

# City of Las Vegas

RECOMMENDING COMMITTEE MEETING  
CITY HALL, 400 STEWART AVENUE  
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR  
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>  
MONDAY, MARCH 31, 2003  
4:00 P.M.

RECOMMENDING COMMITTEE COUNCILMEN WEEKLY AND MACK

CALL TO ORDER

ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 4/16/2003 CITY COUNCIL MEETING

1. Bill No. 2002-143 – Permits restricted gaming at supper club business establishments Proposed by Mark Vincent, Director, Finance and Business Services
2. Bill No. 2003-27 – Annexation No. ANX-1069 – Property location On the southeast corner of Hualapai Way and Grand Teton Drive, Petitioned by: Beazer Homes Holding Corporation; Acreage: 2.45 acres, Zoned R-E (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack
3. Bill No. 2003-28 – Annexation No. ANX-1343 – Property location. On the south side of Corbett Street, east and west of Bronco Street; Petitioned by: Bronco/Corbett LLC; Acreage 4.54 acres; Zoned. R-E (County zoning), U (R) (City equivalent) Sponsored by: Councilman Michael Mack
4. Bill No. 2003-29 – Allows the uses "Recreational Vehicle and Boat Storage" and "Mini-warehouse" by means of special use permit in the N-S Zoning District. Sponsored by Councilman Larry Brown
5. Bill No. 2003-30 – Levies Assessment for Special Improvement District No. 1484 - Alta Drive (Rancho Drive to Valley View Boulevard) Sponsored by: Step Requirement
6. Bill No. 2003-31 – Amends Ordinance No. 5291 (creating Special Improvement District No. 808 - Summerlin Area), and approves the First Amendment to the Development and Financing Agreement related thereto. Proposed by: Richard D Goecke, Director of Public Works

CITIZENS PARTICIPATION. ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS

Las Vegas Library, 833 Las Vegas Boulevard North  
Senior Citizens Center, 450 E. Bonanza  
Clark County Government Center, 500 S. Grand Central Parkway  
Court Clerk's Office Bulletin Board, City Hall Plaza  
City Hall Plaza, Special Outside Posting Bulletin Board

10/5

**AFFIDAVIT OF MAILING**

**(Mailing required under the provisions of NRS Chapter 241)**

STATE OF NEVADA)  
  ) ss  
COUNTY OF CLARK)

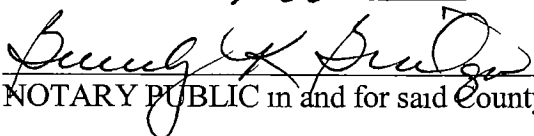
**Eva Cotton**, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **25<sup>th</sup>** day of **March, 2003**, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **31<sup>st</sup>** day of **March, 2003** was deposited in the United States Mail, Postage prepaid, First Class Certified Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

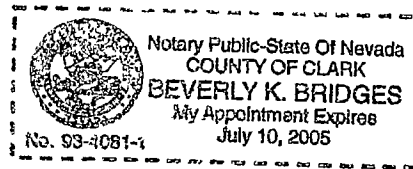
  
\_\_\_\_\_

**SIGNATURE**

City Clerk  
**DEPARTMENT**

Subscribed and sworn to before me this

31<sup>st</sup> day of March, 2003  
  
\_\_\_\_\_  
NOTARY PUBLIC in and for said County and State





# *City of Las Vegas*

## **RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

### **MINUTES:**

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E. Bonanza Road

Clark County Government Center, 500 S. Grand Central Pkwy

Court Clerk's Bulletin Board, City Hall

City Hall Plaza, Posting Board

(4:02)

1-1

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2002-143** – Permits restricted gaming at supper club business establishments. Proposed by Mark Vincent, Director, Finance and Business Services

**Fiscal Impact**

**No Impact**

**Amount:**

**Budget Funds Available**

**Dept./Division:**

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

This bill will permit supper club business establishments to have slot machines. A maximum of ten slot machines will be permitted in establishments having at least five thousand square feet of usable floor space. Not more than five slot machines will be permitted in establishments having less than five thousand square feet of usable floor space.

**RECOMMENDATION:**

REFERRED back to the 3/31/2003 Recommending Committee pursuant to the 3/19/2003 City Council

First Reading – 12/18/2002; First Publication – N/A

**BACKUP DOCUMENTATION:**

Bill No. 2002-143

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN WEEKLY recommended Bill 2002-143 be forwarded to the Full Council with no recommendation.**

NOTE: COUNCILMAN MACK abstained since his brother-in-law, ANDREW DONNER, owns Timbers Hospitality Group, which is a tavern business and might be affected by action on this bill.

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

**MINUTES – Continued:**

JIM DiFIORE, Manager of Business Services, stated that the bill as proposed would permit five slot machines in supperclubs with less than 5,000 square feet of useable floor space and up to 10 slot machines in supperclubs with greater useable floor space. There were concerns raised at the public hearing by both the tavern industry and the supperclub industry. MR. DiFIORE suggested that comments be taken from those present to speak prior to his making any recommendation.

RON DRAKE, President of Nevada Tavern Owners Association, indicated that his organization remains concerned with the motivation behind the bill. If the purpose is to increase fees, there are better solutions. He suggested that taverns be permitted the additional five machines allowed prior to the ordinance reducing the number of machines five years ago. The additional machines in the 240 or so taverns in the City would generate a significant amount of revenue. It appears that the bill is a bail out of an operator who cannot continue operating as a supperclub. This is not needed by the national chains. The original purpose of the supperclub was to allow the national chains in the same area as a tavern. There is a need for that within the community. Tavern owners have seen a significant decrease in food business and now the supperclubs are also asking to get into the gaming business.

He pointed out that the County scaled back the number of machines permitted in supperclubs because the greater number of machines were allowing opportunists to take advantage of the law. Advances in technology actually makes five machines a lot to work with and ten machines makes them a tavern. In combination with Bill 2002-145, supperclubs could operate within 400 feet of a school or church and without restriction regarding taverns. The restaurant rows would operate throughout the City. His organization is opposed to that and supports the 1500 foot distance separation. MR. DRAKE also submitted a letter from GLORIA PETERMAN, who owns a tavern at 1966 North Rainbow.

ATTORNEY BOB OLSEN appeared representing Exber, Inc., who operates the El Cortez Hotel and Casino. The City has passed an ordinance creating the Downtown Entertainment Overlay District, providing for a number of venues and possible supperclubs within the district. The concern is that gaming was a key factor in negotiating the terms of that ordinance. If the supperclub bill is passed as currently drafted, it will allow hundreds of slot machines in the area created by Ordinance 5521. His client's objection is that the Downtown Entertainment Overlay District should be exempted.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

**MINUTES – Continued:**

ATTORNEY TOM AMICK, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of Houlihan's, a supperclub, in support of this proposed bill. The issues he raised in the past remain the same. It is important not to blur the distinction between taverns and supperclubs. The mere ability to have five slot machines, as is permitted in Clark County, Henderson and North Las Vegas, will not suddenly cause supperclubs to be taverns. There are still a host of restrictions supperclubs must follow. These include seating requirements, food to alcohol ratios and staffing. Supperclubs have to act like restaurants because that is what they are. Taverns do not have any such restrictions. Taverns may sell food, but are not required to do so. The addition of slot machines will not change those other requirements. The request or suggestion to permit additional machines for tavern owners proves the point. It is proven in other jurisdictions that permitting slot machines into supperclubs has not hurt the tavern industry in those other jurisdictions.

ATTORNEY AMICK pointed out that the granting of gaming within a supperclub is discretionary. The Council may deny such a request where they deem it to be inappropriate. This is a policy issue. When the Council gives businesses the ability to be more profitable without impacting neighborhoods, it helps everyone. Doing so increases jobs, property tax, sales tax and other benefits.

MR. DiFIORE stated that the arguments have remained unchanged. Bill 2002-145 is a companion bill regarding liquor. Distance guidelines in the liquor bill may be something the Council would want to consider in the future. At this time, he recommended amending the bill to permit five slot machines regardless of the square footage of the supperclub. Consistency with the other Valley jurisdictions has been a City goal for many years. At a minimum, he would support this bill as doing so.

COUNCILMAN WEEKLY discussed with MR. DiFIORE that at a meeting last year there was a suggestion that the Council consider adoption of distance requirements and exemptions thereto for taverns. One of the Council members suggested restricted gaming in the supperclub industry at that time. The fiscal impact of five slot machines would be approximately \$17,500 in gaming fees to the City. Ten slot machines would generate an additional \$40,000 annually in gaming fees. The impact on the industry is impossible to say. He suggested that the ordinance could be adopted for a year and then the impact identified. It is doubtful that the after work gambler will go to a supperclub rather than a tavern. Standardizing the industry in all jurisdictions makes good sense.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 1 – Bill No. 2002-143

**MINUTES – Continued:**

COUNCILMAN WEEKLY stated that he would be passing this onto the full Council with no recommendation, as there are other Council members who want to discuss this matter. Not everything works the same in all parts of town.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:18)

**1-6**

1 **BILL NO. 2002-143**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO AMEND THE PROVISIONS GOVERNING THE OPERATIONS OF  
4 SUPPER CLUBS TO PERMIT RESTRICTED GAMING AT SUCH BUSINESS  
ESTABLISHMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Mark Vincent, Director of Finance  
6 and Business Services

Summary: Permits restricted gaming at supper  
club business establishments.

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

9 SECTION 1: Title 6, Chapter 40, Section 140, of the Municipal Code of the City of  
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.40.140:** Restricted gaming shall be limited to the following locations within the City and  
12 limited in scope of operation as follows:

13 (A) Locations licensed for the sale of alcoholic beverages, other than a tavern or  
14 supper club, having less than five thousand square feet of usable floor space shall be permitted to  
15 operate not more than seven slot machines.

16 (B) Locations licensed for the sale of alcoholic beverages, other than supper clubs,  
17 having at least five thousand square feet of usable floor space, and taverns, regardless of the amount  
18 of their usable floor space, shall be permitted to operate not more than fifteen slot machines.

19 (C) Locations licensed for supper clubs having less than five thousand square feet  
20 of usable floor space shall be permitted to operate not more than five slot machines.

21 (D) Locations licensed for supper clubs having at least five thousand square feet  
22 of usable floor space shall be permitted to operate not more than ten slot machines.

23 [(C)] (E) Locations not licensed for the sale of alcoholic beverages but for which  
24 locations a special use permit for a general business-related gaming establishment, as that term is  
25 defined in LVMC 19.04.417, is obtained in accordance with LVMC Title 19, having less than five  
26 thousand square feet of usable floor space shall be permitted to operate not more than four slot  
27 machines;

28 [(D)] (F) Locations not licensed for the sale of alcoholic beverages but for which

1 locations a special use permit for a general business-related gaming establishment, as that term is  
2 defined in LVMC 19.04.417, is obtained in accordance with LVMC Title 19, having at least five  
3 thousand square feet of usable floor space shall be permitted to operate not more than fifteen slot  
4 machines;

5           ~~[(E)]~~ (G) Locations licensed to operate not more than fifteen slot machines prior to  
6 February 6, 1991; provided, however, that a location with less than five thousand square feet of usable  
7 floor space which has in excess of the number of slot machines permitted by Subsections (A) and (E)  
8 of this Section shall be limited to the operation of the number of slot machines licensed for such  
9 location as of February 6, 1991.

10           SECTION 2: Title 6, Chapter 40, Section 155, of the Municipal Code of the City of  
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.40.155:** The City Council may deny any application for a gaming license if it deems the place  
13 or location for which the license is sought to be unsuitable for the conduct of gaming.

14           (A) No restricted gaming shall be conducted, maintained or operated in the  
15 following places or locations:

16                           (1) Laundromats;

17                           (2) Bakeries, donut shops and any other retail location, except as otherwise  
18 provided in LVMC 6.40.140 and 6.40.150;

19                           (3) Movie theaters and professional offices;

20                           (4) Fast food establishments; and

21                           (5) [Supper clubs; and

22                           (6)] Hotels with a hotel lounge bar license.

23           (B) Locations listed above that are licensed for gaming as of April 17, 1991, may  
24 be allowed to continue their licenses so long as the nature and character of the business at the location  
25 does not materially change.

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

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

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

9 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2003.

10 APPROVED:

11  
12 By OSCAR B. GOODMAN, Mayor

13 ATTEST:

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15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17 Jany G. Bellis 12-9-02  
18 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_ day of \_\_\_\_\_, 2002, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2003, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_  
9 VOTING "NAY": \_\_\_\_\_  
10 ABSENT: \_\_\_\_\_

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12 APPROVED:

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14 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

15 ATTEST:  
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17 BARBARA JO RONEMUS, City Clerk

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**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

CONSENT

DISCUSSION

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-27** – Annexation No. ANX-1069 – Property location: On the southeast corner of Hualapai Way and Grand Teton Drive; Petitioned by: Beazer Homes Holding Corporation; Acreage: 2.45 acres; Zoned: R-E (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

No Impact

**Amount:**

Budget Funds Available

**Dept./Division:**

Augmentation Required

**Funding Source:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the southeast corner of Hualapai Way and Grand Teton Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 25, 2003) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-27 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2003-27 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed

(4:18)

1-485

1 **BILL NO. 2003-27**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY  
4 DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE  
5 LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER  
6 RELATED MATTERS. (ANX-1069)

6 Sponsored by: Councilman Michael Mack

Summary: Annexes property described generally  
as located on the southeast corner of Hualapai  
Way and Grand Teton Drive.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

9 AS FOLLOWS:

10 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby  
11 extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described  
12 real property:

13 The North Half (N 1/2) of Government Lot 8 in the Northwest Quarter (NW 1/4) of  
14 Section 18, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State  
15 of Nevada, as said Government Lot 8 is shown on the TOWNSHIP 19 SOUTH,  
16 RANGE 60 EAST, OF THE MOUNT DIABLO MERIDIAN, NEVADA,  
17 SUPPLEMENTAL PLAT OF SECTION 18, dated June 13, 1955, as filed in the  
18 Office of the United States Department of the Interior, Bureau of Land Management  
19 in Reno, Nevada, being LOT 1 and the adjoining half-street right-of-way of GRAND  
TETON DRIVE (50 feet wide, as measured from the north line of said Government  
Lot 8) and the half-street right-of-way of HUALAPAI WAY (50 feet wide, as  
measured from the west line of said Government Lot 8) and the adjoining 54-foot  
radius, circular fillet parcel, all as shown on the CERTIFICATE OF LAND  
DIVISION, recorded September 4, 1980 in Book 1277 as Instrument Number 1236044  
of Clark County, Nevada Records.

20 The Basis of Calculations is the RECORD OF SURVEY, as filed July 8, 2002 in File  
21 123 of Surveys, Page 32 of Clark County, Nevada Records. All other record sources  
22 cited or quasi-public sources cited, have been rotated and adjusted as necessary to the  
above cited, File 123, Page 32 datum.

23 SECTION 2: The City Council hereby determines that the described territory meets  
24 the requirements provided by law for annexation to the City for the following reasons:

- 25 A. The area to be annexed was contiguous to the City's boundaries at the time the  
26 annexation proceedings were instituted;
- 27 B. More than one-eighth (1/8) of the aggregate external boundaries of the area are  
28 contiguous to the City;

1 C. The territory proposed to be annexed is not included within the boundaries of  
2 another incorporated city or within the boundaries of any unincorporated town  
3 as those boundaries existed as of July 1, 1983;

4 D. The City is eligible to annex the described territory since the landowners have  
5 signed a petition constituting one hundred percent (100%) of the owners of  
6 record of individual lots or parcels of land within the annexation area.

7 SECTION 3: The City will provide police protection through the Las Vegas  
8 Metropolitan Police Department, fire protection, street maintenance, and library services immediately  
9 upon annexation. Garbage collection by the company franchised by the City will also be provided  
10 immediately. The City sanitary sewer system will serve the proposed annexation area. Any  
11 connection to or extension of this sewer line to serve the annexation area shall be at the expense of  
12 the landowners. Other services, such as participation in the City's recreational programs, special  
13 education classes and programs, public works planning, building inspections, and other City services  
14 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided  
15 by private utility companies and other services to the area will not be affected by annexation. Street  
16 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation  
17 will be installed in the presently developed areas upon the request of the property owners and at their  
18 expense by means of special assessment districts. Such improvements will be extended into the  
19 undeveloped areas as development takes place and the need therefor arises, and will be located  
20 according to the needs of the area at that time. Such installations will also be made at the expense of  
21 the property owners, either by means of special assessment districts or as prerequisites to the approval  
22 of subdivision plats, building permits or other land use or development applications.

23 SECTION 4: The annexation of the described territory shall become effective on the  
24 25th day of April, 2003, and on that date the City will have the funds appropriated in sufficient  
25 amount to finance the extension into the described territory of police protection, fire protection, street  
26 maintenance, street sweeping, and street lighting maintenance.

27 SECTION 5: The described territory, together with the inhabitants and property  
28 thereof, shall, from and after the 25th day of April, 2003, be subject to all debts, laws, ordinances and

1 regulations in force in the City and shall be entitled to the same privileges and benefits as other parts  
2 of the City, and shall be subject to municipal taxes levied by the City.

3 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an  
4 accurate map or plat of the described territory and to record the map or plat, together with a certified  
5 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which  
6 recording shall be done prior to the 25th day of April, 2003.

7 SECTION 7: The described territory, which previously has been zoned R-E (County  
8 of Clark classification), is hereby classified as U (PCD) (City of Las Vegas classification), which is  
9 deemed to be the City equivalent of the County classification.

10 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause of  
11 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid  
12 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
13 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
14 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
15 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
16 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
17 invalid or ineffective.

18 SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases,  
19 ...  
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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2003.

4 APPROVED:

5  
6 By \_\_\_\_\_  
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 \_\_\_\_\_  
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 3-5-03  
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the \_\_\_\_\_  
2 day of \_\_\_\_\_, 2003, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said  
4 committee reported favorably on said ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
5 which was a \_\_\_\_\_ meeting of said Council; that at said \_\_\_\_\_ meeting,  
6 the proposed ordinance was read by title to the City Council as first introduced and adopted by the  
7 following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

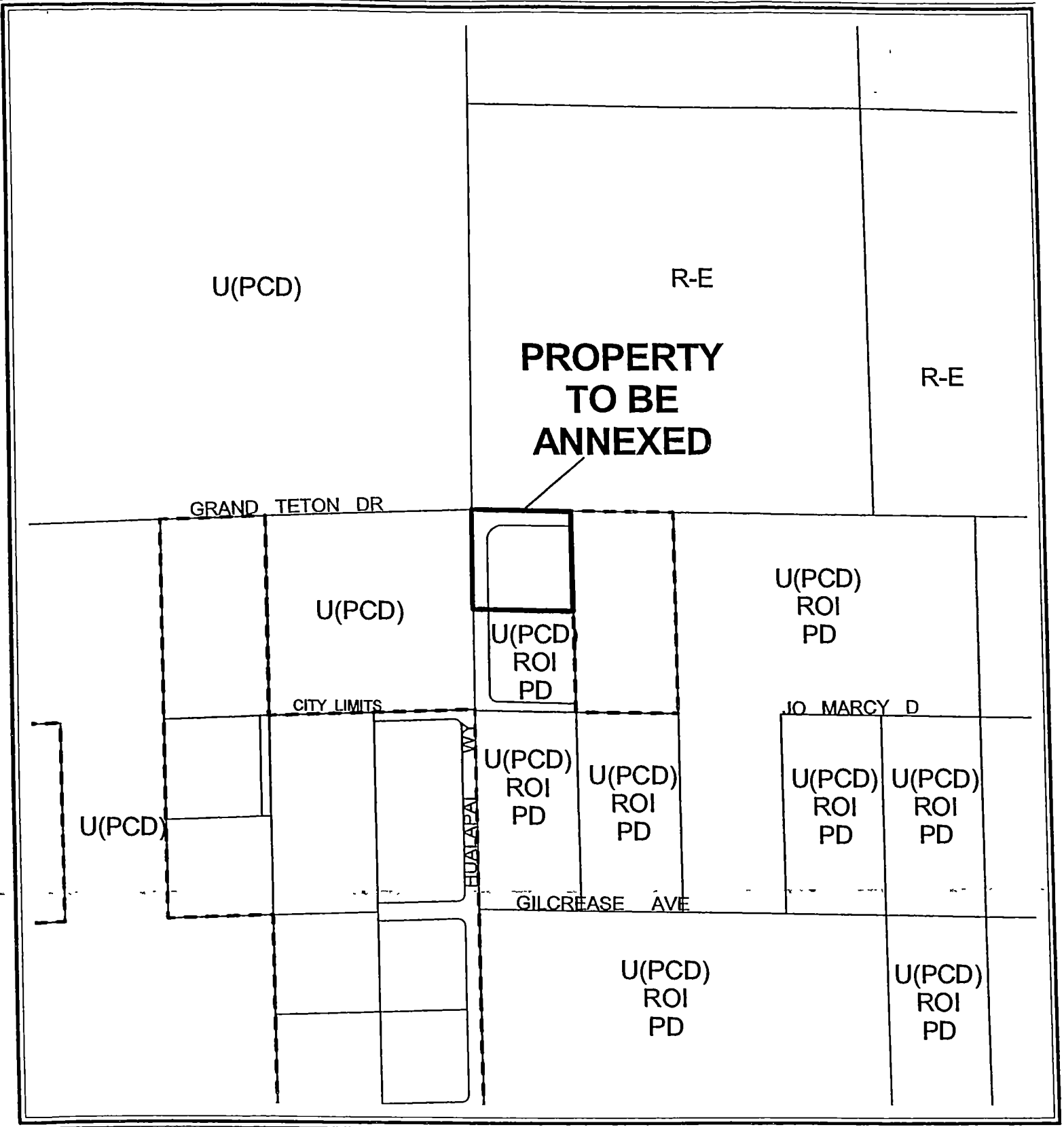
10 ABSENT: \_\_\_\_\_

11 APPROVED:

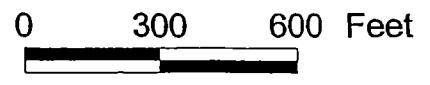
12  
13 By \_\_\_\_\_  
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 \_\_\_\_\_  
17 BARBARA JO RONEMUS, City Clerk  
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CASE: ANX-1069



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-28** – Annexation No. ANX-1343 – Property location: On the south side of Corbett Street, east and west of Bronco Street; Petitioned by: Bronco/Corbett LLC; Acreage: 4.54 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

**No Impact**

**Amount:**

**Budget Funds Available**

**Dept./Division:**

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property generally located on the south side of Corbett Street, east and west of Bronco Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 25, 2003) is set by this ordinance.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-28 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2003-28 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4.18)

1-499



1 AL, recorded July 10, 1979 in Book 1083 as Instrument Number 1042668 of Clark  
2 County, Nevada Records.

3 The Basis of Calculations of the above legal description is the RECORD OF SURVEY  
4 MAP, as filed April 27, 1990 in File 54 of Surveys, Page 74 of Clark County, Nevada  
Records, all other record sources cited hereinabove, have been rotated and adjusted to  
said File 54 of Surveys, Page 74, basis.

5 SECTION 2: The City Council hereby determines that the described territory meets  
6 the requirements provided by law for annexation to the City for the following reasons:

- 7 A. The area to be annexed was contiguous to the City's boundaries at the time the  
8 annexation proceedings were instituted;
- 9 B. More than one-eighth (1/8) of the aggregate external boundaries of the area are  
10 contiguous to the City;
- 11 C. The territory proposed to be annexed is not included within the boundaries of  
12 another incorporated city or within the boundaries of any unincorporated town  
13 as those boundaries existed as of July 1, 1983;
- 14 D. The City is eligible to annex the described territory since the landowners have  
15 signed a petition constituting one hundred percent (100%) of the owners of  
16 record of individual lots or parcels of land within the annexation area.

17 SECTION 3: The City will provide police protection through the Las Vegas  
18 Metropolitan Police Department, fire protection, street maintenance, and library services immediately  
19 upon annexation. Garbage collection by the company franchised by the City will also be provided  
20 immediately. The City sanitary sewer system will serve the proposed annexation area. Any  
21 connection to or extension of this sewer line to serve the annexation area shall be at the expense of  
22 the landowners. Other services, such as participation in the City's recreational programs, special  
23 education classes and programs, public works planning, building inspections, and other City services  
24 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided  
25 by private utility companies and other services to the area will not be affected by annexation. Street  
26 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation  
27 will be installed in the presently developed areas upon the request of the property owners and at their  
28 expense by means of special assessment districts. Such improvements will be extended into the

1 undeveloped areas as development takes place and the need therefor arises, and will be located  
2 according to the needs of the area at that time. Such installations will also be made at the expense of  
3 the property owners, either by means of special assessment districts or as prerequisites to the approval  
4 of subdivision plats, building permits or other land use or development applications.

5 SECTION 4: The annexation of the described territory shall become effective on the  
6 25th day of April, 2003, and on that date the City will have the funds appropriated in sufficient  
7 amount to finance the extension into the described territory of police protection, fire protection, street  
8 maintenance, street sweeping, and street lighting maintenance.

9 SECTION 5: The described territory, together with the inhabitants and property  
10 thereof, shall, from and after the 25th day of April, 2003, be subject to all debts, laws, ordinances and  
11 regulations in force in the City and shall be entitled to the same privileges and benefits as other parts  
12 of the City, and shall be subject to municipal taxes levied by the City.

13 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an  
14 accurate map or plat of the described territory and to record the map or plat, together with a certified  
15 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which  
16 recording shall be done prior to the 25th day of April, 2003.

17 SECTION 7: The described territory, which previously has been zoned R-E (County  
18 of Clark classification), is hereby classified as U (R) (City of Las Vegas classification), which is  
19 deemed to be the City equivalent of the County classification.

20 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause of  
21 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid  
22 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
27 invalid or ineffective.

28 SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases,

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2003.

4 APPROVED:

5

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By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

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8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 3-5-03  
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the Council on the \_\_\_\_\_  
2 day of \_\_\_\_\_, 2003, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said  
4 committee reported favorably on said ordinance on the \_\_\_\_\_ day of \_\_\_\_\_, 2003,  
5 which was a \_\_\_\_\_ meeting of said Council; that at said \_\_\_\_\_ meeting,  
6 the proposed ordinance was read by title to the City Council as first introduced and adopted by the  
7 following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

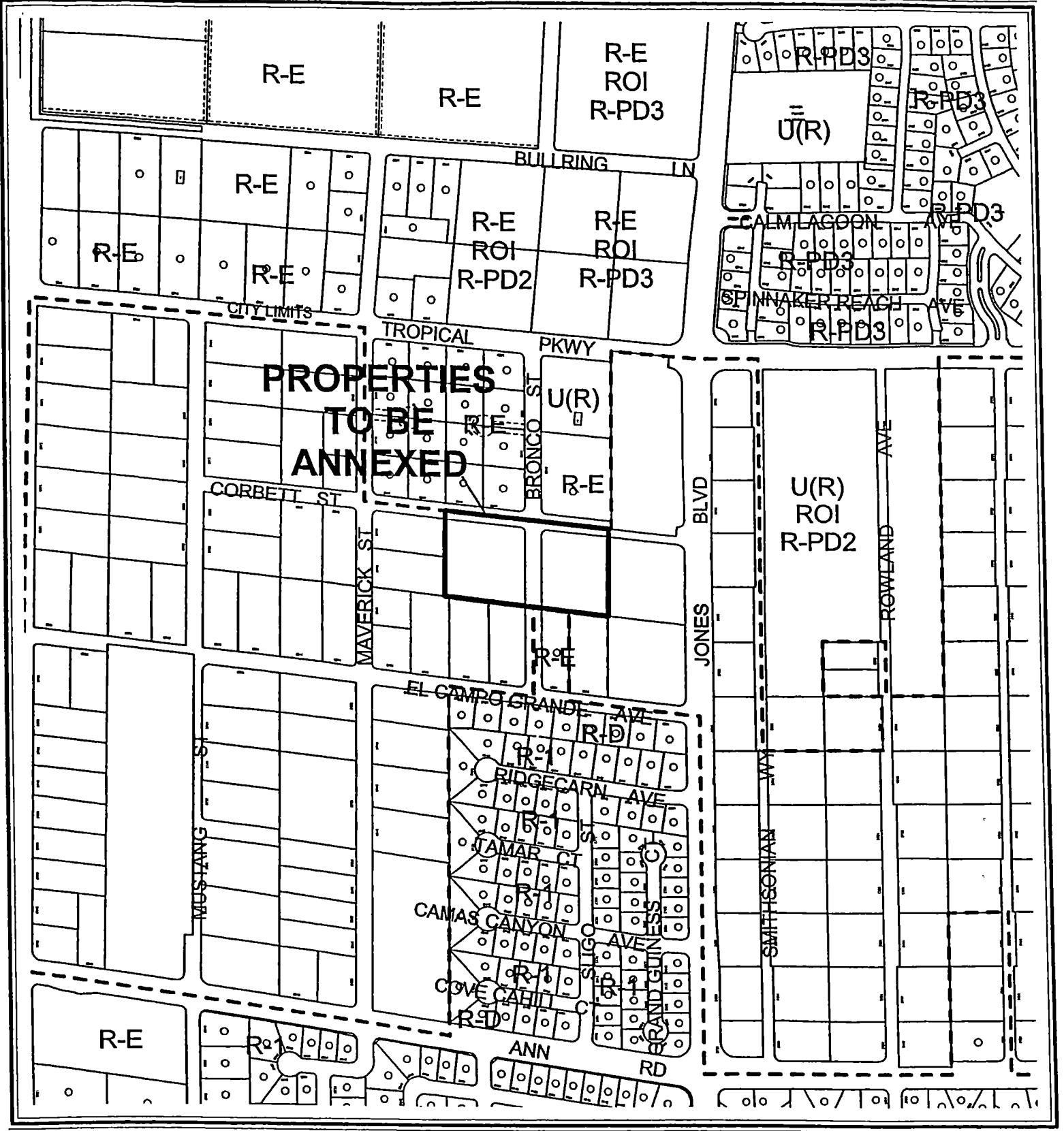
10 ABSENT: \_\_\_\_\_

11 APPROVED:

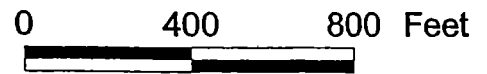
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13 By \_\_\_\_\_  
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk  
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CASE: ANX-1343



**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL**

**Bill No. 2003-29** – Allows the uses “Recreational Vehicle and Boat Storage” and “Mini-warehouse” by means of special use permit in the N-S Zoning District. Sponsored by: Councilman Larry Brown

**Fiscal Impact**

**No Impact**

**Amount:**

**Budget Funds Available**

**Dept./Division:**

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

The City’s zoning regulations currently do not allow the uses “Recreational Vehicle and Boat Storage” and “Mini-warehouse” in the N-S Zoning District. This bill will allow those uses in the N-S District by means of special use permit, subject to certain minimum conditions to minimize their impact.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No 2003-29

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2003-29 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open

ROBERT GENZER, Director of Planning & Development, indicated that these uses are not allowed in the limited Neighborhood Services zone, which does not appear in very many places throughout the City or in the office zone, as recently proposed by the City along the north side of Cheyenne, west of Rampart. Subsequently, two property owners sought rezoning to C-1, which includes uses that may not be appropriate. As an alternative, this change to the code would appear to be rather passive in nature and conditions could be imposed on the special use permit so that the City retains control of what happens on the sites. Staff recommends approval.

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003

City Attorney

Item 4 – Bill No. 2003-29

**MINUTES – Continued:**

COUNCILMAN MACK questioned whether the code was revised to allow recreational vehicle and boat storage within a mini-storage facility without a special use permit. MR GENZER answered that he would verify that information and report back to the Councilman

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:18)

**1-512**

1 **BILL NO. 2003-29**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE TO ALLOW THE USES "RECREATIONAL VEHICLE AND BOAT  
4 STORAGE" AND "MINI-WAREHOUSE" BY MEANS OF SPECIAL USE PERMIT IN THE N-S  
5 ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: Councilman Larry Brown

6 Summary: Allows the uses "Recreational  
7 Vehicle and Boat Storage" and "Mini-  
8 warehouse" by means of special use permit in  
9 the N-S Zoning District.

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

10 SECTION 1: Table 2 of the Land Use Tables adopted in Section 19.04.010 of the  
11 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use  
12 "Recreational Vehicle and Boat Storage" by means of Special Use Permit in the N-S Zoning District.  
13 In order to reflect the amendment, the "Auto & Marine-Related" element of Table 2 is amended so  
14 that the row for that use appears as follows:

15

AUTO & MARINE-RELATED	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Recreational Vehicle and Boat Storage*		<u>S</u>			S	C		C	C

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18 SECTION 2: Table 2 of the Land Use Tables adopted in Section 19.04.010 of the  
19 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use  
20 "Mini-warehouse" by means of Special Use Permit in the N-S Zoning District. In order to reflect the  
21 amendment, the "Wholesale, Distribution & Storage" element of Table 2 is amended so that the row  
22 for that use appears as follows:

23

WHOLESALE DISTRIBUTION & STORAGE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Mini-warehouse		<u>S</u>			S	C		C	C

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27 SECTION 3: Section 19.04.050(B) of the Municipal Code of the City of Las Vegas,  
28 Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "RECREATIONAL  
VEHICLE AND BOAT STORAGE" to read as follows:

1 RECREATIONAL VEHICLE AND BOAT STORAGE [N-S, C-1]

2 (1) Storage of recreational vehicles and boats is not permitted within required setbacks or buffer  
3 areas. Within the N-S District, no such storage is permitted within fifty feet of property zoned for  
4 residential use.

5 (2) Storage areas that are not screened by an intervening building shall be screened completely  
6 from view from any public street by a screening device at least eight feet in height. In  
7 addition, storage areas shall be screened completely from view from any adjoining property  
8 by a screening device at least eight feet in height, except along the property line of any  
9 adjoining property that is zoned C-M or M.

10 (3) The commercial repair of recreational vehicles, boats, trailers and other like vehicles is  
11 prohibited.

12 SECTION 4: Section 19.04.050(B) of the Municipal Code of the City of Las Vegas,  
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new subdivision entitled "MINI-  
14 WAREHOUSE," reading as follows:

15 MINI-WAREHOUSE [N-S, C-1]

16 (1) No more than one manager's security residence shall be permitted.

17 (2) All storage shall be within an enclosed building except for the storage of recreational vehicles  
18 which shall be completely screened from view from surrounding properties and abutting streets.

19 (3) No business shall be conducted from or within a mini-storage facility.

20 (4) Retail sale of stored items on the premises is prohibited.

21 (5) The commercial repair of motor vehicles, boats, trailers and other like vehicles shall be  
22 prohibited.

23 (6) The operation of spray-painting equipment, power tools, welding equipment or other similar  
24 equipment shall be prohibited.

25 (7) The production, fabrication or assembly of products shall be prohibited.

26 (8) The rental of single unit trucks and small utility trailers shall be permitted as an accessory use  
27 to a mini-storage use, provided the business is conducted out of the same office as that of the  
28 mini-storage facility. No trucks or trailers shall be displayed in public view and the combined total

1 of all trucks and trailers stored on site shall not exceed a ratio of two trucks or trailers for each one  
2 hundred storage units. On-site parking shall be provided for each rental vehicle in excess of the  
3 number required for the mini-storage complex.

4 (9) Truck and trailer storage shall be screened from the street and adjacent property.

5 (10) When adjacent to a residential use, the exterior wall of the mini-warehouse shall be constructed  
6 of decorative block.

7 SECTION 5: In Sections 3 and 4 of this Ordinance, the brackets that follow the titles  
8 of the subdivisions being amended or added are not intended to indicate deleted matter, but instead  
9 are used as the means of indicating the applicable districts.

10 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010  
11 and 19.04.050 are deemed to be subchapters rather than sections.

12 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or  
13 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
14 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the  
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,  
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,  
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,  
19 invalid or ineffective.

20 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,  
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

4 APPROVED:

5  
6 By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8  
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steep 3-5-03  
12 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 2003, and referred to the following committee composed of  
3 \_\_\_\_\_ and \_\_\_\_\_ for recommendation;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2003, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council  
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-30** – Levies Assessment for Special Improvement District No. 1484 - Alta Drive (Rancho Drive to Valley View Boulevard) Sponsored by: Step Requirement

**Fiscal Impact**

**No Impact**

**Amount:** \$124,122.91

**Budget Funds Available**

**Dept./Division:** Public Works/SID

**Augmentation Required**

**Funding Source:** Capital Projects Fund - Special Assessments

**PURPOSE/BACKGROUND:**

Levies the assessment for the costs of street improvements and street beautification improvements (installation of 34-foot wide pavement section, curb, gutter, sidewalk, streetlights, residential driveways, landscaping, irrigation systems, and entry monumentation) along Alta from Rancho Drive to approximately 275 feet west of Lacy Lane.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

Bill No. 2003-30

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2003-30 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED said this matter is in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21)

1-599

BILL NO. 2003-30

ORDINANCE NO \_\_\_\_\_

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1484 – ALTA DRIVE (RANCHO DRIVE TO VALLEY VIEW BOULEVARD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH

Summary Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No 1484 – Alta Drive (Rancho Drive to Valley View Boulevard) (hereinafter the "District"), for the purpose of acquiring a Street Project and a Street Beautification Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project, and

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,720,714.20, of which, \$1,596,591.29 is available from other sources and of which \$124,122.91 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works of the City (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer (with the assistance of the Engineering Integration Division) made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon. The Engineer has reported the final assessment roll to the City Council and the Engineer has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit Wednesday, March 5, 2003, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, March 5, 2003, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on February 5, 2003. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party, and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No 1484 Assessment Protest Resolution; and

WHEREAS, by the District No 1484 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form, and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined, and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency, and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project, in part, with funds derived from the levy of assessments, and the City will pay one-half or more of the costs of the Project with monies derived from other than the levy of special assessment, and that the exception provided by NRS 271 306(2)(a) does exist with respect to the Project, and

WHEREAS, the owners of certain property to be located within the District have requested the City to include as part of the improvements to be constructed within the District, for such property, sewer improvements and such owners have executed an affidavit of waiver and consent (hereinafter the "Affidavit"), consenting to the construction of such improvements and the assessment of the cost of such improvements on such property

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

Section 1 This Ordinance shall be known as, and may be cited by, the short title "District No 1484 Levy Ordinance" (hereinafter the "Ordinance")

Section 2 The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit

and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1484 Assessment Protest Resolution

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No 1484 – Alta Drive (Rancho Drive to Valley View Boulevard), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on February 5, 2003, and as modified and confirmed by the District No. 1484 Assessment Protest Resolution duly adopted by the City Council on March 19, 2003

Section 5 The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on October 1, 2003 After

the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three per cent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after May 20, 2003, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 74/100<sup>th</sup> percent (7 74%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent)

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the

same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted, (b) the term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner, or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof

Section 6        The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. April 20, 2003) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs)

Section 7        Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8.        In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner

of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271 630. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments

Section 9 The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10 In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first

such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1484 – ALTA DRIVE (RANCHO DRIVE TO VALLEY VIEW BOULEVARD)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1484 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on April 16, 2003. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No 1484 – Alta Drive (Rancho Drive to Valley View Boulevard)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance)

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before May 20, 2003, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from April 20, 2003 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2003. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more

than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after May 20, 2003, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 74/100<sup>th</sup> percent (7 74%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted, (b) the term of the bonds expires, (c) the property owner's application for renewal of a Hardship Determination is disapproved, (d) the property owner fails to pay interest on the unpaid balance of assessments in a

timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from April 20, 2003 (i.e , the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this April 16, 2003

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BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District and the issuance of the bonds therefor.

Section 13 All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed

Section 14. That in accordance with Section 2 110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request, thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e , a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e , at least ten (10) days before April 16, 2003, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1484 – ALTA DRIVE (RANCHO DRIVE TO VALLEY VIEW BOULEVARD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.**

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 19<sup>th</sup> day of March, 2003, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 16<sup>th</sup> day of April, 2003

/s/ Barbara Jo Ronemus  
City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1484 – ALTA DRIVE (RANCHO DRIVE TO VALLEY VIEW BOULEVARD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on March 19, 2003, and was passed at a regular meeting held on April 16, 2003, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman  
Gary Reese  
Michael J. McDonald  
Larry Brown  
Lynette Boggs McDonald  
Lawrence Weekly  
Michael Mack

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

This Ordinance shall be in full force and effect from and after April 20, 2003, i.e , the day after its publication by title only

**IN WITNESS WHEREOF**, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This 16th day of April, 2003

/s/ OSCAR B. GOODMAN  
Mayor  
City of Las Vegas, Nevada

(SEAL)

Attest:  
/s/ BARBARA JO RONEMUS  
City Clerk

Section 16 That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance

Introduced March 19, 2003, PASSED, ADOPTED AND APPROVED April 16, 2003

\_\_\_\_\_  
OSCAR B GOODMAN, Mayor

Attest

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

Approved as to Form

3-6-'03 *Madeline J. Diekman-Dicco*  
Date Deputy City Attorney

STATE OF NEVADA            )  
   )  
 COUNTY OF CLARK            ) SS  
   )  
 CITY OF LAS VEGAS         )

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on March 19, 2003 and finally adopted and approved on April 16, 2003.

2. The following members of the City Council were present at the March 19, 2003 Council meeting:

Mayor.	Oscar B. Goodman
Councilmembers..	Gary Reese
	Michael J. McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

3. The foregoing Ordinance was first proposed and read by title to the City Council on March 19, 2003, and referred to a committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation, thereafter the said committee reported favorably on said Ordinance on April 16, 2003, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the April 16, 2003 meeting and voted upon the adoption of the Ordinance as follows

Those Voting Aye	Oscar B Goodman
	Gary Reese
	Michael J. McDonald
	Larry Brown
	Lynette Boggs McDonald
	Lawrence Weekly
	Michael Mack

Those Voting Nay: \_\_\_\_\_  
 \_\_\_\_\_

Those Absent \_\_\_\_\_  
 \_\_\_\_\_

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed

5 All members of the City Council were given due and proper notice of the meetings held on March 19, and April 16, 2003 Pursuant to § 241 020, Nevada Revised Statues, written notice of the meetings was given no later than 9 00 a m on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9 00 a m at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Hall  
City Hall Plaza  
Special Outside Posting Bulletin Board  
Las Vegas, Nevada
- (ii) Senior Citizens Center  
Las Vegas, Nevada
- (iii) Clark County Government Center  
500 South Grand Central Parkway  
Las Vegas, Nevada
- (iv) Downtown Transportation Center  
Las Vegas, Nevada

; and

(b) By mailing a copy of the notice by 9 00 a.m no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6 A copy of such notice so given of the meeting of the City Council on March 19, 2003, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on April 16, 2003, is attached to this certificate as Exhibit B

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law

**IN WITNESS WHEREOF**, I have hereunto set my hand on this April 16, 2003

---

BARBARA JO RONEMUS, City Clerk

(SEAL)

**EXHIBIT A**

**(Attach Copy of Notice of March 19, 2003 Meeting)**

**EXHIBIT B**

**(Attach Copy of Notice of April 16, 2003 Meeting)**

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

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**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

**CONSENT**

**DISCUSSION**

**SUBJECT:**

**NEW BILL:**

**Bill No. 2003-31** – Amends Ordinance No. 5291 (creating Special Improvement District No. 808 - Summerlin Area), and approves the First Amendment to the Development and Financing Agreement related thereto. Proposed by: Richard D. Goecke, Director of Public Works

**Fiscal Impact**

**No Impact**

**Amount:**

**Budget Funds Available**

**Dept./Division:**

**Augmentation Required**

**Funding Source:**

**PURPOSE/BACKGROUND:**

Ordinance No. 5291, adopted February 7, 2001, provided for the acquisition, construction, and installation of street, storm sewer, sanitary sewer, and water projects in the Summerlin Area. This Bill will amend Ordinance No. 5291 to adjust the district boundary of V23A/23B, add new projects and adjust and revise project costs. The Bill will also amend the Development and Financing Agreement related to this project.

**RECOMMENDATION:**

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

**BACKUP DOCUMENTATION:**

1. Bill No. 2003-31
  2. First Amendment to Development and Financing Agreement
- Submitted at Meeting: Letter in opposition from Gloria Peterman, Gloria's II

**COMMITTEE RECOMMENDATION:**

**COUNCILMAN MACK recommended Bill 2003-31 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.**

**MINUTES:**

**COUNCILMAN WEEKLY declared the Public Hearing open.**

RECOMMENDING COMMITTEE MEETING OF MARCH 31, 2003  
City Attorney  
Item 6 – Bill No. 2003-31

**MINUTES – Continued:**

CHIEF DEPUTY CITY ATTORNEY STEED said this is an ongoing project being amended to include additional scope and costs. Some of the exhibits will have to be modified to reflect a new adoption date. It is otherwise in order. The ordinance will be published, but there will be no individual notification.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21 – 4:23)

**1-609**

BILL NO. 2003-31

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 5291 CREATING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA); AMENDING THE DEVELOPMENT AND FINANCING AGREEMENT RELATED THERETO; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Las Vegas, Nevada (the "City") is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada; and

WHEREAS, the City Council (the "Council") of the City has previously adopted Ordinance No. 5291 (the "Creation Ordinance") creating the City of Las Vegas, Nevada Special Improvement District No. 808 (Summerlin Area) (the "District") for the purpose of acquiring and improving a street project, storm sewer project, sanitary sewer project and water project (collectively, the "Project") and to defray the entire cost and expense of the Project by special assessments, according to benefits levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, in connection with the creation of the District and pursuant to Chapter 271, Nevada Revised Statutes ("NRS"), and all laws amendatory thereof and supplemental thereto (the "Act"), the City entered into a Development and Financing Agreement (the "Agreement") made as of December 1, 2000, with The Howard Hughes Corporation, a Delaware corporation (the "Developer"), which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Developer has requested (a) the addition of certain new projects (the "Added Projects") to those described in the Agreement and the Creation Ordinance (the "Project Changes") and (b) that certain property owned by the Developer be added to the boundaries of the District and the redistribution of assessments between the original assessable property and the added assessable property (the "Boundary Changes"); and

WHEREAS, there has been filed with the Council an amended engineer's report (the "Engineer's Report") which describes the Project Changes and the Boundary Changes; and

WHEREAS, the Council has determined and does hereby determine that it is in the best interests of the City and the inhabitants thereof to amend the Creation Ordinance and the Agreement in connection with the Project Changes and the Boundary Changes; and

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

Section 1.1 This ordinance shall be known as and may be cited by the short title "District No. 808 Amending Creation Ordinance" (this "Ordinance").

Section 1.2 The description of the property included in the District boundaries is as follows:

AREA "A" (SUMMERLIN VILLAGE 20)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 26, 27, 34 AND 35, TOWNSHIP 20 SOUTH, RANGE 59 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 34, NORTH 89°52'23" WEST, 529.16 FEET;

THENCE DEPARTING SAID SOUTH LINE OF SECTION 34, NORTH 02°40'58" WEST, 71.57 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD AS DEDICATED TO NEVADA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED DECEMBER 06, 1988 IN BOOK 880606 AS INSTRUMENT NO. 00481 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD (OR:880606:00481), CONTINUING NORTH 02°40'58" WEST, 1024.32 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'02", AN ARC LENGTH OF 963.16 FEET; THENCE NORTH 18°27'00" WEST, 2003.70 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 34°45'30", AN ARC LENGTH OF 2274.93 FEET; THENCE NORTH 16°18'30" EAST, 1310.50 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°48'48", AN ARC LENGTH OF 199.67 FEET;

THENCE NORTH 12°29'42" EAST, 681.58 FEET;

THENCE SOUTH 77°30'18" EAST, 38.00 FEET;

THENCE FROM A TANGENT BEARING SOUTH 12°29'42" WEST, CURVING TO THE LEFT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 92°00'00", AN ARC LENGTH OF 48.17 FEET;

THENCE SOUTH 79°30'18" EAST, 200.00 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 10°59'17", AN ARC LENGTH OF 57.53 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 21°28'59" EAST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 10°59'17", AN ARC LENGTH OF 57.53 FEET;

THENCE SOUTH 79°30'18" EAST, 996.66 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 4370.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 06°41'43", AN ARC LENGTH OF 510.65 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 03°47'59" WEST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2952.33 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 05°44'46", AN ARC LENGTH OF 296.08 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 01°56'47" EAST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 95°21'53", AN ARC LENGTH OF 49.93 FEET TO A POINT OF COMPOUND CURVATURE TO

WHICH A RADIAL LINE BEARS NORTH 82°41'20" EAST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 1162.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 00°03'53", AN ARC LENGTH OF 1.31 FEET TO A POINT TO WHICH A RADIAL LINE BEARS NORTH 82°37'27" EAST;

THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, NORTH 82°37'27" EAST, 76.00 FEET;

THENCE NORTH 75°15'47" EAST, 84.24 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL 4 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG SAID SOUTHERLY LINE OF PARCEL 4 THE FOLLOWING SEVEN (7) COURSES:

1) FROM A TANGENT BEARING NORTH 84°20'03" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 2898.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 02°13'29", AN ARC LENGTH OF 112.54 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 07°53'26" EAST;

2) THENCE SOUTH 66°55'03" EAST, 46.12 FEET;

3) THENCE FROM A TANGENT BEARING NORTH 81°20'03" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 2922.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°47'16", AN ARC LENGTH OF 91.18 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 10°27'13" EAST;

4) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 319.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 09°56'00", AN ARC LENGTH OF 55.30 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 00°31'13" WEST;

5) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 281.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 12°05'26", AN ARC LENGTH OF 59.30 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 12°36'39" EAST;

6) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3489.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 04°56'25",

AN ARC LENGTH OF 300.86 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 17°33'04" EAST;

7) THENCE NORTH 66°53'24" EAST, 93.57 FEET;

THENCE DEPARTING THE SOUTHERLY LINE OF SAID PARCEL 4, NORTH 83°39'09" EAST, 15.93 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF LINE OF THE WESTERN BELTWAY AS DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED APRIL 05, 2000 IN BOOK 20000405 AS INSTRUMENT NO. 00608 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF WESTERN BELTWAY THE FOLLOWING SEVENTEEN (17) COURSES:

1) SOUTH 19°55'20" EAST, 66.12 FEET;

2) THENCE SOUTH 70°04'40" WEST, 38.47 FEET;

3) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°37'28", AN ARC LENGTH OF 189.78 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 16°17'52" EAST;

4) THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, SOUTH 16°17'52" EAST, 40.55 FEET;

5) FROM A TANGENT BEARING NORTH 74°11'42" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 3179.67 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°49'47", AN ARC LENGTH OF 101.54 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 17°38'05" EAST;

6) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 15°41'39", AN ARC LENGTH OF 41.09 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 01°56'26" WEST;

7) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 17°58'54", AN ARC LENGTH OF 47.08 FEET;

8) THENCE NORTH 70°04'40" EAST, 117.39 FEET;

- 9) THENCE SOUTH 57°22'20" EAST, 137.42 FEET;
- 10) THENCE SOUTH 19°55'20" EAST, 8.88 FEET;
- 11) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2028.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 05°25'00", AN ARC LENGTH OF 191.72 FEET;
- 12) THENCE SOUTH 25°20'20" EAST, 430.19 FEET;
- 13) THENCE SOUTH 33°39'13" EAST, 57.66 FEET;
- 14) THENCE SOUTH 25°01'29" EAST, 484.96 FEET;
- 15) THENCE SOUTH 19°55'20" EAST, 572.50 FEET;
- 16) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 6325.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 17°56'51", AN ARC LENGTH OF 1981.26 FEET;
- 17) THENCE SOUTH 01°58'29" EAST, 397.25 FEET TO THE NORTHWESTERLY CORNER OF THAT PORTION OF THE WESTERN BELTWAY AS DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED DECEMBER 10, 1999 IN BOOK 991210 AS INSTRUMENT NO. 01049 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF WESTERN BELTWAY (OR:991210:01049) THE FOLLOWING NINE (9) COURSES

- 1) CONTINUING SOUTH 01°58'29" EAST, 2926.37 FEET;
- 2) THENCE FROM A TANGENT BEARING SOUTH 06°58'35" WEST, CURVING TO THE RIGHT ALONG THE ARC OF A 1718.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 07°54'41", AN ARC LENGTH OF 237.22 FEET;
- 3) THENCE SOUTH 14°53'16" WEST, 183.62 FEET;
- 4) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 14°27'16", AN ARC LENGTH OF 58.02 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 60°39'28" EAST;
- 5) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 270.00 FOOT RADIUS

CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 15°23'50", AN ARC LENGTH OF 72.56 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS NORTH 76°03'18" WEST;

6) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 1548.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 14°08'14", AN ARC LENGTH OF 381.96 FEET;

7) THENCE SOUTH 00°11'32" EAST, 77.02 FEET;

8) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 89°46'07", AN ARC LENGTH OF 47.00 FEET;

9) THENCE SOUTH 00°11'32" EAST, 16.98 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CHARLESTON BOULEVARD (OR:880606:00481);

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, CONTINUING SOUTH 00°11'32" EAST, 73.70 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE AFOREMENTIONED SECTION 35;

THENCE ALONG SAID SOUTH LINE OF SECTION 35 THE FOLLOWING TWO (2) COURSES:

1) SOUTH 89°54'38" WEST, 739.46 FEET;

2) THENCE SOUTH 89°45'47" WEST, 2673.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 822.67 ACRES.

EXCEPTING THEREFROM PARCEL 2 AS SHOWN BY MAP THEREOF ON FILE IN FILE 82, PAGE 01 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

CONTAINING 14.55 ACRES

FURTHER EXCEPTING THEREFROM PARCEL 2 AS SHOWN BY MAP THEREOF ON FILE IN FILE 84, PAGE 71 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

CONTAINING 17.08 ACRES.

TOTAL EXCEPTION AREA = 31.63 ACRES.

TOTAL AREA = 791.04 ACRES.

AREA "B" (SUMMERLIN VILLAGE 23A)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, AND SECTION 3, TOWNSHIP 21 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 34,  
NORTH 89°52'23" WEST, 529.16 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 34,  
NORTH 89°52'23" WEST, 1460.82 FEET;

THENCE DEPARTING SAID SOUTH LINE OF SECTION 34, FROM A TANGENT BEARING SOUTH 89°48'28" WEST, CURVING TO THE LEFT ALONG THE ARC OF A 1511.64 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 47°54'27", AN ARC LENGTH OF 1263.95 FEET TO A POINT TO WHICH A RADIAL LINE BEARS NORTH 48°05'59" WEST;

THENCE SOUTH 42°19'11" WEST, 243.81 FEET;

THENCE NORTH 64°15'14" WEST, 63.80 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD (OR:880606:00481);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, NORTH 41°49'58" EAST, 256.04 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, NORTH 53°04'23" WEST, 343.06 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 4420.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 42°26'08", AN ARC LENGTH OF 3273.63 FEET;

THENCE NORTH 10°38'15" WEST, 1619.46 FEET TO A POINT HEREINAFTER

REFERRED TO AS POINT "A";

THENCE NORTH 84°21'45" EAST, 486.07

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 12°56'40", AN ARC LENGTH OF 564.81 FEET;

THENCE SOUTH 82°41'35" EAST, 450.15 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2160.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 26°03'05", AN ARC LENGTH OF 982.11 FEET;

THENCE NORTH 71°15'20" EAST, 219.22 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 6000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 04°20'20", AN ARC LENGTH OF 454.37 FEET;

THENCE NORTH 75°35'40" EAST, 805.93 FEET;

THENCE FROM A TANGENT BEARING SOUTH 09°04'41" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 09°22'19", AN ARC LENGTH OF 613.39 FEET;

THENCE SOUTH 18°27'00" EAST, 2003.70 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'02", AN ARC LENGTH OF 963.16 FEET;

THENCE SOUTH 02°40'58" EAST, 1024.32 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CHARLESTON BOULEVARD (OR:880606:00481);

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, CONTINUING SOUTH 02°40'58" EAST, 71.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 393.84 ACRES.

AREA "C" (VILLAGE 23B)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 27, 28, AND 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "A";

THENCE NORTH 10°38'15" WEST, 384.08 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B";

THENCE CONTINUING NORTH 10°38'15" WEST, 2160.45 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 25°31'45", AN ARC LENGTH OF 1113.92 FEET;

THENCE NORTH 36°10'00" WEST, 845.67 FEET;

THENCE NORTH 53°50'00" EAST, 38.00 FEET;

THENCE FROM A TANGENT BEARING SOUTH 36°10'00" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 85°00'00", AN ARC LENGTH OF 44.51 FEET;

THENCE NORTH 58°50'00" EAST, 286.06 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2438.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 25°40'00", AN ARC LENGTH OF 1092.15 FEET;

THENCE NORTH 84°30'00" EAST, 970.42 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2038.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 15°59'42", AN ARC LENGTH OF 568.94 FEET;

THENCE SOUTH 79°30'18" EAST, 2355.94 FEET;

THENCE SOUTH 80°46'42" EAST, 435.11 FEET;

THENCE SOUTH 79°30'18" EAST, 339.33 FEET;

THENCE SOUTH 12°29'42" WEST, 647.86 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°48'48", AN ARC LENGTH OF 199.67 FEET;

THENCE SOUTH 16°18'30" WEST, 1310.50 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 25°23'11", AN ARC LENGTH OF 1661.54 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 80°55'19" WEST;

THENCE SOUTH 75°35'40" WEST, 805.93 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 6000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 04°20'20", AN ARC LENGTH OF 454.37 FEET;

THENCE SOUTH 71°15'20" WEST, 219.22 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2160.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 26°03'05", AN ARC LENGTH OF 982.11 FEET;

THENCE NORTH 82°41'35" WEST, 450.15 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 12°56'40", AN ARC LENGTH OF 564.81 FEET;

THENCE SOUTH 84°21'45" WEST, 486.07 TO THE POINT OF BEGINNING.

CONTAINING 478.93 ACRES.

AREA "D" (DETENTION BASIN NO.5)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 27, 28, 33 AND 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "B";  
THENCE SOUTH 79°21'45" WEST, 66.50 FEET;  
THENCE NORTH 48°14'13" WEST, 316.92 FEET;  
THENCE NORTH 85°50'10" WEST, 2091.62 FEET;  
THENCE NORTH 23°21'00" EAST, 181.77 FEET;  
THENCE NORTH 80°23'57" EAST, 67.28 FEET;  
THENCE NORTH 23°21'00" EAST, 2178.88 FEET;  
THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 125.00 FOOT RADIUS  
CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89°05'09",  
AN ARC LENGTH 194.36 FEET;  
THENCE SOUTH 67°33'51" EAST, 242.46 FEET;  
THENCE NORTH 65°38'03" EAST, 461.91 FEET;  
THENCE FROM A TANGENT BEARING SOUTH 24°21'57" EAST, CURVING TO THE  
RIGHT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE  
SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 13°43'42", AN ARC LENGTH  
OF 599.01 FEET;  
THENCE SOUTH 10°38'15" EAST, 2160.45 FEET TO THE POINT OF BEGINNING.  
CONTAINING 85.86 ACRES.

DESCRIPTION  
ALTA DRIVE SEWER

THAT PORTION OF THE WESTERN BELTWAY AS DEDICATED TO CLARK COUNTY  
BY "GRANT, BARGAIN SALE DEED" RECORDED APRIL 05, 2000 IN BOOK 20000405  
OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 00608,  
TOGETHER WITH THAT PORTION OF ALTA DRIVE AS DEDICATED TO THE CITY OF  
LAS VEGAS BY MAP OF "THE ARBORS AT SUMMERLIN VILLAGE 11/12 UNIT NO. 2A  
ON FILE IN BOOK 75, PAGE 75 OF PLATS LYING WITHIN THE NORTHEAST  
QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M.,  
CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 10 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 98, PAGE 11 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED WESTERN BELTWAY (OR:20000405:00608) THE FOLLOW TWO (2) COURSES:

1) NORTH 01°58'29" WEST, 59.00 FEET TO THE POINT OF BEGINNING;

2) THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE NORTH 01°58'29" WEST, 20.00 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY, NORTH 88°01'31" EAST, 350.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID WESTERN BELTWAY;

THENCE DEPARTING SAID EAST LINE OF THE WESTERN BELTWAY, CONTINUING NORTH 88°01'31" EAST, 110.00 FEET;

THENCE SOUTH 01°58'29" EAST, 20.00 FEET;

THENCE SOUTH 88°01'31" WEST, 110.00 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY (OR:20000405:00608);

THENCE DEPARTING SAID EAST LINE OF THE WESTERN BELTWAY, CONTINUING SOUTH 88°01'31" WEST, 350.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID WESTERN BELTWAY, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 9,200 SQUARE FEET.

DESCRIPTION  
CHARLESTON SEWER

THAT PORTION OF AN EXISTING CITY OF LAS VEGAS SEWER EASEMENT, GRANTED TO THE CITY OF LAS VEGAS PER DOCUMENT TITLED "GRANT OF EASEMENT" RECORDED MARCH 19, 2000 IN BOOK 20000419 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 00889.

COMMENCING AT NORTHEASTERLY CORNER OF LOT 8 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 104, PAGE 88 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE EASTERLY LINE OF SAID LOT 8, SOUTH 09°45'12" WEST, 26.50 FEET;

THENCE DEPARTING SAID EASTERLY LINE OF LOT 8, NORTH 88°01'31" EAST, 9.92 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED CITY OF LAS VEGAS SEWER EASEMENT (OR:20000419:00889);

CONTINUING ALONG THE NORTH LINE OF SAID CITY OF LAS VEGAS SEWER EASEMENT, NORTH 88°01'31" EAST, 87.14 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED DECEMBER 10, 1999 IN BOOK 991210 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 01049, ALSO BEING THE POINT OF BEGINNING.

THENCE ALONG THE NORTH, EAST AND SOUTH LINES OF THE AFOREMENTIONED CITY OF LAS VEGAS SEWER EASEMENT BOUNDARY, THE FOLLOWING THREE (3) COURSES:

1) CONTINUING NORTH 88°01'31" EAST, 432.87 FEET;

2) THENCE SOUTH 01°58'29" EAST, 50.00 FEET;

3) THENCE SOUTH 88°01'31" WEST, 442.49 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED WESTERN BELTWAY (OR:991210:01049);

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY, FROM A TANGENT BEARING NORTH 09°45'49" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 1718.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°41'53", AN ARC LENGTH OF 50.92 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 81°56'04" EAST, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 21,878 SQUARE FEET.

Section 1.3 The following Projects are added to those described in the Creation

Ordinance:

Traffic Signal at Charleston Boulevard & Vista Center Drive  
Traffic Signal at Charleston Boulevard & Desert Foothills Drive  
Traffic Signal at Desert Foothills Drive & Desert Sunrise Road  
Traffic Signal at Desert Foothills Drive & Alta Drive

Traffic Signal at Desert Foothills Drive & Far Hills Avenue  
Traffic Signal at Alta Drive & Park Vista Drive  
Traffic Signal at Alta Drive & Vista Run Drive  
Traffic Signal at Far Hills Drive & Carriage Hill Drive

Section 1.4 The revised assessment roll in the form presented at this meeting is approved.

Section 1.5 The First Amendment to the Development and Financing Agreement between the City and the Developer (the "First Amendment") in the form presented at this meeting is approved, and the Mayor and City Clerk are authorized to execute and deliver the First Amendment.

Section 1.6 All actions, proceedings, matters and things heretofore taken, had and done by the Council and the officers of the City (not inconsistent with the provisions of this Ordinance), concerning the District are ratified, approved and confirmed.

Section 1.7 The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 1.8 Except as expressly amended hereby, the Creation Ordinance remains in full force and effect.

Section 1.9 All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

Section 1.10 When first proposed, this Ordinance must be read to the Council by title and referred for consideration to a committee composed of Councilmembers, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution upon request. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of this Ordinance, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

BILL NO. 2003-\_\_\_\_\_  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ORDINANCE NO. 5291 CREATING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA); AMENDING THE DEVELOPMENT AND FINANCING AGREEMENT RELATED THERETO; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, that the above-numbered and entitled Ordinance was proposed at the meeting of the City Council of the City of Las Vegas held on the 19th day of March, 2003 and will be considered for adoption at a regular meeting of the City Council to be held on the 2nd day of April, 2003 and that an adequate number of typewritten copies of such proposed Ordinance have been deposited at the office of the City Clerk of the City of Las Vegas, located in City Hall, 400 Stewart Avenue, Las Vegas, Nevada and are available there for public examination and distribution upon request.

/s/ Barbara Jo Ronemus  
City Clerk

(END OF FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

Section 1.11 After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its adoption, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF AN ORDINANCE)

ORDINANCE NO. \_\_\_\_\_  
(of Las Vegas, Nevada)

AN ORDINANCE AMENDING ORDINANCE NO. 5291 CREATING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA); AMENDING THE DEVELOPMENT AND FINANCING AGREEMENT RELATED THERETO; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that such Ordinance was proposed on the 19th day of March 2003, and was passed at the meeting held on the 2nd day of April 2003, by the following vote of the City Council:

Those Voting Aye:           Oscar B. Goodman  
                                      Gary Reese  
                                      Michael J. McDonald  
                                      Larry Brown  
                                      Lynette B. McDonald  
                                      Lawrence Weekly  
                                      Michael Mack

Those Voting Nay: \_\_\_\_\_

Those Absent: \_\_\_\_\_

This Ordinance shall be in full force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2003, i.e., the day after this publication.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2003.

/s/ Oscar B. Goodman  
Mayor

Attest:

/s/ Barbara Jo Ronemus  
City Clerk

(END OF FORM OF PUBLICATION OF ADOPTION OF AN ORDINANCE)

Section 1.12 If any section, paragraph, clause, or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or other provision shall not affect any of the remaining provisions of this Ordinance.

Section 1.13 This Ordinance shall become effective on the day after its publication by title only.

Proposed on the 19th day of March 2003.

Proposed by: \_\_\_\_\_

Vote:

Those Voting Aye: Oscar Goodman  
Gary Reese  
Michael J. McDonald  
Larry Brown  
Lynette B. McDonald  
Lawrence Weekly  
Michael Mack

Those Voting Nay: \_\_\_\_\_

Those Absent: \_\_\_\_\_

\_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
BARBARA JO RONEMUS, City Clerk

Approved as to form:

*Madeleine Dilicco* 3-7-'03  
\_\_\_\_\_  
Date

STATE OF NEVADA    )  
                                  )  
COUNTY OF CLARK    )    SS  
                                  )  
CITY OF LAS VEGAS    )

I, Barbara Jo Ronemus, the duly chosen, qualified and acting City Clerk of the City of Las Vegas, Nevada (the "City"), do hereby certify:

1.       The foregoing pages constitute a true, correct, complete and compared copy of an ordinance concerning Special Improvement District No. 808 (Summerlin Area), which was introduced at the meeting of the City Council of the City (the "Council") on March 19, 2003 and finally adopted and approved on April 2, 2003.

2.       The following members of the Council were present at the March 19, 2003 Council meeting:

Mayor:               Oscar Goodman  
Councilmembers:    Gary Reese  
                          Michael J. McDonald  
                          Larry Brown  
                          Lynette B. McDonald  
                          Lawrence Weekly  
                          Michael Mack

Those Absent:       \_\_\_\_\_

3.       The foregoing Ordinance was first proposed and read by title to the Council on the 19th day of March, 2003, and referred to a committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said committee reported favorably on said Ordinance on the 2nd day of April, 2003, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the April 2, 2003 meeting and voted upon the adoption of the Ordinance (excepted as otherwise noted) as follows:

Those Voting Aye: Oscar Goodman  
Gary Reese  
Michael J. McDonald  
Larry Brown  
Lynette B. McDonald  
Lawrence Weekly  
Michael Mack

Those Voting Nay: \_\_\_\_\_  
Those Absent: \_\_\_\_\_

4. The original of the Ordinance has been approved and authenticated by the signature of the Mayor of the City and myself as City Clerk, and sealed with the seal of the City, and I have recorded this Ordinance in a register which is kept for that purpose together with the affidavits of publication by the publisher, copies of which are attached hereto as Exhibit A.

5. All members of the Council were given due and proper notice of the meetings. Pursuant to NRS 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting:

a. by posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Hall --Las Vegas, Nevada
- (ii) Senior Citizens Center --Las Vegas, Nevada
- (iii) Clark County Government Center --Las Vegas, Nevada
- (iv) Downtown Transportation Center --Las Vegas, Nevada; and

b. by mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. Copies of such notices of such meetings as posted and mailed are attached hereto as Exhibit B.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this April 2, 2003.

---

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Affidavits of Publication of Notice and Ordinance)

EXHIBIT B

(Notices of March 19, 2003 and April 2, 2003 City Council Meetings)

When Recorded, Return To:  
John O. Swendseid  
Swendseid & Stern  
317 South Sixth Street  
Las Vegas, NV 89101

**FIRST AMENDMENT TO THE  
DEVELOPMENT AND FINANCING AGREEMENT**

**CONCERNING**

**CITY OF LAS VEGAS, NEVADA  
SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA)**

**BETWEEN**

**CITY OF LAS VEGAS, NEVADA**

**AND**

**THE HOWARD HUGHES CORPORATION**

**FIRST AMENDMENT TO DEVELOPMENT AND FINANCING AGREEMENT**

This First Amendment to the Development and Financing Agreement (the "First Amendment") between **CITY OF LAS VEGAS, NEVADA** (the "City"), a municipal corporation and political subdivision of the State of Nevada (the "State") and **THE HOWARD HUGHES CORPORATION**, a Delaware corporation (the "Developer") is made and entered into as of \_\_\_\_\_, 2003.

**WITNESSETH:**

WHEREAS, the City Council of the City (the "Council") has previously adopted Ordinance No. 5291 (the "Creation Ordinance") creating the City of Las Vegas, Nevada Special Improvement District No. 808 (Summerlin Area) (the "District") for the purpose of acquiring and improving a street project, storm sewer project, sanitary sewer project and water project (collectively, the "Project") and to defray the entire cost and expense of the Project by special assessments, according to benefits levied against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, in connection with the creation of the District and pursuant to Chapter 271, Nevada Revised Statutes ("NRS"), and all laws amendatory thereof and supplemental thereto (the "Act"), the City and the Developer entered into a Development and Financing Agreement (the "Agreement") made as of December 1, 2000, which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Developer has requested (a) the addition of certain new projects (the "Added Projects") to those described in the Agreement and the Creation Ordinance (the "Project Changes"), and (b) that certain property be owned by the Developer be added to the boundaries of the District and the redistribution of assessments between the original assessable property and the added assessable property (the "Boundary Changes"); and

WHEREAS, Section 3.10 of the Agreement provides that the Agreement may be modified by the parties thereto by a written instrument signed and acknowledged by each party and recorded with the County Recorder of Clark County; and

WHEREAS, it is necessary for the City and the Developer to enter into this First Amendment to change the District boundaries.

**NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS CONTAINED HEREIN, THE PARTIES HERETO AGREE AS FOLLOWS:**

Section 1. Full and detailed plans and specifications for the Project, as amended by this First Amendment, have heretofore been prepared by the Developer and G.C. Wallace, Inc. and filed with the City.

Section 2. Exhibit A to the Agreement is replaced by Schedule 1 to this First Amendment. Exhibit D to the Agreement is supplemented by Schedule 2 to this First Amendment. References in the Agreement to District, the Project, the estimated costs of the various phases of the Project or to Exhibits A or D thereto shall henceforth be understood to refer to such matters as amended by this First Amendment and the Exhibits and Schedules hereto.

Section 3. The Developer agrees to the redistribution of the assessments as reflected on the assessment roll attached hereto as Schedule 3.

Section 4. The Developer agrees to the provisions of the ordinance proposed to amend the Creation Ordinance, a copy of which is on file with the City Clerk.

Section 5. Except as expressly amended by this First Amendment, the Agreement remains in full force and effect.

Section 6. This First Amendment may be executed in one or more counterparts, each of which shall be regarded as an original and all of which shall constitute the same agreement.

Section 7. The persons executing this First Amendment hereby state and acknowledge that they are authorized and empowered to do so on behalf of the party so designated.

**IN WITNESS WHEREOF** the City and the Developer have caused this First Amendment to Development and Financing Agreement to be executed as of the day and year first mentioned above.

CITY OF LAS VEGAS, NEVADA

\_\_\_\_\_  
Mayor

(SEAL)

\_\_\_\_\_  
City Clerk

THE HOWARD HUGHES CORPORATION

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF NEVADA     )  
                                  ) **ss.**  
COUNTY OF CLARK    )

This instrument was acknowledged before me on \_\_\_\_\_, 2003, by Oscar B. Goodman, as Mayor of the City of Las Vegas, Nevada.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public for the State of Nevada

(NOTARY SEAL)

STATE OF NEVADA     )  
                                  ) **ss.**  
COUNTY OF CLARK    )

This instrument was acknowledged before me on \_\_\_\_\_, 2003, by Barbara Jo Ronemus, as City Clerk of the City of Las Vegas, Nevada.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public for the State of Nevada

(NOTARY SEAL)

STATE OF NEVADA     )  
                                  ) ss.  
COUNTY OF CLARK    )

This instrument was acknowledged before me on \_\_\_\_\_, 2003 by  
\_\_\_\_\_ as \_\_\_\_\_ of The Howard Hughes Corporation.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public for the State of Nevada

(NOTARY SEAL)

Schedule 1  
(Replacement for Exhibit A of the Agreement)

AREA "A" (SUMMERLIN VILLAGE 20)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 26, 27, 34 AND 35, TOWNSHIP 20 SOUTH, RANGE 59 EAST, CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 34, NORTH 89°52'23" WEST, 529.16 FEET,

THENCE DEPARTING SAID SOUTH LINE OF SECTION 34, NORTH 02°40'58" WEST, 71.57 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD AS DEDICATED TO NEVADA DEPARTMENT OF TRANSPORTATION BY INSTRUMENT RECORDED DECEMBER 06, 1988 IN BOOK 880606 AS INSTRUMENT NO. 00481 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD (OR:880606:00481), CONTINUING NORTH 02°40'58" WEST, 1024.32 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'02", AN ARC LENGTH OF 963.16 FEET; THENCE NORTH 18°27'00" WEST, 2003.70 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 34°45'30", AN ARC LENGTH OF 2274.93 FEET; THENCE NORTH 16°18'30" EAST, 1310.50 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°48'48", AN ARC LENGTH OF 199.67 FEET;

THENCE NORTH 12°29'42" EAST, 681.58 FEET;

THENCE SOUTH 77°30'18" EAST, 38.00 FEET,

THENCE FROM A TANGENT BEARING SOUTH 12°29'42" WEST, CURVING TO THE LEFT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 92°00'00", AN ARC LENGTH OF 48.17 FEET;

THENCE SOUTH 79°30'18" EAST, 200.00 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 10°59'17", AN ARC LENGTH OF 57.53 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 21°28'59" EAST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 300.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 10°59'17", AN ARC LENGTH OF 57.53 FEET;

THENCE SOUTH 79°30'18" EAST, 996.66 FEET,

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 4370.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 06°41'43", AN ARC LENGTH OF 510.65 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 03°47'59" WEST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2952.33 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 05°44'46", AN ARC LENGTH OF 296.08 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 01°56'47" EAST,

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 95°21'53", AN ARC LENGTH OF 49.93 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS NORTH 82°41'20" EAST;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 1162.00 FOOT RADIUS CURVE, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 00°03'53", AN ARC LENGTH OF 131 FEET TO A POINT TO WHICH A RADIAL LINE BEARS NORTH 82°37'27" EAST;

THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, NORTH 82°37'27" EAST, 76.00 FEET;

THENCE NORTH 75°15'47" EAST, 84.24 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF PARCEL 4 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG SAID SOUTHERLY LINE OF PARCEL 4 THE FOLLOWING SEVEN (7) COURSES.

1) FROM A TANGENT BEARING NORTH 84°20'03" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 2898.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 02°13'29", AN ARC LENGTH OF 112.54 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 07°53'26" EAST;

2) THENCE SOUTH 66°55'03" EAST, 46.12 FEET;

3) THENCE FROM A TANGENT BEARING NORTH 81°20'03" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 2922.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°47'16", AN ARC LENGTH OF 91.18 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 10°27'13" EAST,

4) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 319.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 09°56'00", AN ARC LENGTH OF 55.30 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 00°31'13" WEST,

5) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 281.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 12°05'26", AN ARC LENGTH OF 59.30 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 12°36'39" EAST;

6) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3489.33 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 04°56'25", AN ARC LENGTH OF 300.86 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 17°33'04" EAST;

7) THENCE NORTH 66°53'24" EAST, 93.57 FEET;

THENCE DEPARTING THE SOUTHERLY LINE OF SAID PARCEL 4, NORTH 83°39'09" EAST, 15.93 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY OF LINE OF THE WESTERN BELTWAY

AS DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED APRIL 05, 2000 IN BOOK 20000405 AS INSTRUMENT NO. 00608 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF WESTERN BELTWAY THE FOLLOWING SEVENTEEN (17) COURSES:

- 1) SOUTH 19°55'20" EAST, 66.12 FEET,
- 2) THENCE SOUTH 70°04'40" WEST, 38 47 FEET;
- 3) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°37'28", AN ARC LENGTH OF 189.78 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 16°17'52" EAST;
- 4) THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, SOUTH 16°17'52" EAST, 40.55 FEET;
- 5) FROM A TANGENT BEARING NORTH 74°11'42" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 3179.67 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°49'47", AN ARC LENGTH OF 101.54 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 17°38'05" EAST,
- 6) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 15°41'39", AN ARC LENGTH OF 41.09 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS NORTH 01°56'26" WEST;
- 7) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 150.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 17°58'54", AN ARC LENGTH OF 47.08 FEET;
- 8) THENCE NORTH 70°04'40" EAST, 117.39 FEET,
- 9) THENCE SOUTH 57°22'20" EAST, 137.42 FEET;
- 10) THENCE SOUTH 19°55'20" EAST, 8 88 FEET,
- 11) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2028.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 05°25'00", AN ARC LENGTH OF 191.72 FEET;
- 12) THENCE SOUTH 25°20'20" EAST, 430.19 FEET;
- 13) THENCE SOUTH 33°39'13" EAST, 57.66 FEET;
- 14) THENCE SOUTH 25°01'29" EAST, 484.96 FEET,
- 15) THENCE SOUTH 19°55'20" EAST, 572.50 FEET,
- 16) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 6325.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 17°56'51", AN ARC LENGTH OF 1981.26 FEET;
- 17) THENCE SOUTH 01°58'29" EAST, 397.25 FEET TO THE NORTHWESTERLY CORNER OF THAT PORTION OF THE WESTERN BELTWAY AS DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED DECEMBER 10, 1999 IN BOOK 991210 AS INSTRUMENT NO 01049 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF WESTERN BELTWAY (OR:991210-01049) THE FOLLOWING NINE (9) COURSES

- 1) CONTINUING SOUTH 01°58'29" EAST, 2926.37 FEET;
- 2) THENCE FROM A TANGENT BEARING SOUTH 06°58'35" WEST, CURVING TO THE RIGHT ALONG THE ARC OF A 1718.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 07°54'41", AN ARC LENGTH OF 237.22 FEET;
- 3) THENCE SOUTH 14°53'16" WEST, 183.62 FEET,
- 4) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 230.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 14°27'16", AN ARC LENGTH OF 58.02 FEET TO A POINT OF REVERSE CURVATURE THROUGH WHICH A RADIAL LINE BEARS SOUTH 60°39'28" EAST;
- 5) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 270 00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 15°23'50", AN ARC LENGTH OF 72.56 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS NORTH 76°03'18" WEST;
- 6) THENCE CURVING TO THE LEFT ALONG THE ARC OF A 1548.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 14°08'14", AN ARC LENGTH OF 381.96 FEET;
- 7) THENCE SOUTH 00°11'32" EAST, 77.02 FEET,
- 8) THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 89°46'07", AN ARC LENGTH OF 47.00 FEET;
- 9) THENCE SOUTH 00°11'32" EAST, 16 98 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CHARLESTON BOULEVARD (OR:880606 00481);

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, CONTINUING SOUTH 00°11'32" EAST, 73.70 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE AFOREMENTIONED SECTION 35;

THENCE ALONG SAID SOUTH LINE OF SECTION 35 THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 89°54'38" WEST, 739.46 FEET;
- 2) THENCE SOUTH 89°45'47" WEST, 2673.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 822.67 ACRES.

EXCEPTING THEREFROM PARCEL 2 AS SHOWN BY MAP THEREOF ON FILE IN FILE 82, PAGE 01 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA,

CONTAINING 14.55 ACRES

FURTHER EXCEPTING THEREFROM PARCEL 2 AS SHOWN BY MAP THEREOF ON FILE IN FILE 84, PAGE 71 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

CONTAINING 17.08 ACRES

TOTAL EXCEPTION AREA = 31.63 ACRES.

TOTAL AREA = 791.04 ACRES.

AREA "B" (SUMMERLIN VILLAGE 23A)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, AND SECTION 3, TOWNSHIP 21 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 34,  
NORTH 89°52'23" WEST, 529.16 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTH LINE OF SECTION 34,  
NORTH 89°52'23" WEST, 1460.82 FEET;

THENCE DEPARTING SAID SOUTH LINE OF SECTION 34, FROM A TANGENT BEARING SOUTH 89°48'28" WEST, CURVING TO THE LEFT ALONG THE ARC OF A 1511.64 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 47°54'27", AN ARC LENGTH OF 1263.95 FEET TO A POINT TO WHICH A RADIAL LINE BEARS NORTH 48°05'59" WEST;

THENCE SOUTH 42°19'11" WEST, 243.81 FEET;

THENCE NORTH 64°15'14" WEST, 63.80 FEET TO AN INTERSECTION WITH THE AFOEMENTIONED NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD (OR:880606:00481);

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, NORTH 41°49'58" EAST, 256.04 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD,  
NORTH 53°04'23" WEST, 343.06 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 4420.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 42°26'08", AN ARC LENGTH OF 3273.63 FEET;

THENCE NORTH 10°38'15" WEST, 1619.46 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";

THENCE NORTH 84°21'45" EAST, 486.07

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 12°56'40", AN ARC LENGTH OF 564.81 FEET;  
THENCE SOUTH 82°41'35" EAST, 450.15 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2160.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 26°03'05", AN ARC LENGTH OF 982.11 FEET;

THENCE NORTH 71°15'20" EAST, 219.22 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 6000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 04°20'20", AN ARC LENGTH OF 454.37 FEET;

THENCE NORTH 75°35'40" EAST, 805.93 FEET;

THENCE FROM A TANGENT BEARING SOUTH 09°04'41" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 09°22'19", AN ARC LENGTH OF 613.39 FEET;

THENCE SOUTH 18°27'00" EAST, 2003.70 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 15°46'02", AN ARC LENGTH OF 963.16 FEET;

THENCE SOUTH 02°40'58" EAST, 1024.32 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF THE AFOREMENTIONED CHARLESTON BOULEVARD (OR:880606:00481);

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF CHARLESTON BOULEVARD, CONTINUING SOUTH 02°40'58" EAST, 71.57 FEET TO THE POINT OF BEGINNING.

CONTAINING 393.84 ACRES.

AREA "C" (VILLAGE 23B)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 27, 28, AND 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "A";

THENCE NORTH 10°38'15" WEST, 384.08 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B";

THENCE CONTINUING NORTH 10°38'15" WEST, 2160.45 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 25°31'45", AN ARC LENGTH OF 1113.92 FEET;

THENCE NORTH 36°10'00" WEST, 845.67 FEET,

THENCE NORTH 53°50'00" EAST, 38.00 FEET;

THENCE FROM A TANGENT BEARING SOUTH 36°10'00" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 85°00'00", AN ARC LENGTH OF 44.51 FEET;

THENCE NORTH 58°50'00" EAST, 286.06 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2438.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 25°40'00", AN ARC LENGTH OF 1092.15 FEET;

THENCE NORTH 84°30'00" EAST, 970.42 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2038.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 15°59'42", AN ARC LENGTH OF 568.94 FEET;

THENCE SOUTH 79°30'18" EAST, 2355.94 FEET;

THENCE SOUTH 80°46'42" EAST, 435.11 FEET;

THENCE SOUTH 79°30'18" EAST, 339.33 FEET;

THENCE SOUTH 12°29'42" WEST, 647.86 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 3000.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°48'48", AN ARC LENGTH OF 199.67 FEET;

THENCE SOUTH 16°18'30" WEST, 1310.50 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 3750.00 FOOT RADIUS CURVE, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 25°23'11", AN ARC LENGTH OF 1661.54 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 80°55'19" WEST;

THENCE SOUTH 75°35'40" WEST, 805.93 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 6000.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 04°20'20", AN ARC LENGTH OF 454.37 FEET,

THENCE SOUTH 71°15'20" WEST, 219.22 FEET,

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 2160.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 26°03'05", AN ARC LENGTH OF 982.11 FEET;

THENCE NORTH 82°41'35" WEST, 450.15 FEET;

THENCE CURVING TO THE LEFT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 12°56'40", AN ARC LENGTH OF 564.81 FEET;

THENCE SOUTH 84°21'45" WEST, 486.07 TO THE POINT OF BEGINNING.

CONTAINING 478.93 ACRES

AREA "D" (DETENTION BASIN NO.5)

THAT PORTION OF PARCEL 1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 91, PAGE 28 OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTIONS 27, 28, 33 AND 34, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE AFOREMENTIONED POINT "B";

THENCE SOUTH 79°21'45" WEST, 66.50 FEET;

THENCE NORTH 48°14'13" WEST, 316.92 FEET;

THENCE NORTH 85°50'10" WEST, 2091.62 FEET;

THENCE NORTH 23°21'00" EAST, 181.77 FEET;

THENCE NORTH 80°23'57" EAST, 67.28 FEET;

THENCE NORTH 23°21'00" EAST, 2178.88 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 125.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89°05'09", AN ARC LENGTH 194.36 FEET;

THENCE SOUTH 67°33'51" EAST, 242.46 FEET;

THENCE NORTH 65°38'03" EAST, 461.91 FEET;

THENCE FROM A TANGENT BEARING SOUTH 24°21'57" EAST, CURVING TO THE RIGHT ALONG THE ARC OF A 2500.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 13°43'42", AN ARC LENGTH OF 599.01 FEET;

THENCE SOUTH 10°38'15" EAST, 2160.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 85.86 ACRES.

#### DESCRIPTION

#### ALTA DRIVE SEWER

THAT PORTION OF THE WESTERN BELTWAY AS DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN SALE DEED" RECORDED APRIL 05, 2000 IN BOOK 20000405 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 00608, TOGETHER WITH THAT PORTION OF ALTA DRIVE AS DEDICATED TO THE CITY OF LAS VEGAS BY MAP OF "THE ARBORS AT SUMMERLIN VILLAGE 11/12 UNIT NO. 2A ON FILE IN BOOK 75, PAGE 75 OF PLATS LYING WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 10 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 98, PAGE 11 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED WESTERN BELTWAY (OR:20000405:00608) THE FOLLOW TWO (2) COURSES:

1) NORTH 01°58'29" WEST, 59.00 FEET TO THE POINT OF BEGINNING;

2) THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY LINE NORTH 01°58'29" WEST, 20.00 FEET;

THENCE DEPARTING SAID WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY, NORTH 88°01'31" EAST, 350.00 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF SAID WESTERN BELTWAY;

THENCE DEPARTING SAID EAST LINE OF THE WESTERN BELTWAY, CONTINUING NORTH 88°01'31" EAST, 110.00 FEET;

THENCE SOUTH 01°58'29" EAST, 20.00 FEET;

THENCE SOUTH 88°01'31" WEST, 110.00 FEET TO AN INTERSECTION WITH THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY (OR:20000405:00608;

THENCE DEPARTING SAID EAST LINE OF THE WESTERN BELTWAY, CONTINUING SOUTH 88°01'31" WEST, 350.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID WESTERN BELTWAY, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 9,200 SQUARE FEET.

DESCRIPTION

CHARLESTON SEWER

THAT PORTION OF AN EXISTING CITY OF LAS VEGAS SEWER EASEMENT, GRANTED TO THE CITY OF LAS VEGAS PER DOCUMENT TITLED "GRANT OF EASEMENT" RECORDED MARCH 19, 2000 IN BOOK 20000419 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 00889.

COMMENCING AT NORTHEASTERLY CORNER OF LOT 8 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 104, PAGE 88 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE EASTERLY LINE OF SAID LOT 8, SOUTH 09°45'12" WEST, 26.50 FEET;

THENCE DEPARTING SAID EASTERLY LINE OF LOT 8, NORTH 88°01'31" EAST, 9.92 FEET TO THE NORTHWEST CORNER OF THE AFOREMENTIONED CITY OF LAS VEGAS SEWER EASEMENT (OR:20000419:00889);

CONTINUING ALONG THE NORTH LINE OF SAID CITY OF LAS VEGAS SEWER EASEMENT, NORTH 88°01'31" EAST, 87.14 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY DEDICATED TO CLARK COUNTY BY "GRANT, BARGAIN, SALE DEED" RECORDED DECEMBER 10, 1999 IN BOOK 991210 OF OFFICIAL RECORDS, CLARK COUNTY, NEVADA AS INSTRUMENT NO. 01049, ALSO BEING THE POINT OF BEGINNING.

THENCE ALONG THE NORTH, EAST AND SOUTH LINES OF THE AFOREMENTIONED CITY OF LAS VEGAS SEWER EASEMENT BOUNDARY, THE FOLLOWING THREE (3) COURSES:

1) CONTINUING NORTH 88°01'31" EAST, 432.87 FEET;

2) THENCE SOUTH 01°58'29" EAST, 50 00 FEET;

3) THENCE SOUTH 88°01'31" WEST, 442 49 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF THE AFOREMENTIONED WESTERN BELTWAY (OR:991210:01049);

THENCE ALONG SAID WEST RIGHT-OF-WAY LINE OF THE WESTERN BELTWAY, FROM A TANGENT BEARING NORTH 09°45'49" EAST, CURVING TO THE LEFT ALONG THE ARC OF A 1718.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 01°41'53", AN ARC LENGTH OF 50.92 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 81°56'04" EAST, ALSO BEING THE POINT OF BEGINNING.

CONTAINING 21,878 SQUARE FEET

Schedule 2  
(Amendments to Exhibit D of the Agreement)

Traffic Signal at Charleston Boulevard & Vista Center Drive	\$149,500
Traffic Signal at Charleston Boulevard & Desert Foothills Drive	\$149,500
Traffic Signal at Desert Foothills Drive & Desert Sunrise Road	\$250,100
Traffic Signal at Desert Foothills Drive & Alta Drive	\$250,100
Traffic Signal at Desert Foothills Drive & Far Hills Avenue	\$149,500
Traffic Signal at Alta Drive & Park Vista Drive	\$250,100
Traffic Signal at Alta Drive & Vista Run Drive	\$250,100
Traffic Signal at Far Hills Drive & Carriage Hill Drive	\$149,500

Schedule 3  
(Revised Assessment Roll)

**GLORIA'S II  
1966 N. RAINBOW BLVD.  
LAS VEGAS, NEVADA 89108  
(702) 647-0744**

Due to prior commitments I will not be able to attend the scheduled meeting with Mr. Difiore on Monday the 31<sup>st</sup> of March. However I would like my opinion to be stated and a copy of my statement to go on record concerning the matter of discussion.

My business Gloria's II is located on the S.E. Corner of Lake Mead and Rainbow.

Directly across the street West are Houlihans and Joe's Crab Shack.

To the South of me is Out Back Steakhouse, our parking lots are connected and we share a common entrance / exit.

On the N.W. corner of Lake Mead and Rainbow there is Macaroni Grill.

On the N.E. corner of Lake Mead and Rainbow there is a Chili's, a Tony Roma's and an Applebee's.

Gloria's II opened January 1<sup>st</sup> 1992 long before any of the above mentioned were built.

When selecting a location for business I had to consider the 1500 foot distance requirement. This requirement also represented a safeguard in that a like business of liquor, gaming and food would have to abide by the same requirements. To my understanding the above mentioned would all be eligible to be, that like business.

As Councilman McDonald stated at the March 5<sup>th</sup> council meeting. Houlihan's applied for their Supper Club license and stated they were not interested in being involved in gaming, now or in the future as they were a food and drinking establishment. Mr. McDonald also stated if He'd known Houlihan's would be applying for gaming at a later date he would never had agreed to the granting of the Supper Club license in the first place.

All the mentioned businesses are national chains and operate very successfully in and out of the Las Vegas market without gaming.

As I previously corresponded with the Mayor and the Las Vegas City Council the Bill 2002-143 would be devastating to mine and similar businesses.

Sincerely,



Gloria Peterman

*City of Las Vegas*

**RECOMMENDING COMMITTEE AGENDA  
RECOMMENDING COMMITTEE MEETING OF: MARCH 31, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

**MINUTES:**

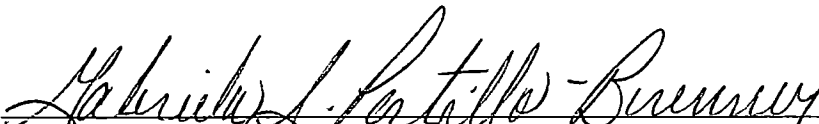
None

(4:23)

1-263

**THE MEETING ADJOURNED AT 4:23 P.M.**

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

April 14, 2003