

Bill No. 91-80

Ordinance No. 3625

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1430; 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 (the "City Council" and the "City", respectively, herein), in the County of Clark, and State of Nevada, has heretofore taken action that is preliminary to the creation of the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1430" (the "District" herein) for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving of Smoke Ranch Road, Torrey Pines Drive and Cheyenne Avenue, and portions of each, including street intersections, as is more particularly described in the notice of hearing that is provided for in Section 4 of that certain Provisional Order Resolution that was duly passed, adopted and approved on the 6th day of November, 1991 (the "Provisional Order Resolution" herein), and of defraying the entire cost and expense thereof by special assessments, according to the benefits that will be derived from such improvements by the respective assessable lots and parcels of property in the District, against such lots and parcels; and

WHEREAS, pursuant to Chapter 271 of the Nevada Revised Statutes ("Chapter 271" herein), the City Council, in the

Provisional Order Resolution, declared its determination to create the District for the purpose of constructing and installing such improvements, described the improvements that are proposed to be constructed and installed therein, stated that the entire cost and expense thereof shall be paid by special assessments and that such assessments are to be levied according to the benefits that will be derived by the respective assessable lots and parcels or property from such improvements, designated, by apt description, the District, including the lots and parcels that are proposed to be so assessed, described with particularity the location at which the improvements that are proposed to be constructed and installed therein and directed the City Clerk of the City (the "City Clerk" herein) to give notice that certain documents with respect to the District had been filed in her office and of the time, date and place of a public hearing as to the propriety and advisability of constructing and installing such improvements, and the City Clerk gave the notice of such filing and such public hearing in the manner and for the period that is specified in Chapter 271 and in accordance with the directions that are contained in the Provisional Order Resolution; and

WHEREAS, the public hearing concerning the propriety and advisability of constructing and installing such improvements was held on the 4th day of December, 1991, pursuant to the duly mailed, posted and published notice, with no written protest and two oral protests, representing (i) that certain lot or parcel of property that is identified by the Clark County, Nevada,

Assessor's parcel number as Parcel 290-560-004 ("Parcel 290-560-004" herein) that abuts both Smoke Ranch Road and Torrey Pines Drive along an aggregate of 571 feet of frontage and (ii) those certain lots or parcels of property that are identified by said Assessor's parcel numbers as Parcel 300-543-008 ("Parcel 300-543-008" herein) and Parcel 300-552-001 ("Parcel 300-552-001" herein) that abut Smoke Ranch Road along 15 feet of frontage and 244 feet of frontage, respectively, were presented in connection with the creation of the District, and the construction and installation of the proposed improvements therein; and

WHEREAS, the City Council, by that certain Resolution that was duly passed, adopted and approved on the 18th day of December, 1991, has found, determined and declared that the protests that were presented on behalf of Parcel 290-560-004, Parcel 300-543-008 and Parcel 300-552-001 to the creation of the District, and the construction and installation of the proposed improvements therein, were without merit and, since the same represented, in the aggregate, less than one-half of the 2,366 total feet of the frontage that is proposed to be assessed for such improvements, therefore overruled and finally passed upon such protests and, by said Resolution, has further found, determined and declared that the public convenience and necessity require the creation of the District and that the creation of the District is economically sound and feasible; and

WHEREAS, the City Council and the officers of the City have done all of the things that are necessary and preliminary

to the creation of the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1430", including without limitation the filing with the City Clerk by the City Engineer of the City of a revised and accurate estimate of the cost and plans, assessment plats, specifications and maps, and the City Council desires, by this Ordinance, now to order the construction and installation of such improvements and the performance of the work within the District;

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

SECTION 1. That there shall be, and there hereby is, created a special improvement district for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving of Smoke Ranch Road, Torrey Pines Drive and Cheyenne Avenue, and portions of each, including street intersections, as is more particularly described in the notice of hearing that is provided for in Section 4 of the Provisional Order Resolution, and of defraying the entire cost and expense thereof by special assessments, according to the benefits that will be derived from such improvements by the respective assessable lots and parcels of property in the District, against such lots and parcels, the District to include and consist of the same areas that are designated in the Provisional Order Resolution, and such improvements shall be, and they hereby are ordered to be, constructed and installed.

SECTION 2. That the character and location of the improvements and the boundaries of the District shall be, in all

respects, as the same are set forth in the Provisional Order Resolution (except to the extent that any thereof may be inconsistent herewith), all as is more particularly shown on the plats, diagrams, plans and specifications as they were filed in the Office of the City Clerk prior to the adoption of the Provisional Order Resolution.

The boundaries of the District, which include all of the lots and parcels of property that are to be assessed, are more particularly described as those assessable lots and parcels of property that lie and are situate in the City of Las Vegas, County of Clark, State of Nevada, and are portions of Section 14 or Section 23, Township 20 South, Range 60 East, M.D.M., that abut either side of Smoke Ranch Road (100 feet wide), or portions thereof, from the east right-of-way line of Rainbow Boulevard (80 feet wide) easterly to the west right-of-way line of Torrey Pines Drive (80 feet wide) or the west side of said Torrey Pines Drive, or portions thereof, from the north right-of-way line of said Smoke Ranch Road northerly a distance of approximately 213 feet or are portions of Section 10, Township 20 South, Range 60 East, M.D.M., that abut the north side of Cheyenne Avenue (100 feet wide), or portions thereof, from the west right-of-way line of Tenaya Way (80 feet wide) westerly a distance of approximately 627 feet.

SECTION 3. That the City Council shall provide that such assessments may be payable without interest or demand during a specified period or, at the election of the owner of the lot or parcel of property upon which such assessment is levied,

in twenty (20) substantially equal semiannual installments of principal. The amounts that are to be assessed shall be assessed against all of the assessable lots and parcels of property that are benefited by such improvements, proportionately to the benefits that each such lot or parcel receives, and shall be assessed against the assessable lots and parcels of property that abut, and are benefited by, such improvements on 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 District in the proportion that the frontage of such lot or parcel that abuts the street along which the improvement is being constructed and installed bears to the frontage of all of the assessable properties in the District that abut the street along which the improvement is being constructed and installed; provided, however, that that certain lot or parcel of property that is identified by said Assessor's parcel number as Parcel 290-560-013 shall only be assessed for its proportionate share of the costs and expenses that the City incurs in the construction and installation of the valley gutters and accessory curbs and gutters; and provided, further, that, if any lot or parcel of property that is to be assessed is divided, after the date of the hearing as to the propriety and advisability of making such improvement but prior to the date on which the assessments are levied by ordinance, pursuant to NRS 271.390, into sublots or subparcels, the assessment against such lot or parcel shall be apportioned among such sublots or subparcels on an area basis,

i.e., on the basis that each such subplot or subparcel shall be assessed a portion of the aggregate dollar amount that is being levied against the entire lot or parcel in the proportion that the area of such subplot or subparcel bears to the aggregate area of the entire lot or parcel. The cost of acquiring the necessary rights-of-way that are required in order to construct the improvement and the cost of paving street intersections shall be included in the total costs that are proposed to be levied in the District and shall be assessed against the respective assessable lots and parcels therein on the aforesaid front foot basis. The portion of the costs that is to be assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat.

Regardless of the basis that is used in apportioning the assessments, in the case of a wedge, "v" or other irregularly shaped lot or parcel of property, the amount that is apportioned thereto shall be in proportion to the special benefits that will be derived thereby.

SECTION 4. That, except as is shown on the plans and specifications that are now on file in the Office of the City Clerk, the character of such improvements is more particularly described as street paving that consists of fog seal over 4 inches of asphaltic concrete pavement, a prime cost, 4 inches of Type II aggregate base and 9 inches of Type I or Type II aggregate base, valley gutters and spandrels that consist of 9 inches of standard portland cement that is reinforced with #4

rebar over 10 inches of Type II aggregate base and the accessory curbs and gutters that consist of standard Portland cement "L" type that is reinforced with #4 rebar over 10 inches of Type II aggregate base, together with the acquisition, by purchase, the exercise of the City's power of eminent domain or otherwise, of all of the necessary rights-of-way that may be required in order to construct and install such improvement and the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed to be necessary in order to complete the same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality that is to be improved as filed in the Office of the City Clerk.

SECTION 5. That the 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 that are to be assessed in the District and the estimated amount of the maximum benefits that are to be assessed against each lot or parcel in the assessment area, as the same is shown on the assessment plat, as such estimated amount may have been revised and approved by the City Council.

SECTION 6. That all of the actions (not inconsistent with the provisions of this Ordinance) that have heretofore been taken by the City, and the officers thereof, and were directed toward the construction and installation of the improvements within the District, toward the creation of the District and toward the levying and effecting of the special assessments to

defray the cost thereof be, and the same hereby are, approved, ratified and confirmed.

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

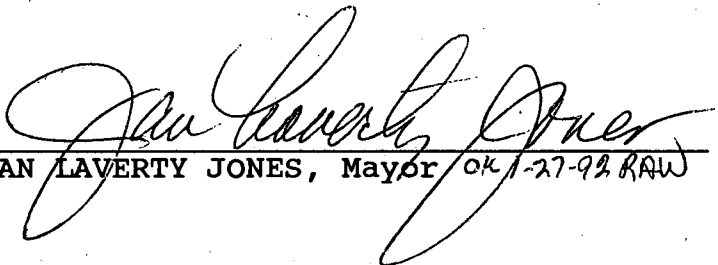
SECTION 8. That, if any one or more of the sections, sentences, clauses or parts of this Ordinance shall, for any reason, be judicially questioned or be held to be invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance but shall be confined in its operation to each specific section, sentence, clause or part of this Ordinance that is so held to be unconstitutional or invalid and that the applicability or 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 the City Clerk, ex officio the Clerk of the City Council, be, and she hereby is, 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 that is published and of general circulation within the City, and this Ordinance shall

....

become effective on the day that immediately follows the day on which such publication is made.

PASSED, ADOPTED AND APPROVED this 22nd day of January, 1992.

  
JAN LAVERTY JONES, Mayor OK 1-27-92 RAW

ATTEST:

  
KATHLEEN M. TIGHE, City Clerk

BY: SANDRA R. LeBOEUF,  
Chief Deputy City Clerk

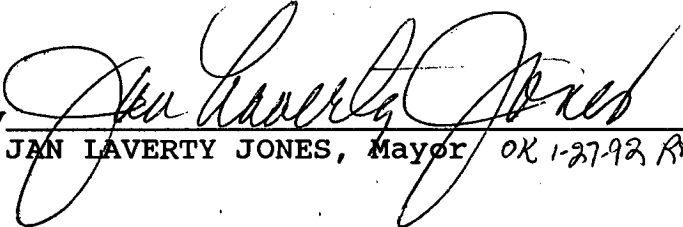
The above and foregoing ordinance was first proposed and read by title to the City Council on the 18th day of December, 1991, and referred to a committee that was composed of Councilmen Higginson \_\_\_\_\_ and \_\_\_\_\_ Adamsen \_\_\_\_\_ for recommendation; thereafter such committee reported favorably on the proposed ordinance on the 22nd day of January, 1992, which was a <sup>rescheduled</sup> ~~regular~~ meeting of the City Council; and that at such <sup>rescheduled</sup> ~~regular~~ meeting the proposed ordinance was read by title to the City Council as it was first introduced and was adopted by the following vote:

VOTING "AYE": Councilmen Nolen, Higginson, Adamsen and Mayor Jones


VOTING "NAY": NONE

ABSENT: EXCUSED: Councilman Hawkins Jr.

APPROVED:

By   
JAN LAVERTY JONES, Mayor OK 1-27-92 RAW

ATTEST:

  
KATHLEEN M. TIGHE, City Clerk

BY: SANDRA R. LeBOEUF,  
Chief Deputy City Clerk

RECEIVED

AFFIDAVIT OF PUBLICATION

JAN 31 11 08 AM '92

CITY CLERK

PASTE CLIPPING HERE

BILL NO. 91-80  
ORDINANCE NO. 3625

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1430; 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 18th day of December, 1991, and referred to the following committee composed of Councilmen Higginson and Adamsen, for recommendation; thereafter the said committee reported favorably on said ordinance on the 22nd day of January, 1992, which was a rescheduled meeting of said City Council; and that at said rescheduled meeting the proposed ordinance was read by title to the City Council as first introduced and adapted by the following vote:

VOTING "AYE" Councilmen: Nolen, Adamsen, Higginson, and Mayor Jones

VOTING "NAY" Councilmen: NONE

EXCUSED: Councilman: Hawkins Jr.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 25, 1992  
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 JANUARY 25, 1992 to JANUARY 25, 1992, on the following days:

JANUARY 25, 1992  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed: Terina L Chaplin

Subscribed and sworn to before me this 27th day of Jan, 1992

Maria C. Therien  
Notary Public

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

RECEIVED

JAN 9 10 19 AM '92

# AFFIDAVIT OF PUBLICATION CITY CLERK

PASTE CLIPPING HERE

BILL NO. 91-80

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1430; 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 December 18, 1991 BILL NO. 91-80 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Higginson and Adamsen

COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: January 2, 1992  
Las Vegas Review-Journal

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

CHRISTY A. FERGUSON \_\_\_\_\_, 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 JANUARY 2, 1992 to JANUARY 2, 1992, on the following days:

JANUARY 2, 1992

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signed: Christy A. Ferguson

Subscribed and sworn to before me this 6th day of Jan, 1992

Maria C. Therien  
Notary Public

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

# AFFIDAVIT OF PUBLICATION

RECEIVED  
JAN 31 11 08 AM '92  
CITY CLERK

PASTE CLIPPING HERE

BILL NO. 71-80  
ORDINANCE NO. 2625  
AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1430; 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 18th day of December, 1991, and referred to the following committee composed of Councilmen Higginson, and Adamsen, for recommendation; thereafter the said committee reported favorably on said ordinance on the 22nd day of January, 1992, which was a rescheduled meeting of said City Council; and that at said rescheduled 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, and Harold Jones.  
VOTING "NAY" Councilmen: NONE  
EXCUSED: Councilman Hawkins Jr.  
COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 25, 1992  
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 JANUARY 25, 1992 to JANUARY 25, 1992, on the following days:

JANUARY 25, 1992

Signed: Terina L Chaplin

Subscribed and sworn to before me this 27th day of Jan, 1992

Maria C. Therien  
Notary Public

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



085407

RECEIVED

JAN 9 10 29 AM '92

# AFFIDAVIT OF PUBLICATION

CITY CLERK

PASTE CLIPPING HERE

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

CHRISTY A. FERGUSON, 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 JANUARY 2, 1992 to JANUARY 2, 1992, on the following days:

JANUARY 2, 1992

BILL NO. 91-80  
AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1430; 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 December 18, 1991 BILL NO. 91-80 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Higginson and Adamsen  
COPIES OF THE COMPLETE BILL ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 10TH FLOOR, CITY HALL, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.  
PUB: January 2, 1992  
Las Vegas Review-Journal

Signed: Christy A. Ferguson

Subscribed and sworn to before me this 6th day of Jan, 1992

Maria C. Therien  
Notary Public

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



085420