

Bill No. 90-76

Ordinance No. 3548

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 489; 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. 489 for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving Helen Avenue and portions thereof as is more particularly described in the Notice of Hearing that is provided for in Section 4 of the Provisional Order Resolution that was passed, adopted and approved on the 19th day of September, 1990, as ASSESSMENT UNIT NO. I and providing for the installation of driveway approaches along Helen Avenue and portions thereof as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II and of defraying the entire cost and expense thereof by special assessments, according to the benefits derived, against the assessable lots and parcels of property within each assessment unit of 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 said improvements within each assessment unit thereof, stating therein the improvements, that the entire expense thereof shall be paid by special assessments and that the assessments are to be made according to the benefits, by apt description designating said District, including the lands to be so assessed, and definitely locating the improvements to be made within each assessment unit of said District; and

WHEREAS, a public hearing concerning the propriety and advisability of making such improvements was held on the 17th day of October, 1990, pursuant to duly mailed, posted and published notice, with no written protest and no oral protest having been presented to the creation of said District or to the inclusion therein of either assessment unit thereof; and

WHEREAS, said City Council, by that certain Resolution that was duly passed, adopted and approved on the 7th day of November, 1990, has found, determined and declared that there has been no protest or objection, either written or oral, to the creation of said District and 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 necessary and preliminary to the creation of said Las Vegas, Nevada, Special Improvement District No. 489, including without limitation the filing with said City Clerk by the City Engineer of said City of a revised and accurate estimate of cost, plans, assessment plat, specifications and map, 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, consisting of two (2) separate and distinct assessment units, for the purposes of providing for the grading, gravelling, macadamizing, paving, draining and otherwise improving Helen Avenue and portions thereof as is more particularly described in the Notice of Hearing that is provided for in Section 4 of the Provisional Order Resolution that was passed, adopted and approved on the 19th day of September, 1990, as ASSESSMENT UNIT NO. I and providing for the installation of driveway approaches along Helen Avenue and portions thereof as is more particularly described in said Notice of Hearing as ASSESSMENT UNIT NO. II and of defraying the entire cost and expense

thereof by special assessments, according to the benefits derived, against the assessable lots and parcels of property within each assessment unit of said District, such assessment units to include and be the same as the areas designated in the aforesaid Provisional Order Resolution, and said improvements be, and they hereby are, ordered.

SECTION 2. That the character and location of the improvements and the boundaries of said District, and of each assessment unit thereof, shall be in all respects as set forth in the aforesaid Provisional Order Resolution (except to the extent inconsistent herewith), as 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 the lots and parcels to be assessed, are more particularly described as follows:

ASSESSMENT UNIT NO. 1 (Street Paving)

Each lot or parcel of real property lying and being situate in the City of Las Vegas, in the County of Clark, State of Nevada, and being a portion of Section 12, Township 20 South, Range 60 East, M.D.M., which abuts Helen Avenue (60 feet wide) or portions thereof, along both sides thereof from a point that is approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly to the centerline of Alexander Road (50 feet wide).

ASSESSMENT UNIT NO. II (Driveway Approaches)

Each lot or parcel of real property lying and being situate in the City of Las Vegas, in the County of Clark, State of Nevada, and being a portion of Section 12, Township 20 South, Range 60 East, M.D.M., which abuts Helen Avenue (60 feet wide), or portions thereof, along both sides thereof from a point that is approximately 9 feet north of the centerline of Duncan Drive (60 feet wide) northerly to the centerline of Alexander Road (50 feet wide).

SECTION 3. That 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 be benefits received, and shall be assessed against the benefited property abutting said improvements in ASSESSMENT UNIT NO. I on a front foot basis, i.e., on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the frontage of said lot or parcel which abuts the improvement bears to the frontage of all assessable property abutting the improvement in the assessment unit; provided, however, that, if any such lot or parcel is divided after the date of the hearing as to the propriety and advisability of making such improvements, 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 the area basis, i.e., on the basis that each such subplot or subparcel shall be assessed a portion of the aggregate dollar amount being levied against the entire lot or parcel in the proportion that the area of said subplot or subparcel bears to the aggregate area of the entire lot or parcel; and against the benefited property abutting said improvements in ASSESSMENT UNIT NO. II on the basis that each lot or parcel of property to be assessed in the assessment unit shall be assessed a portion of the aggregate dollar amount being levied against the entire assessment unit in the proportion that the square footage of the driveway approach or approaches installed to serve said lot or parcel bears to the square footage of all of the driveway approaches installed to serve all assessable property in the assessment unit. 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 in each of

the individual assessment units shall be as stated in the aforesaid assessment plat.

Regardless of the basis 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.

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 are more particularly as follows:

ASSESSMENT UNIT NO. II (Street Paving)

The street paving shall consist of 2 inches of asphaltic concrete pavement (including fog seal and prime coat) over 4 inches of Type II aggregate base and 6 inches (minimum) of Type I aggregate base; together with installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved as filed with said City Clerk.

ASSESSMENT UNIT NO. II (Driveway Approaches)

The driveway approaches shall consist of 2 inches of asphaltic concrete pavement (including fog seal and prime coat) over 4 inches of Type II aggregate base and 6 inches (minimum) of Type I aggregate base; together with the installation, removal and relocation of any and all utilities and any and all appurtenances that are deemed necessary to complete same, as is more particularly shown by the plats, diagrams and plans of the work and of the locality to be improved as filed with said City Clerk.

SECTION 5. That said City Clerk is hereby 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) 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. 489, 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.

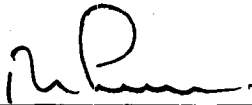
SECTION 7. That all bylaws, orders, resolutions and ordinances, or parts of bylaws, orders, resolutions and ordinances, in conflict with this Ordinance are hereby repealed.

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, and each of the units which comprise said District shall be treated separately and distinctly for the purpose of notice, protest and other matters relating thereto, and, should any of the individual assessment units be defeated by protest or become invalid for any reason, said protest or invalidity, by operation of law or otherwise, shall not affect the remaining unit or units.

SECTION 9. That said City Clerk and Clerk of said City Council shall cause this Ordinance to be published once immediately following its final reading and adoption in the Las

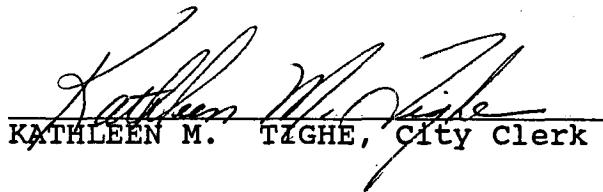
Vegas Review-Journal, a daily newspaper published and of general circulation in said City, and this Ordinance shall become effective on the day immediately following such publication.

PASSED, ADOPTED AND APPROVED this 5th day of December, 1990.



RON LURIE, Mayor OK 12-6-90 RAW

ATTEST:



KATHLEEN M. TIGHE, City Clerk

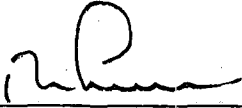
The above and foregoing ordinance was first proposed and read by title to the City Council on the 7th day of November, 1990, and referred to the following committee composed of Councilmen Higginson and Adamsen for recommendation; thereafter the said committee reported favorably on said ordinance on the 5th day of December, 1990, which was a regular meeting of said 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: Adamsen, Higginson, Miller, Nolen and Mayor Lurie

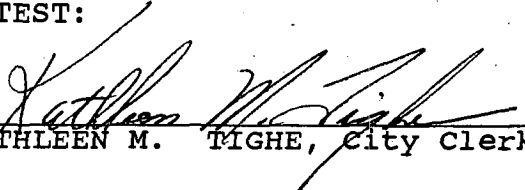
VOTING "NAY" Councilmen: NONE

ABSENT: NONE

APPROVED:

By 
RON LURIE, Mayor OK 12-6-90 RAW

ATTEST:


KATHLEEN M. TIGHE, City Clerk

RECEIVED

DEC 13 4 00 PM '90

AFFIDAVIT OF PUBLICATION

CITY CLERK

PA

BILL NO. 90-76
Ordinance No. 3548

HERE

AN ORDINANCE CREATING LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 489; 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 7th day of November, 1990, 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 5th day of December, 1990, which was a regular meeting of said 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: Adamsen, Higginson, Miller, Nolen and Mayor Lurie. 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: December 8, 1990
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 DECEMBER 9, 1990 to DECEMBER 9, 1990, on the following days:

DECEMBER 9, 1990

Signed:

Christy A. Ferguson

Subscribed and sworn to before me this

10th day of Dec., 19 90

Maria C. Therien
Notary Public

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

RECEIVED

DEC 5 11 27 AM '90

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RELATIVE TO SAID DISTRICT; AND
PROVIDING FOR RELATED MAT-
TERS.
Sponsored by: Ordinance required
by step procedure.
Summary: Creates District.
At a City Council Meeting
November 7, 1990
BILL NO. 90-76 WAS READ BY
TITLE AND REFERRED TO REC-
OMMENDING COMMITTEE: Coun-
cilmembers Higginson & Adamsen
COPIES OF THE COMPLETE ORDI-
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PUBLIC INFORMATION IN THE OF-
FICE OF THE CITY CLERK, 10TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: November 23, 1990
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
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from the period of NOVEMBER 23, 1990
to NOVEMBER 23, 1990, on the following
days:

NOVEMBER 23, 1990

Signed: Christy A. Ferguson

Subscribed and sworn to before me this

23rd day of Nov., 19 90

Maria C. Therien
Notary Public

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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: December 8, 1990
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Notary Public

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CLARK COUNTY
My Appointment Expires May 11, 1994



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PUB: November 23, 1990
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