

BILL NO. 94-63

ORDINANCE NO. 3831

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1446; 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. 1446" (the "District" herein), consisting of seventeen (17) separate and distinct assessment units (ASSESSMENT UNIT NO. XIV having been deleted by Section 2 of that certain Resolution that was duly passed, adopted and approved by the City Council on the 17th day of August, 1994 (the "Resolution" herein)), for the purposes of providing for the grading, gravelling, macadamizing, paving, including street intersections, draining and otherwise improving of, and the construction and installation of curbs and gutters, sidewalks, street lighting systems, residential driveway approaches, commercial driveway approaches and cross gutters along, those certain streets and portions thereof, within the City, that are more particularly described in the notice of hearing (the "Notice of Hearing" herein) that is provided for in Section 4 of the Provisional Order Resolution that was duly passed, adopted and approved by the City Council on the 18th day of May, 1994, as ASSESSMENT UNIT NO. I to

ASSESSMENT UNIT NO. XVIII, inclusive, and of defraying the entire cost and expense thereof by special assessments against the assessable lots and parcels of property within each assessment unit of the District according to the benefits that will be derived from such improvements by the respective lots and parcels that are proposed to be so assessed; 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 within the respective assessment units thereof, described the improvements that are proposed to be constructed and installed in the respective units, 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 improvement that is proposed to be constructed and installed within each assessment unit of the District is to be so constructed and installed 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 15th day of June, 1994, pursuant to the duly mailed, posted and published Notice of Hearing, with three written protests and objections, representing those certain lots and parcels of property that are identified by the Clark County, Nevada, County Assessor's parcel numbers as Parcels 060-340-003, 060-340-004 and 060-340-016 ("Parcel 060-340-003", "Parcel 060-340-004" and "Parcel 060-340-016", respectively, herein), and one oral protest and objection (which also represented Parcel 060-340-003), representing an aggregate of 302 lineal feet, or 47.1%, of the 641 lineal feet that will abut, and will be benefited by, the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IV, having been presented in opposition to the inclusion of said Assessment Unit in the District and to the construction and installation therein of such portion; one written protest and objection, representing that certain lot or parcel of property that is so identified as Parcel 020-322-005 ("Parcel 020-322-005" herein), representing 307 lineal feet, or approximately 46.7%, of the 657 lineal feet that will abut, and will be benefited by, the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IX and 330 lineal feet, or 100%, of the 330 lineal feet that will abut, and will be benefited by, the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. X, having been presented in opposition to the inclusion of said Assessment Units in the District and to the construction

and installation, in the respective units, of such portions; one oral protest and objection, representing that certain lot or parcel of property that is so identified as Parcel 060-290-060 ("Parcel 060-290-060" herein), representing 536 lineal feet, or 100%, of the 536 lineal feet that will abut, and will be benefited by, the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. XI, having been presented in opposition to the inclusion of said Assessment Unit in the District and to the construction and installation therein of such portion; and one written protest and objection, representing those certain lots and parcels of property that are so identified as Parcels 138-02-202-010 and 138-02-202-011, ("Parcel 138-02-202-010" and "Parcel 138-02-202-011", respectively, herein), and one oral protest and objection (which also represented Parcel 138-02-202-010 and 138-02-202-011), representing an aggregate of 799 lineal feet, or 64.2%, of the 1,244 lineal feet that will abut, and will be benefited by, the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. XIV, having been presented in opposition to the inclusion of said Assessment Unit in the District and to the construction and installation therein of such portion; and

WHEREAS, the City Council, by way of the Resolution, found, determined and declared that:

(a) The written and oral protests and objections that were presented on behalf of Parcel 060-340-003, Parcel 060-340-004 and Parcel 060-340-016 had merit, as they related to the sidewalks that were proposed to be constructed and installed adjacent to said Parcels and as they related to the estimated amounts of the maximum benefits that

were anticipated would inure to said Parcels by reason of the construction and installation of the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IV, and the City Council therefore allowed the same only to the extent that it ordered (i) the sidewalks that had been proposed to be constructed and installed adjacent to said Parcels to be deleted from ASSESSMENT UNIT NO. IV, (ii) the preliminary assessment roll for the District to be revised in order to eliminate from the costs and expenses that are proposed to be assessed in connection with said Assessment Unit the costs and expenses that otherwise would have been incurred in the construction and installation of such sidewalks, (iii) the estimated amounts of the maximum benefits that were anticipated would inure to the respective Parcels by reason of the construction and installation of such portion to be reduced from \$21,978.38 to \$5,000.00, with respect to Parcel 060-340-003, from \$9,164.81 to \$2,084.99, with respect to Parcel 060-340-004, and from \$9,164.81 to \$2,084.99, with respect to Parcel 060-340-016, and (iv) the assessments that are shown on the preliminary assessment roll with respect to Parcel 060-340-003, Parcel 060-340-004 and Parcel 060-340-016 to be reduced to, and never be permitted to exceed, the estimated amounts of the maximum benefits that are anticipated will inure to the respective Parcels by reason of the construction and installation of such portion, as such estimated amounts are determined as aforesaid;

(b) Based upon the advice of the City Engineer that the portion of the Improvement that had been proposed to be constructed and installed in ASSESSMENT UNIT NO. XIV was not essential from a traffic safety standpoint, (i) said Assessment Unit, and the portion of the Improvement that had been proposed to be constructed and

installed therein, should be, and the City Council therefore ordered the same to be, deleted from the District and (ii) the preliminary assessment roll for the District should be, and the City Council therefore ordered the same to be, revised in order to eliminate from the costs and expenses that are proposed to be assessed in connection with the construction and installation of the Improvement the costs and expenses that otherwise would have been incurred in the construction and installation of such portion;

(c) Except to the extent that the written and oral protest and objection that was presented on behalf of Parcel 060-340-003 and the written protests and objections that were presented on behalf of Parcel 060-340-004 and Parcel 060-340-016 were therefore, in Section 1 of the Resolution, allowed, representing lots and parcels of property that, in the aggregate, are proposed to be assessed for less than one-half of the costs and expenses of constructing and installing the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IV and the written protest and objection that was presented on behalf of Parcel 020-322-005, representing a lot or a parcel of property that is proposed to be assessed for less than one-half of the costs and expenses of constructing and installing the portion of the Improvement that is proposed to be constructed and installed in ASSESSMENT UNIT NO. IX, were without merit, and the City Council therefore overruled and finally passed upon each of such protests and objections; and

(d) Notwithstanding the fact that protests and objections that represent the lots and parcels of property that are proposed to be assessed for all of the costs and expenses of constructing and installing the portions of the Improvement that are proposed to be

constructed and installed in ASSESSMENT UNIT NO. X and ASSESSMENT UNIT NO. XI were presented at such public hearing, except as is otherwise expressly provided in Section 2 of the Resolution, the construction and installation of all of the portions of the Improvement, including without limitation the portions thereof that are proposed to be constructed and installed in said Assessment Units, should not be stayed, defeated or prevented thereby, and the City Council therefore, pursuant to NRS 271.306(2)(b), overruled and finally passed upon each of such protests and objections, and the City Council, by way of the 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. 1446", 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 that relate to the District, 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 each assessment unit of 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, consisting of seventeen (17) separate and distinct assessment units,

for the purposes of providing for the grading, gravelling, macadamizing, paving, including street intersections, draining and otherwise improving of, and the construction and installation of curbs and gutters, sidewalks, street lighting systems, residential driveway approaches, commercial driveway approaches and cross gutters along, those certain streets and portions thereof, within the City, that are more particularly described in the Notice of Hearing as ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. XIII, inclusive, and ASSESSMENT UNIT NO. XV to ASSESSMENT UNIT NO. XVIII, inclusive, and of defraying the entire cost and expense thereof by special assessments against the assessable lots and parcels of property within each assessment unit of the District according to the benefits that will be derived from such improvements by the respective lots and parcels that are to be so assessed, such assessment units to include, and be the same as, the 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, and of each assessment unit thereof, 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 that relate to the District, 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 follows:

ASSESSMENT UNIT NO. I
(Harris Avenue and Pecos Street)

HARRIS AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 29, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Harris Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Nellis Boulevard (100 feet wide) westerly to a point that is approximately 700 feet west of the centerline of said Nellis Boulevard.

PECOS STREET:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Pecos Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Charleston Boulevard (100 feet wide) northerly to a point that is approximately 371 feet north of the centerline of said Charleston Boulevard.

ASSESSMENT UNIT NO. II
(Bingham Avenue and Hubbard Street)

BINGHAM AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 29, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Bingham Avenue (51 feet

wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Lamb Boulevard (100 feet wide) easterly to the centerline of Hubbard Street (51 feet wide).

HUBBARD STREET:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 29, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Hubbard Street (51 feet wide) in which adequate street paving does not presently exist, along the west side thereof from the centerline of Bingham Avenue (51 feet wide) southerly to the centerline of Bonanza Road (100 feet wide) and along the east side thereof from a point that is approximately 134 feet north of the centerline of said Bonanza Road southerly to the centerline of said Bonanza Road.

ASSESSMENT UNIT NO. III (Diamond Head Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Diamond Head Drive (60 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Lamb Boulevard (100 feet wide) easterly to a point that is approximately 680 feet east of the centerline of said Lamb Boulevard.

ASSESSMENT UNIT NO. IV (Johnson Avenue)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20

South, Range 62 East, M.D.M., that abuts any portion of Johnson Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Pecos Street (60 feet wide) easterly to a point that is approximately 658 feet east of the centerline of said Pecos Street and along the south side thereof from the centerline of Shiloah Drive (65 feet wide) westerly to a point that is approximately 130 feet west of the centerline of said Shiloah Drive.

ASSESSMENT UNIT NO. V (Shiloah Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Shiloah Drive (54 feet wide at Charleston Boulevard, to the south, and 60 feet wide at Johnson Avenue, to the north) in which adequate street paving does not presently exist, along the west side thereof from the centerline of Johnson Avenue (60 feet wide) southerly to the centerline of Charleston Boulevard (100 feet wide).

ASSESSMENT UNIT NO. VI (Pecos Street)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Pecos Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Johnson Avenue (60 feet wide) northerly to the centerline of Sunrise Avenue (60 feet wide).

ASSESSMENT UNIT NO. VII
(Sunrise Avenue and Goldring Avenue)

SUNRISE AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Sunrise Avenue (60 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Pecos Street (80 feet wide) easterly to a point that is approximately 508 feet east of the centerline of said Pecos Street.

GOLDRING AVENUE:

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Goldring Avenue (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Shadow Lane (60 feet wide) westerly to a point that is approximately 660 feet west of the centerline of said Shadow Lane.

ASSESSMENT NO. VIII (28th Street)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 36, Township 20 South, Range 61 East, M.D.M., that abuts any portion of 28th Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Cedar Avenue (60 feet wide) northerly to a point that is approximately 402 feet north of the centerline of said Cedar Avenue.

ASSESSMENT UNIT NO. IX (30th Street)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 36, Township 20 South, Range 61 East, M.D.M., that abuts any portion of 30th Street (60 feet wide) in which adequate street paving does not presently exist, along the west side thereof from the centerline of Cedar Avenue (60 feet wide) northerly to a point that is approximately 990 feet north of the centerline of said Cedar Avenue.

ASSESSMENT UNIT NO. X (Wardelle Street)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 36, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Wardelle Street (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from the centerline of Walnut Avenue (60 feet wide) northerly to a point that is approximately 330 feet north of the centerline of said Walnut Avenue.

ASSESSMENT UNIT NO. XI (Reef Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 31, Township 20 South, Range 62 East, M.D.M., that abuts any portion of Reef Drive (60 feet wide) in which adequate street paving does not presently exist, along the west side thereof from the centerline of Bonanza Road (100 feet wide) southerly to a point that is approximately 588 feet south of the centerline of said Bonanza Road.

ASSESSMENT UNIT NO. XII (Searles Avenue)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 25, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Searles Avenue (60 feet wide) in which adequate street paving does not presently exist, along the south side thereof from the centerline of Eastern Avenue (100 feet wide) easterly to a point that is approximately 430 feet east of the centerline of said Eastern Avenue.

ASSESSMENT UNIT NO. XIII (Michael Way)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 12, Township 20 South, Range 60 East, M.D.M., that abuts any portion of Michael Way (80 feet wide) in which adequate street paving does not presently exist, along either side thereof from the centerline of Rancho Drive (125 feet wide) southerly to a point that is approximately 1,050 feet south of the centerline of said Rancho Drive.

ASSESSMENT UNIT NO. XIV (Painted Desert Drive)

DELETED

ASSESSMENT UNIT NO. XV (Campbell Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 32, Township 20 South, Range 61 East, M.D.M., that abuts any portion of Campbell Drive (60 feet wide) in which adequate street paving does not presently exist, along the east side thereof from

the centerline of Charleston Boulevard (100 feet wide) northerly to a point that is approximately 990 feet north of the centerline of said Charleston Boulevard.

ASSESSMENT UNIT NO. XVI (Oakey Boulevard)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 6, Township 21 South, Range 61 East, M.D.M., that abuts any portion of Oakey Boulevard (80 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Valley View Boulevard (100 feet wide) westerly to a point that is approximately 275 feet west of the centerline of said Valley View Boulevard.

ASSESSMENT UNIT NO. XVII (O'Bannon Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 2, Township 21 South, Range 60 East, M.D.M., that abuts any portion of O'Bannon Drive (60 feet wide) in which adequate street paving does not presently exist, along the north side thereof from the centerline of Rainbow Boulevard (150 feet wide) easterly to a point that is approximately 350 feet east of the centerline of said Rainbow Boulevard.

ASSESSMENT UNIT NO. XVIII (Alta Drive)

Each lot or parcel of real property that lies and is situate within the City of Las Vegas, County of Clark, State of Nevada, and is a portion of Section 33, Township 20 South, Range 60 East, M.D.M., that abuts any portion of Alta Drive (80 feet wide) in which adequate street paving does not presently exist, along the north side thereof from

the centerline of Durango Drive (100 feet wide) easterly to a point that is approximately 333 feet east of the centerline of said Durango Drive.

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, the Improvement on the basis that each lot or parcel of property that will be assessed in any of the assessment units shall be assessed that portion of the aggregate dollar amount that is being levied against the particular entire assessment unit that is equal to the sum of the amounts that are determined in accordance with paragraphs (a) to (g), inclusive (or the sum of the amounts that are determined in accordance with such of such paragraphs as are applicable to the particular assessment unit), as follows:

(a) The costs and expenses that are incurred by the City in constructing and installing the street paving portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a front foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for street paving shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts, and is

benefited by, such street paving bears to the frontage of all of the assessable properties that abut, and are benefited by, such street paving;

(b) The costs and expenses that are incurred by the City in constructing and installing the curb and gutter portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a lineal foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for curbs and gutters shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, such curbs and gutters bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, such curbs and gutters;

(c) The costs and expenses that are incurred by the City in constructing and installing the sidewalk portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut, and are benefited by, such portion on a lineal foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for sidewalks shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number of lineal feet of such lot or parcel that abut, and are benefited by, such sidewalks bears to the number of lineal feet of all of the assessable properties that abut, and are benefited by, such sidewalks;

(d) The costs and expenses that are incurred by the City in constructing and installing the street lighting portion of the Improvement shall be apportioned among the assessable lots and parcels of property that abut the streets along which such portion is installed, and are benefited by such portion, on a front foot basis, i.e., on the basis that

each lot or parcel of property that will be assessed for streetlights shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts any of the streets along which such streetlights are installed, and is benefited by such streetlights, bears to the frontage of all of the assessable properties that abut the streets along which such streetlights are installed, and are benefited by such streetlights;

(e) The costs and expenses that are incurred by the City in constructing and installing the residential driveway approach portion of the Improvement shall be apportioned among the assessable lots and parcels of property that are served by, and are to be assessed for, one or more of such residential driveway approaches on the basis that each such lot or parcel shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the number and length of the residential driveway approach or approaches that is or are installed to serve such lot or parcel bear to the total number and aggregate length of all of the residential driveway approaches that are installed to serve all of the assessable properties;

(f) The costs and expenses that are incurred by the City in constructing and installing the commercial driveway approach portion of the Improvement shall be apportioned among the assessable lots and parcels of property that are served by, and are to be assessed for, one or more of such commercial driveway approaches on the basis that each lot or parcel of property that is served by, and is to be assessed for, any Option A Driveway Approach, as that type of driveway approach is described in Section 2 of this Resolution, shall be assessed a portion of the aggregate dollar amount of the costs and

expenses that the City incurs in constructing and installing the Option A Driveway Approaches in the proportion that the square footage of the Option A Driveway Approach or Approaches that is or are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option A Driveway Approaches that are installed to serve all of the assessable properties and on the basis that each lot or parcel of property that is served by, and is to be assessed for, any Option B Driveway Approach, as that type of driveway approach is described in Section 2 of this Resolution, shall be assessed a portion of the aggregate dollar amount of the costs and expenses that the City incurs in constructing and installing the Option B Driveway Approaches in the proportion that the square footage of the Option B Driveway Approach or Approaches that is or are installed to serve such lot or parcel bears to the aggregate square footage of all of the Option B Driveway Approaches that are installed to serve all of the assessable properties; and

(g) The costs and expenses that are incurred by the City in constructing and installing the cross gutter portion of the Improvement (excluding those cross gutters that are incorporated into Option B Driveway Approaches) shall be apportioned among the assessable lots and parcels of property that abut the streets in which such portion is installed, and are benefited by such portion, on a front foot basis, i.e., on the basis that each lot or parcel of property that will be assessed for cross gutters shall be assessed a portion of the aggregate dollar amount of such costs and expenses in the proportion that the frontage of such lot or parcel that abuts any of the streets in which any cross gutter is installed, and is benefited by such cross gutter, bears to the frontage of all of the assessable

properties that abut the streets in which such cross gutters are installed, and are benefited by such cross gutters;

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 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 further 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 will have been levied upon that 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 paving street intersections shall be included in the total costs that are proposed to be levied in the respective assessments units and shall be assessed against the respective assessable lots and parcels of property in each assessment unit on the aforesaid basis.

In each assessment unit, an equitable adjustment will be made for any assessment that is levied upon any irregular lot or parcel of property in order that the assessments that are levied within a particular assessment unit according to the benefits that will be derived from the Improvement by the respective lots and parcels in that assessment unit will be equal and uniform. The portion of the costs that is proposed to be assessed against, and the estimated amount of the maximum benefits that are anticipated will be derived from the Improvement by, each lot or parcel of property shall be as is stated in the aforesaid assessment plat, as the estimated amounts of the maximum benefits that are

anticipated will inure to the lots and parcels of property in ASSESSMENT UNIT NO. IV by reason of the construction and installation of the portion of the Improvement that is proposed to be constructed and installed in said Assessment Unit, and the corresponding assessments, have been reduced in accordance with the directions that are contained in Section 1 of the Resolution.

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 relate to the District and are now on file in the Office of the City Clerk, the character of such improvements is more particularly described as follows:

STREET PAVING

The street paving that is proposed to be constructed and installed in each of the streets in ASSESSMENT UNIT NO. I to ASSESSMENT UNIT NO. XIII, inclusive, and ASSESSMENT UNIT NO. XV shall consist of 3 inches of asphaltic concrete pavement over 10 inches of Type II aggregate base, in ASSESSMENT UNIT NO. XVI shall consist of 4 inches of asphaltic concrete pavement over 13 inches of Type II aggregate base, in ASSESSMENT UNIT NO. XVII shall consist of 3 inches of asphaltic concrete pavement over 6 inches of type II aggregate base and in ASSESSMENT UNIT NO. XVIII shall consist of 4 inches of asphaltic concrete pavement over 6 inches of Type II aggregate base; together with 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.

CURBS AND GUTTERS

The curbs and gutters that are proposed to be constructed and installed along each of the streets in each of the several assessment units shall be standard Portland cement Class "B" concrete "L" type over 6 inches of Type II aggregate base; together with 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.

SIDEWALKS

The sidewalks that are proposed to be constructed and installed along each of the streets in each of the several assessment units shall consist of 4 inches of standard Portland cement Class "B" concrete slabs over 5 inches of Type II aggregate base; together with 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.

STREET LIGHTING

The street lighting systems that are proposed to be installed along each of the streets in ASSESSMENT UNIT NO. VIII, ASSESSMENT UNIT NO. IX and

ASSESSMENT UNIT NO. XV shall consist of 100 watt high pressure sodium vapor luminaires, street lighting standards on concrete bases and underground circuits and in ASSESSMENT UNIT NO. XIII, ASSESSMENT UNIT NO. XVI and ASSESSMENT UNIT XVIII shall consist of 250 watt high pressure sodium vapor luminaires, steel lighting standards on concrete bases and underground circuits; together with 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.

RESIDENTIAL DRIVEWAY APPROACHES

Each residential driveway approach that is proposed to be constructed and installed in any of the streets in any of the several assessment units shall consist of 6 inches of standard Portland cement Class B concrete over 6 inches of Type II aggregate base; together with 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.

COMMERCIAL DRIVEWAY APPROACHES

Each commercial driveway approach that is proposed to be constructed and installed along any of the streets in any of the several assessment units shall consist, at the election of the owner or owners of the particular lot or parcel, of either 6 inches of standard Portland cement Class B concrete that is reinforced with #4 rebar over 6 inches

of Type II aggregate base (an "Option A Driveway Approach" herein) or a radius driveway with a cross gutter (as is described under "CROSS GUTTERS" below), consisting of 6 inches of standard Portland cement Class B concrete that is reinforced with #4 rebar over 6 inches of Type II aggregate base, and a sidewalk with an access ramp for the handicapped on either side of the driveway, consisting of 4 inches of standard Portland cement Class B concrete over 5 inches of Type II aggregate base (an "Option B Driveway Approach" herein); together with 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.

CROSS GUTTERS

Each cross gutter that is proposed to be constructed and installed in any of the streets in any of the several assessment units shall consist of 9 inches of standard Portland cement Class B concrete that is reinforced with #4 rebar over 10 inches of Type II aggregate base; together with 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 each of the assessment units of 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.

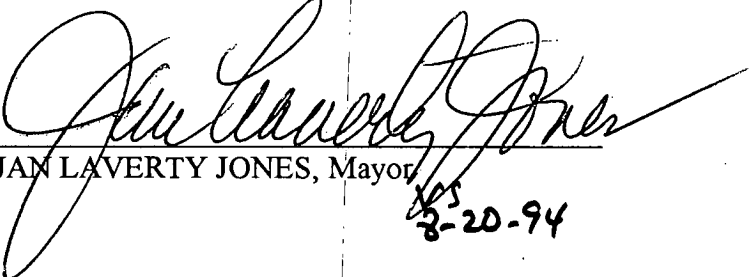
SECTION 7. That all bylaws, orders, resolutions or ordinances, or parts of bylaws, orders, resolutions or ordinances, that are in conflict with this Ordinance are hereby repealed.

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, that the inapplicability 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 and that each of the assessment units that comprise the District shall be treated separately and distinctly for the purposes of notice, protest and other matters that relate thereto, and, should any of the individual assessment units be

defeated by protests or become invalid for any reason, such protests or invalidity, by the operation of law or otherwise, shall not affect the remaining assessment unit or units.

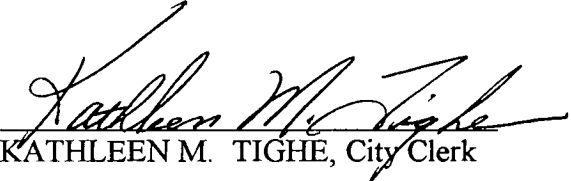
SECTION 9. That the City Clerk, ex officio the Clerk of the City Council, be, and she hereby is, authorized, empowered and directed to cause this Ordinance to be published once, immediately following its final reading and adoption, in the Las Vegas Review-Journal, a daily newspaper that is published 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 17th day of August, 1994.


JAN LAVERTY JONES, Mayor

XPS
8-20-94

ATTEST:


KATHLEEN M. TIGHE, City Clerk

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 20th day of July, 1994, and referred to the following committee composed of ____
3 Councilmen Hawkins Jr. and Higginson for recommendation; thereafter the said
4 committee reported favorably on said ordinance on the 17th day of August, 1994, which
5 was a regular meeting of said Council; that at said regular meeting, the proposed
6 ordinance was read by title to the City Council as first introduced and adopted by the
7 following vote:

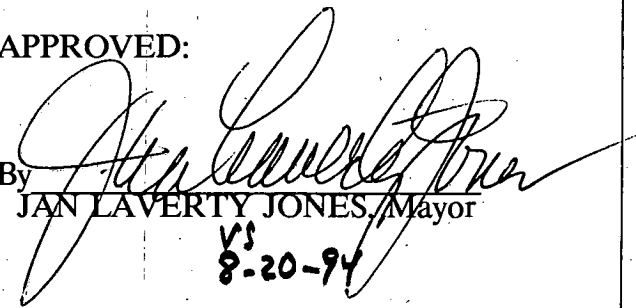
8 VOTING "AYE": Councilmen Adamsen, Higginson, and Hawkins Jr.

9 VOTING "NAY": NONE

10 ABSENT: NONE

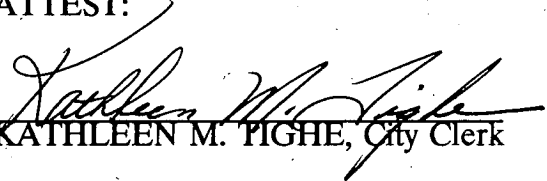
11 DID NOT VOTE: Councilman Brass and Mayor Jones

12
13 APPROVED:

14
15 By 
16 JAN LAVERTY JONES, Mayor

VS
8-20-94

17 ATTEST:

18 
19 KATHLEEN M. TIGHE, City Clerk

AFFIDAVIT OF PUBLICATION

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CITY CLERK
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BILL NO. 94-63
ORDINANCE NO. 3831

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1446; 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 20th day of July, 1994, and referred to the following committee composed of Councilmen Hawkins Jr. and Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of August, 1994, 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:

VDING "AYE" Councilmen: Adamsen, Higginson and Hawkins Jr.

VOTING "NAY" NONE

VOTING "ABSTAIN" NONE

DID NOT VOTE Councilman Brass and Mayor Jones

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA.

PUB: August 20, 1994

Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

ANDREA DAVIS, 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 AUGUST 20, 1994 to AUGUST 20, 1994, on the following days:

AUGUST 20, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

26 day of Aug, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998

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CITY CLERK
AUG 11 11 35 AM '94

AFFIDAVIT OF PUBLICATION

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BILL NO. 94-43
AN ORDINANCE CREATING CITY
OF LAS VEGAS, NEVADA, SPE-
CIAL IMPROVEMENT DISTRICT
NO. 1446; ORDERING THE IN-
STALLATION OF CERTAIN IM-
PROVEMENTS WITHIN THE CITY
OF LAS VEGAS; PROVIDING FOR
THE LEVY AND COLLECTION OF
SPECIAL ASSESSMENTS THERE-
FOR; RATIFYING ACTION HERE-
TOFORE 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
JULY 20, 1994
BILL NO. 94-43 WAS READ BY
TITLE AND REFERRED TO REC-
OMMENDING COMMITTEE:
Councilmen Hawkins Jr.
AND Higginson
COPIES OF THE COMPLETE BILL
ARE AVAILABLE FOR PUBLIC
INFORMATION IN THE OFFICE
OF THE CITY CLERK, 5TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: August 4, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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sworn, deposes and says:

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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 AUGUST 4, 1994
to AUGUST 4, 1994, on the following
days:

AUGUST 4, 1994

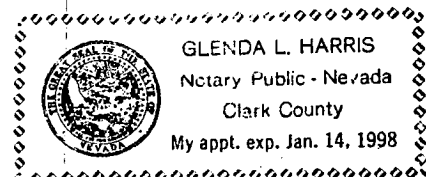
Signed: Andrea Davis

Subscribed and sworn to before me this

5 day of Aug, 1994

Glenda L. Harris

Notary Public



AFFIDAVIT OF PUBLICATION

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CITY CLERK

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BILL NO. 94-43
ORDINANCE NO. 3831

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1446; 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 20th day of July, 1994, and referred to the following committee composed of Councilmen Hawkins Jr. and Higginson, for recommendation; thereafter the said committee reported favorably on said ordinance on the 17th day of August, 1994, 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, Higginson and Hawkins Jr. VOTING "NAY" NONE VOTING "ABSTAIN" NONE DID NOT VOTE Councilman Brass and Mayor Jones.

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 5TH FLOOR, 400 EAST STEWART AVENUE, LAS VEGAS, NEVADA. PUB: August 20, 1994
Las Vegas Review-Journal

STATE OF NEVADA)
COUNTY OF CLARK) SS:

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AUGUST 20, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this

20 day of Aug, 19 94

Peggy D. Barron

Notary Public



PEGGY D. BARRON
Notary Public - Nevada
Clark County
My appt. exp. Feb. 17, 1998



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BILL NO. 94-43
AN ORDINANCE CREATING CITY
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FOR; RATIFYING ACTION HERE-
TOFORE 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
JULY 20, 1994
BILL NO. 94-43 WAS READ BY
TITLE AND REFERRED TO REC-
COMMENDING COMMITTEE:
Councilmen Hawkins Jr.
AND Higginson
COPIES OF THE COMPLETE BILL
ARE AVAILABLE FOR PUBLIC
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OF THE CITY CLERK, 3TH
FLOOR, CITY HALL, 400 EAST
STEWART AVENUE, LAS VEGAS,
NEVADA.
PUB: August 4, 1994
Las Vegas Review-Journal

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days:

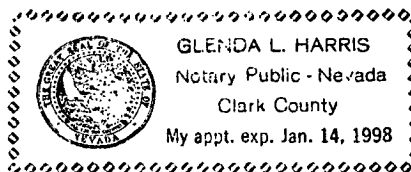
AUGUST 4, 1994

Signed: Andrea Davis

Subscribed and sworn to before me this
5 day of Aug, 19 94

Glenda L. Harris

Notary Public



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CITY CLERK
AUG 11 11 35 AM '94

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BILL NO. 94-63
AN ORDINANCE CREATING CITY
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Sponsored by: Ordinance required
by step procedure.
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JULY 20, 1994
BILL NO. 94-63 WAS READ BY
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STEWART AVENUE, LAS VEGAS,
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Las Vegas Review-Journal

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AUGUST 4, 1994

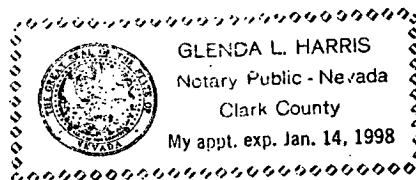
Signed: Andrea Davis

Subscribed and sworn to before me this

5 day of Aug, 1994

Glenda L. Harris

Notary Public



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