

FIRST AMENDMENT

BILL NO. 89-56

Ordinance No. 3458

AN ORDINANCE RELATING TO THE INSTALLATION OF OFF-SITE IMPROVEMENTS; AMENDING TITLE 18, CHAPTER 24, SECTIONS 10 AND 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO EXEMPT SUBDIVISIONS, THE OFF-SITE IMPROVEMENTS IN WHICH WILL BE INSTALLED BY WAY OF SPECIAL IMPROVEMENTS DISTRICTS, FROM THE REQUIREMENTS OF OFF-SITE IMPROVEMENTS AGREEMENTS AND PERFORMANCE SECURITY IN CONNECTION THEREWITH; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Summary: Exempts Subdivision, the Off-Site Improvements in Which Will Be Installed By Way of a Special Improvement District, From Requirements of Off-Site Improvements Agreements and Security Therefor

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 18, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18.24.010: The subdivider is responsible for the construction of all the public improvements in the subdivision as required by the City and, except as is otherwise provided in LVMC 18.24.030, shall enter into a contract with the City agreeing to construct such improvements.

SECTION 2: Title 18, Chapter 24, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18.24.030: The City Engineer shall make a determination as to the approximate cost of the construction of the public improvements which are to be accepted. [If] Unless the improvements that are required in connection with the subdivision will be installed by way of a special improvement district that the City has created, or pro-

1 poses to create within six months after the submission
2 of the final map to the City Engineer, and the sub-
3 divider agree in writing to the inclusion and assessment
4 of the subdivision in such district, if the improvements
5 are not to be completed before the final map is
6 recorded, the City Engineer shall require the subdivider
7 to execute an agreement that requires the construction
8 by the subdivider of such improvements and to submit
9 security for their construction in an amount equal to
10 the estimated cost of construction, plus the estimated
11 cost of removing all rubbish, trash, debris, surplus
12 material and equipment from the area that is subject to
13 such agreement and the adjacent properties and ten per-
14 cent for contingencies, except as otherwise provideed in
15 Subsection (D) of this Section. In any agreement in
16 which the subdivider agrees to the inclusion and
17 assessment of the subdivision in a special improvement
18 district, the subdivider shall agree that, in the event
19 that the City elects not to proceed with such district,
20 the subdivider will execute the agreement that is
21 hereinabove provided for and submit the required
22 security in connection therewith within ten days after
23 its receipt of written notification from the City of
24 the City's election not to proceed with the proposed
25 special improvement district. The instruments of
26 security or other agreements shall specify the duration
27 of the security and its manner of release, and shall
28 provide remedies in the event of default. The security
29 submitted may be as follows:

30 (A) A deposit of cash or approved government securi-
31 ties;

32 (B) A surety bond issued by a surety company authorized

1 to do business in the State in a form approved by
2 the City Attorney;

3 (C) An agreement with a local financial institution
4 which provides generally that out of the funds
5 loaned to the subdivider for the construction of
6 the subdivision, the lending institution will
7 require that sufficient funds to complete the
8 public improvements and the removal of all rubbish,
9 trash, debris, surplus material and equipment from
10 the area that is to be improved and the adjacent
11 properties will be set aside and used for that pur-
12 pose, that the lending institution will maintain a
13 ten percent retention of the funds until the
14 improvements are accepted by the City and that the
15 release of funds must be approved by the City Engi-
16 neer; or

17 (D) A first deed of trust which names the City as bene-
18 ficiary on real property located in or near the
19 City and which is accompanied by agreements by the
20 trustor and subdivider by which they contract with
21 the City to provide the required public improve-
22 ments. The total cost of the improvements and the
23 cleanup of the area that is to be improved and the
24 adjacent properties, as set forth in the agree-
25 ments, shall not exceed seventy percent of the
26 estimated market value of the property which is the
27 subject of the deed of trust.

28 SECTION 3: If any section, subsection, subdivision
29 paragraph, sentence, clause or phrase in this ordinance or any
30 part thereof, is for any reason held to be unconstitutional or
31 invalid or ineffective by any court of competent jurisdiction,
32 such decision shall not affect the validity or effectiveness of

1 the remaining portions of this ordinance or any part thereof.
2 The City Council of the City of Las Vegas, Nevada, hereby
3 declares that it would have passed each section, subsection, sub-
4 division, paragraph, sentence, clause or phrase thereof,
5 irrespective of the fact that any one or more sections, subsec-
6 tions, subdivisions, paragraphs, sentences, clauses or phrases be
7 declared unconstitutional, invalid or ineffective.

8 SECTION 4: All ordinances or parts of ordinances,
9 sections, subsections, phrases, sentences, clauses or paragraphs
10 contained in the Municipal Code of the City of Las Vegas, Nevada,
11 1983 Edition, in conflict herewith are hereby repealed.

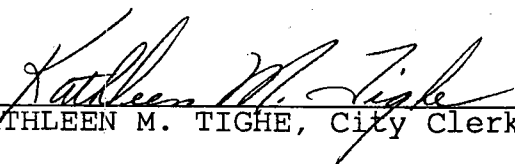
12 PASSED, ADOPTED and APPROVED this 4th day of
13 October, 1989.

14 APPROVED:

15
16 By 

RON LURIE, Mayor

17 ATTEST:

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19 
20 KATHLEEN M. TIGHE, City Clerk

Approved
10-5-89

1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the 20th day of September,
3 1989, and referred to the following committee composed of
4 Councilmen Nolen and
5 Adamsen for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the 4th
7 day of October, 1989, which was a regular meeting of
8 said Council; that at said regular meeting, the proposed
9 ordinance was read by title to the City Council as amended and
10 adopted by the following vote:

11 VOTING "AYE" : Councilmen Higginson, Miller, Nolen and Mayor Lurie

12 VOTING "NAY" : NONE

13 ABSENT: Councilman Adamsen

14 APPROVED:

15
16 By 

17 RON LURIE, Mayor

18 ATTEST:

Approved
10-5-89

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20 
21 KATHLEEN M. TIGHE, City Clerk

BILL NO. 89-56

Ordinance No. _____

AN ORDINANCE RELATING TO THE INSTALLATION OF OFF-SITE IMPROVE-
MENTS; AMENDING TITLE 18, CHAPTER 24, SECTIONS 10 AND 30, OF THE
MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO
EXEMPT SUBDIVISIONS, THE OFF-SITE IMPROVEMENTS IN WHICH WILL BE
INSTALLED BY WAY OF SPECIAL IMPROVEMENTS DISTRICTS, FROM THE
REQUIREMENTS OF OFF-SITE IMPROVEMENTS AGREEMENTS AND PERFORMANCE
SECURITY IN CONNECTION THEREWITH; PROVIDING FOR OTHER MATTERS
PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS
OF ORDINANCES IN CONFLICT HEREWITH.

Sponsored by:

Mayor Ron Lurie

Summary: Exempts Subdivision, the
Off-Site Improvements in Which Will
Be Installed By Way of a Special
Improvement District, From Require-
ments of Off-Site Improvements
Agreements and Security Therefor

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY
ORDAIN AS FOLLOWS:

SECTION 1: Title 18, Chapter 24, Section 10, of the
Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
hereby amended to read as follows:

18.24.010: The subdivider is responsible for the construction
of all the public improvements in the subdivision as
required by the City and, except as is otherwise pro-
vided in LVMC 18.24.030, shall enter into a contract
with the City agreeing to construct such improvements.

SECTION 2: Title 18, Chapter 24, Section 30, of the
Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
hereby amended to read as follows:

18.24.030: The City Engineer shall make a determination as to
the approximate cost of the construction of the public
improvements which are to be accepted. [If] Unless the
improvements that are required in connection with the
subdivision will be installed by way of a special impro-
vement district that the City proposes to create within
six months after the submission of the final map to the

1 City Engineer and the subdivider agree in writing to the
2 inclusion and assessment of the subdivision in such
3 district, if the improvements are not to be completed
4 before the final map is recorded, the City Engineer
5 shall require the subdivider to execute an agreement
6 that requires the construction by the subdivider of such
7 improvements and to submit security for their construc-
8 tion in an amount equal to the estimated cost of
9 construction, plus the estimated cost of removing all
10 rubbish, trash, debris, surplus material and equipment
11 from the area that is subject to such agreement and the
12 adjacent properties and ten percent for contingencies,
13 except as otherwise provideed in Subsection (D) of this
14 Section. In any agreement in which the subdivider
15 agrees to the inclusion and assessment of the sub-
16 division in a special improvement district, the sub-
17 divider shall agree that, in the event that the City
18 elects not to proceed with such district, the subdivider
19 will execute the agreement that is hereinabove provided
20 for and submit the required security in connection
21 therewith within ten days after its receipt of written
22 notification from the City of the City's election not to
23 proceed with the proposed special improvement district.
24 The instruments of security or other agreements shall
25 specify the duration of the security and its manner of
26 release, and shall provide remedies in the event of
27 default. The security submitted may be as follows:
28 (A) A deposit of cash or approved government securi-
29 ties;
30 (B) A surety bond issued by a surety company authorized
31 to do business in the State in a form approved by
32 the City Attorney;

1 (C) An agreement with a local financial institution
2 which provides generally that out of the funds
3 loaned to the subdivider for the construction of
4 the subdivision, the lending institution will
5 require that sufficient funds to complete the
6 public improvements and the removal of all rubbish,
7 trash, debris, surplus material and equipment from
8 the area that is to be improved and the adjacent
9 properties will be set aside and used for that pur-
10 pose, that the lending institution will maintain a
11 ten percent retention of the funds until the impro-
12 vements are accepted by the City and that the
13 release of funds must be approved by the City Engi-
14 neer; or

15 (D) A first deed of trust which names the City as bene-
16 ficiary on real property located in or near the
17 City and which is accompanied by agreements by the
18 trustor and subdivider by which they contract with
19 the City to provide the required public improve-
20 ments. The total cost of the improvements and the
21 cleanup of the area that is to be improved and the
22 adjacent properties, as set forth in the agree-
23 ments, shall not exceed seventy percent of the
24 estimated market value of the property which is the
25 subject of the deed of trust.

26 SECTION 3: If any section, subsection, subdivision
27 paragraph, sentence, clause or phrase in this ordinance or any
28 part thereof, is for any reason held to be unconstitutional or
29 invalid or ineffective by any court of competent jurisdiction,
30 such decision shall not affect the validity or effectiveness of
31 the remaining portions of this ordinance or any part thereof.
32 The City Council of the City of Las Vegas, Nevada, hereby

1 declares that it would have passed each section, subsection, sub-
2 division, paragraph, sentence, clause or phrase thereof,
3 irrespective of the fact that any one or more sections, subsec-
4 tions, subdivisions, paragraphs, sentences, clauses or phrases be
5 declared unconstitutional, invalid or ineffective.

6 SECTION 4: All ordinances or parts of ordinances, sec-
7 tions, subsections, phrases, sentences, clauses or paragraphs
8 contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this ____ day of
11 _____, 1989.

12 APPROVED:

13 By _____
14 RON LURIE, Mayor OK
9-15-89
RAW

15 ATTEST:

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17 _____
18 KATHLEEN M. TIGHE, City Clerk
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1 The above and foregoing ordinance was first proposed
2 and read by title to the City Council on the _____ day of _____
3 198__, and referred to the following committee composed of
4 _____ and
5 _____ for recommendation; thereafter the
6 said committee reported favorably on said ordinance on the _____
7 day of _____, 198__, which was a _____ meeting of
8 said Council; that at said _____ meeting, the proposed
9 ordinance was read by title to the City Council as first intro-
10 duced and adopted by the following vote:

11 VOTING "AYE" : _____

12 VOTING "NAY" : _____

13 ABSENT: _____

14 APPROVED:

15
16 By _____
17 RON LURIE, MAYOR

18 ATTEST:

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20 _____
21 Kathleen M. Tighe, City Clerk
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AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Joan Pollack

No. 68772

BILL NO. 89-58
Ordinance No. ---

AN ORDINANCE RELATING TO THE INSTALLATION OF OFF-SITE IMPROVEMENTS; AMENDING TITLE 18, CHAPTER 24, SECTIONS 10 AND 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION; TO EXEMPT SUBDIVISIONS, THE OFF-SITE IMPROVEMENTS IN WHICH WILL BE INSTALLED BY WAY OF SPECIAL IMPROVEMENTS DISTRICTS, FROM THE REQUIREMENTS OF OFF-SITE IMPROVEMENTS AGREEMENTS AND PERFORMANCE SECURITY IN CONNECTION THEREWITH; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Summary: Exempts Subdivision, the Off-Site Improvements in Which Will Be Installed By Way of a Special Improvement District, From Requirements of Off-site Improvements Agreements and Security Therefor

Sponsored by:
Mayor Ron Luria

At a City Council meeting September 20, 1989 BILL NO. 89-58 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE: Councilmen Nolen and Adamsen.

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: September 23, 1989
Las Vegas SUN

_____, being first duly sworn,

deposes and says: That he is legal clerk of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 year

from September 23, 1989 to September 23, 1989
inclusive, being the issues of said newspaper for the following dates, to-wit:
September 23

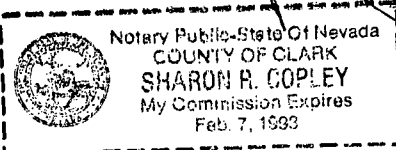
That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Subscribed and sworn to before me this 23rd
day of September, 1989

Notary Public in and for Clark County, Nevada

My Commission Expires



No. 72534

FIRST AMENDMENT
BILL NO. 89-56
Ordinance No. 3458

AN ORDINANCE RELATING
TO THE INSTALLATION OF
OFF-SITE IMPROVEMENTS;
AMENDING TITLE 18, CHAP-
TER 24, SECTIONS 10 AND
30, OF THE MUNICIPAL CODE
OF THE CITY OF LAS VEGAS,
NEVADA, 1983 EDITION, TO
EXEMPT SUBDIVISIONS, THE
OFF-SITE IMPROVEMENTS IN
WHICH WILL BE INSTALLED
BY WAY OF SPECIAL IM-
PROVEMENTS DISTRICTS,
FROM THE REQUIREMENTS
OF OFF-SITE IM-
PROVEMENTS AGREEMENTS
AND PERFORMANCE SECUR-
ITY IN CONNECTION
THEREWITH; PROVIDING FOR
OTHER MATTERS PROPERLY
RELATING THERETO; AND
REPEALING ALL ORDI-
NANCES OR PARTS OF ORDI-
NANCES IN CONFLICT
HEREWITH.

Summary: Exempts Subdivi-
sion, the Off-Site Im-
provements in Which Will Be
Installed By Way of a Special
Improvement District, From
Requirements of Off-site Im-
provements Agreements and
Security Therefor

Sponsored by:
Mayor Ron Lurie

The above and foregoing
amended ordinance was first
proposed and read by title to
the City Council on the 20th
day of September, 1989, and
referred to the following com-
mittee composed of Council-
man Nolen & Adamsen, for
recommendation; thereafter
the said committee reported
favorably on said amended or-
dinance on the 4th day of Oc-
tober, 1989, which was a
regular meeting of said City
Council; that at said regular
meeting the proposed ordi-
nance was read by title to the
City Council as amended and
adopted by the following vote:
VOTING "AYE", Councilmen:
Higginson, Miller, Nolen and
Mayor Lurie

VOTING "NAY" Councilman:
NONE
ABSENT: Councilmen:
Adamsen

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, NEVA-
DA.

PUB: October 7, 1989
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Joan Pollack

RECEIVED
Nov 14 4 41 PM '89

CITY CLERK,
being first duly sworn,

deposes and says: That he is _____ Legal Clerk _____ of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from October 7, 1989 to October 7, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:
October 7

That said newspaper was regularly issued and circulated on each of the dates
above named.

Signed

Joan Pollack

bed and sworn to before me this 7th
October, 1989

Sharon R. Copley

Notary Public in and for Clark County, Nevada

Commission Expires



Notary Public-State Of Nevada
COUNTY OF CLARK
SHARON R. COPLEY
My Commission Expires
Feb. 7, 1993

No. 72534
FIRST AMENDMENT
BILL NO. 89-56
Ordinance No. 3458

**AN ORDINANCE RELATING
TO THE INSTALLATION OF**

**OFF-SITE IMPROVEMENTS;
AMENDING TITLE 18, CHAPTER 24, SECTIONS 10 AND 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO EXEMPT SUBDIVISIONS, THE OFF-SITE IMPROVEMENTS IN WHICH WILL BE INSTALLED BY WAY OF SPECIAL IMPROVEMENTS DISTRICTS, FROM THE REQUIREMENTS OF OFF-SITE IMPROVEMENTS AGREEMENTS AND PERFORMANCE SECURITY IN CONNECTION THEREWITH; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.**

Summary: Exempts Subdivision, the Off-Site Improvements in Which Will Be Installed By Way of a Special Improvement District, From Requirements of Off-site Improvements Agreements and Security Therefor

Sponsored by:
Mayor Ron Lurie

The above and foregoing amended ordinance was first proposed and read by title to the City Council on the 20th day of September, 1989, and referred to the following committee composed of Councilman Nolen & Adamsen, for recommendation; thereafter the said committee reported favorably on said amended ordinance on the 4th day of October, 1989, 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 amended and adopted by the following vote:
VOTING "AYE" Councilmen: Higginson, Miller, Nolen and Mayor Lurie
VOTING "NAY" Councilman: NONE
ABSENT: Councilmen: Adamsen

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: October 7, 1989
Las Vegas SUN

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Joan Pollack

RECEIVED
NOV 14 4 41 PM '89
CITY CLERK

, being first duly sworn,

deposes and says: That he is _____ Legal Clerk of the LAS VEGAS SUN, a daily newspaper of general circulation, printed and published at Las Vegas, in the County of Clark, State of Nevada, and that the attached was continuously published in said newspaper for a period of 1 time

from October 7, 1989 to October 7, 1989

inclusive, being the issues of said newspaper for the following dates, to-wit:
October 7

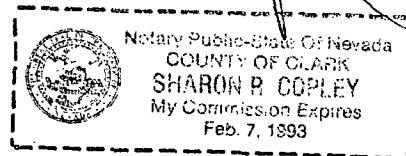
That said newspaper was regularly issued and circulated on each of the dates above named.

Signed

Subscribed and sworn to before me this 7th
day of October, 1989

My Commission Expires

Notary Public in and for Clark County, Nevada



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA, { ss.
COUNTY OF CLARK

Joan Pollack, being first duly sworn,
legal clerk

deposes and says: That he is _____ of the
LAS VEGAS SUN, a daily newspaper of general circulation, printed and published
at Las Vegas, in the County of Clark, State of Nevada, and that the attached was
continuously published in said newspaper for a period of 1 time

from September 23, 1989 to September 23, 1989
inclusive, being the issues of said newspaper for the following dates, to-wit:

September 23

That said newspaper was regularly issued and circulated on each of the dates
above named.

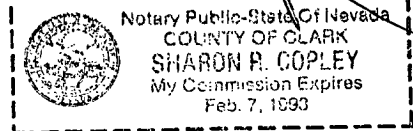
Signed Joan Pollack

Subscribed and sworn to before me this 23rd
day of September, 1989

Sharon R. Copley

Notary Public in and for Clark County, Nevada

My Commission Expires



No. 68772

BILL NO. 89-56
Ordinance No. —

AN ORDINANCE RELATING TO THE INSTALLATION OF OFF-SITE IMPROVEMENTS; AMENDING TITLE 18, CHAPTER 24, SECTIONS 10 AND 30, OF THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983 EDITION, TO EXEMPT SUBDIVISIONS, THE OFF-SITE IMPROVEMENTS IN WHICH WILL BE INSTALLED BY WAY OF SPECIAL IMPROVEMENTS DISTRICTS, FROM THE REQUIREMENTS OF OFF-SITE IMPROVEMENTS AGREEMENTS AND PERFORMANCE SECURITY IN CONNECTION THEREWITH; PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

Summary: Exempts Subdivision, the Off-Site Improvements in Which Will Be Installed By Way of a Special Improvement District, From Requirements of Off-site Improvements Agreements and Security Therefor

Sponsored by:
Mayor Ron Lurie

At a City Council meeting September 20, 1989 BILL NO. 89-56 WAS READ BY TITLE AND REFERRED TO RECOMMENDING COMMITTEE. Councilmen Nolen and Adamsen.

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: September 23, 1989
Las Vegas SUN



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