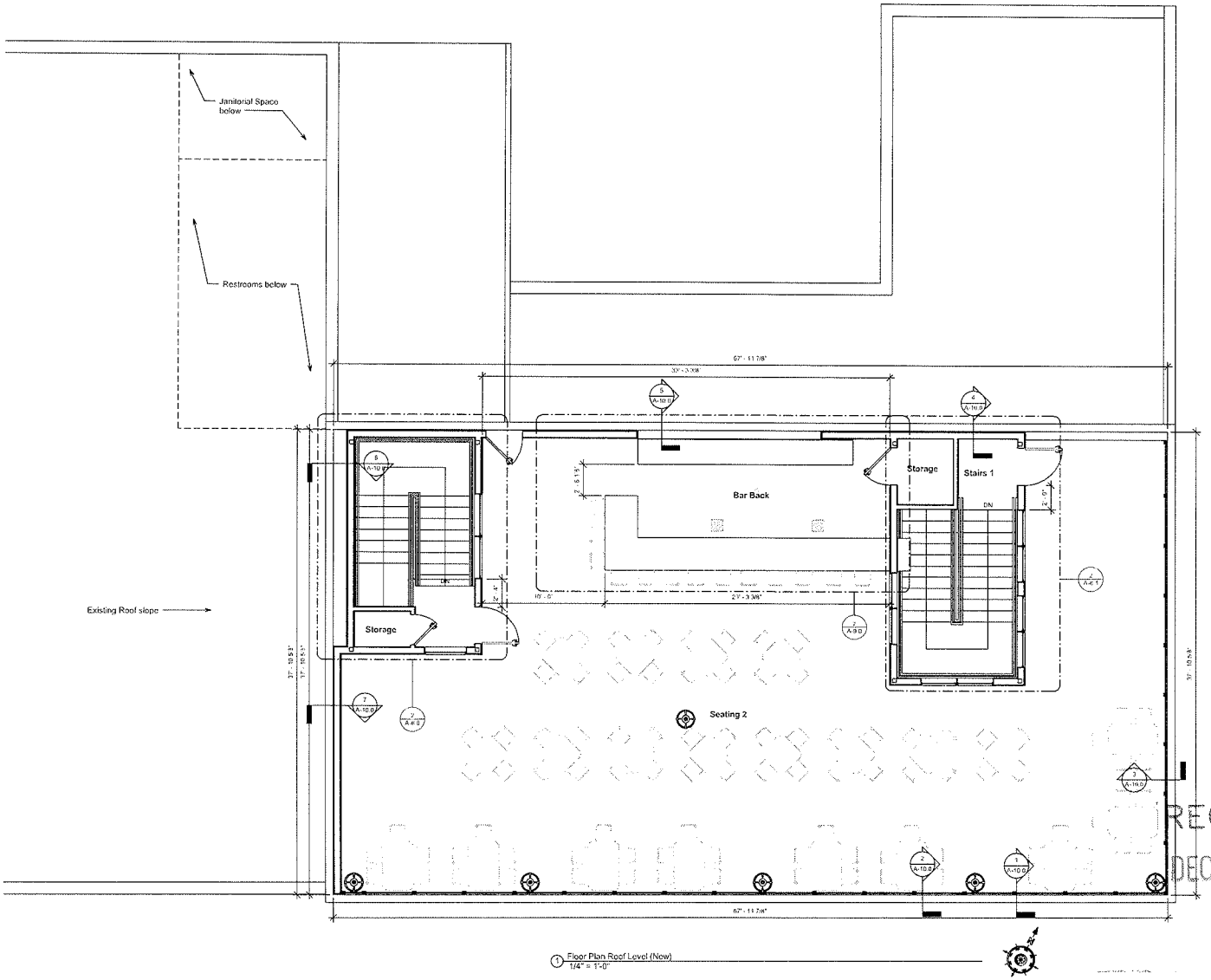
Nutone Construction
License # 0062214 B
4526 W. Hacienda • Las Vegas, Nevada 89118
(702) 876-9600 • FAX (702) 876-2227

Commonwealth Bar
523 Fremont Street, LV, NV 89101

CONTRACTOR
Nutone Construction — Brian Armstrong
Company Name — Please Print
0062214 B — Contractor's Representative OR Water or C.L.P. Plumbing or Electrical Journeyman
Contractor License Number
Brian Armstrong — Signature
Plans Prepared By

JOB # 387P2011
Preliminary Not for Construction
SHEET
A-1.2
Floor Plan Level 1 (New)
SCALE 1/4" = 1'-0"

SUP-44167



1 Floor Plan Roof Level (New)
1/4" = 1'-0"

Occupancy Load Table

Number	Name	Area	Load Fact	Occupant Load
Level 1				
100	Seating Level 1	1835.62 SF	15	123
101	Cashier	112.43 SF	100	2
102	Office	97.53 SF	100	1
104	Walk-in Cooler	166.66 SF	300	1
105	Mens ADA Restroom	268.06 SF	100	3
106	Womens ADA Restroom	205.21 SF	100	3
107	Bar Back	177.17 SF	200	1
108	Circulation 1	174.04 SF	100	2
109	Stairs 2	119.54 SF	100	2
110	Janitorial Closet	83.54 SF	300	1
117	Spirit Easy	323.58 SF	15	22
120	UniSex Restroom	43.54 SF		0
		3460.14 SF		161
Roof Level				
111	Bar Back	194.87 SF	200	1
112	Seating 2	1871.14 SF	15	125
113	Stairs 1	27.55 SF	100	1
116	Storage	13.27 SF		0
119	Storage	24.22 SF		0
		2135.05 SF		127
		5615.19 SF		288

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REV	DATE	DESCRIPTION

CONSULTANT

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FILE
DATE 09/25/11

Nutone Construction
License # 0062214 B
4526 W. Hacienda • Las Vegas, Nevada 89118
(702) 876-9600 • FAX (702) 876-2227

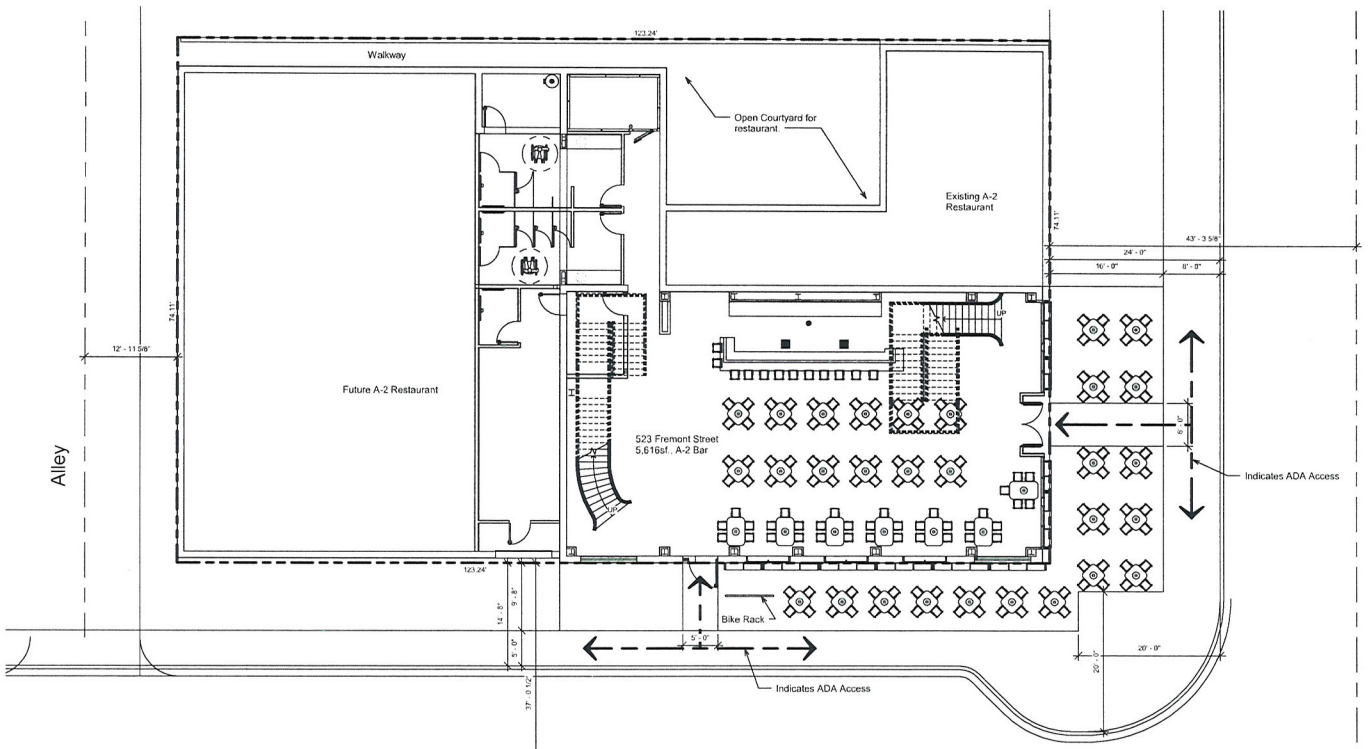
Commonwealth Bar

523 Fremont Street, LV, NV 89101

CONTRACTOR

JOB # 387P2011
Preliminary Not for Construction
SHEET
A-2.2
Floor Plan Roof Level (New)
SCALE 1/4" = 1'-0"

SUP-44167



Project Location

Parcel #: 139-34-611-017

Zoning Classification: General Commercial District(C-2)

Address:
523 Fremont Street
Las Vegas, Nevada 89101

Occupancy Load Table with Outside Seating

Number	Name	Area	Load Fact	Occupant Load
Level 1				
100	Seating Level 1	1835.62 SF	15	123
101	Corridor	112.43 SF	100	2
102	Office	92.83 SF	100	1
104	Walk-in Cooler	106.66 SF	300	1
105	Men's ADA Restroom	206.06 SF	100	3
106	Women's ADA Restroom	205.21 SF	100	3
107	Bar Back	177.17 SF	200	1
108	Circulation 1	174.04 SF	100	2
109	Stairs 1	119.53 SF	100	2
110	Janitorial Closet	83.54 SF	300	1
114	Outside Seating Area 1	263.95 SF	15	18
115	Outside Seating Area 2	806.64 SF	15	54
116	Outside Seating Area 3	167.19 SF	15	12
117	Speak Easy	323.50 SF	15	22
120	UniSex Restroom	43.54 SF		0
		4717.02 SF		245
Roof Level				
111	Bar Back	198.67 SF	200	1
112	Seating 2	1871.14 SF	15	125
113	Stairs 2	27.55 SF	100	1
118	Storage	13.37 SF		0
119	Storage	24.32 SF		0
		2135.05 SF		127
		6852.98 SF		372

Parking Calculations

Public Seating Areas: 3,976.51sf / 50 = 79.53 or 80

Common Areas: 2,876.47sf / 200 = 14.38 or 15

Total On-site parking required = 80 + 15 = 95 parking spaces required.

Note:
This parcel lies within the Las Vegas Centennial Plan's Fremont East District.

The adjacent parcels are all Zoned C-2.

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① Site Plan
1/8" = 1'-0"

REV	DATE	DESCRIPTION

CONSULTANT

DESIGNED MA
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CHECKED MA
FILE
DATE 09/25/11

Nutone Construction
License # 0062214 B
4526 W. Hacienda • Las Vegas, Nevada 89118
(702) 876-9600 • FAX (702) 876-2227

Commonwealth Bar
523 Fremont Street, LV, NV 89101

CONTRACTOR
These plans are prepared and submitted by the contractor as an exemption to NRS 623.297 for work under the contractors license category authorized under NRS 624.

Nutone Construction	Brian Arredondo
Company Name	Please Print Contractor Representative OR Mechanical or Plumbing or Electrical and Number
0062214 B	
Contractor License Number	
Brian Arredondo	
Plans Prepared For	Signature

JOB # 387P2011
Preliminary Not for Construction
SHEET
A-0.1
Site Plan
SCALE 1/8" = 1'-0"

SUP-44167

SUP-44167 - APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC
525 EAST FREMONT STREET

01/04/12

SUP-44167 - APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC
525 EAST FREMONT STREET

01/04/12

SUP-44167 - APPLICANT: 6TH AND FREE - OWNER: T-BREO II, LLC
525 EAST FREMONT STREET

01/04/12

December 19, 2011

City of Las Vegas
Department of Planning
333 N. Rancho Drive
Las Vegas, NV 89106

Re: 523 Fremont Street / Special Use Permit

To Whom It May Concern:

6th and Free, LLC is requesting that a special use permit be granted at 523 E. Fremont Street to allow a Tavern-Limited operation. The building has been vacant for many years and the proposed use fits within the Entertainment District Land Use category.

The tavern will occupy approximately 3,200 square feet of space on the ground floor. A new roof-top patio will be added which will contain approximately 2,000 square feet of space. In addition outside seating on the ground floor of the Tavern will be utilized as allowed by code. The proposed Tavern will be open 7 days a week with the hours of operation being 4pm to 3am. These hours will likely change based on demand and business levels of the operation. Live entertainment in the form of DJ's and other musical acts will be featured 4 days a week in the Tavern. Parking is satisfied by on-street parking and two public parking garages within one block of the establishment.

This project will be an exciting addition to the Fremont Entertainment District and the proposed use fits within all the requirements the City has established for the District. If you have any questions regarding the proposed use please contact me at 523-8360.

Sincerely,

Michael Parks

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SUP-44167

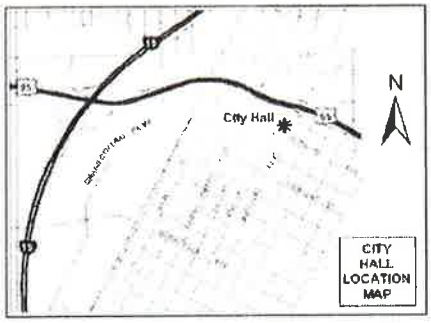
NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 FEB02 2012
MAILED FROM ZIP CODE 89101

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44167
Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

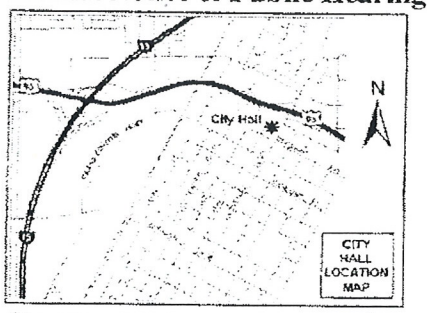
Case: SUP-44167
16205415019
GRABIN CAROLYNN
608 E BEVAN DR
JOLIET IL 60435-5613 60435-5613

123 LRDFN11 60435

43 P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



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[X] I SUPPORT this Request [ ] I OPPOSE this Request

Please use available blank space on card for your comments.

SUP-44167

Planning Commission Meeting of 2/14/2012

Case: SUP-44167

16205415027
EMERALD TRUST
3022 EL CAMINO AVE
LAS VEGAS NV 89102-4056 89102-4056

92 LADFN11 89102

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FEB - 6 2012

43A

City of Las Vegas Agenda Item No.: **67.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 21, 2012

DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:

ROC-44510 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: WAL-MART STORES, INC. DBA WAL-MART #3655 - OWNER: WAL-MART REAL ESTATE BUSINESS TRUST - For possible action on a request for a Review of Condition of a previously approved Special Use Permit (SUP-3653) TO DELETE CONDITIONS #6 AND #7 THAT STATE "THE SALE OF ALCOHOLIC BEVERAGES SHALL BE LIMITED TO THE SALE OF BEER AND WINE ONLY," AND "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATION AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED" at 10440 West Cheyenne Avenue (APN 137-12-817-002), PD (Planned Development) Zone, Ward 4 (Anthony). Staff recommends APPROVAL.

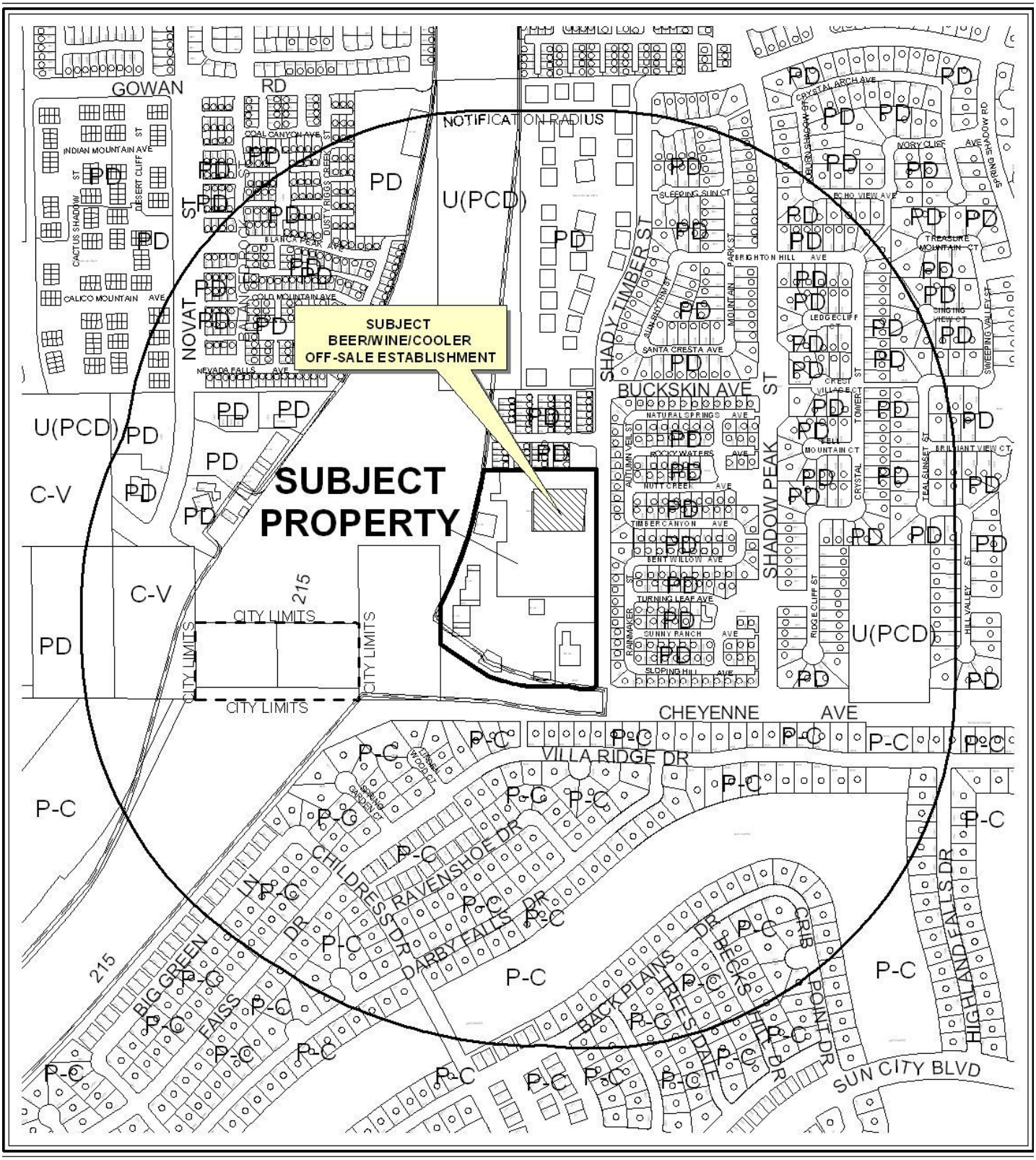
PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**0**	**Planning Commission Mtg.**	**0**
City Council Meeting	**1**	**City Council Meeting**	**0**

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. City Council Approval Letter for SUP-3653
5. Justification Letter
6. Protest Postcard



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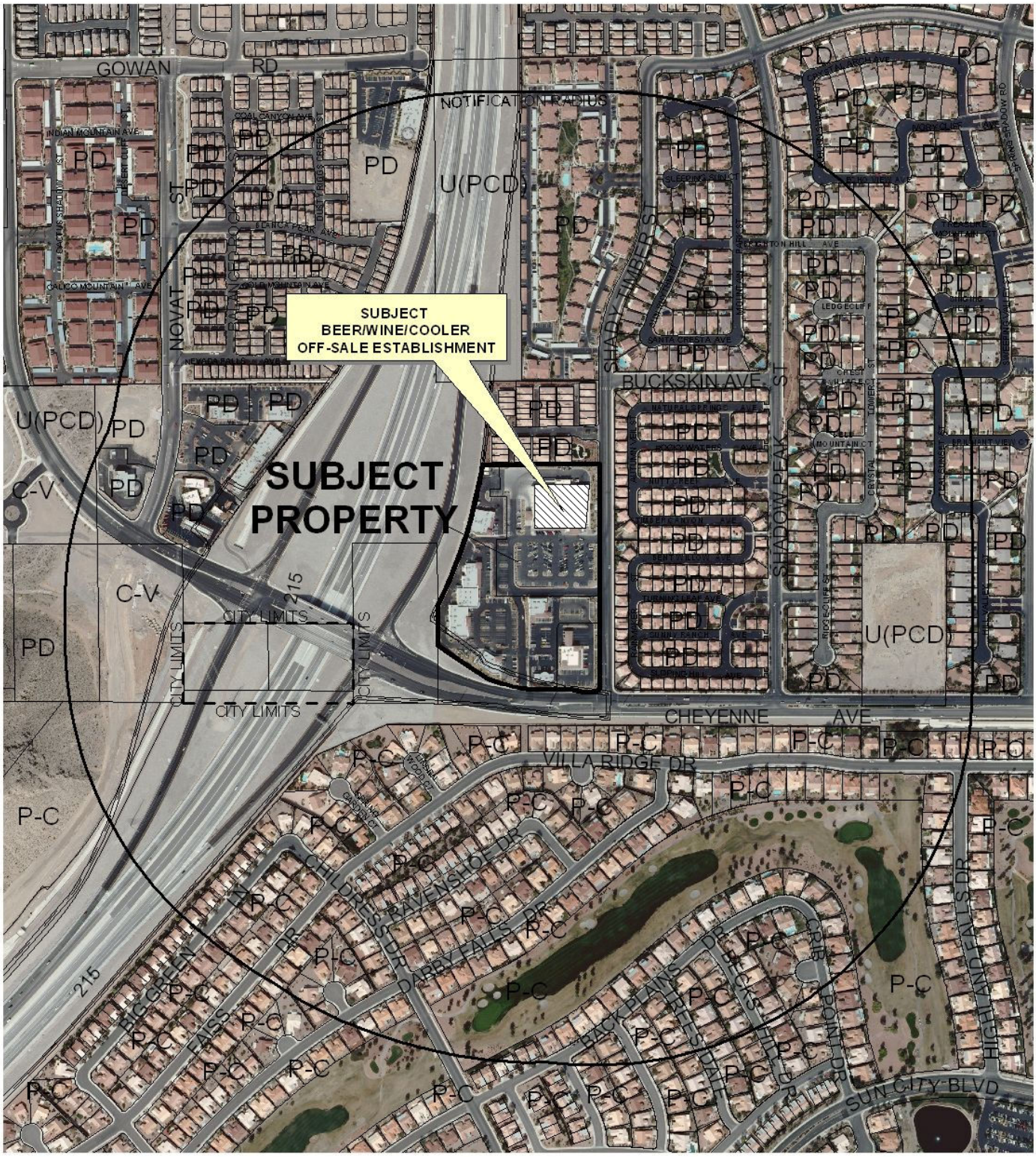
CASE: **ROC-44510**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N



0 500 1000 Feet

CASE: **ROC-44510**

RADIUS: 1500 FEET

ZONING OF SUBJECT PROPERTY: PD (PLANNED DEVELOPMENT)

N

Business Licenses

ROC-44510
Beer/Wine/Cooler Off-Sale

- Child Care/ Children Facility
- Beer/Wine/Cooler On Sale
- Beer/Wine/Cooler Off Sales
- Beer/Wine/Cooler On-Off Sale
- Package Liquor Sales
- Supper Club/ Restaurant Service Bar
- Tavern
- RELIGIOUS
- CITY PARKS
- SCHOOLS
- Subject Property
- 400 foot buffer
- N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT: WAL-MART STORES, INC. DBA WAL-MART #3655 - OWNER: WAL-MART REAL ESTATE BUSINESS TRUST

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
ROC-44510	Staff recommends APPROVAL, subject to conditions:	None

** CONDITIONS **

ROC-44510 CONDITIONS

Planning

1. Condition #6 of Special Use Permit (SUP-3653) shall be deleted.

2. Condition #7 of Special Use Permit (SUP-3653) shall be deleted.

3. Conformance to the conditions of approval of the Special Use Permit (SUP-3653) and all other site related actions as required by the Department of Planning and Department of Public Works.

DS

** STAFF REPORT **

PROJECT DESCRIPTION

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-3653) to delete conditions #6 and #7 that state, "the sale of alcoholic beverages shall be limited to the sale of beer and wine only," and "the sale of individual containers of any size of beer, wine coolers and screw cap wine is prohibited. All such products shall remain in their original configuration as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted" at 10440 West Cheyenne Avenue. The applicant has the appropriate business licenses and has not experienced any licensing issues. There have been numerous calls for service for the Metropolitan Police Department to the shopping center, but none are directly related to the operation of the subject business. There are three liquor licenses within 400 feet of the subject site, one for beer/wine/cooler on-sale within a restaurant, a tavern, and a package liquor license which is currently inactive.

As there have been no negative police calls for service directly related to the business, no protected uses in the vicinity, and the package liquor store formerly located within the shopping center has since closed, staff is recommending approval of this request.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
12/07/00	The Planning Commission approved a request for a Tentative Map (TM-0058-00) for one lot on 15.17 acres on the northwest corner of Cheyenne Avenue and Shady Timber Street.
04/25/02	The Planning Commission approved a request for a Tentative Map (TM-0018-02) for a one-lot commercial subdivision on 15.88 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street.
09/17/03	The Planning and Development Department approved a request for a Final Map Technical Review (FMP-2897) for Cheyenne at Shady Timber. The map was recorded on 09/09/04.
05/19/04	The City Council approved a request for a Special Use Permit (SUP-3653) for a Liquor Establishment, Off-Premise Consumption in conjunction with a proposed 39,960 square-foot Grocery Store adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.

Related Relevant City Actions by P&D, Fire, Bldg., etc	
05/19/04	The City Council approved a related request for a Site Development Plan Review (SDR-3651) and a Waiver of the foundation landscaping buffer for a proposed 87,790 square-foot retail center on 11.73 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.
01/27/05	The Planning and Development Department administratively approved a request for a Site Development Plan Review (SDR-5733) for an aesthetic review of approved pad sites "A" through "H" and perimeter landscaping on 15.23 acres adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street.
07/14/05	The Planning Commission approved a request for a Master Sign Plan (MSP-6910) for a proposed commercial development adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street. Staff recommended approval.
04/19/06	The City Council approved a request for a Special Use Permit (SUP-11640) for a proposed Liquor Establishment (Tavern) on pad "E" of an approved commercial development (SDR-5733) on 0.10 acres of an 11.64 acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.
	The City Council approved a related request for a Site Development Plan Review (SDR-11639) for the proposed modification of parking circulation, and pads A, B, C, D, E, F, and H of an approved commercial development on 6.76 acres of an 11.64 acre site at the northwest corner of Cheyenne Avenue and Shady Timber Street. The Planning Commission and staff recommended approval.
08/04/11	A Code Enforcement case (10440) was processed for violation of conditions 6 and 7 of Special Use Permit (SUP-3653). The case remains open.

Most Recent Change of Ownership	
10/14/04	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
02/10/06	A business license (C05-02448) was issued for Tobacco Sales at 10440 West Cheyenne Avenue. The license was renewed on 07/27/11 and is still active.
02/10/06	A business license (G05-01985) was issued for a Grocery Store/LAB/Pharmacy at 10440 West Cheyenne Avenue. The license is still active.
02/10/06	A business license (L15-00131) was issued for Package Liquor at 10440 West Cheyenne Avenue. The license was renewed 07/18/11 and is still active.

Related Building Permits/Business Licenses	
07/05/06	A business license (N02-00099) was issued for a Non-Depository Lender at 10440 West Cheyenne Avenue. The license was renewed on 07/18/11 and is still active.
01/08/08	A business license (Q04-00033) was issued for a Pharmacist at 10440 West Cheyenne Avenue. The license was renewed on 07/18/11 and is still active.
08/05/08	A business license (W10-00177) was issued for Money Transfer at 10440 West Cheyenne Avenue. The license is still active.
08/31/09	A business license (V02-01840) was issued for DVD Rentals/Sales at 10440 West Cheyenne Avenue. The license is still active.
06/01/11	A business license (C08-01947) was issued for Amusement Machines at 10440 West Cheyenne Avenue. The license is still active.
There have been no recent building permits issued for the subject site.	

Pre-Application Meeting	
01/18/12	A pre-application meeting was held with the applicant to discuss the submittal requirements for a Review of Condition to delete conditions #6 and #7 of the Special Use Permit (SUP-3653).

Neighborhood Meeting
A neighborhood meeting was not required, nor was one held.

Field Check	
01/30/12	Staff conducted a field check of the subject site and found the area surrounding the business neat and clean in appearance with no discrepancies noted.

Details of Application Request	
Site Area	
Gross Acres	4.88

Surrounding Property	*Existing Land Use Per Title 19.12*	*Planned or Special Land Use Designation*	*Existing Zoning District*
Subject Property	Grocery Store	PCD (Planned Community Development)	PD (Planned Development)
North	Single Family Residences	PCD (Planned Community Development)	PD (Planned Development)
South	Shopping Center	PCD (Planned Community Development)	PD (Planned Development)
East	Single Family Development	PCD (Planned Community Development)	P-C (Planned Community)
West	I-215	ROW (Right-of-Way)	ROW (Right-of-Way)

Master Plan Areas	*Yes*	*No*	*Compliance*
Master Plan Area			
Lone Mountain	X		Y
Special Purpose and Overlay Districts	***Yes***	***No***	***Compliance***
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The applicant is requesting a Review of Condition of a previously approved Special Use Permit (SUP-3653) to delete conditions #6 and #7 that limited the sale of alcohol to beer and wine and prohibited the sale of individual containers of beer, wine coolers and screw cap wine at 10440 West Cheyenne Avenue. The applicant has the appropriate business licenses and has not experienced any licensing issues. The Metropolitan Police Department received numerous calls for service to the shopping center, but none are directly related to the operations of the business, specifically pertaining to alcohol sales. There are three liquor licenses within 400 feet of the subject site all located within the shopping center that includes beer/wine/cooler on-sale within a restaurant, a tavern, and a package liquor establishment, which has since closed.

FINDINGS

As there have been no police incidents related to the sale of liquor at the retail establishment, no protected uses within 400 feet, and the package liquor store located within the shopping center experienced no incidents and has since closed, staff is recommending approval of this request.

NOTICES MAILED 1077 (By Planning)

APPROVALS 0

PROTESTS 0

DS

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-44510 APN: 137-12-187-002

Name of Property Owner: Wal-Mart Real Estate Business Trust

Name of Applicant: Wal-Mart Stores, Inc. dba Wal-Mart #3655

Name of Representative: Brownstein Hyatt Farber Schreck, LLP (Andrew Moore, Attorney)

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____

Print Name: Cathryn Santoro VP-Treasurer

Subscribed and sworn before me

This 30th day of January, 2012

_____

Notary Public in and for said County and State

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Department of Planning

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Review of Conditions of Special Use Permit (SUP-3655)

Project Address (Location) 10440 West Cheyenne Avenue, Las Vegas, NV 89129

Project Name Wal-Mart - Review of Conditions of Special Use Permit (SUP-3655) **Proposed Use** Same/Retail Establishment/Grocery

Assessor's Parcel #(s) APN 137-12-817-002 **Ward #** 4

General Plan: existing PCD proposed None **Zoning:** existing PD proposed None

Commercial Square Footage 39,690 **Floor Area Ratio** N/A

Gross Acres 4.88 **Lots/Units** 1 **Density** N/A

Additional Information

PROPERTY OWNER Wal-Mart Real Estate Business Trust **Contact** Kevin Gladden

Address Attn: Tax Department PO Box 8050 MS 0555 **Phone:** (479) 277-7257 **Fax:** (479) 204-9864

City Bentonville **State** AR **Zip** 72712-8055

E-mail Address kgladde@wal-mart.com

APPLICANT Wal-Mart Stores, Inc. dba Wal-Mart #3655 **Contact** Andrew Jacobson

Address 10440 West Cheyenne Avenue **Phone:** 233-9520 **Fax:** 233-3652

City Las Vegas **State** NV **Zip** 89129

E-mail Address adjacob.so3655.us@wal-mart.com

REPRESENTATIVE Brownstein Hyatt Faber Schreck, LLP **Contact** Andrew Moore, Attorney

Address 100 N. City Parkway, Suite 1600 **Phone:** 464-7093 **Fax:** 382-8135

City Las Vegas **State** NV **Zip** 89106

E-mail Address amoore@bhfs.com

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Cathryn Santoro VP-Treasurer

Subscribed and sworn before me

This 30th day of January, 20 12.

_____

Notary Public in and for said County and State

FOR DEPARTMENT USE ONLY

Case #	ROC-44510
Meeting Date:	3/21/12
Total Fee:	1080.00
Date Accepted:	1/31/12
Accepted By:	

*The application will not be deemed complete until the submitted materials have been reviewed by the Planning and Development for consistency with applicable sections for the Zoning Ordinance.

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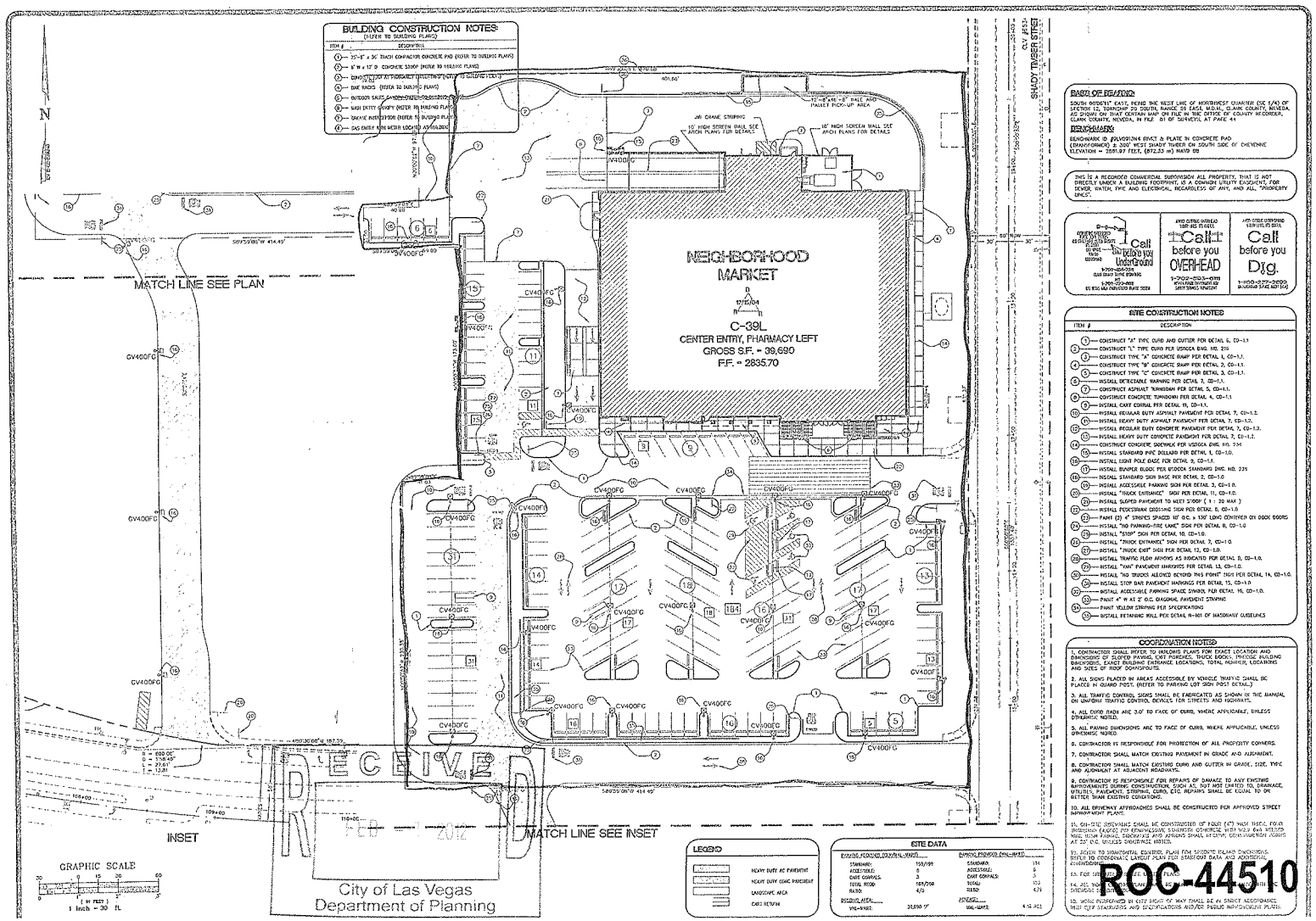


BASIS OF BEARING:

SOUTH 00°06'51" EAST, BEING THE WEST LINE OF NORTHWEST QUARTER (QC 1/4) OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE OFFICE OF COUNTY RECORDER, CLARK COUNTY, NEVADA, IN FILE 91 OF SURVEYS, AT PAGE 44

BENCHMARK:

BENCHMARK ID #VM00194 BRASS & PLATE IN CONCRETE PAD (TRANSFORMER) ± 300' WEST SHADY TIMBER ON SOUTH SIDE OF CHEYENNE ELEVATION = 2891.87 FEET, (872.33 m) NAVD 88

THIS IS A RECORDED COMMERCIAL SUBDIVISION ALL PROPERTY, THAT IS NOT DIRECTLY UNDER A BUILDING FOOTPRINT, IS A COMMON UTILITY EASEMENT, FOR SEWER, WATER, PIPE AND ELECTRICAL, REGARDLESS OF ANY, AND ALL, "PROPERTY LINES".

Call before you Dig. Underground

Call before you OVERHEAD

Call before you Dig.

SITE CONSTRUCTION NOTES

ITEM #	DESCRIPTION
1	CONSTRUCT "A" TYPE CURB AND GUTTER PER DETAIL 6, CD-1.1
2	CONSTRUCT "L" TYPE CURB PER UORDCA STANDARD DWG. NO. 210
3	CONSTRUCT TYPE "A" CONCRETE RAMP PER DETAIL 1, CD-1.1.
4	CONSTRUCT TYPE "B" CONCRETE RAMP PER DETAIL 2, CD-1.1.
5	CONSTRUCT TYPE "C" CONCRETE RAMP PER DETAIL 3, CD-1.1.
6	INSTALL DETECTABLE WARNING PER DETAIL 7, CD-1.1.
7	CONSTRUCT ASPHALT TURNDOWN PER DETAIL 5, CD-1.1.
8	CONSTRUCT CONCRETE TURNDOWN PER DETAIL 4, CD-1.1
9	INSTALL CART CORRAL PER DETAIL 19, CD-1.1.
10	INSTALL REGULAR DUTY ASPHALT PAVEMENT PER DETAIL 9, CD-1.2.
11	INSTALL HEAVY DUTY ASPHALT PAVEMENT PER DETAIL 7, CD-1.2.
12	INSTALL REGULAR DUTY CONCRETE PAVEMENT PER DETAIL 7, CD-1.2.
13	INSTALL HEAVY DUTY CONCRETE PAVEMENT PER DETAIL 7, CD-1.2.
14	CONSTRUCT CONCRETE SIDEWALK PER UORDCA DWG. NO. 234
15	INSTALL STANDARD PIPE BOLLARD PER DETAIL 1, CD-1.0.
16	INSTALL LIGHT POLE BASE PER DETAIL 9, CD-1.1.
17	INSTALL BUMPER BLOCK PER UORDCA STANDARDS DWG. NO. 224
18	INSTALL STANDARD SIGN BASE PER DETAIL 2, CD-1.0
19	INSTALL ACCESSIBLE PARKING SIGN PER DETAIL 3, CD-1.0.
20	INSTALL "TRUCK ENTRANCE" SIGN PER DETAIL 11, CD-1.0.
21	INSTALL PAVED PAVEMENT TO MEET 5'00" (↑ : 20 MAX)
22	INSTALL PEDESTRIAN CROSSING SIGN PER DETAIL 8, CD-1.0
23	PAINT (2) 4" STRIPES SPACED 10' O.C. x 100' LONG CENTERED ON DOOR DOORS
24	INSTALL "NO PARKING-FIRE LANE" SIGN PER DETAIL 8, CD-1.0
25	INSTALL "STOP" SIGN PER DETAIL 10, CD-1.0.
26	INSTALL "TRUCK ENTRANCE" SIGN PER DETAIL 7, CD-1.0
27	INSTALL "TRUCK EXIT" SIGN PER DETAIL 12, CD-1.0.
28	INSTALL TRAFFIC FLOW ARROWS AS INDICATED PER DETAIL 0, CD-1.0.
29	INSTALL "WW" PAVEMENT MARKINGS PER DETAIL 13, CD-1.0.
30	INSTALL "NO TRUCKS ALLOWED BEYOND THIS POINT" SIGN PER DETAIL 14, CD-1.0.
31	INSTALL STOP BAR PAVEMENT MARKINGS PER DETAIL 15, CD-1.0
32	INSTALL ACCESSIBLE PARKING SPACE SYMBOL PER DETAIL 16, CD-1.0.
33	PAINT 4" W AT 2' O.C. DIAGONAL PAVEMENT STRIPING
34	PAINT YELLOW STRIPING PER SPECIFICATIONS
35	INSTALL RETAINING WALL PER DETAIL R-101 OF MASONARY GUIDELINES

COORDINATION NOTES

1. CONTRACTOR SHALL REFER TO BUILDING PLANS FOR EXACT LOCATION AND DIMENSIONS OF SLOPED PAVING, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS, EXACT BUILDING ENTRANCE LOCATIONS, TOTAL NUMBER, LOCATIONS AND SIZES OF ROOF DOWNSPOUTS.
2. ALL SIGNS PLACED IN AREAS ACCESSIBLE BY VEHICLE TRAFFIC SHALL BE PLACED IN GUARD POST. (REFER TO PARKING LOT SIGN POST DETAIL.)
3. ALL TRAFFIC CONTROL SIGNS SHALL BE FABRICATED AS SHOWN IN THIC MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS.
4. ALL CURB RADII ARE 3.0' TO FACE OF CURB, WHERE APPLICABLE, UNLESS DIMENSIONS NOTED.
5. ALL PAVING DIMENSIONS ARE TO FACE OF CURB, WHERE APPLICABLE, UNLESS DIMENSIONS NOTED.
6. CONTRACTOR IS RESPONSIBLE FOR PROTECTION OF ALL PROPERTY CORNERS.
7. CONTRACTOR SHALL MATCH EXISTING PAVEMENT IN GRADE AND ALIGNMENT.
8. CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN GRADE, SIZE, TYPE AND ALIGNMENT AT ALL ADJOINT ROADWAYS.
9. CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO, DRAINAGE, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
10. ALL DRIVEWAY APPROACHES SHALL BE CONSTRUCTED PER APPROVED STREET IMPROVEMENT PLANS.
11. CONCRETE SIDEWALKS SHALL BE CONSTRUCTED OF FOUR (4") INCH THICK, FOUR THOUSAND (4,000) PSI COMPRESSIVE STRENGTH CONCRETE WITH MAX 6x6 W1.4/W1.4 WWF, 6mil VAPOR BARRIER AND EXPANSION SHALL BE CUT AT 10' O.C. UNLESS OTHERWISE NOTED.
12. REFER TO HORIZONTAL CONTROL PLAN FOR SIDEWALK PLANS DIMENSIONS.
13. FOR SIDEWALK DETAILS, REFER TO LANDSCAPE PLANS.
14. ALL TOP OF CURB ELEVATIONS SHOWN ON GRADING PLANS ARE TO FLOW LINE UNLESS OTHERWISE NOTED.
15. WORK PERFORMED IN CITY RIGHT OF WAY SHALL BE AS STRICT ACCORDANCE WITH CITY STANDARDS AND SPECIFICATIONS AND/OR PUBLIC IMPROVEMENT PLANS.

ROC-44510

Planning/Civil Engineering/Surveying
6325 S. RAINBOW BLVD., SUITE 100, LAS VEGAS, NEVADA 89118
TEL (702) 362-2274 FAX (702) 362-8592

EXPRESS PLAN CHECK

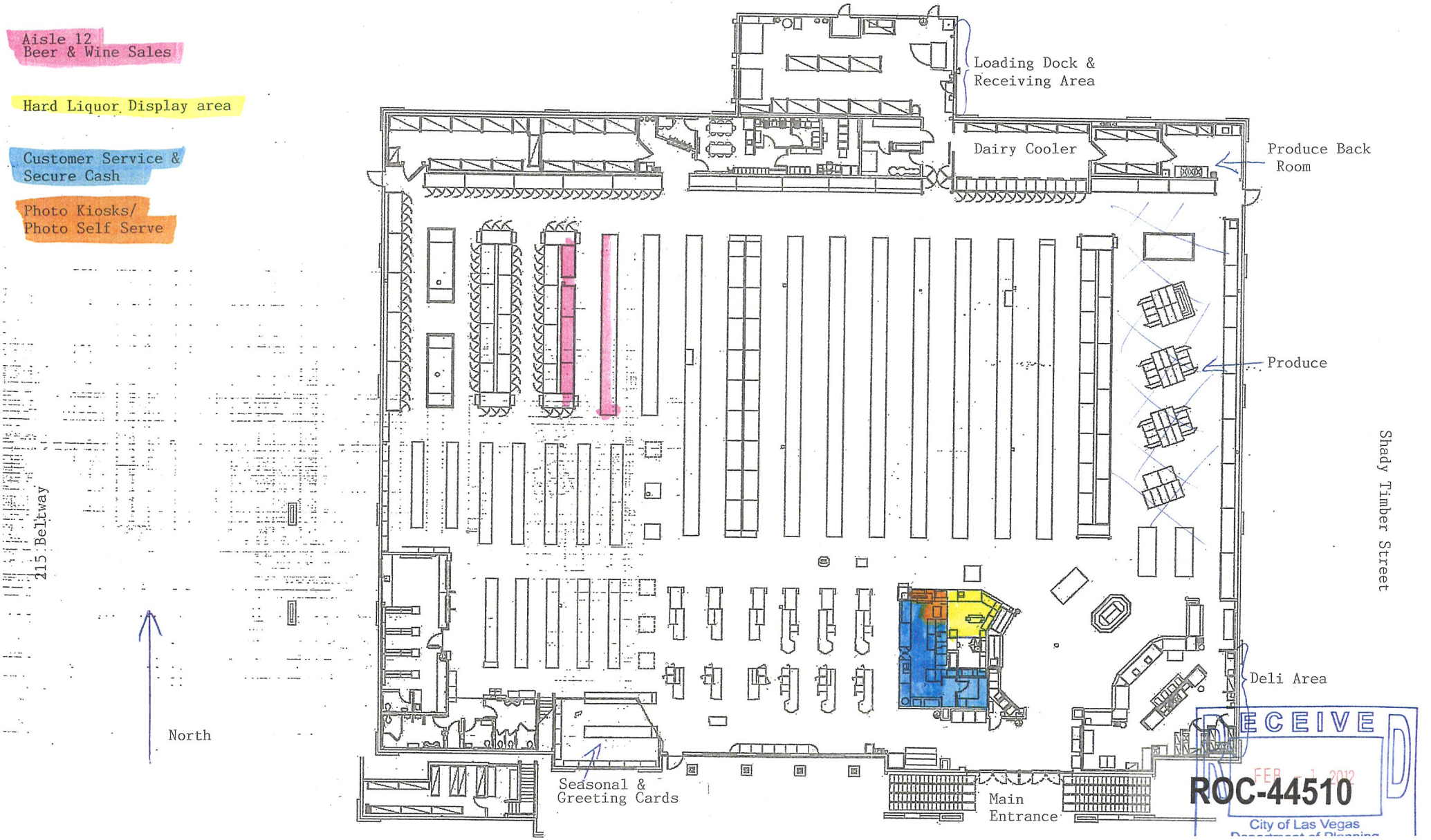
WAL * MART
Neighborhood Market
STORE NO 3055
C-39L
LAS VEGAS (CHEYENNE) SITE

WAL-MART AT CHEYENNE
IMPROVEMENT PLANS

SITE PLAN I

DRAWN	LJD
CHECKED	PT
DATE PLOTTED	12-23-11
DATE PLOTTED	09-11-08
DRAWING	
REVISED DATE	3-18-08
REVISED	
SUBMIT DATE	TDD
CONSTRUCTION SET	
CONSTRUCTION DATE	TDD
JOB NO. 2012 No.	04-542

SHEET
C-3.0



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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

May 21, 2004

Mr. Phillip Davis
PHD Properties
3225-B South Rainbow Boulevard, Suite #206
Las Vegas, Nevada 89146

RE: SUP-3653 - SPECIAL USE PERMIT
CITY COUNCIL MEETING OF MAY 19, 2004
Related to SDR-3651

Dear Mr. Davis:

The City Council at a regular meeting held May 19, 2004 APPROVED the request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT, OFF-PREMISE CONSUMPTION in conjunction with a proposed 39,960 square-foot Grocery Store adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street (APN: 137-12-401-030 and 022; 137-12-801-001), U (Undeveloped) Zone [PCD (Planned Community Development) general plan designation] under Resolution of Intent to PD (Planned Development) Zone [VC (Village Commercial) Lone Mountain Special Land Use Designation]. The Notice of Final Action was filed with the Las Vegas City Clerk on May 20, 2004. This approval is subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Liquor Establishment (Off-Premise) use.

2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0033-97) and Site Development Plan Review SDR-3651.

3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

4. All City Code requirements and design standards of all City departments must be satisfied.

5. Approval of this Special Use Permit does not constitute approval of a liquor license.

6. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

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7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.

8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

Sincerely,

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

Mr. Phillip Davis
Shadow Hills Plaza, Limited Liability Company
3225-B South Rainbow Boulevard, Suite #206
Las Vegas, Nevada 89146

Mr. Matt Loser
EN Engineering
245 East Warm Springs Road, Suite #100
Las Vegas, Nevada 89119

Brownstein | Hyatt
Farber | Schreck

February 1, 2012

Andrew D. Moore
Attorney at Law
702.464.7093 tel
702.382.8135 fax
amoore@bhfs.com

VIA HAND DELIVERY

City of Las Vegas
Department of Planning
Attn: Debbie Sullivan, Planner I
333 North Rancho Drive
Las Vegas, NV 89109

RE: Wal-Mart Stores, Inc. d/b/a Wal-Mart Neighborhood Market 3655 - Justification Letter for Review of Conditions for Special Use Permit 3653

Dear Ms. Sullivan:

We represent Wal-Mart Stores, Inc. ("Wal-Mart"). Wal-Mart owns and operates a Wal-Mart Neighborhood Market located at 10440 West Cheyenne Avenue (Store #3655) in the City of Las Vegas (the "Store"). The Store employs approximately 105 people and is open 24 hours per day. This letter serves as the justification letter that is required to be submitted concurrently with the Application/ Petition Form for a Review of Conditions of Special Use Permit to the City of Las Vegas Department of Planning.

Special Use Permit

In 2004, PHD Properties, Inc. ("PHD Properties") applied for a special use permit for a proposed grocery store that would be constructed on real estate owned by PHD Properties adjacent to the northwest corner of Cheyenne Avenue and Shady Timber Street in Las Vegas. The Las Vegas City Council approved PHD Properties' special use permit on May 19, 2004 ("SUP-3653") and SUP 3653 was issued by the City of Las Vegas (the "City") on May 21, 2004. SUP-3653 authorized PHD Properties' real property to be used for a liquor establishment (off-premise consumption) in conjunction with a 39,960 square foot grocery store. The parcel on which the Store is currently located (APN #137-12-817-002; the "Property"), and which is subject to SUP 3653, is now owned by Wal-Mart Real Estate Business Trust ("Wal-Mart Trust"). Wal-Mart Trust acquired the Property in October 2004.

With its Review of Conditions application, Wal-Mart seeks the removal of Conditions 6 and 7 of SUP-3653. Condition 6 of SUP-3653 limits the sale of alcoholic beverages to beer and wine only at the Store. Condition 7 of SUP-3653 prohibits the sale of individual containers of any size of beer, wine coolers or screw cap wine at the Store.[1] Condition 7 also requires that all beer and wine remain in their original configurations as shipped by the manufacturer and that the Store not repackage beer and wine containers into groups smaller than the original shipping container size. Wal-Mart requests that

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[1] Since 2004 when SUP 3653 was issued, there has been a proliferation of wine being bottled with screw caps. With SUP 3653, the Store is limited in the type of 750 mL bottles of wine it can sell because of the screw cap prohibition.

Conditions 6 and 7 be removed from SUP-3653 so that Wal-Mart will be authorized to sell both hard liquor at the Store and beer and wine in individual containers at the Store.

Liquor Licensing History

On February 10, 2006, the City issued a package liquor license to Wal-Mart for the Store. The package liquor license issued to Wal-Mart allows the Store to sell alcoholic beverages "to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the" beverages are sold.[2] Package liquor licenses may not be issued to establishments "located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park."[3] Upon information and belief, the Store is not located within 400 feet of any church, synagogue, school, child care facility or City park. The closest school - Eileen Connors Elementary School - is approximately 3,200 feet away from the Store. The closest church is more 1,000 feet away. The closest child care facility is approximately 3,600 feet away from the Store. The nearest City park is more than a mile from the Store.

Since the Store opened in 2006, the City has approved tavern liquor licenses for Timbers Bar & Grill at 3370 Novat Street ("Timbers") and Edge of Town Bar & Grill at 10490 W. Cheyenne Avenue ("Edge of Town") and a package liquor license for Lee's Discount Liquor at 10470 W. Cheyenne Avenue ("Lee's"). Timbers, which was issued its liquor license in 2007, is located across Clark County 215 from the Store. Edge of Town was issued its liquor license in March 2009 and is located on an adjacent parcel in the same shopping center complex as the Store. Lee's was located in the same shopping center complex as the Store and was issued its liquor license in January 2009. Lee's is no longer in business.

Zoning

The Store is not located in an established commercial zoning district. Rather, the Store's zoning district is PD (Planned Development). The PD zoning classification pertains to the Planned Development District ("PD District"), a special area district noted in the City's Unified Development Code.[4] The intent of the PD District "is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or multi-use planned development."[5] Applications for a particular use in the PD District "may be denied if [they are] incompatible or out of harmony with the surrounding uses or the pattern of development within the area."[6]

With this Review of Conditions, Wal-Mart is requesting a modification to SUP-3653 that will allow the Store to sell hard liquor and single serving containers of beer, wine coolers and screw top wine. By issuing the Store a liquor license back in 2006, the City determined that the Store's retail liquor sales are compatible and in harmony with the area surrounding the Store. There are no schools, churches, parks or child care facilities immediately adjacent to the Store. Additionally, the subsequent issuances of liquor licenses to Timbers, Edge of Town and Lee's highlight that the City has determined that the sale of liquor is compatible and harmonious with the area surrounding the Store.

---

[2] City of Las Vegas Unified Development Code, Sec. 19.18.020 (effective May 1, 2011); *see, also*, City of Las Vegas Municipal Code Sec. 19.04.010 (effective until April 30, 2011).
[3] City of Las Vegas Unified Development Code, Sec. 19.12.070 (effective May 1, 2011); *see, also*, City of Las Vegas Municipal Code Sec. 19.04.010 (effective until April 30, 2011).
[4] City of Las Vegas Unified Development Code, Sec. 19.10.040 (effective May 1, 2011).
[5] *Id.*
[6] *Id.*

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Therefore, the impact of the requested change to SUP-3653 is negligible. The sale of package liquor, including hard liquor, is consistent with previous approvals in the area and is a common business practice for grocery stores in the City. In fact, Wal-Mart operates Supercenters and Neighborhood Markets in the City and in unincorporated Clark County, Henderson and North Las Vegas that sell both hard liquor and single serving containers of beer, wine coolers, and screw cap wine. Therefore, this Review of Conditions meets all minimum special use permit requirements and if granted, the liquor sales at the Store will be conducted in a compatible and harmonious manner within the existing retail establishment and with similar uses in the area surrounding the Store.

Sincerely,

Andrew D. Moore

ADM

cc: Kevin Gladden, Licensing Compliance Manager, Wal-Mart Stores, Inc. (via email)

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City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

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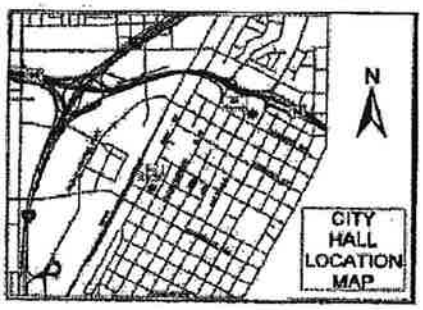
2012 MAR 12 A 9:41

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
02 1M $ 00.42⁴
0004279218 MAR 08 2012
MAILED FROM ZIPCODE 89101

Return Service Requested

Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

Case: ROC-44510

13712812045
ABBOTT CHRISTOPHER & MARY
10320 BELL MOUNTAIN CT
LAS VEGAS NV 89129-8127 89129-8127

ROC-44510

City Council Meeting of **03/21/2012**

89 89129-8127 89129

City of Las Vegas Agenda Item No.: **68.**

AGENDA SUMMARY PAGE - PLANNING
CITY COUNCIL MEETING OF: MARCH 21, 2012

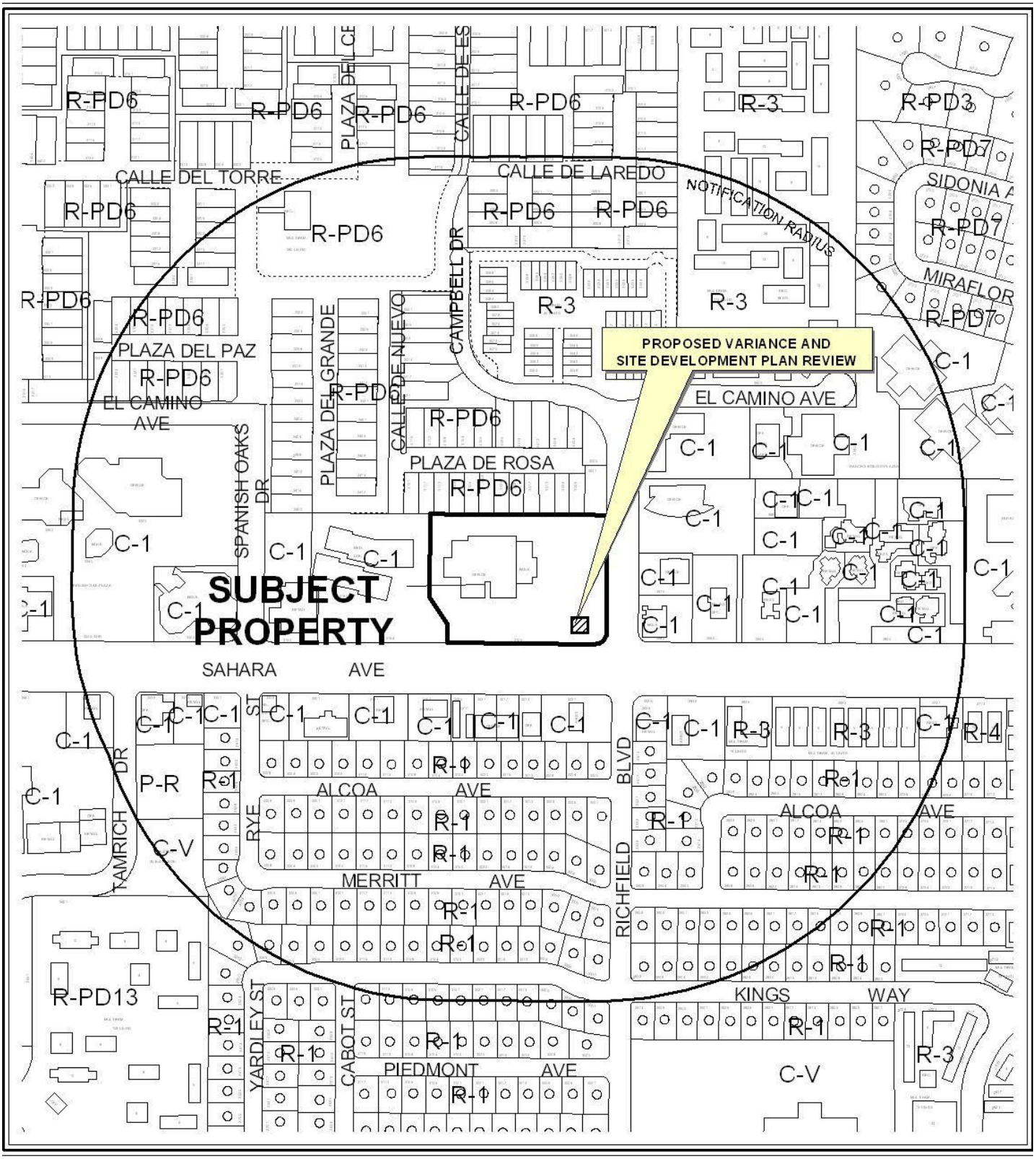
DEPARTMENT: PLANNING
DIRECTOR: FLINN FAGG ☐ **Consent** ☒ **Discussion**

SUBJECT:
SDR-44168 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: WSC REO, LLC - For possible action on a request for a Major Amendment to an approved Site Development Plan Review (SDR-18693) FOR A PROPOSED 2,800 SQUARE-FOOT RESTAURANT (WITH DRIVE-THROUGH) WITH WAIVERS TO ALLOW NO LANDSCAPE BUFFER ALONG THE NORTH AND WEST PERIMETERS WHERE EIGHT FEET IS REQUIRED on approximately 0.77 acres at the northwest corner of Sahara Avenue and Richfield Boulevard (APN 162-05-403-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and Staff recommend APPROVAL.

PROTESTS RECEIVED BEFORE:		**APPROVALS RECEIVED BEFORE:**	
Planning Commission Mtg.	**6**	**Planning Commission Mtg.**	**2**
City Council Meeting	**1**	**City Council Meeting**	**1**

RECOMMENDATION:
The Planning Commission (6-0 vote) and Staff recommend APPROVAL, subject to conditions:

BACKUP DOCUMENTATION:
1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Photos
5. Justification Letter
6. Protest/Support Postcards
7. Backup referenced from the February 14, 2012 Planning Commission Meeting Item – SDR-44168



0 300 600 Feet

CASE: **SDR-44168**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

0 300 600 Feet

CASE: **SDR-44168**

RADIUS: 1000 FEET

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: MARCH 21, 2012
DEPARTMENT: PLANNING
ITEM DESCRIPTION: APPLICANT/OWNER: WSC REO, LLC

** STAFF RECOMMENDATION(S) **

CASE NUMBER	*RECOMMENDATION*	*REQUIRED FOR APPROVAL*
SDR-44168	Staff recommends APPROVAL, subject to conditions:	

** CONDITIONS **

SDR-44168 CONDITIONS

Planning

1. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.

2. All development shall be in conformance with the building elevations and floor plans, date stamped 12/19/11 and the site and landscape plans, date stamped 01/12/12, except as amended by conditions herein.

3. A Waiver from Unified Development Code 19.08.070 is hereby approved, to allow no north or west perimeter landscape buffers where eight foot wide buffers are required.

4. Exceptions from Unified Development Code 19.08.110 are hereby approved as follows: To allow no parking lot screening where one is required; and to allow 10 parking lot shade trees where 22 shade trees are required.

5. An Exception from Unified Development Code 19.08.040 is hereby approved, to allow 8 perimeter landscape trees where 32 trees are required.

6. Any changes based upon right-of-way, traffic or drainage studies or street improvements required by the city or public utilities shall not reduce the widths of perimeter landscape buffers, height of walls or quantities of plant materials from that on submitted landscape plans date stamped 01/12/12. Any changes based upon subsequently submitted studies must be accommodated elsewhere on the site.

7. Prior to occupancy, all necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

8. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.

9. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary to create a new legal lot. The mapping action shall be completed and recorded prior to the issuance of any building permits.

10. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device.

11. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

12. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

13. In accordance with code requirements of Title 13.16 and 13.56, remove all substandard improvements and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. The existing "pan style" driveway on Sahara Avenue accessing this site may remain.

14. The applicant shall post a separate bond for the removal of the existing on-site "slip" lane between Sahara Avenue and the proposed drive thru lane. At the request of the applicant, the City will release this bond one year after the Certificate of Occupancy has been issued unless the City Traffic Engineer determines it must be held longer for further review. If the City Traffic Engineer determines that the "slip" lane must be removed, the property owner must close the "slip" lane within the time specified by the City Traffic Engineer or the bond will be used to close the existing "slip" lane.

15. Landscape and maintain all unimproved rights-of-way adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

16. As appropriate, submit an Encroachment Agreement to the City of Las Vegas and/or obtain an Occupancy Permit from the Nevada Department of Transportation (NDOT) for all landscaping and private improvements in the West Sahara Avenue and Richfield Boulevard public rights-of-way adjacent to this site prior to the issuance of any building permits. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right-of-way shall be the responsibility of the adjacent property owner(s) and shall be transferred with the sale of the property for the entire term of the Encroachment Agreement.

17. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site.

Staff Report Page One
March 21, 2012 - City Council Meeting

** STAFF REPORT **

PROJECT DESCRIPTION

This is a request for a proposed restaurant with drive-through at 3100 West Sahara Avenue. There is a 42,000 square-foot office building and parking lot on the site and this proposal consists of creating a new parcel on the southeast corner for the project. The removal of this section of land from the office building parcel will leave ample parking for both the office building and the proposed restaurant. A cross access and parking agreement is recorded on the deed and will remain in effect. A waiver is being requested for the north and east perimeter landscape buffers. Staff supports this request since the office center was designed to have additional pads developed and these perimeters are internal to the center. For these reasons, staff recommends approval, with conditions. If the application is denied, no permits can be issued for the restaurant.

ISSUES

- A Waiver is required to allow no north or west perimeter landscape buffer where a minimum eight foot wide buffer is required. Staff supports the request since the office building was designed to have additional pads developed and a cross access and parking agreement has been recorded on the deed.

BACKGROUND INFORMATION

Related Relevant City Actions by P&D, Fire, Bldg., etc	
09/26/73	The Board of City Commissioners approved a Rezoning (Z-0066-73) application for the reclassification of property generally located between West Oakey Boulevard on the north, West Sahara Avenue on the south, South Valley View Boulevard on the west, and Richfield Boulevard on the east, south of Westwood Village Tract and west of Springhurst Townhouses, from R-1 (Single-Family Residential) and R 3 (Medium Density Residential) to R-PD6 (Residential Planned Development - 6 Units per Acre), R-4 (High Density Residential) and C-1 (Limited Commercial). The Planning Commission and staff recommended approval.
09/27/84	The Board of Zoning Adjustment approved a Variance (V-0099-84) to allow auto sales for one day only in the months of February, May, August and November of every year where such is not permitted on property located at 3100 West Sahara Avenue. Staff recommended denial.

YK

12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5471) for a Facility to provide testing, treatment, or counseling for drug or alcohol abuse at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
12/02/04	The Planning Commission accepted a request to Withdraw Without Prejudice a Special Use Permit (SUP-5472) for a Sex Offender Counseling Facility at 3150 West Sahara Boulevard Avenue, Suite #B22. Staff recommended approval.
01/27/05	The Planning Commission accepted the applicant's request to Withdraw Without Prejudice a Special Use Permit (SUP-5783) and Site Development Plan Review (SDR-5779) for a proposed Mixed-Use Development on the properties located at the northwest corner of Sahara Avenue and Richfield Boulevard.
06/01/05	The City Council approved requests for a Special Use Permit (SUP-6219) and for a Site Development Plan Review (SDR-6220) for a seven-story mixed-use development including 303 residential units and 20,250 square-feet of office, and a waiver of the 15-foot rear yard setback. The Planning Commission recommended approval on 04/14/05. Staff had recommended approval.
10/19/05	The City Council approved a request for a Major Amendment to an approved Site Development Plan Review (SDR-8583) for a seven-story mixed-use development, consisting of 325 residential units and 23,695 square feet of office space and a waiver to permit a side yard setback of zero feet where 10 feet is the minimum setback required on 7.78 acres adjacent to the north side of Sahara Boulevard, between Spanish Oaks Drive and Richfield Boulevard.
06/06/07	The City Council approved a request for a Site Development Plan Review (SDR-18693) for a four-story, 42,000 square-foot office building, with a 2,450 square-foot restaurant with Drive-through, and a 14,550 square-foot General Retail Establishment on 7.68 acres at 3100-3190 West Sahara Avenue. The Planning Commission recommended approval and Staff recommended denial.
02/14/12	The Planning Commission voted (6-0) to recommend APPROVAL (PC Agenda Item #45/yk).

Most Recent Change of Ownership	
03/24/11	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses
No related permits have been issued for this project.

YK

Pre-Application Meeting	
12/13/11	Staff met with the applicant and reviewed the proposed restaurant with drive-through. It was noted that stacking for six vehicles in the drive-through lane is required and needs to be shown on the site plan. Traffic had concerns about the driveway off Sahara and how close it was to the drive-through lane. Traffic also suggested making the driveway to Richfield a one-way exit only drive. The requirements for a site development plan review application were reviewed.

Neighborhood Meeting
No neighborhood meeting is required, nor was one held.

Field Check	
01/04/12	Staff visited the site and found a well maintained commercial/office complex. The proposed project will be on the southeast portion of the site where an existing parking lot is located.

Details of Application Request	
Site Area	
Net Acres	3.93

Surrounding Property	***Existing Land Use Per Title 19.12***	***Planned or Special Land Use Designation***	***Existing Zoning District***
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Single Family Dwellings	L (Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units Per Acre)
South	Office	SC (Service Commercial)	C-1 (Limited Commercial)
	Restaurant		
	Financial Institution, Specified		
East	Office	SC (Service Commercial)	C-1 (Limited Commercial)
West	Office	SC (Service Commercial)	C-1 (Limited Commercial)

Special Purpose and Overlay Districts	*Yes*	*No*	*Compliance*
Special Purpose and Overlay Districts	X		
A-O (Airport Overlay) District 200 Feet	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Las Vegas Redevelopment Plan Area		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Unified Development Code 19.08.070, the following standards apply:

Standard	*Required/Allowed*	*Provided*	*Compliance*
Min. Lot Width	100 Feet	110 Feet	Y
Min. Setbacks			
• Front	10 Feet	37 Feet	Y
• Side	10 Feet	42 Feet	Y
• Corner	10 Feet	32 Feet	Y
• Rear	20 Feet	108 Feet	Y
Max. Lot Coverage	50 %	13 %	Y
Max. Building Height	N/A t	30 Feet	Y
Trash Enclosure	Screened, Gated, w/ a Roof or Trellis	Screened and Gated	Y
Mech. Equipment	Screened	Screened	Y

Pursuant to Unified Development Code 19.08.040 and 19.08.070, the following standards apply:

Landscaping and Open Space Standards				
Standards	*Required*		*Provided*	*Compliance*
	Ratio	*Trees*		
Buffer Trees:				
• North	1 Tree / 20 Linear Feet	6 Trees	0 Trees	N
• South	1 Tree / 20 Linear Feet	6 Trees	3 Trees	N
• East	1 Tree / 20 Linear Feet	11 Trees	5 Trees	N
• West	1 Tree / 20 Linear Feet	9 Trees	0 Trees	N
TOTAL PERIMETER TREES		**32 Trees**	**8 Trees**	**N**
Parking Area Trees	1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces	22 Trees	10 Trees	N

LANDSCAPE BUFFER WIDTHS			
Min. Zone Width			
• North	8 Feet	0 Feet	N
• South	15 Feet	25 Feet	Y
• East	15 Feet	20 Feet	Y
• West	8 Feet	0 Feet	N

Street Name	***Functional Classification of Street(s)***	***Governing Document***	***Actual Street Width (Feet)***	***Compliance with Street Section***
Sahara Avenue	Primary Arterial	Master Plan of Streets and Highways	145	Y
Richfield	N/A	N/A	90	N/A

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	***Gross Floor Area or Number of Units***	***Required***			***Provided***		***Compliance***
		Parking Ratio	*Parking*		*Parking*		
			Regular	Handi-capped	Regular	Handi-capped	
Office	42,000 SF	1:300 SF	140				
Restaurant, 2,000 SF or more (with Drive-Through	2,800 SF	1:100 SF	28				
TOTAL SPACES REQUIRED			168		214		Y
Regular and Handicap Spaces Required			162	6		9	Y
Loading Spaces	44,800 SF	3 up to 50,000 SF then 1 for each additional 50,000 SF	3		0		N

Waivers		
Requirement	***Request***	***Staff Recommendation***
Provide an 8' landscape buffer on interior perimeters.	To allow no landscape buffers on the north and west interior perimeters.	Approval

YK

Exceptions		
Requirement	***Request***	***Staff Recommendation***
To screen parking lots with a low wall, berm or shrubs.	To allow a parking lot with no screening.	Approval
To provide 22 shade trees in the parking lot.	To provide 10 shade trees in the parking lot.	Approval
To provide 32 perimeter landscape buffer trees.	To provide 8 perimeter landscape buffer trees.	Approval

ANALYSIS

A restaurant with drive-through is a permitted use in the C-1 (Limited Commercial) district. The project will be surrounded on all sides by other commercial uses and fronts onto a primary arterial roadway. This is an appropriate use and location for this type of a project.

The proposed restaurant with drive-through is being developed as a pad in an existing shopping center complex. The complex was designed and built as three separate legal lots with each deed having a cross access and parking agreement recorded on the deed. The proposed project is being designed to blend in and compliment this complex creating the need for a waiver and three exceptions from the Unified Development Code.

The waiver is to allow no north or west perimeter landscape buffer where a minimum of an eight foot wide buffer is required. Staff supports this request since the parking lot already exists and there is a cross access and parking agreement recorded on the deed. The waiver will allow this project to appear as though it was developed at the time of the rest of the shopping center.

The three exceptions are required for the same reasons. The overall parking lots with all of the exterior landscape buffers have been installed. When these developed, no screening wall or berm was required and the required number of trees were fewer than are now required. By supporting these exceptions, staff feels the project will be more aesthetically complimentary to the existing shopping center then if the newer standards were applied to just this portion of the complex.

This project furthers the city's Master Plan Neighborhood Revitalization Goal 2: Mature neighborhoods will be sustained and improved through appropriate and selective high quality redevelopment and preservation. Specifically, Policy 2.1.4: "That new commercial development be designed in a walkable and non-vehicular friendly manner, providing shelter from sun and wind, with outdoor seating areas and other amenities and parking areas located away from the street" is also being met. This proposed development has parking in the rear of the building, is situated near the Sahara Avenue right-of-way and provides an outdoor dining area. For these reasons, staff recommends approval of the application with conditions.

FINDINGS (SDR-44168)

In order to approve a Site Development Plan application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

   The proposed restaurant with drive-through is compatible with all adjacent commercial development.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

   This project is being developed with minimal deviations from required codes. The waiver and exceptions are supported by staff since the project will be developed within an existing shopping center and the requests will allow for the development to appear as if it were developed at the same time as the rest of the shopping center.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

   Sahara Avenue is adequate to handle the traffic that will be generated with this proposal. The exit onto Richfield Boulevard is a left turn only that will funnel traffic directly to Sahara Avenue. No negative circulation or congestion will occur with this development.

4. **Building and landscape materials are appropriate for the area and for the City;**

   The building materials are typical of restaurants with drive-through developments in the immediate area and within the city and the landscape will match the existing shopping center landscape that will be appropriate for the area.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

   The elevations and design characteristics are compatible with the design characteristics of the existing shopping center and the surrounding commercial area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

   The proposed restaurant will not compromise the public health or general welfare and will be inspected on a regular basis.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 38

NOTICES MAILED 321 (By City Clerk)

APPROVALS 1

PROTESTS 6

YK

DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-44168** APN: 162-05-403-003

Name of Property Owner: WSC REO, LLC

Name of Applicant: WSC REO, LLC

Name of Representative: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ **Yes** ☒ **No**

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner: _____, manager

Print Name: Gary Schnitzer

Subscribed and sworn before me

This 19 day of Dec., 2011

Donna M. Adams

Notary Public in and for said County and State

NOTARY PUBLIC
DONNA M. ADAMS
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. JULY 8, 2012
No: 00-64904-1

RECEIVED
DEC 19 2011
City of Las Vegas

DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Site Development Plan Review

Project Address (Location) 3100 W. Sahara Ave.

Project Name Restaurant with Drive Through **Proposed Use** Restaurant

Assessor's Parcel #(s) 162-05-403-003 **Ward #** 1-Tarkanian

General Plan: existing SC proposed SC **Zoning:** existing C-1 proposed C-1

Commercial Square Footage 2,800 **Floor Area Ratio**

Gross Acres 3.93 **Lots/Units** **Density**

Additional Information

PROPERTY OWNER WSC REO, LLC **Contact** Richard Crighton

Address 2015 E Windmill Lane **Phone:** 768-5755 **Fax:** 932-8826

City Las Vegas **State** NV **Zip** 89123

E-mail Address RichardG@Rothwellgornt.com

APPLICANT **Contact**

Address **Phone:** **Fax:**

City **State** **Zip**

E-mail Address

REPRESENTATIVE DesignCell **Contact** Kastytis Cechavicius

Address 10777 W. Twain Ave. **Phone:** (702) 403-1575 **Fax:** (877) 403-1575

City Las Vegas **State** NV **Zip** 89135

E-mail Address kastis@designcell.cc

Property Owner Signature* Gary Schnitzer manager

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Gary Schnitzer

Subscribed and sworn before me

This 19 day of Dec., 20 11.

Donna M. Adams

Notary Public in and for said County and State

NOTARY PUBLIC
DONNA M. ADAMS
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. JULY 8, 2012
No: 00-64904-1

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case #	SDR-4468
Meeting Date:	2/14/12
Total Fee:	$1,030
Date Received:*	12/19/11
Received By:	Brs

*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

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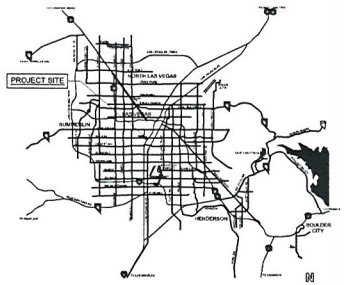
RECEIVED
DEC 19 2011
City of Las Vegas



LOCATOR MAP

GENERAL NOTES

1. UTILITIES SHALL BE UNDERGROUND.
2. AIR CONDITIONING UNITS TO BE CONCEALED OR SCREENED IN A DECORATIVE MANNER FROM PUBLIC RIGHT-OF-WAY.
3. SEPARATE PERMIT APPROVAL IS REQUIRED FOR ALL WALLS, FENCES, AND SIGNS.
4. ALL EXTERIOR LIGHTS TO BE ARRANGED SO AS TO REFLECT AWAY FROM THE ADJOINING PROPERTY.
5. LIVE LANDSCAPING WITH AUTOMATIC IRRIGATION IS REQUIRED.
6. ALL WORK SHALL BE DONE IN ACCORDANCE WITH CURRENT BUILDING CODES AND LOCAL ORDINANCES.

SITE DATA

SITE DATA:

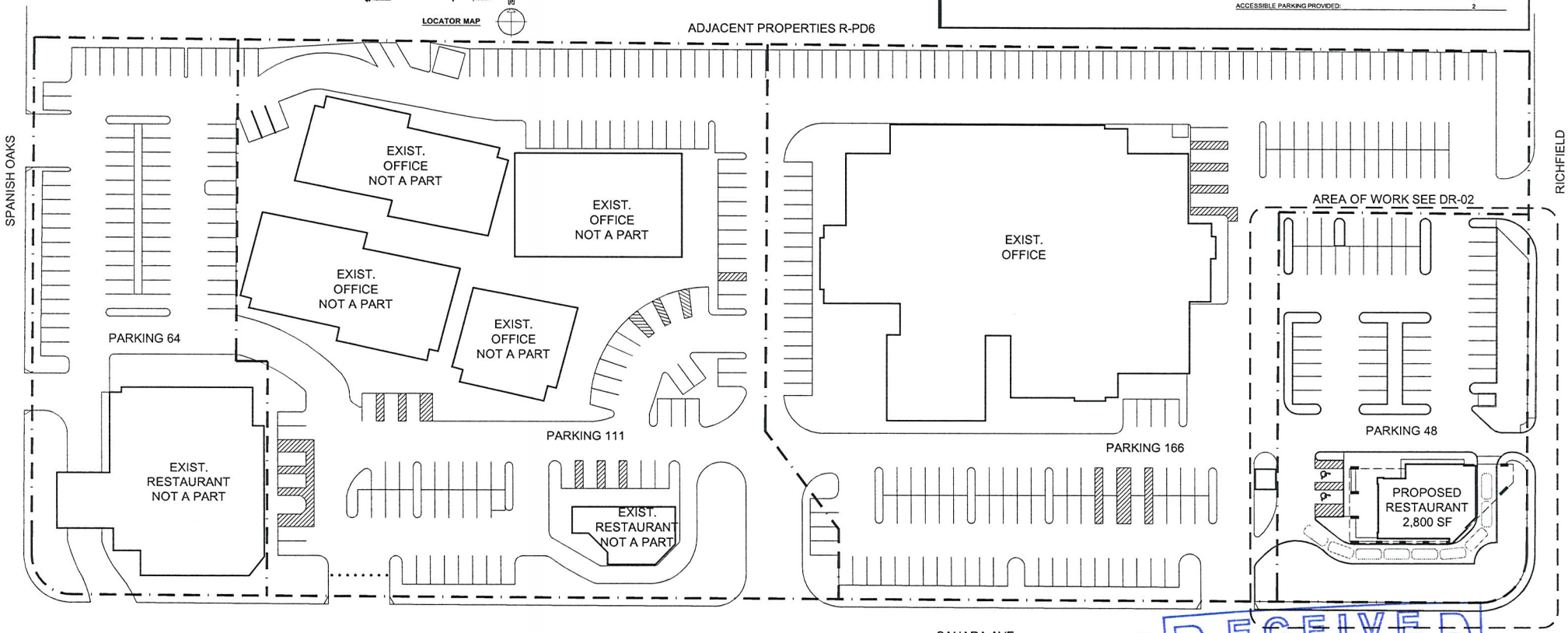
APN # 162-05-403-003, 162-05-403-002, 162-05-403-001
SITE AREA: 7.68 ACRES
CURRENT ZONING: C-1 LIMITED COMMERCIAL DISTRICT

PROJECT DESCRIPTION:

THIS PROJECT IS A PROPOSED SINGLE STORY 2,800 SF RESTAURANT DESIGNED TO MATCH THE ADJACENT STRUCTURES. AS WELL AS A PROPOSED SUB-DIVISION OF THE EXISTING PROPERTY.

PARKING CALCULATION:

USE	AREA	PARKING RATIO	PARKING REQUIRED
EXISTING OFFICE:	~42,000 SF	1/300	140
EXISTING PARKING / PROVIDED:			166
RESTAURANT (NEW):	2,800 SF	1/100	28
OUTDOOR SEATING	600 SF	1/100	6
TOTAL PARKING REQUIRED:			36
TOTAL PARKING PROVIDED:			48
ACCESSIBLE PARKING REQUIRED:			2
ACCESSIBLE PARKING PROVIDED:			2



PROPOSED RESTAURANT

3100 W. SAHARA
LAS VEGAS, NEVADA

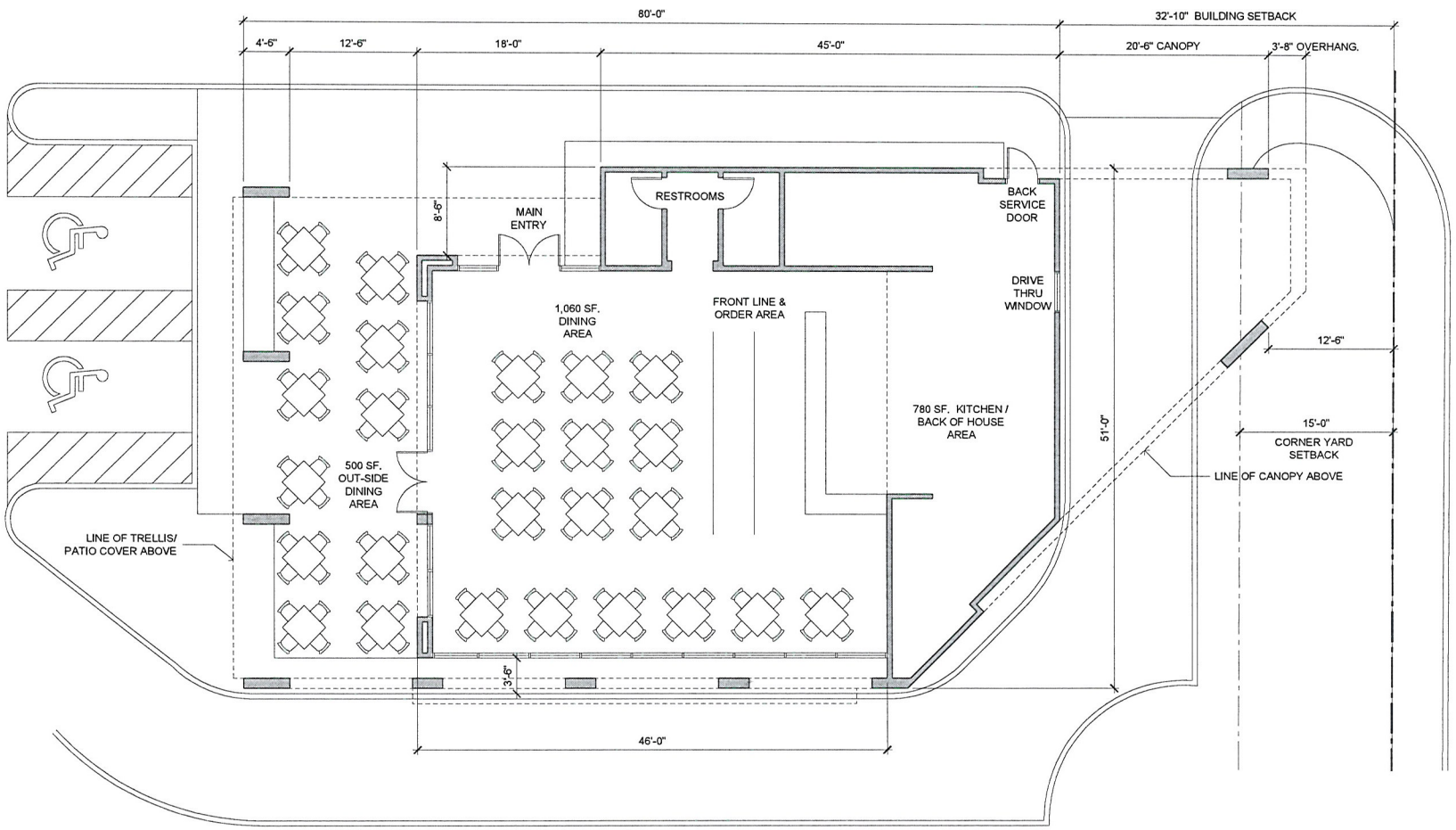
OVERALL SITE PLAN

SCALE: 1" = 60'-0"
JANUARY 12, 2012

0 30' 60' 120'

designcell
10777 W.TWAIN AVE, STE 125 T:702-403-1575
LAS VEGAS, NV 89135 WWW.DESIGNCELL.CC

RECEIVED
JAN 13 2012
DR01
SDR-44168
City of Las Vegas
Department of Planning
REVISED



PROPOSED RESTAURANT

3100 W. SAHARA
LAS VEGAS, NEVADA

FLOOR PLAN

SCALE: 1/8" = 1'-0"
DECEMBER 16, 2011

0 5' 10' 20'

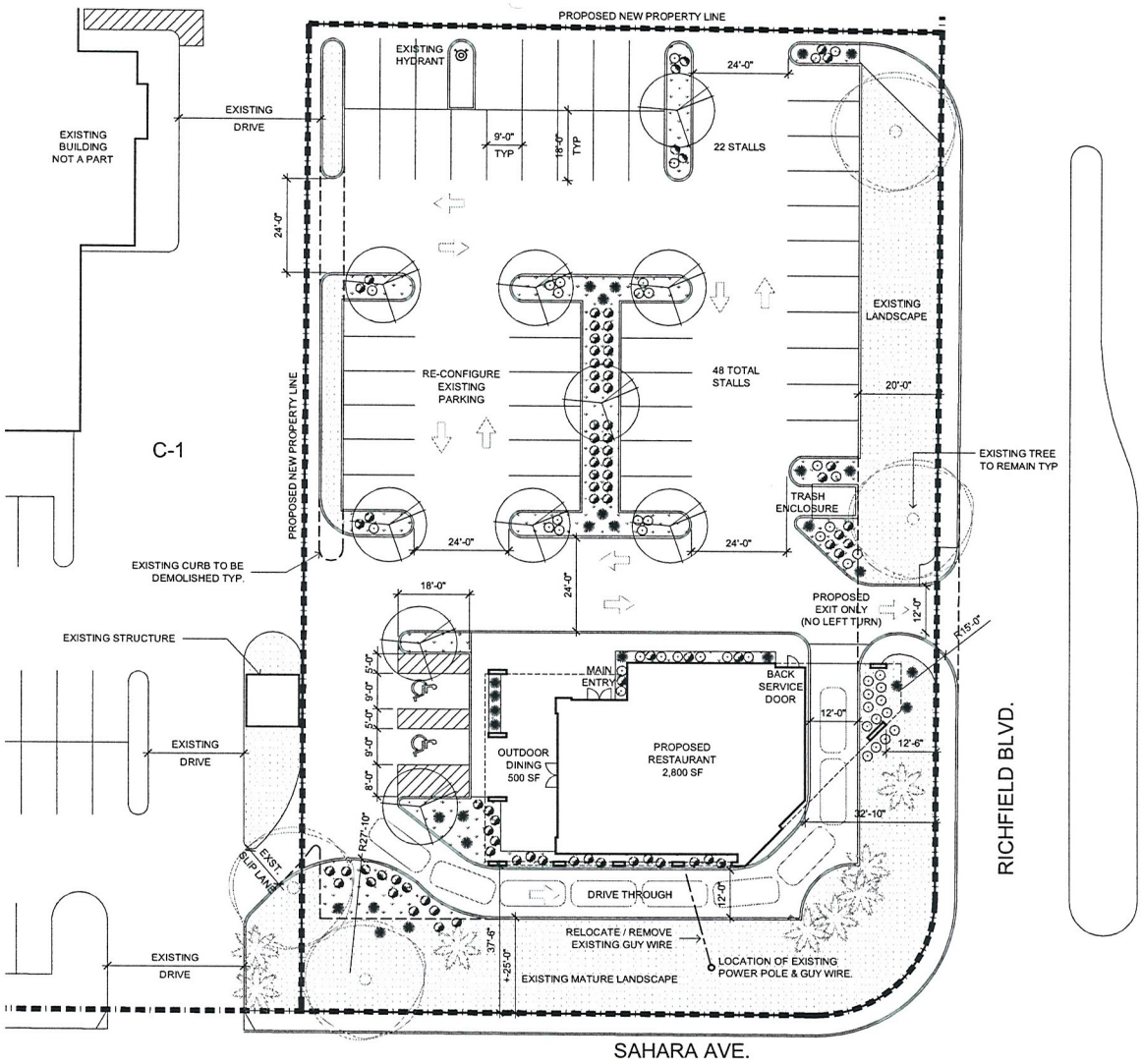
designcell

10777 W.TWAIN AVE, STE 125 T 702-403-1575
LAS VEGAS, NV 89135 WWW.DESIGNCELL.CC

DR03

RECEIVED
DEC 19 2011
City of Las Vegas

SDR-44168



LANDSCAPE LEGEND

	EXISTING MATURE LANDSCAPED AREAS	
	EXISTING MATURE TREES	
	NEW AREAS TO BE LANDSCAPED	
	TREES:	
	RHUS LANCIA MULTI SUMAC	24" BOX
	SHRUBS:	
	HOUDINI SAGE	5 GAL.
	JAPANESE BOXWOOD	5 GAL.
	RED YUCCA	5 GAL.

ADJ.C-1

RECEIVED
JAN 12 2012
City of Las Vegas
Department of Planning

PROPOSED RESTAURANT

3100 W. SAHARA
LAS VEGAS, NEVADA

ENLARGED SITE PLAN

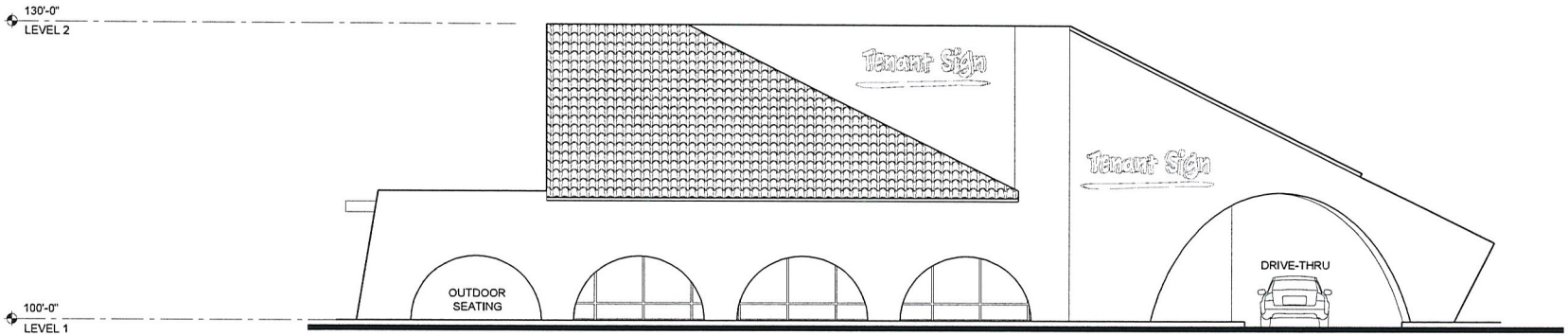
SCALE: 1" = 20'-0"
JANUARY 12, 2012

0 10' 20' 40'

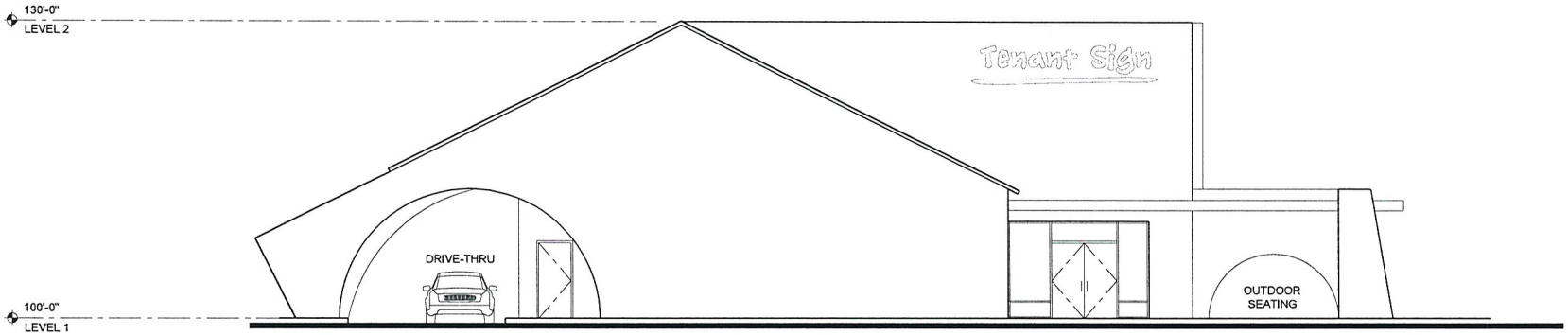
designcell DR02

10777 W.TWAIN AVE, STE 125 T 702-403-1575
LAS VEGAS, NV 89135 WWW.DESIGNCELL.CC

SDR-44168
REVISED



SOUTH ELEVATION



NORTH ELEVATION

PROPOSED RESTAURANT

3100 W. SAHARA
LAS VEGAS, NEVADA

SCALE: 1/8" = 1'-0"
DECEMBER 16, 2011

0 5' 10' 20'

designcell

10777 W.TWAIN AVE, STE 125 T 702-403-1575
LAS VEGAS, NV 89135 WWW.DESIGNCELL.CC

DR04

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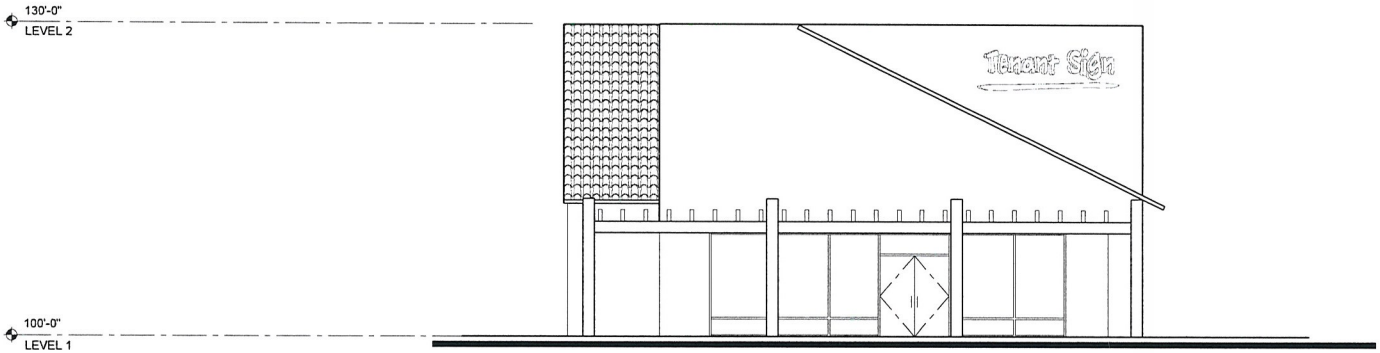
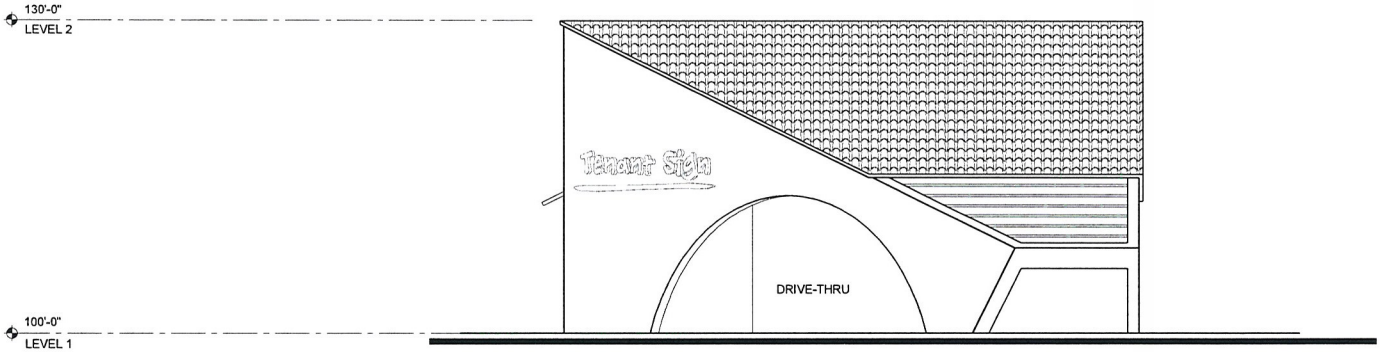
DEC 19 2011
City of Las Vegas

SDR-44168



WEST ELEVATION



EAST ELEVATION

PROPOSED RESTAURANT

3100 W. SAHARA
LAS VEGAS, NEVADA

SCALE: 1/8" = 1'-0"
DECEMBER 16, 2011

0 5' 10' 20'

designcell

10777 W.TWAIN AVE, STE 125 T 702-403-1575
LAS VEGAS, NV 89135 WWW.DESIGNCELL.CC

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City of Las Vegas

SDR-44168

SDR 44168
WSC REO, LLC

NWC Sahara Avenue & Richfield Boulevard

Proposed 2.8 thousand square foot fast food restaurant.

Traffic produced by proposed development:

Proposed Use	DESCRIPTION	#UNIT	RATE/# UNIT	TOTAL
Average Daily Traffic (ADT)	FAST-FOOD W/ DRIVE THRU [1000 SF]	2.8	496.12	1,389
AM Peak Hour			53.11	149
PM Peak Hour			34.64	97

Existing traffic on all nearby streets:

Sahara Ave.

Average Daily Traffic (ADT)	51,063
PM Peak Hour	4,085
(heaviest 60 minutes)	

Richfield Blvd.

Average Daily Traffic (ADT)	3,488
PM Peak Hour	279
(heaviest 60 minutes)	

Traffic Capacity of adjacent streets:

	Existing Street Capacity
Sahara Ave.	51,800
Richfield Blvd.	16,300

This project will add approximately 1,389 trips per day on Sahara Avenue and Richfield Boulevard. Sahara is currently at about 99 percent of capacity and Richfield is at about 21 percent of capacity. After this project is added, Sahara is expected to be over capacity and Richfield to be at about 30 percent of capacity.

Based on Peak Hour use, this development will add roughly 149 additional cars into the area, which works out to about five every two minutes.

Note that this report assumes all traffic from this development uses all named streets.

SDR-44168 - APPLICANT/OWNER: WSC REO, LLC
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD

01/04/12

SDR-44168 - APPLICANT/OWNER: WSC REO, LLC
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD

01/04/12

SDR-44168 - APPLICANT/OWNER: WSC REO, LLC
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD

01/04/12

SDR-44168 - APPLICANT/OWNER: WSC REO, LLC
NORTHWEST CORNER OF SAHARA AVENUE AND RICHFIELD BOULEVARD

01/04/12

designcell ARCHITECTURE

Spanish Villas Restaurant
Project # 11 074
Page 1 of 1

January 12, 2012

CLV Planning & Development
731 South Fourth Street
Las Vegas, NV 89101
Phone: (702) 229-6301
Fax: (702) 474-7463

Re: Site Development Review for a Proposed Restaurant
APN: 162-05-403-003

The purpose of this letter is to request a Site Development Review for the proposed Restaurant located at 3100 W. Sahara Ave, Las Vegas, Nevada 89102.

There are currently 3 adjoining parcels with a shared cross-access and parking agreement, all zoned C-1. It is the intent of the property owners to form a separate parcel for the proposed project, within the existing parking and access agreement. The current General Plan designation is Service Commercial.

The existing buildings on the site, as well as several on the neighboring properties both west and east of the site on Sahara Ave contain elements of "Spanish mission" style architecture such as arched openings, rough stucco walls and large clay tile roofs. It was property owner's vision to use similar design elements for the proposed restaurant to conform to the predominant theme of the neighborhood. Please refer to the attached plans accompanying this application.

Architectural plans depict a single story restaurant on the corner of Sahara Ave. and Richfield Blvd. The proposed location is within an existing parking lot. The portion of the existing parking lot to the north of the proposed building is re-designed to conform to the city's parking landscape standards and to provide more shaded and attractively landscaped parking.

A new one way (exit only) drive is proposed to Richfield Blvd. for the convenience of the restaurant and drive-through customers who may need to take an East-bound direction on Sahara Ave upon exiting the site. The one way drive is proposed due to the proximity to an existing large pine tree which is to be preserved, and in order to locate any new impermeable surface as far away from the tree as possible.

The street landscaping on both Sahara Ave. and Richfield Blvd. is existing and in excellent condition. It contains mature large trees, palm trees and desert landscaping and is proposed to remain as is.

Parking is sufficient on the site for both the existing and proposed uses. Also, the proposed restaurant peak parking times will differ from office-dominated site. In addition some restaurant customers will walk from the adjacent offices, thus further reducing parking need.

As you can see, the applicant has made a considerable effort to work with the property and stylistic nature of the neighborhood. This project is consistent with the surrounding area, the City of Las Vegas Development Code, and does not have any adverse impacts on the area. There are adequate utilities, public transportation, and services to the development.

We appreciate your assistance in moving forward with this proposed project. Please refer to the site & landscape plan, floor plans and elevations dated 12-1-11 and 1-12-12 that accompany this letter.

Sincerely,

1-12-12

Kastytis Cechavicius, NCARB date
Principal
DesignCell, LLC

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JAN 12 2012
City of Las Vegas
Department of Planning

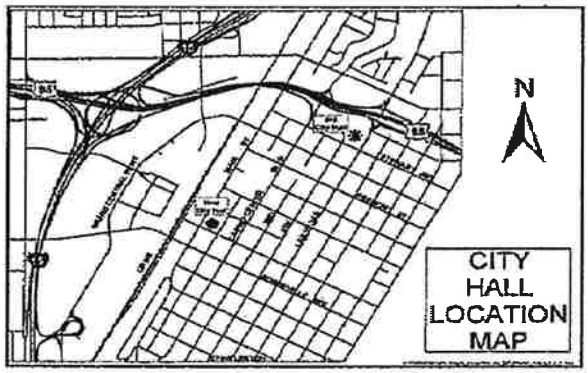
SDR-44168
REVISED

City of Las Vegas
Office Of The City Clerk
495 South Main Street
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK

2012 MAR 12 A 7:26

Return Service Requested
Official Notice of Public Hearing



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Office Of The City Clerk at the address listed above or fax this side of this card to (702) 382-4803. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request

☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168

City Council Meeting of 3/21/2012

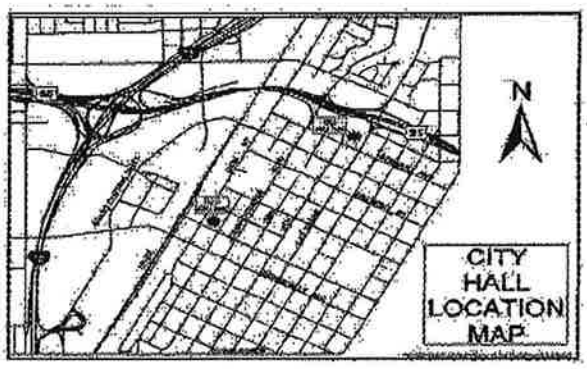
EMERALD TRUST
3022 EL CAMINO AVE
LAS VEGAS NV 89102-4056

APN#16205415027

89102 EMERALD

ty of Las Vegas
fice Of The City Clerk
5 South Main Street
s Vegas, Nevada 89101

Return Service Requested
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

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)R-44168

ty Council Meeting of 3/21/2012

PRESORTED FIRST CLASS

UNITED STATES POSTAGE PITNEY BOWES
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0004279218 MAR 08 2012
MAILED FROM ZIPCODE 89101

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2012 MAR 12 A 7:26
CITY CLERK

LEA JAMES B & JOY J
11001 PINE KNOLLS CT
LAS VEGAS NV 89144-1652

APN#16208111009

03/11/2012 08:20 7028765326 LEA CSI LLC PAGE 01/01

NOTE: THE FOLLOWING DOCUMENTATION WAS SUBMITTED FOR THE RECORD BEFORE OR AT THE PLANNING COMMISSION HEARING ON THIS ITEM WHICH IS NOW APPEARING BEFORE THE CITY COUNCIL

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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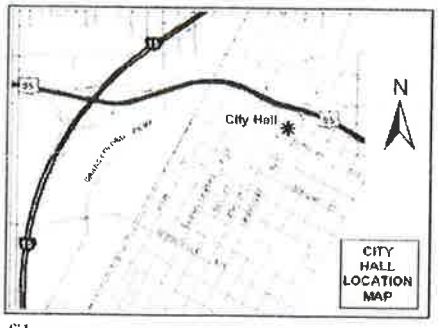

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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168

Planning Commission Meeting of 2/14/2012

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FEB - 7 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SDR-44168
16208511040
WHIPPLE MELVIN R TRUST
WHIPPLE MELVIN R TRS
2816 MERRITT AVE
LAS VEGAS NV 89102-6087 89102-6087

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SDR-44168

Planning Commission Meeting of 2/14/2012

Case: SDR-44168
16208104008
ROSS & ROSS L L C
2488 OLD CASH RD
CHERAW SC 29520-5729 29520-5729

2 LADFM11 29520

fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

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SDR-44168

Planning Commission Meeting of 2/14/2012

Case SDR-44168
16205415019
GRABIN CAROLYNN
608 E BEVAN DR
JOLIET IL 60435-5613 60435-5613

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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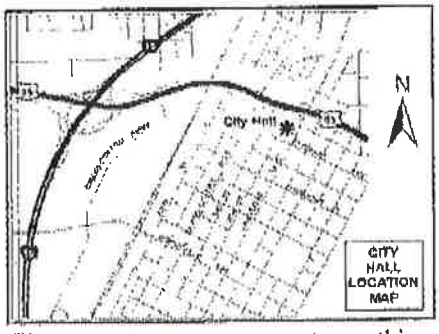

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SDR-44168
16208114034
BORDENAVE EDWARD A & LOUISE O
3013 KINGS WY
LAS VEGAS NV 89102-5925 89102-5925

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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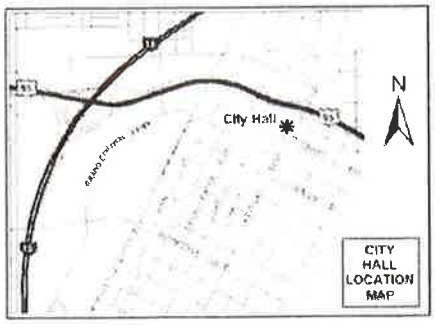

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SDR-44168

Planning Commission Meeting of 2/14/2012

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

Case: SDR-44168
16208511013
BURNS JUDITH T TRUST
BURNS JUDITH T TRS
2804 ALCOA AVE
LAS VEGAS NV 89102-6023 89102-6023

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

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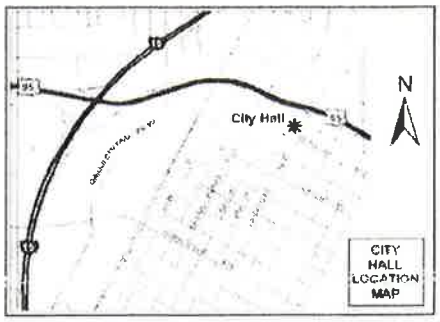

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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168
Planning Commission Meeting of 2/14/2012

Case SDR-44168
16208511010
FOREMASTER KENNETH R & RAUNA
2816 ALCOA AVE
LAS VEGAS NV 89102-6023 89102-6023

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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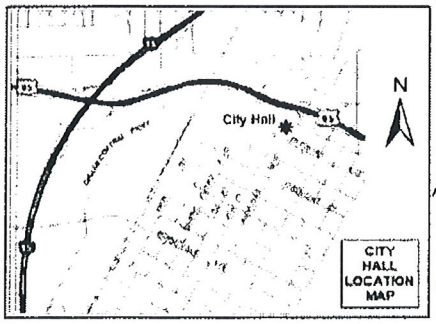

THE LANDSCAPE BUFFERS ARE NEEDED - ESPECIALLY THE NORTH SIDE. THERE IS ALREADY A DAIRY QUEEN ABOUT 100' FROM THIS PLANNED LOCATION AND AN IN & OUT BURGER TO THE EAST AND A PIZZA HUT ACROSS THE STREET - GIVE US A BREAK! WHY HAVE RULES WHEN THE OWNER WANTS EVERYTHING CHANGED FOR HIS CONVENIENCE.

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning, Case Planning Division at the address listed above or fax this side of this card to (702) 385-7268. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168

Planning Commission Meeting of 2/14/2012

Case. SDR-44168
16205416025
CUMMINGS FAMILY TRUST
CUMMINGS PETER & KAREN M TRS
3025 PLAZA DE ROSA
LAS VEGAS NV 89102-4048 89102-4048

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FEB - 6 2012
CITY OF LAS VEGAS
PLANNING & DEVELOPMENT

32 LRDFN11 89102

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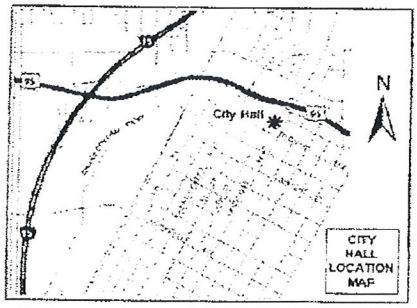
City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



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☐ I SUPPORT this Request ☒ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168

Planning Commission Meeting of 2/14/2012

Case: SDR-44168
16205415027
EMERALD TRUST
3022 EL CAMINO AVE
LAS VEGAS NV 89102-4056 89102-4056

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FEB - 6 2012

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City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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UNITED STATES POSTAGE PITNEY BOWES
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MAILED FROM ZIPCODE 89101

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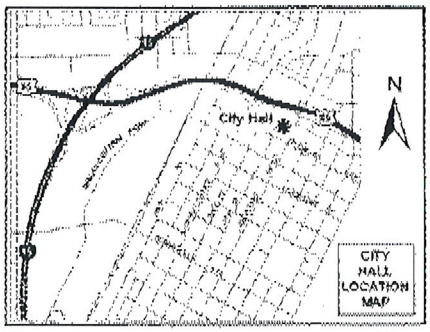
Official Notice of Public Hearing



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☒ I SUPPORT this Request ☐ I OPPOSE this Request

Please use available blank space on card for your comments.

SDR-44168

Planning Commission Meeting of 2/14/2012

Case: SDR-44168

16208111009
LEA JAMES B & JOY J
11001 PINE KNOLLS CT
LAS VEGAS NV 89144-1652 89144-1652

RECEIVED
FEB - 6 2012

45A

City of Las Vegas Agenda Item No.: **69.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

City of Las Vegas Agenda Item No.: **70.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL 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

City of Las Vegas Agenda Item No.: **71.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: MARCH 21, 2012

SUBJECT:
COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION