

BILL NO. 98-181
ORDINANCE NO. 5064

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1450 (GOWAN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (the "City Council" and "City", respectively), in the County of Clark and the State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1450 (Gowan Road) (the "District"), for the purpose of a Street Project as defined in Chapter 271, Nevada Revised Statutes (the "Project"), and to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land in the District; and

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

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

WHEREAS, among other documents, the City Engineer and the City Engineering Division made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last-known owners of the property to be assessed; a description of each lot, tract, or parcel of land to be assessed; the amount of the estimated assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and

the City Engineer has reported to the City Council the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

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

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

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before January 8, 1998, and to appear before the City Council on Monday, January 12, 1998 and on Monday February 9, 1998, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with moneys derived from other than the levy of special assessments (NRS 271.306(2)a) and that the distance between like improvements is less than 2,640 feet (NRS 271.306(2)b); and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the District, the City, and the inhabitants

thereof to create the District as modified by the Special Improvement District 1450 Protest Disposal Resolution; and

WHEREAS, every other written complaint, protest and other objection was found to be without sufficient merit and was overruled and disposed of and finally passed by the City Council, except as provided in the Special Improvement District No. 1450 Protest Disposal Resolution adopted on February 23, 1998; and

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

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

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

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1450 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that protests and objections made in connection with the District is without sufficient merit and except as so modified, the same be, and the same heretofore has been by the Special Improvement District No. 1450 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

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

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.

- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated the "Las Vegas, Nevada, Special Improvement District No. 1450 (Gowan Road)" for the purpose of acquiring a Project as more particularly described below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below). The streets to be improved by the improvements are:

Gowan Road (BOTH SIDES) - from the centerline of Edward Avenue east along Gowan Road to the centerline of Decatur Boulevard. (80' right-of-way).

Thom Boulevard (EAST SIDE) - from a point approximately 200 feet south of the southerly right-of-way line of Gowan Road northerly along Thom Boulevard to the centerline of Gowan Road. (60' right-of-way).

Rancho Road (WEST SIDE) - from the centerline of Gowan Road southerly along Rancho Road a distance of approximately 292 feet. (125' right-of-way).

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described, and the character of the improvements shall be described more particularly as follows: The improvements on Gowan Road, Thom Boulevard and Rancho Road will consist of the grading, regrading, graveling, and asphalt paving, "L" type curb and gutter, commercial driveway approach, sidewalks, street lights and water laterals.

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

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

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
\$4,404,485.00	\$286,524.42	\$4,117,960.58

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

The assessments will be levied on a front foot basis. Each property owner will be assessed for the cost of a pavement section (varying in width), curb, gutter, commercial driveway approach, sidewalks, street lights and water laterals, where not already existing, except as provided in the Special Improvement District No. 1450 Protest Disposal Resolution adopted on February 9, 1998.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1450 Provisional Order Resolution.

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

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

Section 9. That after the award of the contract, the City Council shall determine the total cost of such work, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in twenty (20) substantially equal semi-annual installments of principal. The City Council shall provide the time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments which will not exceed the current maximum rate of interest permitted under the statutes of the State; and if assessment bonds are issued, such rate will not exceed more than one percent (1%) the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds" which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

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

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

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

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

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before March 23, 1998.

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

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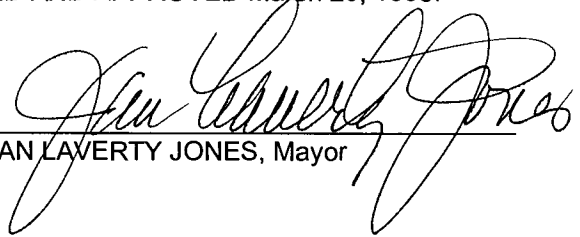
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Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not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

Introduced February 23, 1998, PASSED, ADOPTED AND APPROVED March 23, 1998.



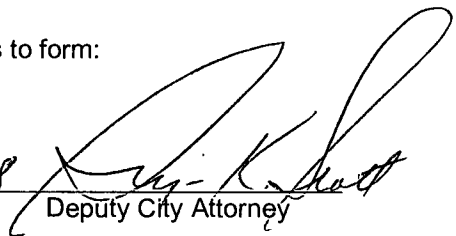
JAN LAVERTY JONES, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to form:

2/19/98 
Date Deputy City Attorney

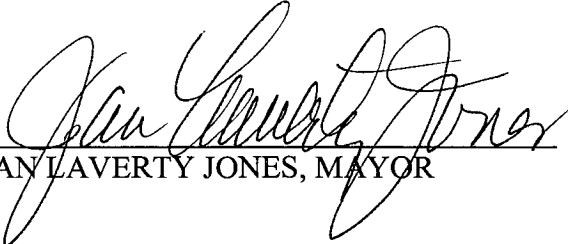
1 The above and foregoing ordinance was first proposed and read by title to the City Council on
2 the 23rd day of February, 1998 and referred to the following committee composed of Mayor
3 Jones and Councilman Reese for recommendation; thereafter the said committee reported
4 favorably on said ordinance on the 23rd day of March, 1998 which was a regular meeting of
5 said Council; that at said regular meeting, the proposed ordinance was read by title to the City

6 VOTING "AYE": Councilmen Adamsen, Reese and Brown

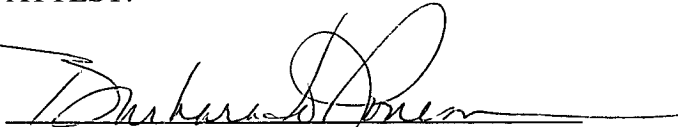
7 VOTING "NAY": NONE

8 EXCUSED: Councilman McDonald and Mayor Jones

9 APPROVED:

10
11 
12 JAN LAVERTY JONES, MAYOR

13 ATTEST:

14 
15 BARBARA JO RONEMUS, City Clerk

AFFIDAVIT OF PUBLICATION

RECEIVED
CITY CLERK
1998 MAR 18 P 3:18

PASTE CLIPPING HERE

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

BILL NO 98-18
AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1450 (GOWAN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO
SUMMARY Creation Ordinance
At a City Council meeting FEBRUARY 23, 1998 BILL NO 98-18 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE Mayor Jones and Councilman Reese
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB March 12, 1998
Las Vegas Review-Journal

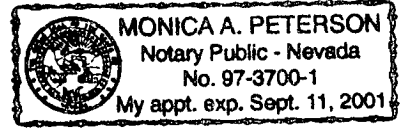
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 12, 1998 to MARCH 12, 1998, on the following days:

MARCH 12, 1998

Signed: Barbara Linford

Subscribed 12 and sworn to before me this 12 day of Mar, 19 98

Monica A. Peterson
Notary Public



AFFIDAVIT OF PUBLICATION

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CITY CLERK
1998 APR -2 A 11: 10

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BILL NO 98-18
ORDINANCE NO 5064

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1450 (GOWAN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO

SUMMARY Creation Ordinance

The above and foregoing ordinance was first proposed and read by title to the City Council on the 23rd day of February, 1998 and referred to the following committee composed of Councilmen Brown and McDonald for recommendation, hereafter the said committee reported favorably on said ordinance on the 23rd day of March, 1998, which was a regular meeting of said City Council, and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote

VOTING "AYE" Councilmen Adamsen, Brown and Reese
VOTING "NAY" NONE
EXCUSED Councilman McDonald and Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB March 26, 1998
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

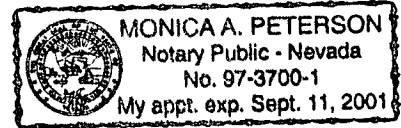
That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 26, 1998 to MARCH 26, 1998, on the following days:

MARCH 26, 1998

Signed: Barbara Linford

Subscribed and sworn to before me this 26 day of Mar, 19 98

Monica A. Peterson
Notary Public



AFFIDAVIT OF PUBLICATION

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1998 MAR 18 P 3:40

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STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 12, 1998 to MARCH 12, 1998, on the following days:

MARCH 12, 1998

BILL NO. 98-18
AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1450 (GOWAN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.
SUMMARY: Creation Ordinance
At a City Council meeting
FEBRUARY 23, 1998
BILL NO. 98-18 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Mayor Jones and Councilman Reese
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: March 12, 1998
Las Vegas Review-Journal

Signed: Barbara Linford

Subscribed 12 and sworn to before me this 12th day of Mar, 19 98

Monica A. Peterson
Notary Public

MONICA A. PETERSON
Notary Public - Nevada
No. 97-3700-1
My appt. exp. Sept. 11, 2001



AFFIDAVIT OF PUBLICATION

1998 APR - 2 AM 11:10
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STATE OF NEVADA)
COUNTY OF CLARK) SS:

BARBARA LINFORD, being first duly sworn, deposes and says:

That she/he is a legal clerk for the LAS VEGAS REVIEW-JOURNAL and THE LAS VEGAS SUN, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy of which is attached, was continuously published in the LAS VEGAS REVIEW-JOURNAL or THE LAS VEGAS SUN for a period of ONE insertions from the period of MARCH 26, 1998 to MARCH 26, 1998, on the following days:

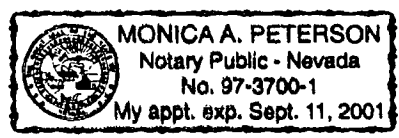
MARCH 26, 1998

BILL NO 98-18
ORDINANCE NO. 5064
AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1450 (COWAN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.
SUMMARY: Creation Ordinance
The above and foregoing ordinance was first proposed and read by title to the City Council on the 23rd day of February, 1998 and referred to the following committee composed of Councilmen Brown and McDonald for recommendation; hereafter the said committee reported favorably on said ordinance on the 23rd day of March, 1998, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:
VOTING "AYE" Councilmen Adamsen, Brown and Reese
VOTING "NAY" NONE
EXCUSED: Councilman McDonald and Mayor Jones
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA
PUB: March 26, 1998
Las Vegas Review-Journal

Signed: Barbara Linford

Subscribed and sworn to before me this 20 day of Mar, 19 98

Monica A. Peterson
Notary Public



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