



Las Vegas

Agenda Item No.: 5.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 1, 2014

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2014-75 - For Possible Action - Annexation No. ANX-56312 - Property location: South of Centennial Parkway, east and west of Alpine Ridge Way; Petitioned by: DR Horton, et. al; Acreage: 31.02 Acres; Zoned: R-1 (County zoning), R-1 (City equivalent). Sponsored by: Councilman Steven J. Ross

Fiscal Impact

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located south of Centennial Parkway, east and west of Alpine Ridge Way. The annexation is at the request of the current or previous property owner(s). The annexation process has now been completed in accordance with the NRS and the final date of annexation (December 12, 2014) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2014-75 and Location Map
2. Submitted at Meeting - Approximately 42 Letters as Opposition Petition by Timothy O'Brien

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

TOM PERRIGO, Acting Director of Planning, explained that the City's policy for many years has been to require property annexation in exchange for receiving City sewer services. In cases where the properties are not contiguous to City sewer, the owners are required to sign an

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annexation petition to take effect when the properties become contiguous. This was the case with the property annexations on this agenda; therefore, City staff was going through the process of annexing these properties, which total 113 parcels. The property owners were notified via certified mail and given the opportunity to meet with City staff to become informed of the process. Many of the property owners were unaware of the annexation petition that was signed by the property developer years ago.

MR. PERRIGO explained to COUNCILMEN BARLOW and COFFIN that property surrounded by 75 percent of City land could be annexed, but would require the majority of the property owners' support. With these annexations, one-third of the property is attached to the City, thus allowing the City to annex with the short form.

COUNCILMAN COFFIN commented that a lot of politics and money was involved with these annexations and that an interlocal agreement for these properties had been entered into with the County many years ago. He indicated that the County Commissioner in the area was not opposed. He asked if the reason the City was pursuing annexation of these properties was because the City had not collected certain fees, and MR. PERRIGO replied that he was not familiar with the collection of any fees.

DEPUTY CITY MANAGER ORLANDO SANCHEZ and JOE CRANKIN, Planning Manager, remarked that the Interlocal Agreement expired on 1/20/14, and it refers to the Fire District Ordinance, which is what was being discussed at length by the property owners.

COUNCILMAN BARLOW discussed with MR. PERRIGO that these property owners have had the benefit of residing in the County while receiving City services without paying City taxes. From the City's perspective, providing services to property owners that do not pay taxes puts the City at a disadvantage, noting that everybody is treated the same.

TIMOTHY O'BRIEN, representing residents opposed residing within the Constellation Estates subdivision, submitted 42 form letters as an opposition petition, which were attached as backup, and went through the reasons for opposition detailed in the letter. He asserted to COUNCILMAN BARLOW that these Clark County residents were opposed to being annexed into the City because they saw no benefit in having to pay higher property taxes without receiving any additional services.

At the request of COUNCILMAN COFFIN, MR. PERRIGO explained that some of the services provided are provided by both Clark County and the City; however, the City provides and maintains the streets these County residents utilized for years to get to and from their properties without paying City taxes. The City also provides park maintenance and the infrastructure to maintain property values in the area.

MR. PERRIGO indicated to COUNCILMAN COFFIN that he was not aware of what D.R. Horton disclosed to the property owners at the time of sale regarding the annexation and noted that residents in the area pay for fire services to the County even though the City provides fire

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services. DEPUTY CITY MANAGER SANCHEZ interjected that perhaps the annexation information was in the fine print of the paperwork.

As to COUNCILMAN ANTHONY'S question of whether due process had been followed in these matters, CHIEF DEPUTY CITY ATTORNEY VAL STEED replied that he did not know what D. R. Horton disclosed; however, the annexation petitions were recorded with the Recorder's Office to ensure the information was attached in the title chain. MR. RANKIN added that this annexation petition was recorded 9/24/2000 with the Clark County Recorder's Office.

CHIEF DEPUTY CITY ATTORNEY STEED explained that the long form is filed under all normal circumstances, but when an annexation petition is filed, staff does not know the type; therefore, a range of section numbers is typically used to cover all bases. Short-form petitions require contiguity.

COUNCILMAN ANTHONY confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that this matter was in order and that he felt comfortable legal sufficiency had been met.

MR. O'BRIEN countered CHIEF DEPUTY CITY ATTORNEY STEED'S explanation regarding the annexation petition and asserted that D. R. Horton only wanted to sell the houses. He felt that since the annexation petition referenced the long form, the homeowners should have been given discretion in this matter. Regarding streets and their maintenance, he alleged that the homeowners were responsible for them and that there is no infrastructure in this area.

SHARON LINSENBARDT said she was present to support her neighbors in the area that are against being annexed into the City even though her property was not included. She disagreed with MR. PERRIGO'S representation that Clark County residents use County services and that City residents use City services, because, to her, there were no boundaries and they use both. Therefore, the argument that Clark County residents annexing into the City would benefit was a misnomer, because she argued that when she called the City for assistance, she has been refused and referred to Clark County. She emphasized that she did not receive sewer service from the City because she had a well. When she called the City for assistance with the large tumbleweeds blown onto her property from City property, she was told by City staff members it was out of their control and told her to contact the County. She blamed the City for creating the flooding conditions in the area by installing a berm in the middle of the flood channel. MS. LINSENBARDT stressed that she worked for years on effectuating the Interlocal Agreement for the County islands in the area, but it was terminated.

MR. PERRIGO pointed out that the Interlocal Agreement included an expiration date; it was not terminated. DEPUTY CITY MANAGER SANCHEZ interjected that the agreement included terms to retain the rural standards, but the conditions of the agreement outlived its life. MR. RANKIN added that one of the concerns with the agreement was that Clark County stopped informing the City of land use applications. MS. LINSENBARDT argued that the residents should have been notified because D.R. Horton only cared about developing the property. She noted that NRS 268.594 indicates how annexation can be stopped and NRS 704 indicates

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requirements on municipalities to provide utility services to customers outside of the jurisdiction, which she questioned. Lastly, she emphasized that when she purchased her property, she gave 50 feet of it to the County. She asked how this would make her property contiguous to the City. COUNCILMAN BARLOW explained that the annexations on this agenda deal with properties connected to the City.

DEPUTY CITY MANAGER SANCHEZ commented that only properties connected to City sewer were required to annex into the City. MS. LUNSENBARDT said that property owners should be allowed to receive sewer services as long as they pay for the services without having to annex.

COUNCILMAN COFFIN said he has been told that water wells would not be touched and MR. PERRIGO concurred.

RORY TUGGLE verified with MR. RANKIN that he did not receive notification because his property is blocked out because he was previously in law enforcement. MR. TUGGLE remarked that he did not receive notification regarding the annexation when he purchased his property. He clarified that the properties in this annexation are not in (Preservation) Zoning; however, that zoning figured heavily in the development of the area until certain standards were approved, including no sidewalks or streetlights. He asked if these residents would be forced to add streetlights and sidewalks upon annexation into the City. MR. PERRIGO replied that privately owned streets could retain current street standards. He also verified for MR. TUGGLE that there was no Clark County sewer system in the area. MR. TUGGLE emphasized that it was unfair for the City to claim that the residents were not paying for services when they have made payments to the City for sewer service.

ROBERT MALIN stated that he was never notified of the annexation requirement and pointed out that the development would be bifurcated with half on either side of Alpine Ridge Street because of how the boundaries were set up to protect the area.

COUNCILMAN ANTHONY wondered if there was any way the County residents opposed to annexing into the City could just stop receiving City services. MR. PERRIGO stated the City has invested substantially in the area to provide fire services, which do not have borders, and Clark County residents pay for these services being provided by the City to the County. In all fairness, the City allows future annexation in exchange for receiving sewer services at the time of development. DEPUTY CITY MANAGER SANCHEZ pointed out that there are residents on County islands who use City streets, which are paid for by City residents, to get to and from their homes. MR. RANKIN noted that the Interlocal Agreement put a delay on these annexations.

COUNCILMAN ANTHONY remarked that, unfortunately, it is a matter of the area these residents chose to purchase property, and they should pay for services received. DEPUTY CITY MANAGER SANCHEZ and MR. RANKIN commented that growth will continue in this area.

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CITY CLERK BEVERLY BRIDGES advised COUNCILMAN BARLOW that these annexations were not scheduled for public hearing at the 12/3/2014 City Council meeting; therefore, public comment would be allowed at the discretion of the Mayor. COUNCILMAN BARLOW suggested anyone wishing to speak at the Council meeting on these matters would have to make a request to the Mayor.

COUNCILMAN BARLOW declared the Public Hearing closed.

