

Bill No. 91-42
Ordinance No. 3593

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 428; ORDERING THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.

Sponsored By: Ordinance required by
step procedure

Summary: Creates
District.

WHEREAS, the City Council of the City of Las Vegas, Nevada, has heretofore taken action preliminary to the creation of Las Vegas, Nevada, Special Improvement District No. 428, in conjunction with a total project that will include the removal of the existing defective street paving on the those certain streets that are identified in the Notice of Hearing that is provided for in Section 4 of the Provisional Order Resolution that was duly passed, adopted and approved by the City Council of said City on the 3rd day of April, 1991, the replacement thereof with new street paving that meets said City's current design standards and the installation of a street lighting system along such streets (the "Project" herein), for the purpose of defraying the entire cost and expense of installing such street lighting system by special assess-ments, according to the benefits derived, against the taxable lots and parcels of property within said District; and

WHEREAS, pursuant to Chapter 271 of the Nevada Revised Statutes and said Provisional Order Resolution, said City Council declared its determination to create said District for the purpose of making such improvements within each assessment unit thereof, describing in said Resolution the improvements, stating

therein that the entire expense thereof shall be paid by special assessments and that the assessments are to be made according to the benefits, designating therein, by apt description, the boundaries of said District, including the lands to be so assessed, and definitely locating therein the improvements to be made within said District; and

WHEREAS, a public hearing concerning the propriety and advisability of installing such street lighting system was held on the 1st day of May, 1991, and duly and regularly continued to the 5th day of June, 1991, pursuant to duly mailed, posted and published notice, with protests having been presented to the creation of said District that represented the majority of the frontage that is proposed to be assessed for the cost of installing such street lighting system; and

WHEREAS, said Notice of Hearing advised the owner or owners of each lot or parcel of property that is proposed to be assessed for the cost of such street lighting system, any other person who may be interested in any thereof and any tenant of any mobile home park that is located on any such lot or parcel that, since one-half or more of the total cost of the entire Project will be paid for other than by the levy of special assessments, said City Council may, pursuant to NRS 271.305(7)(b)(2), order the installation of such streetlights and appurtenances, in which event the installation thereof shall not be stayed, defeated or prevented by written complaints, protests or objections thereto; and

WHEREAS, said City Council, by that certain Resolution that was duly passed, adopted and approved on the 19th day of June, 1991, has found, determined and declared that, notwithstanding the fact that protests that represent the majority of the frontage that is proposed to be assessed for the cost of such street lighting system were presented at such public hearing, the installation of such street lighting system shall not be stayed, defeated or prevented, and it therefore, pursuant to NRS 271.305(7)(b)(2), overruled each of such protests, and it has further found, determined and declared that the public convenience and necessity require the creation of said District and that the creation of said District is economically sound and feasible; and

WHEREAS, said City Council and the officers of said City have done all things that are necessary and preliminary to the creation of said District, including without limitation the filing with said City Clerk by the City Engineer of said City of a revised and accurate estimate of the cost and plans, assessment plats, specifications and maps, and said City Council desires now to order such improvements and work within each assessment unit of said District by this Ordinance.

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

SECTION 1. That there shall be, and hereby is, created a special improvement district, in conjunction with a total project that will include the removal of the existing defective

street paving on the those certain streets that are identified in said Notice of Hearing, the replacement thereof with new street paving that meets said City's current design standards and the installation of a street lighting system along such streets, for the purpose of defraying the entire cost and expense of installing such street lighting system by special assessments, according to the benefits derived, against the taxable lots and parcels of property within said District, which shall include, and be the same as, the areas designated in the aforesaid Provisional Order Resolution, and such street lighting system shall be, and it hereby is ordered to be, installed.

SECTION 2. That the character and location of the improvements and the boundaries of said District shall be in all respects as set forth in the aforesaid Provisional Order Resolution (except to the extent inconsistent herewith), as the same are more particularly shown in the plats, diagrams, plans and specifications as filed in the Office of said City Clerk prior to the adoption of said Provisional Order Resolution.

The boundaries of said District, which include all of the lots and parcels of property that are to be assessed, are more particularly described as follows:

WENGERT AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Wengert Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street

(60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

SWEENEY AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Sweeney Avenue, or portions thereof, along both sides thereof from a point that is approximately 25 feet east of the centerline of 8th Street (50 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide;

GRIFFITH AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Griffith Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide;

BRACKEN AVENUE: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts Bracken Avenue, or portions thereof, along both sides thereof from a point that is approximately 30 feet east of the centerline of 10th Street (60 feet wide) easterly to a point that is approximately 25 feet west of the centerline of 11th Street (50 feet wide);

10TH STREET: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts 10th Street, or portions thereof, along both sides therefrom from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 25 feet north of the centerline of Sweeney Avenue (50 feet wide) and from a point that is approximately 25 feet south of the centerline of said Sweeney Avenue southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide); and

11TH STREET: Each lot or parcel of real property lying and being situate in the City of Las Vegas, County of Clark, State of Nevada, and being a portion of Section 3, Township 21 South, Range 61 East, M.D.M., which abuts 11th Street, or portions thereof, along both sides thereof from a point that is approximately 30 feet south of the centerline of Franklin Avenue (60 feet wide) southerly to a point that is approximately 30 feet north of the centerline of Oakey Boulevard (60 feet wide).

SECTION 3. That the improvements the cost of which will be assessed against the taxable lots and parcels of property within said District constitute only a portion of the Project. The total cost of the Project is estimated to be \$940,084.00, of which an estimated \$83,812.00 will be paid by the special assessments that will be levied against the taxable lots and parcels of property within said District that will be benefited

by the such street lighting system. Said City Council shall provide that such assessments may be payable without interest or demand during a specified period, at the election of the property owner, or in twenty substantially equal semiannual installments of principal. The amounts to be assessed shall be made upon all lots and parcels of property benefited, proportionately to the benefits that are received by the respective lots and parcels, and shall be assessed against the benefited properties that abut such improvements upon a front foot basis, i.e., on the basis that each lot or parcel of property that is to be assessed shall be assessed a portion of the aggregate dollar amount that is being levied against the entire Special Improvement District in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being installed bears to the frontage of all of the assessable properties in said District that abut the street along which the improvement is being installed. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each lot or parcel of property shall be as stated in the aforesaid assessment plat.

Regardless of the basis that is used in apportioning the assessments, in the case of wedge, "V" or other irregularly shaped lots or parcels, the amounts apportioned thereto shall be in proportion to the special benefits to be derived thereby.

SECTION 4. That, except as shown on the plans and specifications now on file in the Office of said City Clerk, the character of such improvements shall consist of the installation

of 100 watt high pressure sodium vapor luminaires, steel lighting standards on concrete bases and underground circuits.

SECTION 5. That said City Clerk be, and she hereby is, authorized, empowered and directed to file in the Office of the County Recorder of Clark County, Nevada, a certified copy of a list of the lots and parcels of property to be assessed in said District and the amount of the maximum benefits estimated to be assessed against each lot or parcel in the assessment area, as the same is shown on the assessment plat as revised and approved by said City Council.

SECTION 6. That all actions (not inconsistent with the provisions of this Ordinance) that were heretofore taken by said City, and the officers thereof, directed toward the construction and installation of the improvements within each of the assessment units of said Special Improvement District No. 428, toward the creation of said District and toward the levying and effecting of special assessments to defray the cost thereof be, and the same hereby are, ratified, approved and confirmed.

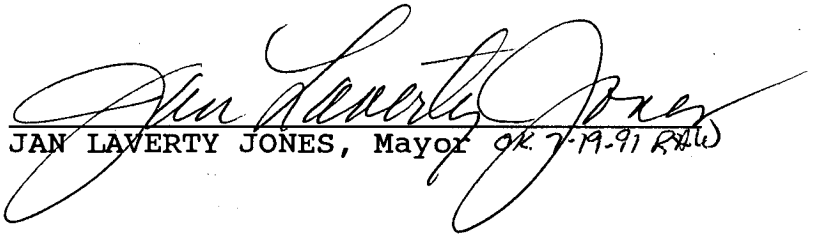
SECTION 7. That all bylaws, orders, resolutions or ordinances or parts of bylaws, orders, resolutions or ordinances, in conflict with this Ordinance are hereby repealed.

SECTION 8. That, if any one or more sections, sentences, clauses or parts of this Ordinance shall, for any reason, be questioned or be held to be invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Ordinance

so held to be unconstitutional or invalid, and the applicability and invalidity of any section, sentence, clause or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability or validity of this Ordinance in any other instance.

SECTION 9. That said City Clerk and Clerk of said City Council be, and she hereby is, further authorized, empowered and directed to cause this Ordinance to be published once, immediately following its final reading and adoption, in the Las Vegas Review-Journal, a daily newspaper published and of general circulation in said City, and this Ordinance shall become effective on the day immediately following such publication.

PASSED, ADOPTED AND APPROVED THIS 17th day of July, 1991.


JAN LAVERTY JONES, Mayor *OK 7-19-91 RAL*

ATTEST:


KATHLEEN M. TIGHE, City Clerk

The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of June, 1991, and referred to the following committee composed of Councilmen Nolen and Hawkins Jr. for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of July, 1991, which was a regular meeting of said City Council; 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 Nolen, Adamsen, Higginson, Hawkins Jr. & Mayor Jones

VOTING "NAY"

NONE

ABSENT:

NONE

Approved:

By

JAN LAVERTY JONES, Mayor *OK 7-19-91 RAN*

ATTEST:

KATHLEEN M. TIGHE, City Clerk

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AFFIDAVIT OF PUBLICATION

CITY CLERK

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BILL NO. 91-42
ORDINANCE NO. 3593

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 428; ORDERING THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.

SPONSORED BY: Ordinance required by step procedure.

SUMMARY: Creates District. The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of June, 1991, and referred to the following committee composed of Councilmen Nolen and Hawkins Jr. for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of July, 1991, which was a regular meeting of said City Council; 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: Nolen, Adamsen, Higginson, Hawkins Jr. and Mayor Jones
VOTING "NAY" Councilmen: NONE
ABSENT: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 20, 1991
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

TERINA L CHAPLIN, 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 JULY 20, 1991 to JULY 20, 1991, on the following days:

JULY 20, 1991

Signed: Terina L Chaplin

Subscribed and sworn to before me this

24th day of July, 1991

Maria C. Sherien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

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BILL NO. 91-42
AN ORDINANCE CREATING LAS VEGAS NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 428, ORDERING THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.
SPONSORED BY: Ordinance required by step procedure
SUMMARY: Creates District
At a City Council meeting June 19, 1991
BILL NO. 91-42 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE Councilmen Nolen and Hawkins Jr. COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 5, 1991
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

TERINA L CHAPLIN, 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 JULY 5, 1991 to JULY 5, 1991, on the following days:

JULY 5, 1991

Signed: *Terina L Chaplin*

Subscribed and sworn to before me this

8th day of July, 1991

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public-State of Nevada
CLARK COUNTY
My Appointment Expires May 11, 1994

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BILL NO. 91-4
ORDINANCE NO. 3593
AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 428, ORDERING THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.
SPONSORED BY: Ordinance required by the procedure.
SUMMARY: Council District 1
The above and foregoing ordinance was first proposed and read by title to the City Council on the 19th day of June, 1991, and referred to the following committee composed of Councilmen Nolen and Hawkins Jr. for recommendation; thereafter, the said committee reported favorably on said ordinance on the 17th day of July, 1991, which was a regular meeting of said City Council; that at said regular meeting, the proposed ordinance was read by title to the City Council and first introduced and adopted by the following vote:
VOTING "AYE" - Councilmen: Nolen, Adamsen, Hippinson, Hawkins Jr. and Mayor Jones
VOTING "NAY" - Councilmen: NONE
ABSENT: NONE
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 20, 1991
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS.

TERINA L. CHAPLIN, 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 JULY 20, 1991 to JULY 20, 1991, on the following days:

JULY 20, 1991

Signed: Terina L. Chaplin

Subscribed and sworn to before me this

24th day of July, 1991

Maria C. Therien
Notary Public

MARIA C. THERIEN
Notary Public - State of Nevada
CLARK COUNTY

My Appointment Expires May 11, 1994



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BILL NO. 91-42
AN ORDINANCE CREATING LAS VEGAS NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 42, ORDERING THE INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING ACTION HERETOFORE TAKEN RELATIVE TO SAID DISTRICT; AND PROVIDING FOR RELATED MATTERS.
SPONSORED BY: Ordinance required by step procedure
SUMMARY: Creates District At a City Council meeting June 19, 1991
BILL NO. 91-42 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Nolen and Hawkins Jr. COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: July 5, 1991
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

TERINA L CHAPLIN

, 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 JULY 5, 1991 to JULY 5, 1991, on the following days:

JULY 5, 1991

Signed:

Subscribed and sworn to before me this

8th day of July, 1991

Maria C. Therien
Notary Public

MARIA C. THERIEN

Notary Public-State of Nevada
CLARK COUNTY

My Appointment Expires May 11, 1994



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