

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

BOARDS & COMMISSIONS:

ABEYANCE ITEM - CHILD CARE LICENSING BOARD – Lolanda Bunch, Term Expiration 6-2007 (Resigned)

Fiscal Impact

☒	No Impact	Amount:
☐	Budget Funds Available	Dept./Division:
☐	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Each member of Council appoints one member subject to ratification by the Council with terms concurrent with the term of the appointing City Council member. All members of this board must be City residents and fill unexpired terms. Additionally, no fewer than one and no more than three members must be currently licensed as owners or operators of child care facilities within the City. The other four citizen members are not required to fill a specific category. Lolanda Bunch, Councilman Weekly's appointment, has resigned and it will be necessary to fill this unexpired term.

RECOMMENDATION:

Councilman Weekly to recommend his coterminous appointee, filling Ms. Bunch's unexpired term. The appointee must be a city resident, may be a licensed operator of a child care facility or may be a citizen member.

BACKUP DOCUMENTATION:

1. Resignation letter from Lolanda Bunch
2. Current Listing and Authority – Child Care Licensing Board

MOTION:

WEEKLY – ABEYANCE to 4/21/2004 – UNANIMOUS with GOODMAN abstaining because the board oversees matters relating to the Meadows School Child Care with which his wife is involved and L.B. McDONALD excused

NOTE: MAYOR GOODMAN indicated that he would abstain on the appointment action for this board inasmuch as the board oversees child care activities at the Meadows School and his wife is involved with the Meadows School

MINUTES:

COUNCILMAN WEEKLY stated that he would have an appointment at the next meeting.

(10:27 – 10:28)

1-3247

Godsend Learning Center

1001 North Tonopah Drive

Las Vegas NV 89106

702-647-5712 Fax 702-647-4975

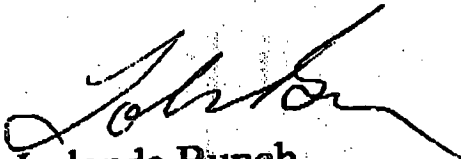
Attn: Wendy Smith

In Reference to:

Child Care Licensing Board

I Lolanda Bunch hereby give my resignation from the child care licensing board, and give up all other privileged duties in retrospect to this appointed position. On this 10th day of March 2004.

Cordially Yours,


Lolanda Bunch

RECEIVED
FINANCE AND
BUSINESS SERVICES
2004 MAR 10 P 2:38

RECEIVED
CITY CLERK
2004 MAR 10 P 3:19

CHILD CARE LICENSING BOARD

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1) HAYES, MARY JANE * (Brown appointment)	2612 Ashby Avenue (Ward 4) Licensed Operator of Child Care Facility Representative	02	10-3-2001	6-2005
2) GRECO, STEVEN J.. (L. B. McDonald appointment)	1212 Enderly Lane (Ward 2)	44	10-29-2003	6-2005
3) CLODT, TERRY D. (Mayor Goodman appointment) (Mayor Pro-Tem Reese appointed for Mayor Goodman)	6936 Rosinwood St. (Ward 6)	31	12-17-2003	6-2007
4) SALM, MARYANNE (Reese appointment)	1047 East Oakey Blvd. (Ward 3)	04	6-18-2003	6-2007
5) PROUD, JULIE (Moncrief's appointment)	2509 Callita Court (Ward 1)	02	12-5-2001 (Reappt. 7-2-2003)	6-2007
6) BUNCH, LOLANDA (Weekly's appointment) RESIGNED	3406 Hillside Garden Drive Licensed Operator of Child Care Facility Representative	35	2-4-2004	6-2007
7.) JUNE GUNDERSON (Mack's appointment)	5409 Lucky Clover Street (Ward 6)	49	12-17-2003	6-2005

AUTHORITY: L.V.M.C. 6.24. Created by Ord. #860, 8-10-60. Bill #92-7, Ord. 3631, 3-4-92, restructured board. Bill #2001-70, Ord. 5346, 8-1-01, financial disclosure statement. Bill #2003-77; Ord. 5635 First Amendment; expanded and defined membership and amended licensing provisions. Ord. 5664 further defined restrictions on membership concerning childcare licensees.

MEMBERS: 7 MEMBERS appointed by the City Council, with each member of the Council making one appointment.

TERM: 4 years, with term to run concurrent with term of the elected official who made the appointment.

NOTES: **MUST BE CITY RESIDENT. MUST FILL UNEXPIRED TERMS IF APPROPRIATE. NO LIMIT TO NUMBER OF TERMS, WHICH MAY BE SERVED.**
(City Financial Disclosure no longer required due to adoption of Bill #2001-70, Ord. #5346, adopted 8-1-01. State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Boards no longer required to file State form.) (Council to give special consideration to the background of appointees - qualifications, ability, education, experience, training, profession or occupation, availability and willingness to serve, etc.)

RESTRICTION: *No fewer than one and no more than three members must be currently licensed as owners or operators of child care facilities within the City, with an owner/operator who transfers or terminates ownership eligible to complete their term. The other four citizen members are not required to fill a specific category

PURPOSE: Hears all applications for child care facility licenses and advises the City Council, and makes recommendations on amendments to the Child Care Chapter of the City Code.

MEETINGS: Meets second Wednesday of each month, 3:00 p.m., Council Chambers.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: BUSINESS DEVELOPMENT**DIRECTOR: IAIN VASEY, ACTING**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE: - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding a Real Property Conveyance Agreement with Stella Lake Partners, LLC, for the acquisition and development of a 120,000 square foot FBI headquarters on a 5.32-acre parcel located at the Southeast corner of Stella Lake Street and Lake Mead Boulevard, APN 139-21-313-002 (010-290-) - Ward 5 (Weekly)

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:**☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

On July 19, 2000, the City Council approved a Memorandum of Understanding (MOU) with the General Services Administration for the construction of an office building for the FBI. The MOU specified that the City would contribute a 5.32-acre site in the Las Vegas Enterprise Park once the GSA entered into a lease with a developer to construct the facility. The GSA has entered into a 15-year lease with Stella Lake Partners, LLC (Developer). The Developer must close escrow by May 31, 2004, commence construction by November 30, 2004, and complete construction by November 30, 2006.

RECOMMENDATION:

The 4/5/2004 Real Estate Committee and staff recommend approval and authorization for Mayor to execute the Real Property Conveyance Agreement, and any related documents

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Architectural Rendering
3. Site Plan - Phase 1
4. Real Property Conveyance Agreement
5. Disclosure of Principals
6. GSA Standard Form 2, Lease No. GS-09B-01134
7. Submitted after final agenda - 2 color renderings of the building elevations

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS with L.B. McDONALD excused

CITY COUNCIL MEETING OF APRIL 7, 2004

Real Estate

Item 86 - Discussion and possible action regarding a Real Property Conveyance Agreement with Stella Lake Partners, LLC, for the acquisition and development of a 120,000 square foot FBI headquarters on a 5.32-acre parcel located at the Southeast corner of Stella Lake Street and Lake Mead Boulevard, APN 139-21-313-002 (010-290-) - Ward 5 (Weekly)

MINUTES:

IAIN VASEY, Acting Director, Office of Business Development, stated that this action is a culmination of the MOU with the General Services Administration (GSA). Harwood and Associates has been selected as the developer and must begin construction by November 30, 2004, and complete construction within 24 months. The design includes the facility and a parking structure. The cost of the land provided by the City will be reimbursed through property taxes.

DAMON HARWOOD, President of Harwood and Associates; outlined the three-and-a-half year process with the FBI and GSA and Harwood and Associates' building history throughout the country for the federal government and private sector. This FBI building will be one of the best and, based on square footage calculations, most expensive buildings his company has ever built. He is proud to be a part of this project and plans to be good, long-term neighbor within the City.

MR. FELL cited personal history giving rise to his gratitude for the FBI, who serves as a first-line defense for the country and appreciation to the City for their making the project possible.

KATHY FLETCHER, FBI representative, thanked the City, Office of Business Development and GSA for their efforts.

MAYOR GOODMAN stated that when he was first elected he was informed that the FBI would be locating their new building outside of the City. With a lot of work and cooperation on everyone's part this new, high quality and beautiful facility is going to be constructed in Ward 5. This is symbolic and consistent with the City's goal to make the City, and its older neighborhoods, everything it should be.

COUNCILMAN WEEKLY thanked everyone and expressed relief that after all the rumors and various renderings the project was finally no longer confidential. He commended MR. HARWOOD for his attitude and excitement for the project.

(10:28 – 10:34)

1-3289/2-120



**REAL PROPERTY CONVEYANCE AGREEMENT
BETWEEN THE CITY OF LAS VEGAS AND HARWOOD & ASSOCIATES**

THIS AGREEMENT, entered into this 17th day of April, 2004,
by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada
(hereinafter the "City") and STELLA LAKE PARTNERS, LLC, a Limited Liability Company of
the Commonwealth of Virginia (hereinafter the "Developer").

WITNESSETH:

WHEREAS, the City owns certain real property that is located in the Las Vegas
Enterprise Park (hereinafter the "Enterprise Park"); and

WHEREAS, the Enterprise Park is comprised of approximately seventy-five (75) acres
that is bounded by Martin Luther King Boulevard on the east, Lake Mead Boulevard on the
north, and Vegas Drive on the south; and

WHEREAS, one of the primary goals of the Enterprise Park is to act as an employment
center and to provide needed public services to the central core neighborhoods in Las Vegas; and

WHEREAS, the General Services Administration ("GSA") and Federal Bureau of
Investigation ("FBI") have expressed interest in the Enterprise Park for the administrative offices
of the FBI; and

WHEREAS, the FBI occupying its administrative offices and its related automotive radio
maintenance facility in the Enterprise Park will contribute to City in its efforts to revitalize the
central core of Las Vegas; and

WHEREAS, by Resolution No. 84-99, the City expressed its willingness to provide to
GSA, or its nominee, certain real property in the Enterprise Park for the purpose of constructing
and maintaining an administrative office to be occupied by the FBI; and

WHEREAS, the City and GSA have entered into a Memorandum of Understanding dated
Harwood_LasVegas (PropertyConveyance)

July 19, 2000 (the "Memorandum of Understanding") for the conveyance of certain property in the Enterprise Park to a developer to construct an administrative building which shall be leased to GSA and occupied by FBI; and

WHEREAS, the City desires to convey to the Developer, and the Developer desires that it accept from the City, a portion of said City-owned property, that portion being more particularly described in Exhibit B attached hereto and referred to hereinafter as the "Site"; and

WHEREAS, pursuant to Lease No. GS-098-01134 (the "Lease"), Developer has agreed to lease to GSA the proposed office building to be constructed on the Site pursuant to the Lease (the "Facility") for FBI's occupancy and use as its administrative offices; and

WHEREAS, the Site is subject to that certain document entitled "Covenants, Conditions and Restrictions" (hereinafter the "CC&Rs"), which is recorded in the records of the Clark County Recorder at Book No. 991110, Instrument No. 01268; and

WHEREAS, the parties desire to set forth in this Agreement the terms and conditions of the conveyance of the Site.

NOW, THEREFORE, in consideration of the foregoing and of the covenants and conditions contained herein, the parties agree as follows:

1. PURPOSE OF AGREEMENT

The purpose of this Agreement is to accomplish the conveyance to the Developer of the Site as hereinafter described. As used hereinafter, the "Developer" refers to the Developer, subject to the provisions of Section 21.

2. THE SITE

The Site consists of approximately 5.3 acres, is depicted generally in Exhibit A, and is described more particularly in Exhibit B. Exhibits A and B are attached hereto and

incorporated herein by this reference. The Site consists of unimproved land to which the utilities and infrastructure and all off-site improvements (excluding sidewalks and driveways) are available. It is the sole responsibility of the Developer to obtain and connect the necessary services from the local utility companies.

3. GENERAL SCOPE OF ACQUISITION

By executing this Agreement, the City agrees to convey to the Developer, and the Developer agrees to the conveyance and transfer of the Site as described above, subject to the terms and conditions of this Agreement and related provisions of the Memorandum of Understanding between the City and GSA.

4. ACQUISITION OF SITE

The Purchase Price for the Site is One Dollar (\$1.00) (hereinafter "Purchase Price"). The Purchase Price for the Site is due and payable at or before the close of escrow as described in Section 13.

5. SITE DEVELOPMENT

The Developer agrees that:

A. Any and all development on the Site will conform to the procedures and limitations contained in the CC&Rs, zoning regulations and all applicable building and other codes as adopted by the City of Las Vegas, as same may be waived by the City pursuant to the CC&Rs.

B. To utilize the Site for the purpose of constructing the Facility to be leased to GSA in accordance with the Lease and not for speculative purposes. The Developer agrees to develop the entire Site within the time schedule set forth in Section C.

C. Within six (6) months after the acquisition of the Site, the Developer will

begin construction and will complete such construction within twenty-four (24) months after commencement thereof, or within such additional time as corresponds to the extent of any delay that is caused by material shortages, labor disputes, fire, civil riots, unforeseen acts of government (including without limitation, government moratoriums and other governmental delays in the issuance of certificates of occupancy and other permits necessary for development and occupancy of the Facility), acts of God or other events reasonably beyond the Developer's control. The construction of the Facility upon the Site will be considered completed for purposes of this Agreement at the time that the City issues a Certificate of Occupancy, as defined by Title 16 of the Las Vegas Municipal Code, Nevada Revised Statutes Chapter 268, and by applicable law.

D. Upon completion of construction of the Facility, the Developer leases the Facility to GSA pursuant to the Lease.

Failure on the part of the Developer, after acquisition of the Site, to comply with the provisions of this Section 5 shall entitle the City, in its sole discretion, to exercise its rights under Section 24.

6. GENERAL REPRESENTATIONS

The City and the Developer each represent and warrant that:

A. This Agreement and all agreements, instruments and documents herein provided to be executed are duly executed and binding on the parties;

B. The execution, consent or acknowledgment of no other party is necessary to effect the obligations of the City or the Developer as provided in this Agreement;

C. This Agreement does not now or shall not hereafter breach, invalidate, cancel, make inoperative or interfere with any contract, agreement, instrument, mortgage, deed

of trust, promissory note, lease, bank loan or credit agreement.

7. ACQUISITION AND CONVEYANCE

In accordance with and subject to all the terms, covenants and conditions of this Agreement, the City agrees to convey to the Developer the Site in accordance with this Agreement. Except as otherwise specifically provided, all closing and escrow costs related to the conveyance of the Site to the Developer shall be borne by the Developer. The Developer will be responsible for the installation, at its expense, of all sidewalks and driveways and on-site utilities, sewer lines and other on-site improvements.

8. ESCROW

The Developer agrees to open an escrow with a mutually agreed upon local title company or some other title insurance company satisfactory to the City and the Developer (the "Title Company"), as escrow agent (the "Escrow Agent"), in Clark County, Nevada, within sixty (60) days after the effective date of this Agreement. This Agreement constitutes the joint escrow instructions of the City and the Developer, and a duplicate original of this Agreement shall be delivered to the Escrow Agent upon the opening of escrow. The City and the Developer shall provide such additional escrow instructions as shall be necessary and consistent with this Agreement. Unless otherwise specified in any supplemental escrow instructions, the terms of this Agreement shall prevail in the case of any conflict between this Agreement and such instructions. The Escrow Agent hereby is empowered to act under this Agreement, and, upon indicating its acceptance of the provisions of this Section 8 in writing, delivered to the City and to the Developer within five (5) days after the opening of the escrow, shall carry out its duties as Escrow Agent hereunder.

The City shall timely and properly execute, acknowledge and deliver to the

Escrow Agent a deed conveying to the Developer title to the Site in accordance with this Agreement.

Upon delivery of the deed to the Escrow Agent by the City pursuant to this Agreement and upon tender by the Developer of the Purchase Price, the Escrow Agent shall record such deed when title can be vested in the Developer and title insurance as required by Section 14 hereof can be provided in accordance with the terms and provisions of this Agreement. The Escrow Agent shall buy, affix and cancel any transfer stamps required by law and pay any transfer tax required by law.

The Escrow Agent is authorized and instructed to:

A. Expeditiously obtain a preliminary title report ("PTR") for the Site and deliver a copy to each party. Thereafter, the Developer shall have ten (10) working days (or, if later, until close of business on the last day of the Inspection Period) in which to accept, reject or request modification of the PTR. The Developer's failure to object to the PTR within ten (10) working days after delivery (or, if later, until close of business on the last day of the Inspection Period) shall be deemed to represent the Developer's approval of the PTR.

B. Charge the parties obligated hereunder, and to pay to the persons entitled thereto, any fees, charges and costs payable under this Section 8 and related solely to the acquisition and transfer to the Developer of the Site. Before such payments are made, the Escrow Agent shall notify the City and the Developer of the fees, charges and costs necessary to clear title and close the escrow;

C. Disburse funds and deliver the deed and other documents to the parties entitled thereto when the conditions of this escrow have been fulfilled by the City and the Developer;

D. Obtain and charge the Developer the cost of a title insurance policy insuring title to the Site in conformance with the requirements of Section 14 of this Agreement. The additional cost of an ALTA survey policy if desired by the Developer shall be borne entirely by the Developer.

E. Record any instruments delivered through this escrow, if necessary or proper, to vest title in the Developer in accordance with the terms and provisions of this Agreement.

All funds received in this escrow shall be deposited by the Escrow Agent with other escrow funds of the Escrow Agent in a general interest bearing escrow account or accounts with any state or national bank doing business in the State of Nevada. Such funds may be transferred to any other such general interest bearing escrow account or accounts. All disbursements shall be made by check of the Escrow Agent. All adjustments shall be made on the basis of a thirty (30) day month. Any interest that is earned on funds deposited under this paragraph shall be for the benefit of the party responsible for depositing those funds with the Escrow Agent.

If this escrow is not in condition to close before the time for the conveyance of the Site as established in this Agreement, either Party who then shall have fully performed the acts to be performed before the conveyance of title may, in writing, terminate this Agreement and demand the return of its money, papers or documents. Thereupon all obligations and liabilities of the Parties shall cease and terminate, except that the Party who has not fully performed shall be solely responsible for any escrow cancellation charges. If neither the City nor the Developer shall have fully performed the acts to be performed by it on or before the time for the conveyance of the Site as established in this Agreement, no termination or demand for return by

either party shall be recognized until ten (10) days after the Escrow Agent shall have mailed copies of such demand to the other party or parties at the address of its or their principal place or places of business. If any objections are raised within the ten (10) day period, the Escrow Agent is authorized to hold all money, papers and documents with respect to the Site until instructed in writing by both the City and the Developer or, upon failure thereof, by a court of competent jurisdiction. If no such demands are made, the escrow shall be closed as soon as possible. Nothing in this Section 8 shall be construed to impair or affect the rights or obligations of the City or the Developer to specific performance.

The Escrow Agent shall not be obligated to return any such money, papers or documents except upon the written instructions of both the City and the Developer or until the party entitled thereto has been determined by a final decision of a court of competent jurisdiction.

Any amendment of these escrow instructions shall be in writing and signed by both the City and the Developer. At the time of any amendment, the Escrow Agent shall agree to carry out its duties as Escrow Agent under such amendment.

All communications from the Escrow Agent to the City or the Developer shall be directed to the addresses and in the manner established in Section 28 of this Agreement for notices, demands and communications between the City and the Developer.

The liability of the Escrow Agent under this Agreement is limited to performance of the obligations imposed upon it under Sections 8 to 14, inclusive, of this Agreement.

Each party represents and warrants that no real estate broker is entitled to any commission as the procuring cause of this transaction resulting from any actions or words by or on behalf of such party, and each party agrees to indemnify and hold the other party harmless

from any claim or demand made by any brokers.

9. CONVEYANCE OF TITLE AND DELIVERY OF POSSESSION

A. Provided that the Developer is not in material default under this Agreement and all conditions precedent to such conveyance have occurred, and subject to any mutually agreed upon extensions of time, conveyance to the Developer of title to the Site shall be completed on or prior to May 31, 2004. The City and the Developer agree to perform all acts necessary to conveyance of title in sufficient time for title to be conveyed in accordance with the foregoing provision.

B. Notwithstanding any other provision of this Agreement, the Developer shall have no obligation to proceed with the acquisition of the Site if, by the one hundred twentieth (120th) day following the effective date of this Agreement:

1) The Developer's development plans for the Site have not been approved pursuant to Las Vegas Municipal Code and the CC&Rs, as same may be waived by the City pursuant to the CC&Rs; or

2) The Developer has not approved the preliminary title report in accordance with Section 8 of this Agreement.

C. Vacant possession of the Site shall be delivered to the Developer concurrently with the conveyance of title, except that limited access shall be permitted before conveyance of title as permitted in Section 19 of this Agreement. The Developer shall accept title and possession on or before the dates described in this Section 9.

10. FORM OF DEED

The City shall convey to the Developer or to its nominee fee simple title to the Site in the condition provided in Section 11 of this Agreement by a grant, bargain and sale deed

in a form that is consistent with Exhibit C to this Agreement.

11. CONDITION OF TITLE

The City shall convey title to the Site free and clear of all recorded liens, encumbrances, assessments, taxes, and other defects except those acceptable to the Developer.

12. CONDITIONS PRECEDENT TO CLOSING

In order for escrow to close with respect to the Site, the City must have deposited with the Escrow Agent the appropriate deed and an executed copy of the Memorandum of Understanding between the City and GSA. The Developer must have deposited with the Escrow Agent the Purchase Price and executed copies of the Lease.

13. CLOSE OF ESCROW

Upon the fulfillment of the conditions described in Section 12, the Escrow Agent shall file the deed for recordation among the land records in the Office of the County Recorder of Clark County and shall deliver to the Developer a title insurance policy insuring title in conformity with Section 14 of the Agreement. The recordation of the deed shall constitute the close of escrow.

14. TITLE INSURANCE

Concurrently with recordation of any deed, the Title Company shall provide and deliver to the Developer a title insurance policy issued by the Title Company insuring that the title to the property is vested in the Developer in the condition required by Section 11 of this Agreement. The Title Company shall provide the City with a copy of the title insurance policy and the title insurance policy shall be in the amount of the acquisition cost of the property, or such other amount requested by the Developer.

15. TAXES, ASSESSMENTS, ENCUMBRANCES AND LIENS

The Developer shall be responsible for the payment of all real estate taxes and assessments assessed and levied on the Site for any period subsequent to conveyance of title thereto. Should it elect to do so, the Developer shall also be responsible for seeking, petitioning for a waiver from the Clark County Assessor's Office of any real estate taxes or assessments assessed and levied on the Site. Prior to conveyance of title, the Developer shall not place or allow to be placed on the Site (or portion thereof) any encumbrance or lien.

The City represents that no amount shall be due to the Las Vegas Enterprise Park Owners Association for the assessment on the Site for the period from the close of escrow to the end of the year.

16. CONVEYANCE FREE OF POSSESSION

The Site shall be conveyed free of any possession or right of possession by any person except that of the Developer.

17. ZONING OF THE SITE

The City represents that the City of Las Vegas General Plan and zoning ordinances permit the development and construction of the Facility on the Site. Pursuant to the CC&Rs, the City agrees to waive any provision of the CC&Rs necessary or appropriate to accommodate the development of the Facility on the Site.

18. "AS IS" SALE

Prior to the close of escrow, the Developer and its representatives will have been afforded the opportunity to make such inspections of the Site and matters related thereto as the Developer and its representatives may desire. The Developer acknowledges and agrees that the Site is to be sold and conveyed to and accepted by the Developer in an "as is" condition with, if any, all faults and defects. Except as otherwise specifically stated in this Agreement, the City

makes no representations or warranties of any kind whatsoever, either expressed or implied, with respect to the Site or any of such related matters; in particular, but without limitation, the City makes no representations or warranties with respect to the use, condition, title (except as provided by the deed to be delivered by the City to the Developer as set forth in Section 10,) occupation or management of the Site, compliance with applicable statutes, laws, codes, ordinances, regulations or requirements relating to leasing, zoning, subdividing, planning, building, fire, safety, health or environmental matters, compliance with covenants, conditions and restrictions (whether or not of record,) other local, municipal, regional, state or federal requirements, or other statutes, laws, codes, ordinances, regulations or requirements affecting or relating to the Site. The Developer acknowledges that notwithstanding any prior or contemporaneous oral or written representations, statements, documents or understandings, this Agreement and the Memorandum of Understanding constitutes the entire understanding of the parties with respect to the subject matter hereof and the purchase and sale of the Site and supersedes any such prior or contemporaneous oral or written representations, statements, documents or understandings.

19. INSPECTION BY THE DEVELOPER

Commencing with the first date set forth above and extending for a period of sixty (60) days thereafter, (the "Inspection Period"), the Developer and its representative shall have the right to enter upon and inspect the Site at all reasonable times for the purpose of conducting such boundary and topographical surveys, surface and subsurface soil and engineering tests and environmental assessments as the Developer may reasonably require, but such surveys, tests and assessments shall not damage the Site. The Developer shall indemnify, defend and hold the City harmless for any personal injury, death or property damage, including costs and attorney's fees,

arising out of any activity by the Developer or its agents, employees or contractors pursuant to this Section. The Developer shall have access to all data and information on the Site available to the City, but without warranty or representation by the City as to the completeness, correctness or validity of such data and information.

Any entry upon and inspection of the Site by the Developer prior to conveyance of title thereto shall be done only after written consent of the City Manager (which consent shall not be unreasonably withheld or delayed) and at the sole expense of the Developer. The Developer shall save and protect the City against any claims resulting from each and every entry upon and inspection of the Site and execute such documents as are customarily required for entry onto public property. The City Manager is authorized to execute such documents for the Developer's entry onto public property without further action by the City. Copies of data, surveys and tests obtained or made by the Developer on the Site shall be filed with the City. Any preliminary work by the Developer shall be undertaken only after securing any necessary permits from the appropriate governmental agencies.

Notwithstanding any other provision of this Agreement, the Developer shall have the right to terminate this Agreement, prior to expiration of the Inspection Period, if inspection of the Site reveals soil or other conditions that, in the Developer's reasonable judgment, make development impossible or impractical.

20. GOVERNMENTAL PERMITS

Nothing in this Agreement shall affect the responsibility of the Developer to seek, obtain and comply with the conditions of any and all permits and governmental authorizations necessary to develop the Site or any portion thereof. The Developer shall be responsible for the payment of permit fees, which shall be limited to those fees that are authorized by ordinance.

21. ASSIGNMENT; MORTGAGES

The Developer hereby represents and warrants that the Site is being acquired for the purpose of development in accordance with the provisions of Section 5, and is not for speculative purposes. The Developer shall not assign any interest in or delegate any obligation under this Agreement, or sell or transfer the Site or any portion thereof for a period of one (1) year from the date that title passes to the Site, without the written consent of the City. The above notwithstanding, Developer shall be permitted to encumber its interest in the Site, to secure its construction financing, permanent financing, or refinancing thereof.

22. TIME OF ESSENCE

Time is of the essence of this Agreement and every obligation hereunder.

23. DEFAULT AND REMEDIES

If the Developer fails to fulfill its obligations with respect to the conveyance of the Site, where such failure is not based upon defective title or is not otherwise excused specifically under this Agreement, the City shall be entitled to terminate this Agreement.

Additionally, either party may avail itself of any legal or equitable remedy for breach. No such remedy shall be available unless and until:

- A. Written notice of default is provided to the party in default; and
- B. Within thirty (30) days after receipt of such notice, such default has not been cured to the reasonable satisfaction of the party giving notice.

24. RIGHT TO REPURCHASE, REENTER AND REPOSSESS

In addition to and independent of any other remedy available to it, the City shall have the additional right at its option to repurchase, reenter and take possession of the Site with all improvements thereon if, after conveyance of title thereto and prior to the issuance of all

certificates of occupancy therefor, the Developer does any of the following:

A. Transfers the Site or any part thereof in violation of Section 21 of this Agreement. This is a condition subsequent and not merely a covenant.

B. Fails to lease the building on the Site to GSA pursuant to the Lease. This is a condition subsequent and not merely a covenant.

C. Fails or refuses to comply with or to cure the default of any provision of Section 5 for a period of thirty (30) days after written notice thereof from the City. If the Developer has taken reasonable steps to cure, but cannot reasonably cure such default within the thirty (30) day period, it shall have a reasonable time thereafter to effectuate such cure.

The right to repurchase, reenter and repossess, to the extent provided in this Agreement, shall be subordinate, subject to, be limited by and shall not defeat, render invalid or limit any mortgage, deed of trust, sale and leaseback or other security instrument or conveyance for financing permitted by this Agreement.

Upon the City's exercise of its right to repurchase, reenter and take possession of the Site pursuant to this Section 24, and as a condition of its exercise of such right, the City shall pay all sums due and owing pursuant to any mortgage, deed of trust, sale and leaseback or other security instrument or conveyance securing the Developer's construction financing of the Facility.

For the purpose of implementing the provision of this Section, at the time of conveyance of the Site, the Developer will deliver to the Escrow Agent an executed and acknowledged Quitclaim Deed in the form of Exhibit D hereto. The deposit of this deed will be accompanied by irrevocable escrow instructions in the form of Exhibit E hereto directed to the Escrow Agent and signed by the Developer and the City. If any of the events authorizing the

City to repurchase, reenter and take possession of the Site as provided in this Section occur, the City may, without limiting its remedies under this Agreement, direct the Escrow Agent, upon at least thirty (30) days prior notice to the Developer, to record the Quitclaim Deed to the Site. Upon Developer's completion of the construction of the Facility on or before the time set forth in Section 5C, the City agrees to execute, acknowledge, and record an instrument terminating its rights under this Section 24, and shall authorize Escrow Agent to return the Quitclaim Deed to the Developer.

25. SURVIVAL

The representations and warranties contained in this Agreement, and the covenants that extend beyond the conveyance of title, shall survive the recordation of any deed and shall not be deemed merged into such deed.

26. SUCCESSORS AND ASSIGNS

This Agreement shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, subject to the provisions of this Agreement regarding assignment.

27. NONLIABILITY OF CITY OFFICIALS AND EMPLOYEES

No official or employee of the City shall be personally liable to the Developer for any default or breach by the City, for any amount which may become due to the Developer or for any obligation of the City under the terms of this Agreement.

28. NOTICES, DEMANDS AND COMMUNICATIONS

Formal notices, demands and communications between the City and the Developer shall be sufficiently given if made in writing and dispatched by registered or certified mail, postage prepaid, return receipt requested or by personal delivery, to the principal offices of

the City and the Developer as set forth in this Section 28. Such written notices, demands and communications may be sent in the same manner to such other addresses as either party may from time to time designate in writing.

If to the City: City of Las Vegas
Office of the City Manager
400 Stewart Avenue
Las Vegas, Nevada 89101
Attention: Douglas A. Selby, City Manager

If to the Developer: Stella Lake Partners, LLC
c/o Damon Harwood Company, Inc.
11350 Random Hills Road, Suite 800
Fairfax, VA 22030
Attention: Damon P. Harwood

29. ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

This Agreement is executed in two duplicate originals, each of which is deemed to be an original. This Agreement comprises pages 1 through 20, inclusive, and Exhibits A, B, C, D, E, and F attached hereto and incorporated herein by reference, all of which constitute the entire understanding and agreement of the parties.

This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the City and the Developer and no waiver of one provision shall be construed as a waiver of that provision in the future or as a waiver of any other provision.

All amendments hereto must be in writing and signed by the appropriate authorities of the City and the Developer.

30. **SEVERABILITY**

Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be valid under applicable law, but if any provision shall be invalidated, it shall be deemed to be severed from this Agreement and the remaining provisions shall remain in full force and effect.

31. **GOVERNING LAW**

The interpretation and enforcement of this Agreement shall be governed in all respects by the laws of the State of Nevada.

32. **CAPTIONS**

The captions contained in this Agreement are for the convenience of the parties and shall not be construed so as to alter the meaning of the provisions of the Agreement.

33. **TIME FOR ACCEPTANCE OF AGREEMENT BY CITY**

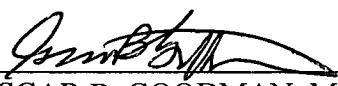
This Agreement, when executed by the Developer and delivered to the City, must be approved by the City Council, executed and delivered by the City within sixty (60) days or this Agreement shall be void, except to the extent that the Developer shall consent in writing to further extensions of time for the authorization, execution and delivery of this Agreement. By executing this Agreement and submitting it to the City, the Developer is making an irrevocable offer to enter into this Agreement, which offer shall continue for the period of time specified above. The effective date of this Agreement shall be the date when this Agreement has been signed by the City. This Agreement may be recorded in the Office of the County Recorder, Clark County, Nevada.

34. **DISCLOSURES.**

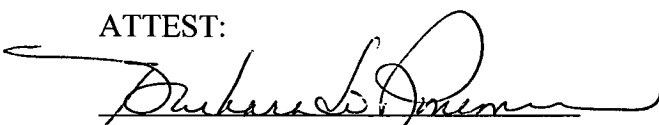
Pursuant to Resolution R-105-99 adopted by the City Council effective October 1,

1999, Developer warrants that it has disclosed, on the form attached hereto as Exhibit F, all principals, including partners of Developer, as well as all persons and entities holding more than 1% interest in Developer or any principal of Developer. Throughout the term hereof, Developer shall notify City in writing of any material change in the above disclosure within 15 days of any such change.

CITY OF LAS VEGAS ("City")

By: 
OSCAR B. GOODMAN, Mayor

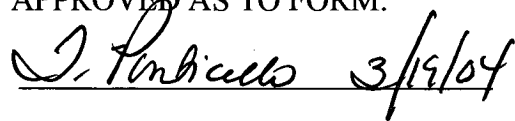
ATTEST:


BARBARA JO RONEMUS, City Clerk

Date of City Council Approval:

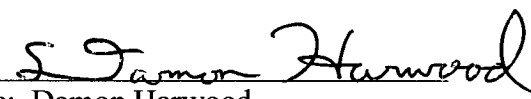
4/7/2004
Date

APPROVED AS TO FORM:

 3/19/04
Date

STELLA LAKE PARTNERS, LLC ("Developer")

By: Damon Harwood Company, Inc.
Its: Manager

By: 
Name: Damon Harwood
Title: President

ACKNOWLEDGMENTS

STATE OF NEVADA

SS.

COUNTY OF CLARK

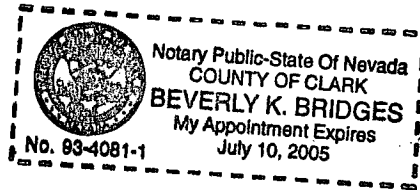
This instrument was acknowledged before me, a notary public, on this 9th day of

April, 2004, by OSCAR B. GOODMAN, Mayor of the City of Las Vegas.

Beverly K. Bridges

NOTARY PUBLIC, in and for said County and State

My Commission Expires: 7-10-2005



COMMONWEALTH OF VIRGINIA

SS.

COUNTY OF FAIRFAX

This instrument was acknowledged before me, a notary public, on this 18th day of MARCH, 2004, by Damon Harwood, President of Damon Harwood

Company, Inc. as Managing Member/ Member of Stella Lake Partners, LLC, a Virginia Limited Liability Company.

John P. Halfhill

NOTARY PUBLIC, in and for said County and State

My Commission Expires:

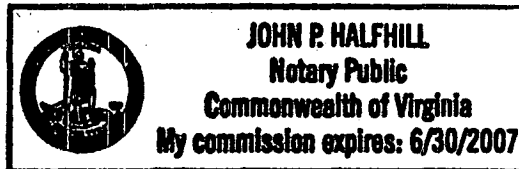


EXHIBIT "A"

SITE MAP

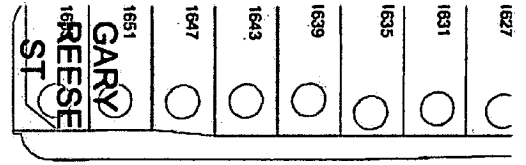
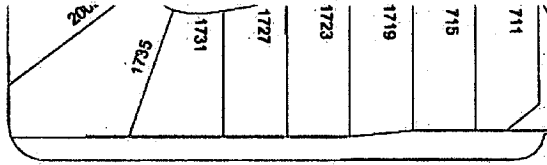
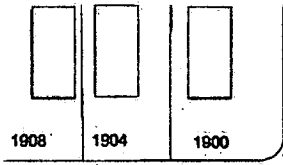
The Site Map is depicted on page that follows.

{The space below is left intentionally blank.}

...

...

Site Map



LAKE MEAD BLVD

Subject Property
5.320 acres, +/-

OFFICE

1581

STELLA LAKE ST

MC

METRO
SUB STATION

200 0 200 400 Feet



EXHIBIT "B"

**A.P.N. 139-21-313-002 (010-290-)
5.320 ACRE PARCEL IN LOT 7-1
LAS VEGAS ENTERPRISE PARK, AMENDED**

That portion of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of Section 21, Township 20 South, Range 61 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada, being a portion of LOT 7 as shown on the amended plat of the LAS VEGAS ENTERPRISE PARK, AMENDED, a commercial subdivision, recorded December 31, 1996, on file in Book 77 of Plats, Page 54, also being LOT 7-1 as shown on the RECORD OF SURVEY in File 116, Page 32, both of Clark County, Nevada Records, described as follows:

COMMENCING at the Northeast corner of the East Half (E 1/2) of the Southwest Quarter (SW 1/4) of said Section 21; thence along the North line of said East Half (E 1/2) of the Southwest Quarter (SW 1/4), North $89^{\circ}32'57''$ West a distance of 734.57 feet; thence South $00^{\circ}27'03''$ West a distance of 50.00 feet to the TRUE POINT OF BEGINNING in the South line of the North 50.00 feet, being the North line of LOT 7 as shown on said amended plat of the LAS VEGAS ENTERPRISE PARK, AMENDED; thence along the South line of said North 50.00 feet and along the Northerly boundary line of said LOT 7, North $89^{\circ}32'57''$ West a distance of 325.42 feet to the beginning of the arc of a tangent curve, concave Southeasterly and having a radius of 25.00 feet; thence continuing along the Northerly boundary line of said LOT 7, Southwesterly along said arc through a central angle of $90^{\circ}00'00''$ and an arc distance of 39.27 feet to Westerly boundary line of said LOT 7; thence along the Westerly boundary line of said LOT 7, the following four (4) courses: 1) thence tangent to said arc, South $00^{\circ}27'03''$ West a distance of 14.78 feet to the beginning of the arc of a tangent

OWNER'S INITIALS _____

EXHIBIT "B"

(CONTINUED)

A.P.N. 139-21-313-002 (010-290-)

5.320 ACRE PARCEL IN LOT 7-1

LAS VEGAS ENTERPRISE PARK, AMENDED

curve, concave Easterly and having a radius of 220.00 feet; 2) thence Southerly along said arc through a central angle of $05^{\circ}26'57''$ and an arc distance of 20.92 feet; 3) thence tangent to said arc, South $04^{\circ}59'54''$ East a distance of 645.44 feet to the beginning of the arc of a tangent curve, concave Northeasterly and having a radius of 20.00 feet; 4) thence Southeasterly along said arc, through a central angle of $84^{\circ}43'06''$ and an arc distance of 29.57 feet to the South line of said LOT 7; thence tangent to said arc, along the South line of said LOT 7, South $89^{\circ}43'00''$ East a distance of 270.29 feet; thence parallel with the East line of said East Half (E 1/2) of the Southwest Quarter (SW 1/4), North $00^{\circ}17'00''$ East a distance of 720.51 feet to the TRUE POINT OF BEGINNING.

The above-described parcel of land contains an area of 231,739 square feet or 5.320 acres, more or less.

OWNER'S INITIALS _____

EXHIBIT "C"
GRANT, BARGAIN AND SALE DEED

APN: _____

RPTT: _____

Recording Requested by:
City of Las Vegas, Nevada
After recordation, mail to:
City of Las Vegas
Office of Business Development
400 Stewart Avenue
Las Vegas, Nevada 89101

For valuable consideration, the receipt of which is hereby acknowledged, the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (herein the "Grantor"), hereby grants, bargains and sells to STELLA LAKE PARTNERS, LLC, a Virginia Limited Liability Company (herein the "Grantee") all right, title, and interest in the real property (the "Property") legally described in the document attached hereto as Attachment "A" and incorporated herein by this reference, which Property is also known as APN: _____.

1. The Property is conveyed pursuant to an agreement for purchase and sale ("the Agreement") of the Property, entered into by and between Grantor and Grantee and dated _____. The conveyance herein is subject to the terms, covenants, and conditions set forth in the Agreement.
2. The Agreement provides, among other things, that Grantee's use, occupation, and development of the Property is subject to compliance with certain covenants, restrictions, and obligations and that Grantee's failure to perform thereunder may result in Grantor's exercising its rights to re-purchase, re-enter, and re-possess as set forth in Section 24 of said Agreement, provided, however, that Grantor's exercise of such rights shall not defeat, render invalid, or limit any mortgage, deed of trust or other security instrument permitted by the Agreement.
3. The absence from this Deed of the covenants, restrictions, and obligations contained in the Agreement shall not work as a merger thereof into this Deed to the exclusion of said covenants, restrictions, and obligations.
4. The conditions set forth in the foregoing paragraphs shall remain in effect until a Certificate of Occupancy for the improvements constructed on the Property is issued by Grantor.
5. The Property is conveyed subject to restrictions, reservations, conditions, rights-of-way, easements and other encumbrances of record.

IN WITNESS THEREOF, the Grantor and Grantee have caused this instrument to be executed
this _____ day of _____, 2004.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

("GRANTOR")

ATTEST:

BARBARA JO RONEMUS, City Clerk

Approved as to form:

Date

ACCEPTANCE

The provisions of this Grant, Bargain, and Sale Deed are hereby approved and accepted.

STELLA LAKE PARTNERS, LLC
A Virginia Limited Liability Company

By _____
Damon Harwood, Manager/ Managing Member

"GRANTEE"

ACKNOWLEDGMENTS

STATE OF NEVADA

ss.

COUNTY OF CLARK

On this _____ day of _____, 2004, personally appeared before me, the undersigned, a Notary Public in and for the County of Clark, State of Nevada, OSCAR B. GOODMAN, who acknowledged that he executed the above instrument.

NOTARY PUBLIC, in and for said
County and State

COMMONWEALTH OF VIRGINIA

ss.

COUNTY OF FAIRFAX

On this _____ day of _____, 2004, personally appeared before me, the undersigned, a Notary Public in and for the County of Clark, State of Nevada, DAMON HARWOOD, who acknowledged that he executed the above instrument.

NOTARY PUBLIC, in and for said
County and State

EXHIBIT "D"
FORM OF QUITCLAIM DEED

RPTT: _____

APN: _____

Recording Requested by:
City of Las Vegas, Nevada
After recordation, mail to:
City of Las Vegas
Office of Business Development
400 Stewart Avenue
Las Vegas, Nevada 89101

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, RLT CORPORATION, a Nevada corporation, does hereby REMISE, RELEASE AND QUITCLAIM to the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, the real property in the city of Las Vegas, Nevada, described on Attachment "A" attached hereto.

DATED this _____ day of _____, 2004.

STELLA LAKE PARTNERS, LLC
A Virginia Limited Liability Company

By: _____
Damon Harwood, Manager

ACKNOWLEDGMENT

State of Nevada	}	
	}	:ss
County of Clark	}	

This instrument was acknowledged before me, a notary public, on this _____ day of _____, 2004, by DAMON HARWOOD.

Notary Public

EXHIBIT "E"
ESCROW INSTRUCTIONS FOR QUITCLAIM DEED

_____, 2004
(Mutually Agreeable Title Company)

Las Vegas, Nevada _____

Re: Escrow No. _____

Dear Sir or Madam:

DAMON HARWOOD, Managing Member/ Member of STELLA LAKE PARTNERS, LLC, (the "Developer"), one of the undersigned, has entered into that certain real property Purchase and Sale Agreement dated _____, 2004, with the City of Las Vegas (the "City"), the other party to these instructions, providing for conveyance of a certain parcel of real property (the "Site").

The Site is the subject of this escrow and is described in the accompanying quitclaim deed (the "Quitclaim Deed").

Section 24 of the Agreement provides that, at the time of conveyance of the Site, the Quitclaim Deed will be delivered to you together with irrevocable escrow instructions and is for the purpose of instructing you as to the disposition of the accompanying Quitclaim Deed.

In the event that you receive from the City notice certifying that a copy of it has been delivered concurrently to the Developer and stating that the City has given notice of the exercise of the City's remedy in Section 24 of the Agreement with respect to the Site and accompanied by satisfactory evidence that any mortgage existing thereon has been discharged or by funds sufficient to discharge such mortgage, you shall at the end of 30 (thirty) days after receipt of said notice record the Quitclaim Deed.

The undersigned, jointly and severally, and each of us to the extent that we may lawfully do so and to the extent of unencumbered, budgeted appropriations, hereby agree to defend, indemnify, and hold you harmless from any liability whatsoever, including attorneys' fees arising out of your carrying out these instructions.

In the event that you receive notice from the Developer certifying that a copy of the notice has been delivered concurrently to the City and stating that the Developer has completed the construction as provided in the Agreement, you shall at the end of 30 (thirty) days after receipt of said notice return the Quitclaim Deed to the Developer, unless during the 30 (thirty) day period, the City objects on the basis that construction has not been completed pursuant to the Agreement.

In the event that you area advised by both parties hereto that the City's power of termination with respect to the Site has ended, you will forthwith return the Quitclaim Deed to the Developer.

These instructions may not be withdrawn or in any way amended, modified, or waived without the prior written consent of both of the parties hereto.

Please indicate your acceptance of, and agreement to carry out these instructions as indicated below.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

Approved as to form:

Date

Attest:

BARBARA JO RONEMUS, City Clerk

STELLA LAKE PARTNERS, LLC

By: _____
DAMON HARWOOD

_____, on behalf of _____, hereby accepts and agrees to carry out these escrow instructions.

TITLE COMPANY: _____

By : _____
Print Name: _____

EXHIBIT "F"

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

**CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS
(CONTINUED)**

Block 1	Contracting Entity
Name	STELLA LAKE PARTNERS, LLC
Address	11350 Random Hills Road, #800 Fairfax, Virginia 22030
Telephone	(703) 279-6540
EIN or DUNS	54-2061081

Block 2	Description
Subject Matter of Contract/Agreement:	Ownership Participation Agreement
RFP #	N/A

Block 3	Type of Business
☐	Individual
☐	Partnership
☒	Limited Liability Company
☐	Corporation

Block 4	Disclosure of Ownership and Principals		
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.			
	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Damon Harwood Company, Inc. (1%)	11350 Random Hills Road, #800 Fairfax, Virginia 22030	(703) 279-6540
2.	Damon P. Harwood (99%)	11350 Random Hills Road, #800 Fairfax, Virginia 22030	(703) 279-6540
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: 0

Block 5 **Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: _____ N/A
Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity.

Damon Harwood
Damon Harwood **Name**

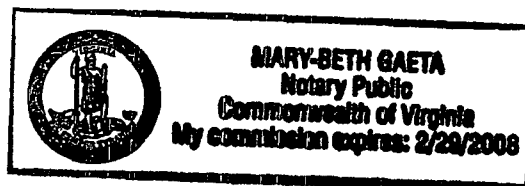
March 4, 2004

Date

Subscribed and sworn to before me this 4th
day of

March, 2004.

Mary-Beth Gaeta
Notary Public



STANDARD FORM 2
FEBRUARY 1965 EDITION
GENERAL SERVICES
ADMINISTRATION
FPR (41 CFR) 1-16.601

U.S. GOVERNMENT
LEASE FOR REAL PROPERTY

DATE OF LEASE

MARCH 2, 2004

LEASE NO. GS-09B-01134

GSA Building Number NV7360zz

THIS LEASE made and entered into this date by and between **Stella Lake Partners, LLC** whose address is 11350 Random Hills Road, Suite 800, Fairfax, Virginia 22030-6044, and whose interest in the property hereinafter described is that of Lessor and the **UNITED STATES OF AMERICA**, hereinafter called the Government:

WITNESSETH: the parties hereto for the considerations hereinafter mentioned, covenant and agrees as follows:

1. The Lessor hereby leases to the Government the following described premises:
A build-to-suit three story facility containing approximately 106,955 rentable square feet of office and related space yielding 94,660 BOMA/ANSI occupiable square feet to be constructed on a site of approximately 5.3 acres bounded by Stella Lake Drive, Lake Mead Boulevard and Mount Mariah Drive in the City of Las Vegas, County of Clark, State of Nevada. The construction will be hereinafter constructed in accordance with this Lease, including without limitation, Exhibits "A-21 Elevations", "A-00 General Information", "A-01 Site Plan - Phase I", "A-02 Site Plan - Phase II", "A-11 Level 1 Floor Plan", "A-12 Level 2 Floor Plan", "A-13 Level 3 Floor Plan", "A-14 Penthouse Plan", "A-15 Roof Plan", "Exhibit B Front View", "Exhibit C Southeast Perspective", "Exhibit D Southwest Perspective", "Exhibit E View of Staff Entrance", "Exhibit F Northeast Perspective", "Exhibit G View of West Staff Entry", "Exhibit H Lobby View", and "Exhibit I Covered Parking Summary", attached hereto and made a part hereof, together with 393 parking spaces as shown on the site plan - phase I, "Exhibit A-01", at no additional cost to the Government. The Lessor shall construct an additional 6,112 rentable square feet, provided to the Government for its use at no additional cost. (The 94,660 occupiable square feet, 393 parking spaces and the 6,112 rentable square feet are herein, collectively, referred to as the "Leased Premises").
2. **TO HAVE AND TO HOLD** the Leased Premises with their appurtenances for the term beginning on the day the space is certified by the Government as complete and ready for occupancy through the following fifteen (15) years. The actual date will be established by Supplemental Lease Agreement upon delivery of the space. The actual inspection of the leased space will be made within ten (10) working days after written notification by the Lessor to the Contracting Officer that the space is ready for occupancy. A Certificate of Occupancy must be presented on the day of the inspection.
3. The Government shall pay the Lessor \$31.75 per rentable square foot. In no event shall the Government pay for more than 106,955 Rentable Square Feet of Space. Rent shall be payable monthly in arrears. Rent for a lesser period shall be prorated. Rent checks shall be made payable to:

Stella Lake Partners, LLC
c/o Harwood & Associates
11350 Random Hills Road, Suite 800
Fairfax, Virginia 22030-6044
4. The Lessor shall furnish to the Government, as part of the rental consideration, the following:
 - A. All labor, materials, equipment, design fees, permit fees, professional fees, inspection fees, utilities, construction drawings (including, without limitation plans and specifications), construction costs and services and all other similar costs and expenses associated with making the space, common areas and related facilities ready for occupancy in accordance with the requirements of this Lease and the Government's approved drawings.

LAH 594

- B. 393 parking spaces as described in Paragraph 1 above.
- C. All costs associated with services, utilities, maintenance, repair, replacement, inspections, improvements and all other requirements as set forth in this Lease.
5. Lessor hereby grants Government options to expand the Leased Premises in phases. The total amount of square footage shall not exceed 25% of the usable square feet of the Leased Premises (the "Expansion Area"). The location of the Expansion Area is depicted on "Exhibit A-11 Level 1 Floor Plan". Government shall have the right to expand the Leased Premises for the entire Expansion Area at one time or in increments of less than 25%. These options shall continue through the term of the lease. In the event that Government elects to lease all or any portion of the Expansion Area, such portion of the Expansion Area shall be included within the Leased Premises for all purposes of this Lease. The terms and conditions of this Lease shall govern the Expansion Area, except that the rental payable for the Expansion Area shall be negotiated by the Lessor and Government.
6. Lessor shall have 500 calendar days from the date of lease award or receipt of the approved Government layout drawings, whichever is later, to build out the Leased Premises and make it ready for occupancy.
7. The following are attached and made a part hereof:
- A. Sheets 1 through 6 containing paragraphs 8 through 28;
 - B. Solicitation for Offers 8NV0058, pages 1 through 157;
 - C. Automotive /Radio Maintenance Facility Requirements consisting of 18 pages;
 - D. Attachment A dated August 21, 2003;
 - E. Exhibit J - Design Supplement, pages 1 through 22;
 - F. Amendment Number 1 dated January 4, 2001;
 - G. Amendment Number 2 dated November 8, 2001;
 - H. Amendment Number 3 dated December 5, 2001;
 - I. Amendment Number 4 dated June 24, 2003;
 - J. Wage Rates under the Davis-Bacon Act dated October 31, 2003, pages 1 through 24;
 - K. GSA Form 3517, General Clauses (Rev 9/01) pages 1 through 27;
 - L. GSA Form 3518, Representations and Certifications (Rev 9/01) pages 1 through 4;
 - M. Memorandum of Agreement between the Government and the City of Las Vegas;
 - N. Exhibits indicated in paragraph 1 of this Lease.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

LESSOR Stella Lake Partners, LLC

BY

(Signature)

Managing Member
(Title)

IN PRESENCE OF

(Signature)

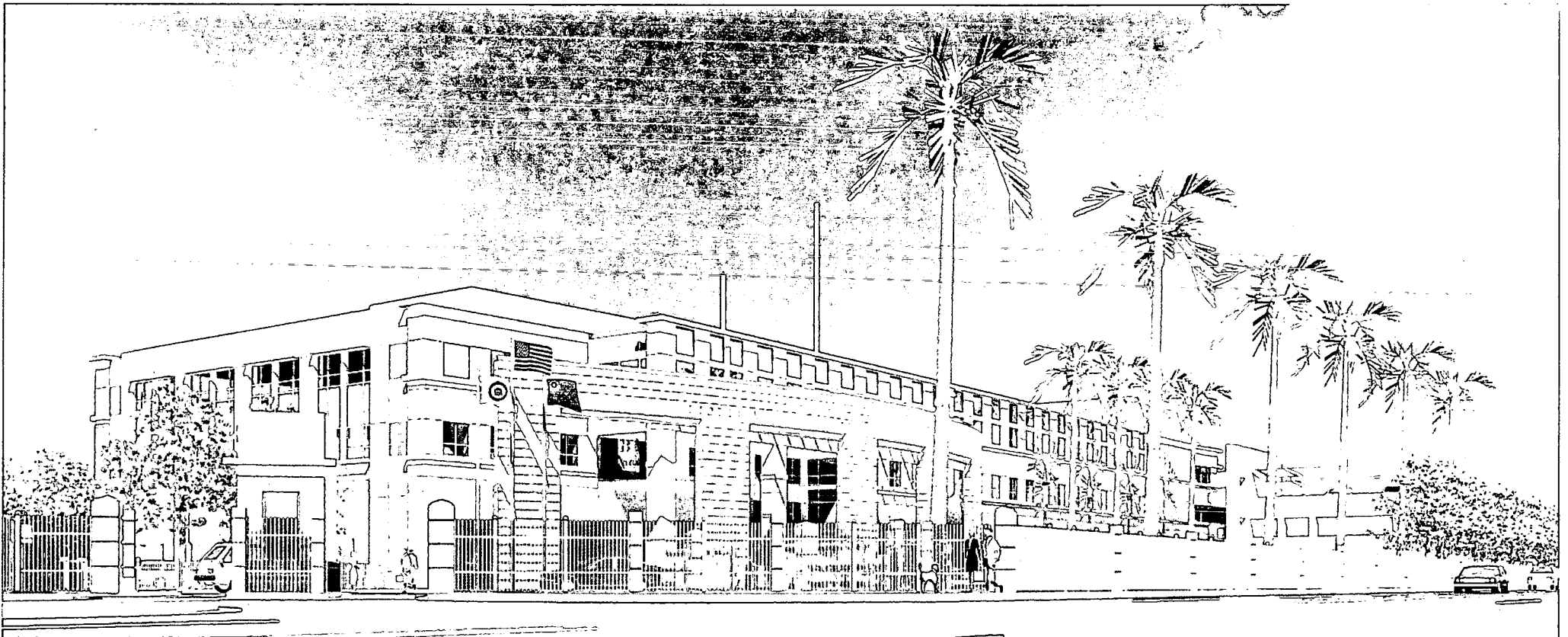
11350 RANDOM HOUSE RD #800
(Address) FARMINGTON, UT 84403

UNITED STATES OF AMERICA, GENERAL SERVICES ADMINISTRATION

BY

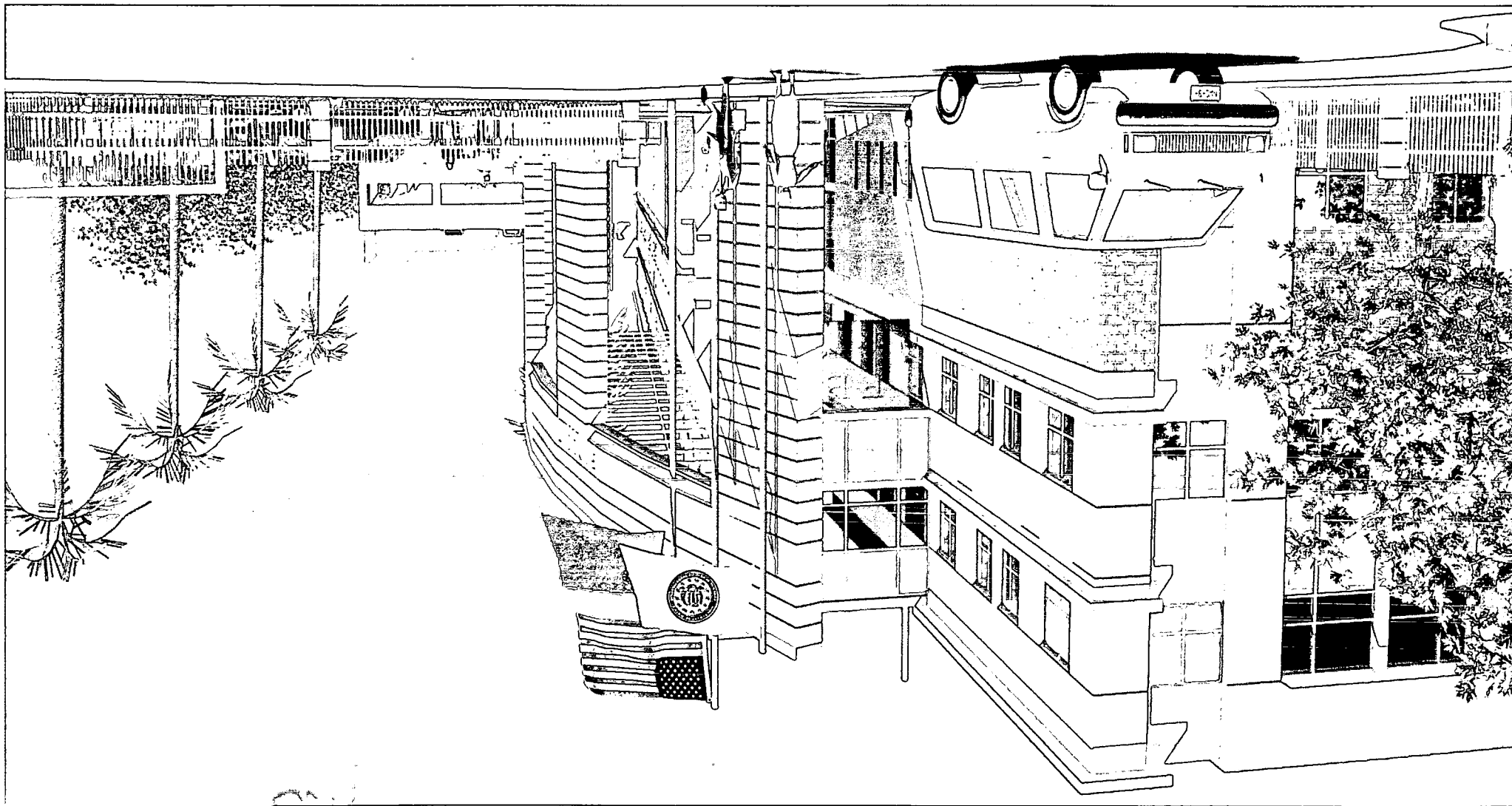
(Signature)

Contracting Officer
(Official Title)



Submitted after final agenda

Date 4/5/04 Item #86



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

TABLED ITEM - Bill No. 2003-78 – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill is intended to establish locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Such uses will have to be at least one thousand feet from any other such use and at least two hundred feet from residential properties.

RECOMMENDATION:

ADOPTION at 4/21/2004 City Council meeting as a First Amendment pursuant to the 4/5/2004 Recommending Committee

First Reading - 10/1/2003; First Publication - 4/9/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

NOTE: MAYOR GOODMAN advised that he would abstain on this bill when it next came before the Council because his son represents businesses of this type.

MINUTES:

Recommendation noted.

4/21/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-17 – Annexation No. ANX-3693 – Property location: On the northeast corner of Michelli Crest Way and Bath Drive; Petitioned by: Cliffs Edge, LLC; Acreage: 2.60 acres; Zoned: R-U (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 northeast corner of Michelli Crest Way and Bath 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 30, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/5/2004 Recommending Committee.

First Reading – 3/17/2004; First Publication – 4/9/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

4/21/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-18 – Annexation No. ANX-3714 – Property location: On the southwest corner of Chieftain Street and Bath Drive; Petitioned by: James and Lori Kibler; Acreage: 2.53 acres; Zoned: R-E (County zoning), U (TC) (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 southwest corner of Chieftain Street and Bath Drive. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/5/2004 Recommending Committee.

First Reading – 3/17/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

4/21/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-19 – Annexation No. ANX-3740 – Property location: On the east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard; Petitioned by: Cytha Price, et al.; Acreage: 1.00 acres; Zoned: R-E (County zoning), U (GC) (City equivalent). Sponsored by: Councilman Lawrence Weekly

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 east side of Fairhaven Street, 1,170 feet south of Lake Mead Boulevard. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (April 30, 2004) is set by this ordinance.

RECOMMENDATION:

STRICKEN at 3/17/2004 City Council meeting.

First Reading – 3/17/2004; First Publication – N/A

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

MAYOR GOODMAN clarified that this bill had been stricken at the 3/17/2004 Council meeting and appeared on the agenda in error.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-20 – Revises the zoning standards and procedures for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

A special use permit currently is required in order to create private streets within a subdivision, including to allow the conversion of public streets to private streets within an existing subdivision. It has been proposed to allow this type of conversion as a conditional use rather than by means of special use permit if certain minimum conditions are met. This bill will accomplish that objective.

RECOMMENDATION:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/5/2004 Recommending Committee.

First Reading – 3/17/2004; First Publication – 4/9/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

NOTE: MAYOR GOODMAN advised that he would abstain on this bill when it next came before the Council because it would impact his neighborhood.

MINUTES:

Recommendation noted.

4/21/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-21 – Updates the City's emergency management provisions. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the provisions of LVMC Chapter 2.30, relating to emergency management, in accordance with recommendations made by the City's Management Committee for Emergency Operations. The changes are minor in nature and are intended to simplify the process of responding to emergencies and give the City greater flexibility during that process.

RECOMMENDATION:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/5/2004 Recommending Committee.

First Reading – 3/17/2004; First Publication – 4/9/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

4/21/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-22 - Interim warrant ordinance providing for the issuance of a General Obligation Interim Warrant for Special Improvement Districts #1487 (Jones - Beltway to Elkhorn) not to exceed \$1,200,000 - Ward 6 (Mack), #1493 (Alexander/Hualapai - Cheyenne to Cimarron) not to exceed \$740,000 - Ward 4 (Brown), and #1503 (Durango - Tropical to Clark County Highway 215) not to exceed \$300,000 - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

Amount: \$2,240,000

☒

Budget Funds Available

Dept./Division: Public Works - S.I.D.

☐

Augmentation Required

Funding Source: Special Assessments

PURPOSE/BACKGROUND:

This ordinance authorizes and directs the issuance of a general obligation interim warrant for the payments of the costs and expenses within Special Improvement Districts #1487, 1493, and #1503. These projects will include, but not be limited to the installation of full width pavement, curb and gutter, streetlights, and commercial driveways. This obligation will be paid through the issuance of General Obligation Bonds in or about March 2005. The Interim Warrant (as well as any later bond refinancings) is a general obligation of the City, though special assessments are expected to provide the funding necessary for all debt service requirements.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Bill No. 2004-22

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

Summary - An ordinance authorizing the issuance of a registered interim warrant in connection with the City of Las Vegas, Nevada Special Improvement District Nos. 1487, 1493 and 1503 and providing other matters relating thereto.

BILL NO. 2004-22
ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NOS. 1487, 1493 AND 1503 AND AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICTS.

WHEREAS, the City Council (the "Council") of the City of Las Vegas (the "City"), Nevada, pursuant to ordinances (the "District Ordinances") previously adopted, created following City of Las Vegas, Nevada Special Improvement Districts: No. 1487 (Jones-Beltway to Elkhorn), No. 1493 (Alexander/Hualapai-Cheyenne to Cimarron) and No. 1503 (Durango-Tropical to Centennial (S-Cure)) (the "Districts") and ordered the acquisition of local improvements for the Districts (the "Projects"); and

WHEREAS, the Districts have been created by the District Ordinances in accordance with Chapter 271 of Nevada Revised Statutes ("NRS"), i.e., the Consolidated Local Improvement Law (the "Project Act"); and

WHEREAS, the Council has authorized the proper officers of the City to advertise for a construction contract for the Projects; and

WHEREAS, NRS 271.355 provides that the Council may issue interim warrants for the purpose of paying any contractor or otherwise defraying any costs of the Projects as the same become due from time to time until moneys are available therefor from the levy and collection of assessments to the benefited lots, tracts and parcels of land (and any issuance of bonds), and that such interim warrants may be general obligation interim warrants to which the full faith and credit of the City is pledged, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution, and shall be issued in such manner, in such form, with such recitals, terms, covenants and conditions and with such other details as may be provided by the Council by ordinance; and

WHEREAS, the Council now desires to issue a general obligation interim warrant for the purpose of paying the contractors on the Projects (the "Contractors") and otherwise defraying the costs and expenses of the Projects until moneys are available from the levy and collection of assessments or the issuance of any special assessment bonds; and

WHEREAS, the Council has determined and does hereby determine to issue an interim warrant (the "Warrant"), upon estimates of the City Engineer (the "Engineer"), to provide funds to pay the Contractors or other proper persons, which Warrant, together with the interest thereon, shall be a general obligation of the City to which the full faith and credit of the City shall be pledged, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution; and

WHEREAS, the Council intends to pay the Warrant from special assessments to be levied to pay a portion of the cost of the Projects in the Districts and from the proceeds of special assessment bonds to be hereafter sold and delivered; and

WHEREAS, the Debt Management Commission of Clark County, Nevada, has heretofore approved the issuance of the Warrant; and

WHEREAS, after notice inviting bids for their purchase, the City Director of Finance and Business Services (the "Finance Director"), as the chief financial officer of the City, or the City Manager, as the chief administrative officer of the City, is hereby authorized to receive and publicly open bids and sell the Warrant to the best bidder therefor (the "Purchaser") and the City Finance Director or the City Manager is hereby authorized to accept a binding bid for the Warrant, the Warrant to bear interest at the rates per annum provided in the purchase proposal submitted by the Purchaser (the "Purchase Proposal"), such rates not to exceed 3 percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Warrant, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Warrant, plus a premium or less a discount not to exceed 9 percent of the principal amount of the Warrant, all as specified by the City Finance Director or the City Manager in a certificate dated on or before the date of delivery of the Warrant (the "Certificate of the Finance Director").

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

Section 1. This ordinance shall be known as, and may be cited by, the short title "District Nos. 1487, 1493 and 1503 Interim Warrant Ordinance" (the "Ordinance").

Section 2. For the purpose of providing for the payment to the Contractors or other proper person of the costs and expenses of the Projects and for the purpose of defraying the other costs (incidental or otherwise) heretofore incurred or to be incurred in the Districts, there shall be issued, and the Council hereby authorizes the issuance (pursuant to NRS 271.355) of, the fully registered "City of Las Vegas, Nevada, Special Improvement District Nos. 1487, 1493 and 1503, General Obligation Interim Warrant, Series 2004A" in an aggregate principal amount specified in the Certificate of the Finance Director (not to exceed \$2,240,000 or such lesser sum as is advanced by the Purchaser) which does not exceed the Engineer's present estimate of construction costs and incidental costs to be assessed in each of the Districts. Each advance (the "Advance") by the Purchaser shall be requested by the City by submitting a signed original requisition in the form set forth in Section 14 hereof by the City. The Warrant shall bear interest at the rate specified in the Certificate of the Finance Director, which shall not exceed by more than 3% the "Index of Twenty Bonds" most recently published before bids are received or a negotiated offer to purchase the Warrant is accepted from the date of its issuance until its maturity, and shall mature on the date specified in the Certificate of the Finance Director not to exceed 3 years from the date of the issuance thereof. The Warrant shall bear interest from the date of each Advance and interest shall be payable quarterly commencing on the first day of the month which is at least 3 full calendar months from the date of issuance thereof but no greater than 4 full calendar months thereafter and on the first day of the month every three full calendar

months thereafter; provided that if a Warrant is reissued upon transfer, exchange or other replacement it shall bear interest at the rate set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the first Advance for the Warrant. Interest on the Warrant shall be calculated based on a 360-day year, consisting of twelve 30-day months. The Warrant shall be subject to redemption prior to maturity as set forth in the Certificate of the Finance Director. Both principal and interest shall be payable solely to the registered owner thereof in lawful money of the United States of America, without deduction for exchange or collection charges, at the office of the City Treasurer in Las Vegas, Nevada (the "Paying Agent") upon maturity. If upon presentation at maturity or prior redemption by the City, payment of any of the Warrant is not made as therein provided, interest thereon shall continue at the same rate stated therein until the principal thereof is paid in full.

Section 3. The Warrant shall be fully registered in the name of the owner for the payment of both principal and interest in the office of the Paying Agent and any transfer thereof must likewise be registered in said office. The City Treasurer is hereby appointed the registrar (the "Registrar") and shall maintain records in the office of the Registrar showing at all times that the Warrant are registered as to both principal and interest, and the name and address of the owner thereof. The Registrar shall register or permit to be transferred the Warrant subject to such reasonable regulations as the Registrar may prescribe. The City Treasurer, shall note such registration on his registration records and on the registration panel on the back of the Warrant showing that the Warrant is registered as to both principal and interest. The City and its officers may treat the person in whose name the Warrant is registered as the absolute owner, whether or not such Warrant shall be overdue. All payments made as provided in this Ordinance shall be valid and effectual to discharge the liability upon the Warrant to the extent of the amounts so paid.

Section 4. The Warrant, together with the interest due thereon from the date of issue until paid, shall be redeemed and retired in regular numerical order from any legally available City funds, and the full faith and credit of the City is pledged to such payment, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution.

Section 5. The payment of the Warrant is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the assessments, the general fund and general tax proceeds pledged for the payment of the Warrant. No property of the City, subject to such exceptions, shall be liable to be forfeited or taken in payment of the Warrant.

Section 6. No recourse shall be had for the payment of the principal of and interest on the Warrant or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the City or any officer or other agent of the City, past, present or future, either directly or indirectly through the City or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Warrant and as a part of the consideration of its issuance specially waived and released.

Section 7. The Finance Director or City Manager is authorized to sell the Warrant and sign a binding contract therefor with the Purchaser pursuant to the terms set forth herein and in the Certificate of the Finance Director. All action heretofore taken by the Council and the officers and employees of the City directed toward the Projects and toward the issuance, sale and delivery of the Warrant is ratified, approved and confirmed including, without limitation, if deemed necessary by the Finance Director, the Official Notice of Sale, and the distribution of the Preliminary and Final Official Statements for the Bonds. If deemed necessary by the Finance Director, the distribution and use of a Preliminary Official Statement for the Warrant is hereby authorized; the distribution, use of and execution of the Final Official Statement for the Warrant in substantially the form of the Preliminary Official Statement, with such amendments, additions and deletions as are consistent with the facts and not inconsistent herewith as may be approved by the Finance Director, is hereby authorized. The Finance Director is authorized to deem the Preliminary Official Statement to be "final" for the purposes of Rule 15c2-12 of the United States Securities Exchange Commission.

Section 8. The Warrant shall be issued pursuant to the laws of the State, and shall be fully registered in the name of the owner thereof, and the amount advanced for the Purchaser pursuant to the Warrant, shall not exceed the estimates of the Engineer of the costs to be assessed in the Districts, made on or before the date of issuing the Warrant.

Section 9. The Warrant shall be executed as follows:

A. Filings with Secretary of State. Pursuant to the Project Act, and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS, and prior to the execution of the Warrant, the Mayor of the City, the City Clerk and the City Treasurer shall each file with the Secretary of State of the State of Nevada his or her manual signature certified by him or her under oath.

B. Manner of Execution. The Warrant shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile of the signature of the Mayor shall be countersigned and executed with the manual or facsimile of the signatures of the City Treasurer and shall be authenticated with the manual or facsimile impression of the official seal of the City; and shall be signed, executed, and attested with such a manual or facsimile signature of the City Clerk.

C. Authentication. The Warrant shall not be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on the Warrant. By authenticating the Warrant, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

Section 10. The Warrant bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligation of the City, notwithstanding that before the delivery thereof and the payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Each of the Mayor, the City Treasurer and City Clerk, at the time of the execution of the Warrant and of a signature certificate pertaining thereto by the Mayor, the Treasurer and the City Clerk, respectively, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Warrant.

Section 11. Pursuant to NRS 271.505, the Warrant shall recite that it is issued under the authority of the Project Act, which recital shall conclusively impart full compliance with the provisions of the Project Act and all such Warrant containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

Section 12. Pursuant to NRS 271.520, the Warrant, its transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to chapter 375B of NRS.

Section 13. After such registration of the Warrant by the Registrar and after its execution and authentication and other provisions herein supplemental thereto, the Treasurer shall cause the Warrant to be delivered to the Purchaser thereof, upon payment being made therefor on the terms of the sale of the Warrant.

Section 14. Subject to the provisions of this Ordinance, the Warrant shall be in ~~substantially the following form with such omissions, insertions, endorsements, and variations as~~ to any recitals of fact or other provisions as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Interim Warrant)

Transfer of This Warrant Other Than By Registration is not Effective

**CITY OF LAS VEGAS, NEVADA
SPECIAL ASSESSMENT DISTRICT NOS. 1487, 1493 AND 1503
GENERAL OBLIGATION INTERIM WARRANT
SERIES 2004A**

NO. _____

Interest Rate
____ % per annum

Maturity Date

Dated As Of
_____, 2004

CUSIP

REGISTERED OWNER:

MAXIMUM PRINCIPAL AMOUNT: TWO MILLION TWO HUNDRED FORTY
THOUSAND DOLLARS \$2,240,000

The City of Las Vegas in the County of Clark and in the State of Nevada (the "City" the "County," and the "State", respectively), for value received hereby acknowledges itself to be indebted and promises to pay to the Registered Owner specified above the Principal Amount specified above or such lesser amount as is advanced by the Registered Owner, on the Maturity Date specified above (unless called for earlier redemption), and to pay interest thereon on the Maturity Date specified above at the Interest Rate per annum specified above, until the principal sum is paid or payment has been provided therefor. Advances hereunder (an "Advance") shall be requested by submitting a signed original requisition in the form attached hereto to the Registered Owner. This interim warrant will bear interest from the date of each Advance. The principal of and redemption premium, if any, on this interim warrant are payable to the Registered Owner hereof upon presentation and surrender hereof at the principal office of the City's paying agent for this interim warrant or any successor (the "Paying Agent"), presently the Treasurer of the City of Las Vegas, Nevada, which is also now acting as the City's registrar for this interim warrant (the "Registrar") by the Paying Agent. Interest on this interim warrant will be paid quarterly on _____ 1, _____ 1, _____ 1 and _____ 1 commencing on _____ 1, 20__ and on the Maturity Date (or, if such date is not a business day, on the next succeeding business day), by check or draft mailed to the person in whose name this interim warrant is registered (the "Registered Owner") in the registration records of the City maintained by the Registrar. The principal amount advanced to the City is redeemable, in whole or in part, at any time prior to the Maturity Date upon payment of the principal amount so redeemed plus accrued interest thereon to the date of redemption. All payments of the principal of, interest on and redemption premiums, if any, due in connection with this interim warrant (the "Warrant Requirements") shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent, as provided in the City's ordinance adopted and approved on April 21, 2004 authorizing the issuance of this Warrant (the "Ordinance") and the Certificate of the Director of Finance pertaining thereto (the "Certificate").

This fully registered interim warrant and the interest thereon is a general obligation of the City for the payment of which the City Council (the "Council") of the City has pledged the City's full faith and credit, subject to the limitations set forth in NRS 361.453 and section 2 of article 10 of the Nevada constitution. The City intends to pay the principal of and interest on this interim warrant from special assessments to be hereafter levied to pay the cost of certain local improvements in the City of Las Vegas, Nevada Special Improvement District Nos. 1487, 1493 and 1503 (the "Districts") and the proceeds of the special assessment bonds of the Districts to be hereafter sold and delivered, as provided by NRS § 271.355.

This interim warrant is issued pursuant to the laws of the State and City, and this interim warrant, together with all other interim warrants heretofore issued in connection with the Districts, does not exceed the estimate of the City Engineer of the costs to be assessed in the Districts, made on or before the date of the issuance of this interim warrant.

This interim warrant is fully registered in the name of the owner for the payment of both principal and interest in the office of the City Treasurer and any transfer thereof must likewise be registered in said office and may be transferred by registered assignment only and noted on the back hereof. This interim warrant must be registered only as to both principal and interest.

This fully registered interim warrant is issued by the City for the purpose of paying for a portion of the costs of certain local improvements in the Districts under the authority of and in full conformity with the provisions of Chapter 271, Nevada Revised Statutes.

It is hereby certified, recited and warranted that all of the requirements of law have been fully complied with by the proper officers of the City in the issuance of this interim warrant.

IN WITNESS WHEREOF, the City has caused this interim warrant to be signed and executed in its name and upon its behalf with the manual or facsimile signature of the Mayor, to be countersigned and executed with the manual or facsimile signature of the City Treasurer and has caused a manual impression or a facsimile of the seal of the City to be affixed hereon; and has caused this interim warrant to be signed, executed and attested with the manual or facsimile signature of the City Clerk, all as of the date written above.

CITY OF LAS VEGAS, NEVADA

(Manual or Facsimile Signature)

Mayor

Las Vegas, Nevada

Countersigned:

(Manual or Facsimile Signature)

City Treasurer

(Manual or Facsimile Seal)

Attest:

(Manual or Facsimile Signature)

City Clerk

(End of Form of Interim Warrant)

(Form of Certificate of Authentication)

Date of authentication
and registration: _____

This the interim warrant described in the within-mentioned Ordinance, and this interim warrant has been duly registered on the registration records kept by the undersigned as Registrar for such interim warrant.

CITY OF LAS VEGAS, NEVADA,
CITY TREASURER
as Registrar

By: (Manual Signature)
Authorized Officer

(End of Form of Certificate of Authentication)

(Form of Assignment)

For value received, the undersigned hereby sells, assigns and transfer unto _____ the within interim warrant and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the books kept for registration of the within interim warrant, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name and address of transferee:

Social Security or other tax
identification number of
transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within interim warrant in every particular, without alteration or enlargement or any change whatsoever. Signature(s) must be guaranteed by an eligible guarantor institution as defined in 17 CFR Section 240.17Ad-15(a)(2).

(End of Form of Assignment)

(Form of Principal Advance Request)

Date: _____, _____

Re: City of Las Vegas, Nevada
Special Assessment District Nos. 1487, 1493 and 1503
General Obligation Interim Warrant
No. R-1, dated _____, _____

Gentlemen:

The undersigned hereby requests that you make a principal advance in the amount of \$ _____, on the above-captioned Warrant to the order of the City of Las Vegas, Nevada on or before _____, 2004.

The undersigned hereby certifies and warrants that:

1. The aggregate of principal advances requested from you under the above-captioned Warrant, including the advance requested in this letter, do not exceed the maximum principal amount of the Warrant of \$2,240,000;

2. All representations, warranties and expectations of the City contained in the Warrant and the documents accompanying the Warrant, including, without limitation, the Federal Tax Exemption Certificate dated _____, 2004, remain true and correct on this date as if made on this date, and are hereby re-made as of this date. No law has been adopted which would in any way adversely affect the City's authority to obtain and repay this advance. The City covenants to advise you immediately if any such law is adopted.

3. Please deposit the amount advanced into our account No. _____.

Respectfully submitted,

CITY OF LAS VEGAS, NEVADA

By: _____
(Must be City Manager or Chief Financial Officer)

(End Form of Principal Advance Request)

Section 4. Upon the issuance of the Warrant, the Treasurer shall cause the proceeds of the Warrant to be applied as follows:

A. First, the proceeds, if any, received from the sale of the Warrant as accrued interest on the Warrant, if not needed to defray the cost of the Projects, shall be used to pay the principal of and interest on the applicable series of the Warrant, when due.

B. The balance of the proceeds received from the sale of the Warrant shall be used solely to defray wholly or in part the cost of the Projects including, without limitation, all costs of issuing the Warrant, and the costs of rebates to the United States under Section 148 of the Internal Revenue Code of 1986, as amended to the date of delivery of the Warrant (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Projects. After the Projects are complete and after all expenses have been paid or adequate provision therefor is made, any unexpended balance of Warrant proceeds (or, unless otherwise required by law, any other moneys) remaining shall be to be used to pay the principal of and interest on the applicable series of the Warrant.

Section 5. All action, 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 the Districts, including, but not limited to, the performance of all prerequisites to the creation of the Districts, the acquisition of the Projects, the specially benefited property therein, the sale and issuance of the Warrant, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved, and confirmed.

Section 6. The City covenants for the benefit of the owners of the Warrant that it will not take any action or omit to take any action with respect to the Warrant, the proceeds thereof, any other funds of the City or any Projects financed with the proceeds of the Warrant, if such action or omission (i) would cause the interest on the Warrant to lose its exclusion from gross income for federal income tax purposes under Section 103 of the Tax Code or (ii) would cause interest on the Warrant to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Warrant until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

Section 7. The officers of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limiting the generality of the foregoing, the preparation of the Warrant and other items necessary or desirable for the completion of the levying of the assessments for the Districts and the issuance of the Warrant.

Section 8. 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 9. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. 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 the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NOS. 1487, 1493 AND 1503 AND AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICTS.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on April 7, 2004, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on April 21, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

Section 10. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Councilmembers voting for or against its passage, 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 Ordinance)

ORDINANCE NO.

(of Las Vegas, Nevada)

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NOS. 1487, 1493 AND 1503 AND AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION INTERIM WARRANT FOR THE PAYMENT OF THE COSTS AND EXPENSES WITHIN SUCH DISTRICTS.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on April 7, 2004, and was passed at the meeting held on April 21, 2004, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after the ____ day of ____, 2004, i.e., the day after the publication of such Ordinance by its 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.

DATED this April 21, 2004.

/s/ Oscar Goodman
Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 11. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, the Council may, upon notice mailed to each owner of the Warrant at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent. Any successor by merger with the Registrar and Paying Agent is automatically appointed as Registrar and Paying Agent hereunder without any further action of the Council, as long as the successor otherwise is qualified to act as Registrar and Paying Agent pursuant to this section. Any bank, trust company or national banking association into which the Registrar and/or Paying Agent or its successor may be converted, merged or with which it may be consolidated, or to which it may sell or otherwise transfer all or substantially all of its corporate trust business shall be the successor of the Registrar and/or Paying Agent under this Ordinance with the same rights, powers, duties and obligations and subject to the same restrictions, limitations, and liabilities as its predecessor, all without the execution or filing of any papers or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

Section 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.

Adopted April 21, 2004.

(SEAL)

Mayor

Attest:

City Clerk

The ordinance has been reviewed by the Deputy City Attorney:

Madeleine DiCicco 3-16-'04
Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) ss.
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (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 Council on April 7, 2004 and finally adopted and approved on April 21, 2004.

2. The following members of the Council were present at the April 7, 2004 Council meeting:

Mayor:
Councilmembers:

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

Those Absent:

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 7, 2004, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on April 21, 2004, 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 21, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

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

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 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 Council were given due and proper notice of the meetings held on April 7, 2004 and April 21, 2004. Pursuant to § 241.020, Nevada Revised Statutes, 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 working days before the meetings 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 (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three working days before the meetings 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. A copy of such notice so given of the meeting of the Council on April 7, 2004 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on April 21, 2004 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 21, 2004.

City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 7, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of April 21, 2004 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Deposit of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-23 – Annexation No. ANX-3835 – Property location: On the northeast corner of Cartier Avenue and Maverick Street; Petitioned by: Saint Mary Coptic Orthodox Church; Acreage: 2.42 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Lawrence Weekly

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 northeast corner of Cartier Avenue and Maverick 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 (May 14, 2004) is set by this ordinance.

NOTE: The property is developed with a church.

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. 2004-23 and Location Map

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

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8 **BILL NO. 2004-23**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3835)

13 Sponsored by:
14 Councilman Lawrence Weekly

Summary: Annexes property described
generally as located on the northeast corner
of Cartier Avenue and Maverick Street.

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

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

20 The Southwest Quarter (SW 1/4) of the Southwest Quarter (SW 1/4) of the
21 Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14,
22 Township 20 South, Range 60 East, M.D.M., in the County of Clark, State
23 of Nevada, including adjoining half street right-of-way of MAVERICK
24 STREET (30.00 feet wide as measured from centerline thereof) together with
25 15.00 feet radius spandrel area as dedicated to CLARK COUNTY by Grant,
26 Bargain, Sale Deed, recorded in Book 20034090 as Instrument Number
01440 of Clark County, Nevada Records, and adjoining half street
right-of-way of CARTER AVENUE (30.00 feet wide as measured from the
centerline thereof) as dedicated to CLARK COUNTY by Grant Deed
recorded January 6, 1961 in Book 276 as Document Number 223591 of Clark
County, Nevada Records.

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

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

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

1 prerequisites to the approval of subdivision plats, building permits or other land use or
2 development applications.

3 SECTION 4: The annexation of the described territory shall become
4 effective on the 14th day of May, 2004, and on that date the City will have the funds
5 appropriated in sufficient amount to finance the extension into the described territory of
6 police protection, fire protection, street maintenance, street sweeping, and street lighting
7 maintenance.

8 SECTION 5: The described territory, together with the inhabitants and
9 property thereof, shall, from and after the 14th day of May, 2004, be subject to all debts,
10 laws, ordinances and regulations in force in the City and shall be entitled to the same
11 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
12 levied by the City.

13 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
14 an accurate map or plat of the described territory and to record the map or plat, together with
15 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
16 Nevada, which recording shall be done prior to the 14th day of May, 2004.

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

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

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

4 PASSED, ADOPTED and APPROVED this _____ day of _____,
5 2004.

6 APPROVED:

7
8 By OSCAR B. GOODMAN, Mayor

9 ATTEST:

10
11 BARBARA JO RONEMUS, City Clerk

12 APPROVED AS TO FORM:

13 Val Steed 3-23-04
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of ____, 2004, and referred to the following committee
3 composed of ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2004, which was a ____ meeting of said Council; that
6 at said ____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the 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 _____
17 BARBARA JO RONEMUS, City Clerk

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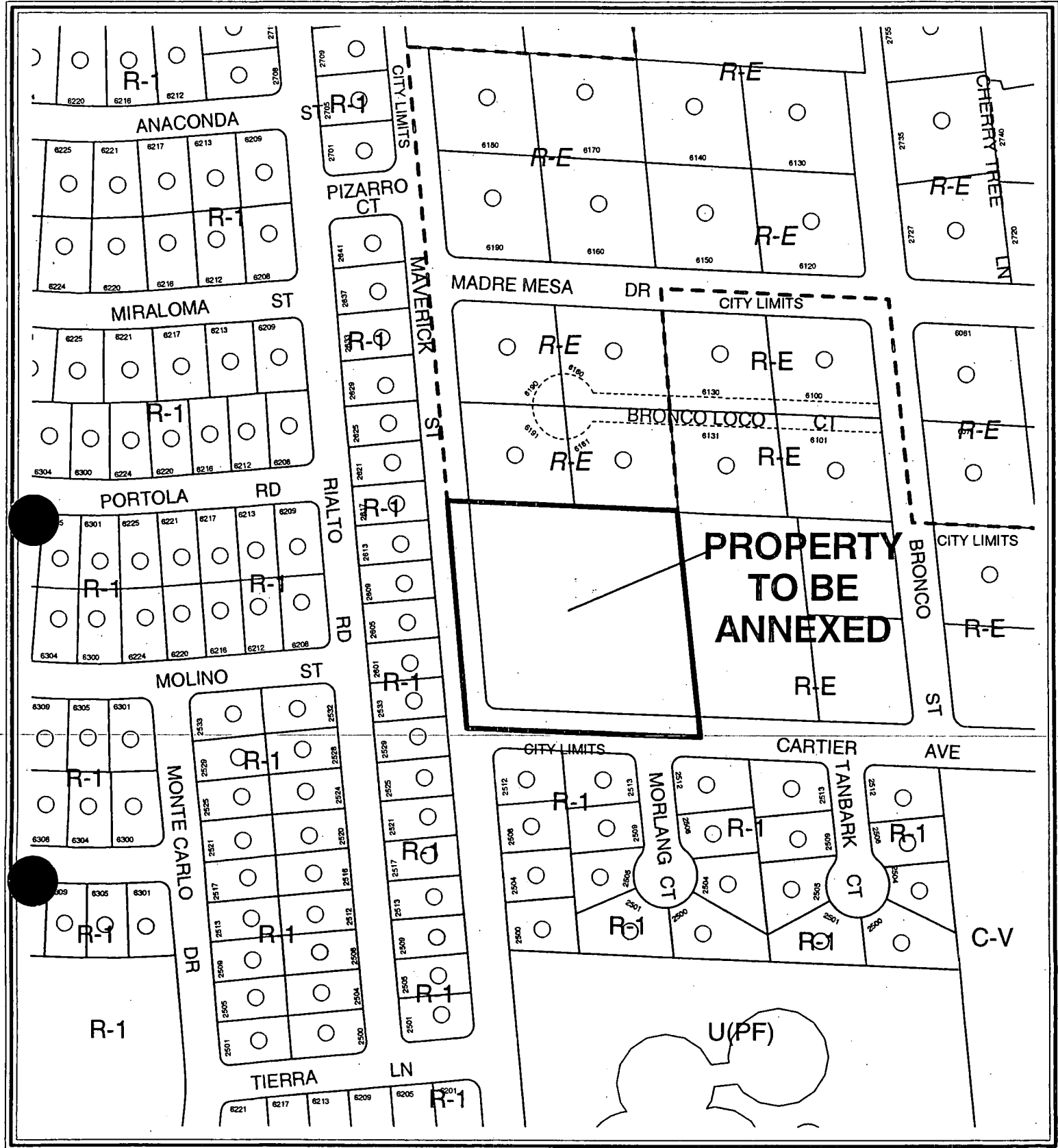
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CASE: ANX-3835

0 100 200 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-24 – Annexation No. ANX-3871 – Property location: On the southwest corner of Buffalo Drive and Iron Mountain Road; Petitioned by: CCM Trust; Acreage: 10.75 acres; Zoned: R-E (County zoning), U (R-E) (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 southwest corner of Buffalo Drive and Iron Mountain Road. 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 (May 14, 2004) 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. 2004-24 and Location Map

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

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8 **BILL NO. 2004-24**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3871)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the southwest corner
of Buffalo Drive and Iron Mountain Road.

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

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

20 The Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the
21 Northeast Quarter (NE 1/4) of Section 9, Township 19 South, Range 60 East,
M.D.M., in the County of Clark, State of Nevada, including the adjacent
22 south half street right of way of IRON MOUNTAIN ROAD (50.00 feet wide
as measured from the centerline thereof), and the adjacent west half street
23 right of way of BUFFALO DRIVE (30.00 feet wide as measured from the
centerline thereof) together with the 54.00 feet radius spandrel area in the
24 northeast corner as dedicated by GRANT, BARGAIN, SALE DEED
recorded June 23, 1982 in Book 1584 as Instrument Number 1543411, and
25 readjusted by ORDER OF VACATION VS-1621-93 recorded in Book
950412 as Instrument Number 01267, all of Clark County, Nevada Records.

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

28 A. The area to be annexed was contiguous to the City's boundaries at the

1 time the annexation proceedings were instituted;

2 B. More than one-eighth (1/8) of the aggregate external boundaries of
3 the area are contiguous to the City;

4 C. The territory proposed to be annexed is not included within the
5 boundaries of another incorporated city or within the boundaries of
6 any unincorporated town as those boundaries existed as of July 1,
7 1983;

8 D. The City is eligible to annex the described territory since the
9 landowners have signed a petition constituting one hundred percent
10 (100%) of the owners of record of individual lots or parcels of land
11 within the annexation area.

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

1 development applications.

2 SECTION 4: The annexation of the described territory shall become
3 effective on the 14th day of May, 2004, and on that date the City will have the funds
4 appropriated in sufficient amount to finance the extension into the described territory of
5 police protection, fire protection, street maintenance, street sweeping, and street lighting
6 maintenance.

7 SECTION 5: The described territory, together with the inhabitants and
8 property thereof, shall, from and after the 14th day of May, 2004, be subject to all debts,
9 laws, ordinances and regulations in force in the City and shall be entitled to the same
10 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
11 levied by the City.

12 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
13 an accurate map or plat of the described territory and to record the map or plat, together with
14 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
15 Nevada, which recording shall be done prior to the 14th day of May, 2004.

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

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

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

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

3 | PASSED, ADOPTED and APPROVED this ____ day of _____,
4 | 2004.

5 | APPROVED:

6 |
7 | By OSCAR B. GOODMAN, Mayor

8 | ATTEST:

9 |
10 | BARBARA JO RONEMUS, City Clerk

11 | APPROVED AS TO FORM:

12 | Val Steep 3-23-04
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 _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

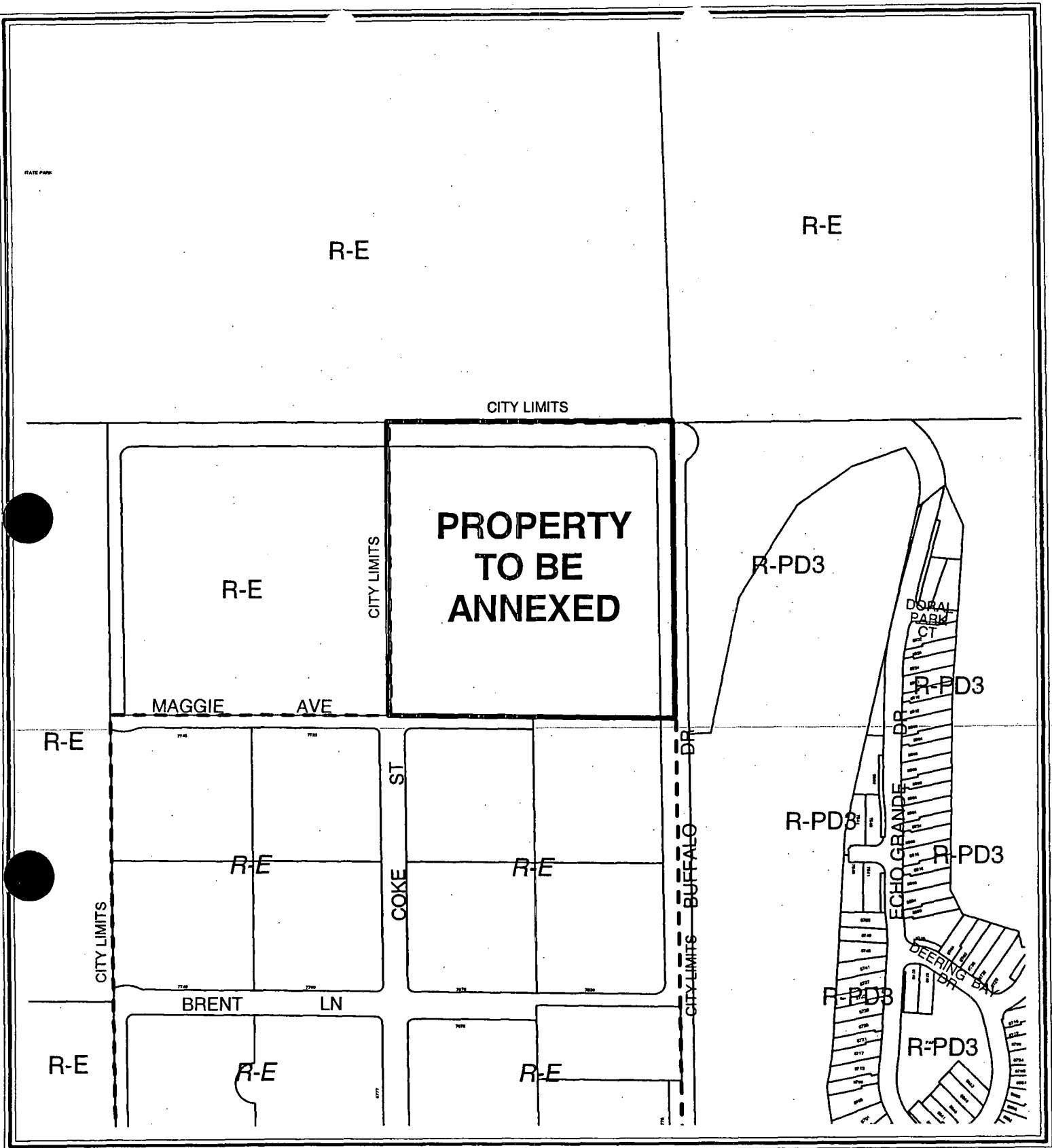
11 APPROVED:

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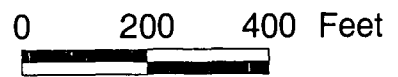
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk
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CASE: ANX-3871



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-25 – Establishes zoning requirements for swap meets. Sponsored by: Councilman Gary Reese

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City's zoning regulations generally do not treat swap meets as a separate type of land use, categorizing them under a broader retail category. Because of the nature of the use, it is deemed appropriate to establish particularized requirements for the use. This bill establishes the circumstances under which swap meets will be allowed in commercial and industrial zoning districts. NOTE: This bill was originally processed as Bill No. 2004-8, but the bill could not be adopted because of a publication error.

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. 2004-25

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIES

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

BILL NO. 2004-25

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH ZONING REQUIREMENTS FOR SWAP MEETS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Gary Reese

Summary: Establishes zoning requirements for swap meets.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to require a Special Use Permit for the use "Swap Meet" in the C-2 Zoning District, and to provide that the use is a conditional use in the C-M and M Zoning Districts. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended to add thereto a new row for the use "Swap Meet." The term shall be followed by an asterisk to indicate the existence of applicable base standards, and the new row shall read as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Swap Meet*					S	S		C	C

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subdivision entitled "Swap Meet," reading as follows:

SWAP MEET [C-M, M]

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.
2. No repair, installation or service work is permitted outside of an enclosed building.
3. All signage, including any temporary signage, shall comply with LVMC Chapter 19.14.
4. The swap meet operation shall comply with all applicable requirements of LVMC Title 6.

SECTION 3: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new

subdivision entitled "Swap Meet," reading as follows:

SWAP MEET [C-1, C-2]

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.

2. No repair, installation or service work is permitted outside of an enclosed building.

3. All signage, including any temporary signage, shall comply with LVMC Chapter 19.14.

4. The swap meet operation shall comply with all applicable requirements of LVMC Title 6.

SECTION 4: Title 19, Chapter 10, Section 10, Subsection (F), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 1 thereof to add to the "RETAIL, PERSONAL, COMMERCIAL & BUSINESS SERVICES, AND AUTO-RELATED" element thereof, at the appropriate location, a new row for the use "Swap Meet, Indoor," reading as follows:

Swap Meet, Indoor	One space for each 175 sf of gfa.
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SECTION 5: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location, the following term and its corresponding definition:

"Swap Meet" means a facility in which multiple vendors, dealers, sellers or traders have rented, leased, purchased or otherwise obtained an area from a swap meet operator for the purpose of selling, bartering, exchanging or trading new or used items of personal property, where the aggregate value of all such property exceeds the amount of one thousand dollars.

SECTION 6: In Sections 2 and 3 of this Ordinance, the brackets that follow the titles of the subdivisions being added are not intended to indicate deleted matter, but instead are used as the means of indicating the applicable districts.

SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040, 19.04.050, 19.10.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or

1 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
2 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
3 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
4 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
5 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
6 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
7 invalid or ineffective.

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

11 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 Val Steef 3-23-04
21 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2004, 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 _____, 2004, 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:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-26 – Establishes the “Las Vegas Boulevard Scenic Byway Overlay District,” together with related regulations governing signage. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will create a zoning overlay district to correspond to the State designation of a portion of Las Vegas Boulevard as a “scenic byway.” The overlay district will establish requirements and prohibitions to ensure that signage within the district is compatible with the designation.

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. 2004-26

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

BILL NO. 2004-26

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH THE "LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT," TOGETHER WITH RELATED REGULATIONS GOVERNING SIGNAGE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer,
Director of Planning and Development

Summary: Establishes the "Las Vegas Boulevard Scenic Byway Overlay District," together with related regulations governing signage.

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

SECTION 1: Title 19, Chapter 6, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 140, reading as follows:

19.06.140: LAS VEGAS BOULEVARD SCENIC BYWAY OVERLAY DISTRICT

(A) Intent. In 2001 the State of Nevada designated as a scenic byway the Las Vegas Boulevard Scenic Byway in order to preserve its character as a nighttime urban scenic byway. The intent of the Las Vegas Boulevard Scenic Byway Overlay District is to provide signage standards that will maintain and enhance the scenic qualities of this historic highway in accordance with the "scenic byway" designation.

(B) Boundaries. The Las Vegas Boulevard Scenic Byway Overlay District is established within the City. Its boundaries are generally described as the portion of Las Vegas Boulevard between Sahara Avenue on the south and Washington Avenue on the north. The Overlay District includes only those properties that have direct frontage on Las Vegas Boulevard. Because of ongoing development activity along Las Vegas Boulevard, the list of properties with direct frontage on Las Vegas Boulevard may change from time to time, and the above textual description of the boundaries of the Overlay District shall control over any map to the contrary. However, for the sake of convenience and reference, the boundaries of the Overlay District are generally depicted on the map that appears below:

(map appears here)

1 (C) Sign Standards

2 (1) Relationship to Other Provisions. Except as otherwise required or
3 prohibited by this Section, all signage within the Las Vegas Boulevard Scenic Byway Overlay District
4 shall be governed by and subject to:

5 (a) All applicable standards and procedures in Chapter 19.14;

6 (b) All applicable standards and procedures in Chapter 19.06 that
7 govern the Downtown Overlay District, for properties that are located within that district; and

8 (c) All applicable standards and procedures in Chapter 19.06 that
9 govern the Downtown Entertainment Overlay District, for properties that are located within that
10 district.

11 (2) Illumination. For any development within the Las Vegas Boulevard
12 Scenic Byway Overlay District, at least 75% of the total sign surface areas for that development
13 (excluding awning signs) must consist of illuminated signage, in the form of neon signs, animated
14 signs, or a combination thereof.

15 (3) Off-premise Signs. Off-premise signs are not permitted within the Las
16 Vegas Boulevard Scenic Byway Overlay District.

17 (4) Maintenance. The owner and operator of each sign are jointly and
18 severally responsible for ensuring that appropriate sign maintenance occurs and that damaged or
19 nonfunctional signs and lighting are promptly repaired and made functional.

20 SECTION 2: The map referred to in Section 19.06.140(B), as adopted in Section 1
21 of this Ordinance, is hereby adopted as part of that Section, and is attached to and incorporated in this
22 Ordinance. The map shall be included in the appropriate place in any codification of this Ordinance.

23 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
24 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
25 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
26 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
27 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
28 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

7 APPROVED:

8
9 By _____
OSCAR B. GOODMAN, Mayor

10 ATTEST:

11
12 BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

14 Val Steep 3-23-04
15 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, 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 _____, 2004, 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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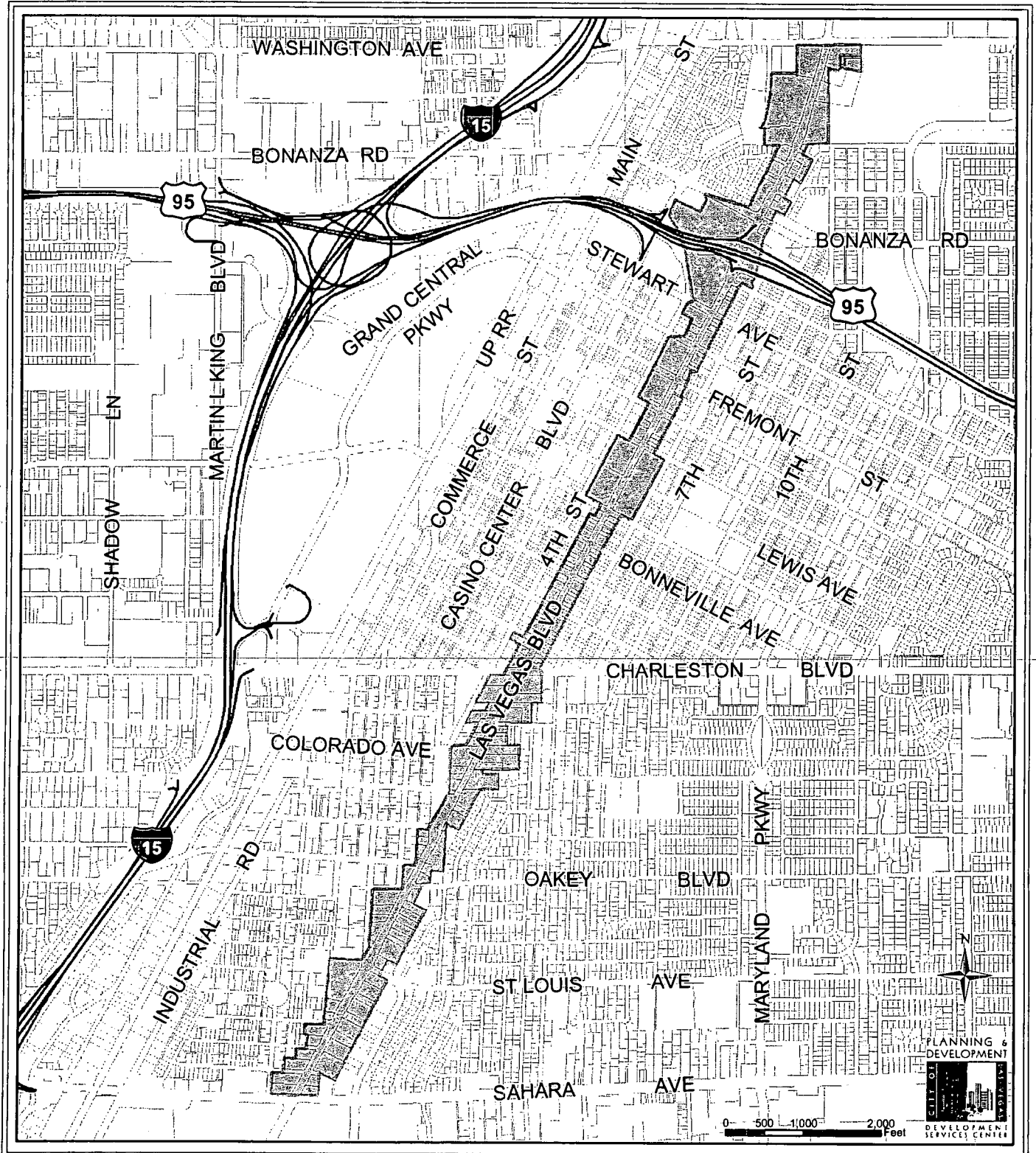
APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

SCENIC BYWAY OVERLAY DISTRICT



Created by: Mark House on Jan 22 2004

Due to continuous development activity this map is for reference only.



SCENIC BYWAY CORRIDOR

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-27 – Authorizes the issuance of the City of Las Vegas, Nevada Special Improvement District No. 707 (Summerlin Area) Senior Local Improvement Refunding Bonds, Series 2004

Fiscal Impact

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No Impact

Amount: Max principal of \$4,500,000

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source: S.I.D. # 707 Sr. Local Improvement Refunding Bonds Series 2004

PURPOSE/BACKGROUND:

This bill will authorize the issuance of the City of Las Vegas, Nevada Special Improvement District No. 707 (Summerlin Area) Senior Local Improvement Refunding Bonds, Series 2004. The refunding will reduce the interest rate on the assessments paid by property owners in the district. The ordinance approves the forms of the First Supplemental Indenture, the Bond Purchase Contract, the Escrow Agreement, the Continuing Disclosure Agreement, and the Preliminary Official Statement, which are on file with the City Clerk.

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. 2004-27

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

Summary - An ordinance authorizing the issuance of the City of Las Vegas, Nevada Special Improvement District No. 707 (Summerlin Area) Senior Local Improvement Refunding Bonds, Series 2004, approving the form of certain documents with respect to such bonds, ratifying action taken by City officers toward the issuance of such bonds, and providing other matters related thereto.

BILL NO. 2004-27

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE BY THE CITY OF ITS SPECIAL IMPROVEMENT DISTRICT NO. 707 (SUMMERLIN AREA) SENIOR LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2004.

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 of the City (the "Council") has heretofore, pursuant to the requisite preliminary proceedings, created the City of Las Vegas, Nevada Special Improvement District No. 707 (Summerlin Area) (the "District") for the purpose of acquiring and improving street, water, sanitary sewer, storm sewer, curb and gutter, and sidewalk projects (the "Project") and has provided that 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 Council has levied assessments in the amount of \$40,000,000 against the property in the District benefited by the Project; and

WHEREAS, the City has heretofore issued its "City of Las Vegas, Nevada, Special Improvement District No. 707 (Summerlin Area) Subordinate Local Improvement Refunding Bonds, 2000 Series B" in the aggregate principal amount of \$5,355,000 (the "2000 Subordinate Bonds") to refinance a portion of the costs of the acquisition and improvement of the Project, such amount not exceeding the aggregate principal amount of the assessments unpaid as of the date of original issuance of the 2000 Subordinate Bonds and other bonds issued at the

time of issuance of the 2000 Subordinate Bonds to refinance a portion of the costs of the acquisition and improvement of the Project; and

WHEREAS, the 2000 Subordinate Bonds are subject to redemption prior to their maturities, at the option of the City, in whole or in part on June 1, 2004, at a price equal to the principal amount of each 2000 Subordinate Bond so redeemed, accrued interest thereon to the redemption date, and a premium equal to three percent (3.0%) of the principal amount of each 2000 Subordinate Bond or portion thereof so redeemed; and

WHEREAS, pursuant to NRS § 271.488, the City is authorized to issue bonds in order to refund, pay and discharge certain outstanding bonds of the City for the purpose of reducing interest rates and effecting other economies and to evidence such borrowing by the issuance of bonds in accordance with the provisions of NRS § 350.500 through §§ 350.720, cited in § 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the City hereby determines that it is in the best interests of the City and the owners of property in the District to issue the City's Senior Local Improvement Refunding Bonds, Series 2004 (the "2004 Bonds") to refund, pay and discharge the outstanding 2000 Subordinate Bonds and to reduce the interest payable on the Assessments (the "Refunding Project"); and

WHEREAS, the 2004 Bonds are to be payable from the sources permitted by the Consolidated Local Improvements Law, Chapter 271, NRS, and all laws amendatory thereof and supplemental thereto (the "Act"), as more fully described in the Indenture (defined below); and

WHEREAS, the 2004 Bonds are to be sold by the City to Stone & Youngberg LLC, as underwriter and purchaser of the 2004 Bonds (the "Purchaser"); and

WHEREAS, the 2004 Bonds are to be issued pursuant to a Trust Indenture dated as of October 1, 2000 (the "Original Indenture"), as supplemented and amended by a First Supplemental Indenture of Trust dated as of April 15, 2004 (the Supplemental Indenture and collectively with the Original Indenture, the "Trust Indenture") between the City and Wells Fargo Bank, N.A. (the "Trustee"); and

WHEREAS, the 2004 Bonds are to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser and accepted by the City's Director of Finance and Business Services (the "City Finance Director"), which rates must not exceed by more than 3% the Index of Twenty Bonds most recently published in The Bond Buyer prior to

the time the offer to purchase the 2004 Bonds is received, and are to be sold at a price equal to the principal amount thereof, plus accrued interest to the date of delivery of the 2004 Bonds, less a discount not exceeding 9% of the principal amount thereof, all as specified by the City Finance Director in a certificate dated on or before the date of delivery of the 2004 Bonds (the "Certificate of the City Finance Director"); and

WHEREAS, the City hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the 2004 Bonds; and

WHEREAS, the Council has found and determined and hereby declares:

A. It is necessary and for the best interests of the City to effect the Refunding Project and to issue the 2004 Bonds;

B. Each of the limitations and other conditions to the issuance of the 2004 Bonds in the Charter, the Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to § 350.708 of the Bond Act, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

C. This ordinance pertains to the sale, issuance and payment of the 2004 Bonds; this declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of NRS § 350.579(2).

WHEREAS, there have been filed with the City Clerk of the City (the "City Clerk") (i) the proposed form of the Supplemental Indenture, (ii) the proposed form of the Escrow Agreement dated as of April 15, 2004, between the City and the Trustee (the "Escrow Agreement"); (iii) the proposed form of Purchase Contract (the "Purchase Contract") between the City and the Purchaser, (iv) the proposed form of the Continuing Disclosure Agreement between the City and the Trustee (the "Disclosure Agreement"), and (v) the proposed form of the Preliminary Official Statement (the "Preliminary Official Statement") to be used by the Purchaser in connection with the offering of the 2004 Bonds;

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Improvement District No. 707 2004 Refunding Bond Ordinance" (the "Ordinance").

Section 2. 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 the District, including, but not limited to, the Refunding Project, and the issuance of the 2004 Bonds to provide funds to pay the costs of the Refunding Project be, and the same hereby are, ratified, approved and confirmed.

Section 3. To provide the funds for the Refunding Project, the City hereby authorizes the issuance of its local improvement bonds under the Act, the Bond Act and the Supplemental Bond Act, to be designated as the "City of Las Vegas, Nevada Special Improvement District No. 707 (Summerlin Area) Senior Local Improvement Refunding Bonds, Series 2004." The 2004 Bonds shall be in an aggregate principal amount, mature in the years and amounts, bear interest (including interest evidenced by supplemental interest coupons, if any (the "Registered Coupons")) and be subject to redemption as provided in a Certificate of the City Finance Director prior to the delivery of the 2004 Bonds. The 2004 Bonds and Registered Coupons shall be dated, shall be substantially in the forms and in the denominations and shall have the terms and provisions (including, without limitation, provisions relating to their registration, authentication and redemption) provided for in the Indenture. The 2004 Bonds are payable solely from the proceeds of the assessments against the specially benefited lots, tracts and parcels of land in the District and from the other sources set forth in the Indenture. The provisions of Sections 271.428, 271.495 and 271.500, Nevada Revised Statutes do not apply to the 2004 Bonds.

Section 4. The forms, terms and provisions of the Supplemental Indenture, the Escrow Agreement, the Disclosure Agreement, and the Purchase Contract are approved and the City shall enter into the Supplemental Indenture, the Escrow Agreement, the Disclosure Agreement and the Purchase Contract in the forms of such documents on file with the City Clerk, with only such changes therein, if any, as are approved by the City Treasurer of the City (the "City Treasurer"). The Mayor of the City (the "Mayor") is hereby authorized and directed to execute and deliver the Supplemental Indenture, the Escrow Agreement and the Disclosure Agreement and the City Clerk is hereby authorized and directed to affix the City seal to and to attest such documents. The City Finance Director is hereby authorized to execute and deliver the Purchase Contract.

Section 5. The forms, terms and provisions of the 2004 Bonds and Registered Coupons, in the forms contained in the Indenture, are approved, with only such changes therein, if any, as are not inconsistent with this Ordinance. The Mayor is hereby authorized and directed to execute the 2004 Bonds, the City Treasurer is hereby authorized and directed to countersign the 2004 Bonds and the City Clerk is hereby authorized and directed to affix the City seal to and to attest the 2004 Bonds. The City Treasurer is hereby authorized and directed to execute the Registered Coupons. Such signatures of the Mayor, the City Treasurer and the City Clerk and the seal of the City shall be by facsimile or manually affixed. In case any official whose signature should appear on any 2004 Bond or Registered Coupon shall cease to be such official before the delivery of such 2004 Bond or Registered Coupon, such signature shall nevertheless be valid and sufficient for all purposes, the same as if he or she had remained in office until delivery.

Section 6. The City hereby authorizes, ratifies and confirms the use of the Preliminary Official Statement by the Purchaser in connection with the offering of the 2004 Bonds and hereby approves the distribution by the Purchaser of a final Official Statement in connection with the offering of the 2004 Bonds, which final Official Statement shall be ~~substantially in the form of the Preliminary Official Statement with only such changes as shall be~~ approved in writing by the City Manager or any Deputy City Manager of the City.

Section 7. The officers of the City shall take all action in conformity with the Act necessary or reasonably required to effectuate the issuance of the 2004 Bonds and shall take all action necessary or desirable in conformity with the Act to acquire and improve the Refunding Project and to carry out, give effect to and consummate the transactions contemplated by this Ordinance, the Indenture, the Escrow Agreement, and the Purchase Contract, including without limitation the execution and delivery of any closing documents to be delivered in connection with the sale and delivery of the 2004 Bonds.

Section 8. This Ordinance is adopted by virtue of the Act, the Supplemental Bond Act and the Bond Act and pursuant to their provisions. The City has ascertained and hereby determines that each and every matter and thing as to which provision is made herein is necessary in order to carry out and to effectuate the purposes of the City in accordance with the Act, the Supplemental Bond Act and the Bond Act, and as provided in NRS 350.708 all

limitations in the Bond Act imposed upon the issuance of bonds or other securities thereunder have been met.

Section 9. The City has determined and does hereby declare:

- a. The estimated life or estimated period of usefulness of the improvements to be refinanced with the proceeds of the 2004 Bonds is not less than 13 years; and
- b. The 2004 Bonds shall mature at times not exceeding such estimated life or estimated period of usefulness.

Section 10. It is necessary and for the best interests of the City and the inhabitants thereof that the City effect the Refunding Project and defray the cost thereof by issuing the 2004 Bonds therefor; and it is hereby so determined and declared.

Section 11. 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, including but not limited to the performing of all prerequisites to the creation of the District, the determination of the specially benefited property therein, the implementation of the Refunding Project, the levy of assessments and the issuance and sale of the 2004 Bonds for that purpose, be, and the same hereby are, ratified, approved and confirmed.

Section 12. The City hereby elects to redeem the 2000 Subordinate Bonds on June 1, 2004 at a price equal to the principal amount thereof, plus accrued interest to the redemption date and plus a premium of 3% of the principal amount thereof. Notice of redemption shall be given in the name of and on behalf of the City by the Trustee in the time and the manner provided in the Indenture.

(FORM OF NOTICE OF PRIOR REDEMPTION)

NOTICE OF PRIOR REDEMPTION

OF

**CITY OF LAS VEGAS, NEVADA,
SPECIAL IMPROVEMENT DISTRICT NO. 707 (SUMMERLIN AREA)
SUBORDINATE LOCAL IMPROVEMENT REFUNDING BONDS,
2000 SERIES B**

MATURITY	CUSIP NUMBERS
2004	
2005	
2006	
2007	
2008	
2009	
2010	
2011	
2012	
2013	
2014	
2015	
2016	

NOTICE IS HEREBY GIVEN that the City of Las Vegas, Nevada (the "City") has caused to be deposited in escrow with Wells Fargo Bank, N.A., refunding bond proceeds and other moneys which have been invested (except for an initial cash balance remaining uninvested) in bills, notes, bonds, and similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States of America, to refund, pay, and discharge the principal, interest and prior redemption premiums on the outstanding "City of Las Vegas, Nevada, Special Improvement District No. 707 (Summerlin Area) Subordinate Local Improvement Refunding Bonds, 2000 Series B" (the "Refunded Bonds").

The Refunded Bonds are called for redemption on June 1, 2004. On such date the principal amount thereof, accrued interest thereon to the redemption date, and a premium equal to three percent (3.0%) of the principal amount of each Refunded Bond so redeemed will become due and payable at the principal corporate trust office of the Wells Fargo Bank, N.A., as trustee (the "Trustee"), and thereafter interest will cease to accrue.

According to a report pertaining to such escrow of _____, certified public accountants, the escrow, including the known

minimum yield from such investments and the initial cash balance remaining uninvested, is fully sufficient at the time of the deposit and at all times subsequently, to pay the principal, interest and prior redemption premiums on the Refunded Bonds as the same become due upon the redemption of the Refunded Bonds on June 1, 2004.

In compliance with the Comprehensive National Energy Policy Act of 1992 (H.R. 776) and Dividend Compliance Act of 1983, the Trustee is required to withhold at the current rate of withholding from payments of principal to individuals who fail to furnish valid Taxpayer Identification Numbers. A completed form W-9 should be presented with your Refunded Bond.

The CUSIP numbers have been assigned to this issue by Standard & Poor's Corporation and are included solely for the convenience of the bondholders. Neither the County nor the Trustee shall be responsible for the selection or use of the CUSIP numbers, nor is any representation made as to their correctness on the Refunded Bonds or as indicated in any redemption notice.

DATED on this April __, 2004.

WELLS FARGO BANK, N.A.
as Trustee

/s/

Title: _____

(End of Form of Notice of Prior Redemption and Defeasance)

Section 13. 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 14. When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper, printed, published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

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

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND
SALE BY THE CITY OF ITS SPECIAL IMPROVEMENT
DISTRICT NO. 707 (SUMMERLIN AREA) SENIOR LOCAL
IMPROVEMENT REFUNDING BONDS, SERIES 2004.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of
typewritten copies of the above-numbered and entitled proposed Ordinance are available for
public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her
office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was
proposed on the April 7, 2004, and will be considered for adoption at the a regular meeting of the
City Council of the City of Las Vegas held on April 21, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

Section 15. 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 Councilmembers voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper printed, published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

ORDINANCE NO. ____
(of Las Vegas, Nevada)

AN ORDINANCE AUTHORIZING THE ISSUANCE AND
SALE BY THE CITY OF ITS SPECIAL IMPROVEMENT
DISTRICT NO. 707 (SUMMERLIN AREA) SENIOR LOCAL
IMPROVEMENT REFUNDING BONDS, SERIES 2004.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed
on April 7, 2004, and was passed at the meeting held on April 21, 2004, by the following vote of
the City Council:

Those Voting Aye:

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

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the ____ day of
April, 2004, i.e., the day after the publication of such Ordinance by its 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.

DATED this ____ day of April, 2004.

Attest:

/s/ Oscar B. Goodman
Mayor

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 16. 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.

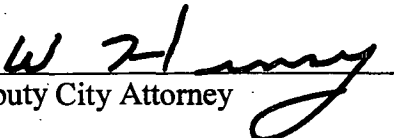
Adopted April 21, 2004.

Oscar B. Goodman, Mayor

Attest:

Barbara Jo Ronemus, City Clerk

The ordinance has been reviewed by the Deputy City Attorney:



Deputy City Attorney

This Ordinance shall be in full force and effect from and after April __, 2004, i.e.,
the day after the publication of such Ordinance by its title only.

STATE OF NEVADA
CITY OF LAS VEGAS

)
)ss.
)

I, Barbara Jo Ronemus, the duly chosen, qualified and acting Clerk of 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 which was introduced at the meeting of the City Council of the City (the "Council") on April 7, 2004 and finally adopted and approved on April 21, 2004.

(2) The following members of the Council were present at the April 7, 2004 Council meeting:

Mayor:
Councilmembers

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

(3) The foregoing Ordinance was first proposed and read by title to the City Council on April 7, 2004, and referred to a committee composed of _____ for recommendation; thereafter said committee reported favorably on said Ordinance on April 21, 2004, which was a regular meeting of said Council; that as said regular meeting, the proposed Ordinance was again read by title to the Council and adopted. The members of the Council were present at the April 21, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

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

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 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 Council were given due and proper notice of the meetings held on April 7, 2004 and April 21, 2004.

(6) Pursuant to NRS Section 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:

- (a) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (b) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (c) Las Vegas-Clark County Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (d) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada
- (e) Grant Sawyer Building
555 E. Washington Avenue
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.

(7) A copy of the notice of each meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to each meeting.

(8) Copies of the notice of each such meeting as posted and mailed are attached hereto as Exhibits A and B.

(9) A copy of the affidavit of publication of notice of deposit of the Ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the Ordinance is attached to this certificate as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this April __, 2004.

City Clerk



(SEAL)

EXHIBIT A

(Notice of April 7, 2004 City Council Meeting)

EXHIBIT B

(Notice of April 21, 2004 City Council Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Deposit of the Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-28 – Updates the description of the City ward boundaries to reflect annexations, as well as other changes made by the Clark County Election Department in the numbering and description of election precincts. Proposed by: Barbara Jo Ronemus, City Clerk

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill is a housekeeping measure to update the description of the City ward boundaries to reflect annexations, as well as other changes made by the Clark County Election Department in the numbering and description of election precincts.

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. 2004-28

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

BILL NO. 2004-28

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE THE DESCRIPTION OF THE CITY WARD BOUNDARIES TO REFLECT ANNEXATIONS, AS WELL AS OTHER CHANGES MADE BY THE CLARK COUNTY ELECTION DEPARTMENT IN THE NUMBERING AND DESCRIPTION OF ELECTION PRECINCTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Barbara Jo Ronemus, City Clerk

Summary: Updates the description of the City ward boundaries to reflect annexations, as well as other changes made by the Clark County Election Department in the numbering and description of election precincts.

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

SECTION 1: Title 1, Chapter 16, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.010: The City shall be divided into six wards, numbered 1, 2, 3, 4, 5 and 6 as set out in this Chapter. The wards are described by precinct number, with precinct numbers being assigned by the Clark County Election Department. Unrelated to ward boundary changes that the City Council undertakes from time to time pursuant to Section 1.130 of the City Charter, the Clark County Election Department periodically revises precinct numbers and descriptions based upon the annexation of property into the City and other logistical considerations. Because of these ongoing revisions by the Election Department, the listing of precinct numbers in this Chapter at any given time may not be entirely current, but the listing will be updated from time to time as is deemed warranted.

SECTION 2: Title 1, Chapter 16, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.020: Ward No. 1 shall consist of that area of the City which is encompassed within election precinct numbers 3120, 3127, 3301, 3302, 3308, 3309, 3310, 3311, 3312, 3320, 3321, 3322, 3323, 3326, 3353, 3354, 3900, [3901,] 4325, 4350, 4351, 4352, 4353, [4354,] 4355, 4356, 4901, 5014, 6013, 6031, 6034, 6333, 6351, 6352, 6353, 6354, 6355, 6360, 6361, 6362, 6363, 6364, 6365, 6370, 6371, 6372, 6373, 6374, 6375, 6384, 6385, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6400, 6401, 6402 and 6403.

1 SECTION 3: Title 1, Chapter 16, Section 30, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **1.16.030:** Ward No. 2 shall consist of that area of the City which is encompassed within election
4 precinct numbers 2306, 2311, 2312, 2461, 3089, 3090, 3129, 3130, 3225, 3227, 3228, 3229, 3340,
5 3341, 3342, 3343, 3344, 3345, 3350, 3351, 3352, 3355, 3360, 3361, 3362, 3363, 3364, 3365, 3366,
6 3370, 3371, 3372, 3373, 3374, 3375, 3380, 3381, 3382, 3386, 3541, 3544, 6343, 6344, 6345, 6350,
7 6380, 6381, 6382 and 6383.

8 SECTION 4: Title 1, Chapter 16, Section 40, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 **1.16.040:** Ward No. 3 shall consist of that area of the City which is encompassed within election
11 precinct numbers 4050, 4360, 4361, [4362,] 4363, 4364, 4365, 4370, 4371, 4372, 4373, 4374, 4375,
12 4376, 4380, 4381, 4382, 4383, 4384, 4385, 5003, 5300, 5310, [5311,] 5312, 5313, 5315, 5316, 5320,
13 5350, 5351, 5352, 5356, 5383, 5384, 5385, 5901, 5902, 7370, 7371, 7372 and 7373.

14 SECTION 5: Title 1, Chapter 16, Section 50, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **1.16.050:** Ward No. 4 shall consist of that area of the City which is encompassed within election
17 precinct numbers 2300, 2301, 2302, 2303, [2304,] 2305, 2307, 2310, 2313, 2314, 2321, 2342, 2900,
18 3034, 3035, 3036, 3037, 3038, 3040, 3041, 3042, 3214, 3217, 3219, 3220, 3383, 3384, 3385, 3390,
19 3391, 3392, 3393, 3394, 3395, 3396, 3400, 3401, 3402, 3403, 3404, [3405,] 3410, 3411, 3412, 3413,
20 3414, 3415, 3420, 3421, 3422, 3423, 3424, 3425, 3430, 3431, 3432, 3434, 3435, 3436, 3442, 3443,
21 3446, 3450, 3451, 3452, 3454 and 3903.

22 SECTION 6: Title 1, Chapter 16, Section 60, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **1.16.060:** Ward No. 5 shall consist of that area of the City which is encompassed within election
25 precinct numbers 2050, 2327, 2332, 2333, 2349, 2450, 2451, 2452, 2453, 4028, 4031, 4035, 4040,
26 4320, 4321, 4324, 4330, 4331, 4332, 4340, 4341, 4342, 4343, 4344, 4345, [4346,] 4347, 4386, 4387,
27 4450, 4451, 4452, 4453, 4455, 4460, 4461, 4462, 4463, 4464, 4465, 4466, [4902,] 6300, 6301, 6302,
28 6303, 6311, 6312, [6313,] 6314, 6320, 6322, 6323, 6325, 6330, 6331, 6332, 6334, 6339 and 6340.

1 SECTION 7: Title 1, Chapter 16, Section 70, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

3 **1.16.070:** Ward No. 6 shall consist of that area of the City which is encompassed within election
4 precinct numbers 2037, 2044, 2047, 2048, 2052, 2322, 2323, 2324, 2325, 2326, 2328, [2330,] 2331,
5 2338, 2341, 2344, 2345, 2346, 2350, 2351, 2352, 2353, 2354, 2355, 2454, 2455, 2460, 2462, 2901,
6 [2902,] 2947, 2948, 3453, 3463, 3464, 3465, 3466, 3470, 3471, 3472, [3475, 3476,] 3481, 3482, 3483,
7 3485, 3486, 3490, 3491, 3494, 3495, 3500, 3501, 3502, 3505, 3506, 3507, 3508, 3510, 3514, 3520,
8 3524, 3525, 3526, 3527, 3528, 3530, 3545, [3956,] 3961, 3965, 6305, 6310, 6341 and 6342.

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

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

20 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

21 APPROVED:

22
23 By _____
24 OSCAR B. GOODMAN, Mayor

25 ATTEST:

26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 Val Steed 3-25-04
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2004, 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 _____, 2004, 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: _____

11

12

APPROVED:

13

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
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-29 – Authorizes the issuance of the City of Las Vegas General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004 - Various Wards

Fiscal Impact

☒

No Impact

Amount: Max principal of \$23,000,000

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source: sewer system revenues

PURPOSE/BACKGROUND:

This bill will authorize the issuance of the City of Las Vegas, Nevada General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004. The refunding will reduce the interest rate currently being paid on the Sewer Bonds (Additionally Secured by Pledged Revenues) Series 1997A.

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. 2004-29

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

4/19/2004 Recommending Committee

4/21/2004 Council Agenda

(10:39 – 10:41)

2-151

THE MORNING SESSION RECESSED AT 11:08 A.M.

Summary - An ordinance authorizing the issuance by the City of Las Vegas of its General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004, and providing other matters relating thereto.

BILL NO. 2004-29
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

WHEREAS, the City now owns and operates a municipal sanitary sewer system (the "Sewer System"); and

WHEREAS, pursuant to the Charter, pursuant to chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being ' ' 350.500 through 350.720, NRS, and all laws amendatory thereof (the "Bond Act"), the City is authorized to borrow money and to issue general obligation bonds of the City for the purpose of refunding, paying and discharging outstanding bonds for interest rate savings or to effect other economies; and

WHEREAS, if the City Finance Director determines that it is necessary and in the best interests of the City and its citizens to refund certain of the City's outstanding City of Las

Vegas, Nevada General Obligation (Limited Tax) Sewer Bonds (Additionally Secured by Pledged Revenues), Series 1997A (the "December 1997 Bonds" and the "Project"), after notice inviting bids for the purchase of the City of Las Vegas, Nevada General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004 (the "Bonds" or the "2004 Bonds"), the City Finance Director, as the chief financial officer of the City, or in his absence, the City Manager, is hereby authorized to receive and publicly receive bids and sell the Bonds to the best bidder therefor (the "Purchaser"), and the City Finance Director, or in his absence, the City Manager, is hereby authorized to specify which December 1997 Bonds, if any, will be refunded (the "Refunded Bonds"), accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") such rates not to exceed three percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Bonds plus a premium or less a discount not to exceed 9 percent of the principal amount of the Bonds, all as specified by the City Finance Director in a certificate dated on or before the date of issuance of the Bonds (the "Certificate of the Finance Director"); and

WHEREAS, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

WHEREAS, the Council has determined and hereby declares:

A. It is necessary and for the best interests of the City to effect the Project and to issue the Bonds;

B. Each of the limitations and other conditions to the issuance of the Bonds in the Charter, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to 350.708, Bond Act, this determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

C. This ordinance pertains to the sale, issuance and payment of the Bonds; this declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of NRS ' 350.579(2); and

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2004 Sewer Refunding Bond Ordinance."

SECTION 2. Definitions. The terms in this section and in the preambles hereof defined for all purposes of this Ordinance and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document relating hereto, except where the context by clear implication otherwise requires, shall have the meanings in this section and in said preambles specified:

"Bond Requirements" means the principal of, interest on and any prior redemption premiums due in connection with the Bonds.

"Bond Year" means the 12 month period commencing on November 2 of a calendar year and ending on November 1 of the following calendar year.

"Commercial Bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation, including without limitation "trust bank" as herein defined.

"Federal Government" means the United States, or any agency, instrumentality or corporation thereof.

"Federal Securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States.

"General Taxes" means general (ad valorem) taxes levied by the City against all taxable property within the boundaries of the City (unless otherwise qualified).

"Gross Revenues" means all income and revenues derived directly or indirectly by the City from the operation and use and otherwise pertaining to the Sewer System or any part thereof, whether resulting from repairs, enlargements, extensions, betterments or other improvements to the

Sewer System, or otherwise, and includes all revenues received by the City from the Sewer System, including, without limitation, all fees, rates, and other charges for the use of the Sewer System, or for any service rendered by the City in the operations thereof, directly or indirectly, the availability of any such service or the sale or other disposal of any commodity derived therefrom, but excluding any moneys borrowed and used for the acquisition of capital improvements and any moneys received as grants, appropriations or gifts from the United States, the State or other sources, the use of which is limited by the grantor or donor to the construction of capital improvements for the Sewer System, except to the extent any such moneys shall be received as payments for the use of the Sewer System, services rendered thereby, the availability of any such service or the disposal of any such commodities. "Gross Revenues" shall also include all income or other gain from the investment of such income and revenues and of the proceeds of securities payable from Gross Revenues or Net Revenues. "Gross Revenues" shall not include revenues derived by the city from special assessments, or the levy thereof, against any tract of land specially benefited by any sanitary sewer project, to defray wholly or in part the cost of the sanitary sewer project.

"Net Revenues" means the Gross Revenues remaining after the deduction of Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining and repairing the Sewer System, including, without limitation:

- (a) engineering, auditing, reporting, legal and other overhead expenses relating to the administration, operation and maintenance of the Sewer System;
- (b) fidelity bond and property and liability insurance premiums pertaining to the Sewer System or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the Sewer System;
- (c) payments to pension, retirement, health and hospitalization funds, and other insurance and to any self-insurance fund as insurance premiums not in excess of such premiums which would otherwise be required for such insurance;
- (d) any general taxes, assessments, excise taxes or other charges which may be lawfully imposed upon the City, the Sewer System, revenues therefrom or the

City's income from or operations of any properties under its control and pertaining to the Sewer System, or any privilege in connection with the Sewer System or its operations;

(e) the reasonable charges of any Paying Agent or Registrar and any other depository bank pertaining to the Bonds or any other securities payable from Gross Revenues or otherwise pertaining to the Sewer System;

(f) contractual services, professional services, salaries, other administrative expenses and costs of materials, supplies, repairs and labor pertaining to the Sewer System or to the issuance of the Bonds as herein defined, or any other securities relating to the Sewer System, including, without limitation, the expenses and compensation of any receiver or other fiduciary under the Bond Act;

(g) the costs incurred by the City Council in the collection and any refunds of all or any part of Gross Revenues;

(h) any costs of utility services furnished to the Sewer System;

(i) any lawful refunds of any Gross Revenues; and

(j) all other administrative, general and commercial expenses pertaining to the Sewer System including, without limitation, any payments of arbitrage rebate to the United States required by Section 148 of the Tax Code;

but excluding:

(i) any allowance for depreciation;

(ii) any costs of extensions, enlargements, betterments and other improvements, or any combination thereof;

(iii) any reserves for major capital replacements, other than normal repairs;

(iv) any reserves for operation, maintenance or repair of the Sewer System;

(v) any allowance for the redemption of any Bond or other security or the payment of any interest thereon or any prior redemption premium due in connection therewith;

(vi) any liabilities incurred in the acquisition or improvement of any properties comprising any project or any existing facilities, or any combination thereof, pertaining to the Sewer System, or otherwise; and

(vii) any liabilities imposed on the City for any legal liability not based on contract, including, without limitation, negligence in the operation of the Sewer System.

"Outstanding" when used with reference to the Bonds or any other designated securities payable from Net Revenues and as of any particular date means all of the Bonds in any manner theretofore and thereupon being executed and delivered:

(a) Except any bond or other security canceled by the City, the Registrar, Paying Agent, or otherwise on the City's behalf, at or before such date;

(b) Except any bond or other security for the payment or the redemption of which moneys at least equal to its Bond Requirements to the date of maturity or to any applicable Redemption Date shall have heretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in Section 55 hereof; and

(c) Except any bond or other security in lieu of or in substitution for which another Bond or other security shall have been executed and delivered.

"Parity Securities" means securities of the City pertaining to the Sewer System and payable from and secured by Net Revenues on a parity with the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Paying Agent" means the Treasurer of the City or any successor thereto as paying agent for the Bonds appointed by the City Council.

"Person" means a corporation, firm, other body corporate (including, without limitation, the Federal Government, the State or any other body corporate and politic other than the City), partnership, association or individual, and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

"Redemption Date" means a date fixed for the redemption prior to their respective maturities of any Bonds or other designated securities payable from any Net Revenues in any notice of prior redemption or otherwise fixed and designated by the City.

"Redemption Price" means, when used with respect to a Bond or other designated security payable from any Net Revenues, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the security's terms.

"Registrar" means the Treasurer of the City or any successor thereto as registrar for the Bonds appointed by the City Council.

"Sewer System" means the sanitary sewer system of the City, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City through purchase, construction or otherwise, and used in connection with such system of the City, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial waste, including, without limitation, sewage improvements, sewage purification, treatment and disposal works, appurtenant machinery, apparatus, structures, buildings and related or appurtenant furniture, fixtures and other equipment, as such system is from time to time extended, bettered or otherwise improved, or any combination thereof.

"Subordinate Securities" means securities of the City pertaining to the Sewer System and payable from and secured by Net Revenues subordinate and junior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Tax Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and the applicable regulations and rulings thereunder.

Other capitalized terms used herein shall have the meanings given to such terms in the text hereof, except where the context by clear implication otherwise requires.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds, not inconsistent with the terms and conditions herewith, is hereby ratified, approved and confirmed.

SECTION 4. Estimated Life of Facilities. The Council, on behalf of the City, has determined and does hereby declare:

A. The estimated life or estimated period of usefulness of the improvements acquired with the proceeds of the Refunded Bonds is not less than 21 years from the date of their issuance; and

B. The Bonds shall mature at such time or times not exceeding such estimated life or estimated period of usefulness.

SECTION 5. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 6. Authorization of Project and Acceptance of Bond Purchase Proposal. The Council hereby authorizes the Project, and pursuant to NRS 350.810 and MSRB Rule G-23, the Council hereby consents to receiving a bid on the Bonds from Zions First National Bank, and this consent shall constitute a written agreement as required by NRS 350.810. The Finance Director, or in his absence the City Manager, is authorized to accept the Bond Purchase Proposal submitted by the Purchase for the purchase of the Bonds as set forth herein.

SECTION 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their issue or maturity, shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. General Obligations. All of the Bonds, as to the Bond Requirements, shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment. So far as possible, Bond Requirements shall be paid from Net Revenues of the Sewer System (the "Pledged Revenues"). However, the Bonds as to all Bond Requirements shall also be

payable from general (ad valorem) taxes (the "General Taxes") (except to the extent that other moneys such as Net Revenues are available therefor) as herein provided.

SECTION 10. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 11. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bonds and as a part of the consideration of its issuance specially waived and released.

SECTION 12. Authorization and Sale of Bonds. For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue its "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004", in the aggregate principal amount necessary to effect the Project (not to exceed \$23,000,000). The Bonds shall be sold to the Purchaser designated in the Certificate of the Finance Director, and the City Finance Director is authorized to execute the Bond Purchase Proposal in accordance with the provisions of NRS 350.105 to 350.185, inclusive, and in accordance with the provisions of this Ordinance.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form, i.e., registered as to both principal and interest. The Bonds shall be dated initially as of the first day of the month of the date of their delivery, and except as otherwise provided in Section 18 hereof, shall be issued in denominations of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued with more than one maturity). The Bonds shall be numbered from 1 upward. The Bonds shall bear interest from their date until their respective maturity dates (or, if redeemed

prior to maturity as provided below, their redemption dates) at the respective rates set forth in the Certificate of the Finance Director, payable on May 1 and November 1 of each year commencing November 1, 2004; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth below from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts set forth in the Certificate of the Finance Director (not to exceed 21 years from the date of issuance of the Bonds).

The principal of and redemption premium, if any, on any Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Treasurer of the City, in Las Vegas, Nevada, as registrar for the Bonds (the "Registrar"), upon maturity or prior redemption thereof and upon presentation and surrender at the office of the Treasurer of the City, in Las Vegas, Nevada, as paying agent for the Bonds (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full. Except as otherwise provided in Section 18 hereof, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the 15th day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration books of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date

of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 14. Prior Redemption; Partial Redemption.

A. Optional Redemption or Prepayment. Bonds, or portions thereof (\$5,000 or any integral multiple), maturing on and after the date specified in the Certificate of the Finance Director, shall be subject to redemption prior to their respective maturities, at the option of the City, at any time on and after the date specified in the Certificate of the Finance Director, in whole or in part from any maturities selected by the City and by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to the principal amount of each bond, or portion thereof, so redeemed, accrued interest thereon to the redemption date, and a premium, if any, as provided in the Certificate of the Finance Director.

B. Mandatory Redemption. The Bonds set forth in the Certificate of the Finance Director, if any (the "Term Bonds"), shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Principal Account on or before the principal payment date, of the years set forth in the Certificate of the Finance Director, a sum which, together with other moneys available in the Principal Account, is sufficient to redeem (after credit is provided below) on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the Finance Director plus accrued interest to the redemption date.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot or in such other manner as the Registrar may determine) from all

Outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in Section 15 of this Ordinance.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof (\$5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof (\$5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 18 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

C. Partial Redemption. In the case of Bonds in a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, except as otherwise provided in Section 18 hereof, without charge to the owner of such Bond, authenticate and issue a

replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to Subsections A or B of this Section, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, except as otherwise provided in Section 18 hereof, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as deemed adequate by the Registrar, and any Bond or Bonds issued in exchange for, or to replace, any Bond or Bonds so called for prior redemption shall likewise be stamped or otherwise identified.

SECTION 15. Notice of Redemption. Unless waived by any owner of Bonds to be redeemed for purchase, official notice of any such redemption shall be given by the Registrar, on behalf of the City, by mailing a copy of an official redemption notice by registered or certified mail so long as Cede & Co. is the registered owner of the Bonds and the Municipal Securities Rulemaking Board ("MSRB") and otherwise by first class mail, postage prepaid, at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond register or at such other address as is furnished in writing by such registered owner to the Registrar. Actual receipt of mailed notice by any owner of Bonds or the MSRB shall not be a condition precedent to redemption of such Bond or Bonds. Failure to give such notice to the MSRB or the registered owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bonds. A certificate by the Registrar that such notice has been given as herein provided shall be conclusive against all parties.

All official notices of redemption shall be dated and shall state:

- (1) the redemption date,
- (2) the purchase prices,
- (3) the identification by maturity (and, in the case of partial redemption of a maturity, other appropriate identification) of the Bonds to be redeemed,

(4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Paying Agent (accrued interest to the redemption date being payable by mail or as otherwise provided in this Ordinance).

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be cancelled by written notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 16. Negotiability. The Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 17. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 18 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charge shall be levied in the case of an exchange resulting from an optional prior redemption of a bond.

B. The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business fifteen (15) days before the date of mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the date of such mailing, or (ii) any Bond, or any portion thereof, after the mailing of such notice as herein provided.

C. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in Section 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her

legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured or shall have been called for redemption, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council, upon request.

SECTION 18. Custodial Deposit.

A. Notwithstanding the foregoing provisions of Sections 13 to 17 hereof, the Bonds shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or, in the case of the Bonds subject to mandatory sinking fund redemption, the Bonds shall initially be evidenced by one Bond for each term in denominations equal to the aggregate principal amount of the Bonds maturing in that term. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in subsection 3 of NRS ' 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City of another depository institution acceptable to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in subsection 3 of NRS ' 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository;

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity or, in the case of the Bonds subject to mandatory sinking fund redemption, for each term of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the

denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City, the Registrar and the Paying Agent shall have no responsibility for transmitting payments or notices to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The City, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

E. Upon any partial redemption of any maturity of the Bonds, Cede & Co. (or its successor) in its discretion may request the City to issue and authenticate a new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

SECTION 19. Execution and Authentication.

A. Prior to the execution of any Bonds by facsimile signature and pursuant to ' 350.638, Bond Act, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer (the

"Treasurer") and the City Clerk (the "Clerk") shall each file with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be countersigned and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

SECTION 20. Incontestable Recital. Pursuant to ' 350.628 of the Bond Act, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

SECTION 21. State Tax Exemption. Pursuant to ' 350.710, Bond Act, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

SECTION 22. Bond Form. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS
(ADDITIONALLY SECURED BY PLEDGED REVENUES)
SERIES 2004

No. _____

\$ _____

Interest Rate

Maturity Date

Dated As of

CUSIP

___% per annum

_____, 1, ____

_____, 1, 2004

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

DOLLARS

The City of Las Vegas, Nevada, in Clark County, in the State of Nevada (the "City", "County", and the "State", respectively) for value received, hereby acknowledges itself to be indebted and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above (unless called for earlier redemption), and to pay interest thereon on May 1 and November 1 of each year, commencing on November 1, 2004, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for or, if such payment date is not a business day, on the next succeeding business day. This bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of the initial delivery of the series of bonds of which this bond is one (the "Bond"). The principal of and redemption premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds or any successor (the "Paying Agent"), presently the Treasurer of the City, in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed to the person in whose name this Bond or any predecessor bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the 15th day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a

special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the Ordinance of the City Council of the City (the "Council") authorizing the issuance of the Bonds and designated in Section 1 thereof as the "2004 Sewer Refunding Bond Ordinance" (the "Ordinance"), duly adopted by the Council on April 21, 2004. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar. If this Bond is not paid upon presentation at its maturity, interest at the rate specified above shall continue to be borne hereby until the principal hereof is discharged as provided in the Ordinance.

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of refunding certain outstanding bonds of the City (the "Project"), under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); pursuant to Nevada Revised Statutes ("NRS") ' ' 350.500 through 350.720, and all laws amendatory thereof designated in ' 350.500 thereof as the Local Government Securities Law (the "Bond Act"); pursuant to NRS ' 350.105 to 350.195, inclusive; pursuant to NRS chapter 348 (the "Supplemental Bond Law"); and pursuant to NRS ' ' 268.672 through 268.740, inclusive (the "City Bond Law"); pursuant to ' 350.628 of the Bond Act, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to ' 350.710 of the Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

[The Bonds, or portions thereof, maturing on and after November 1, 20__, are subject to redemption prior to their respective maturities, at the option of the City, on and after November 1, 20__, in whole or in part at any time from any maturity or maturities selected by the Council and by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date.]

Redemption shall be made upon not less than 30 days' prior mailed notice in the manner and upon the conditions provided in the Ordinance. If this Bond is called for redemption and payment is duly provided for as specified in the Ordinance, interest shall cease to accrue hereon from and after the date fixed for redemption.

Certain of the Bonds shall be subject to mandatory sinking fund redemption.

It is hereby certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this Bond; that the total indebtedness of the City, including that of this Bond does not exceed any limit of indebtedness prescribed by the Constitution or by the laws of the State or the Charter of the City; that provision has been made for the levy and collection of annual general (ad valorem) taxes ("General Taxes") against all the taxable property within the City sufficient to pay the principal of, interest on, and any prior redemption premiums due on this Bond (the "Bond Requirements") when the same become due (except to the extent other revenues are available therefor), subject to the limitations imposed by the Constitution and by the statutes of the State; and that the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of Bond Requirements of this Bond according to its terms.

Payment of the principal of and interest on the Bonds are additionally secured by a pledge of the net revenues (herein called the "Net Revenues") derived by the City from the operation and use of, and otherwise pertaining to, the sanitary sewer system of the City, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City, through purchase, construction or otherwise, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, including, without limitation, sewerage improvements, sewage purification, treatment and disposal works, and appurtenant machinery, apparatus, structures, and buildings, and related or appurtenant furniture, fixtures and other equipment or any combination thereof (herein called the "Sewer System"), whether resulting from extensions, enlargements, repairs, betterments or other improvements to the Sewer System, or otherwise, but excluding (1) moneys raised for capital improvements, and (2) grants, appropriations or gifts for limited uses, and after provision is made for the payment of all necessary and reasonable operation and maintenance expenses of the Sewer System, which Net Revenues are so pledged as more specifically provided in the Ordinance.

The Bonds are equally and ratably secured by such pledge of the Net Revenues, and such pledge constitutes an irrevocable lien (but not necessarily an exclusively lien) upon the Net Revenues. Additional securities may be issued and made payable from the Net Revenues of the Sewer System and having a lien thereon subordinate to or on a parity with such pledge, in each case subject to the conditions of and in accordance with the Ordinance.

Reference is made to the Ordinance and to the Bond Act, for an additional description of the nature and extent of the security for the Bonds, the accounts, funds, or revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the registered owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued, and a statement of rights, duties, immunities, and obligations of the City, and other rights and remedies of the owners of the Bonds.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be amended or otherwise modified by action of the City taken in the manner and

subject to the conditions and exceptions prescribed in the Ordinance. The pledge of Net Revenues under the Ordinance may be discharged at or prior to the respective maturities or prior redemption of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

This Bond shall not be entitled to any benefit under the Ordinance, or be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance. Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation (ADTC@), to the District or its agent for registration of transfer, exchange, or payment, and any bond issued is registered in the name of Cede & Co., (or in such other name as is requested by an authorized representative of DTC) ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Upon any partial prior redemption of the Bond, Cede & Co., in its discretion may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to prepayment.

No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, in the County of Clark and State of Nevada has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor, to be attested, signed and executed with a manual or facsimile signature of the City Clerk, has caused a manual or facsimile impression of the seal of the City to be affixed hereon, and has caused this Bond to be countersigned with the manual or facsimile signature of the City Treasurer, all as of _____ 1, 2004.

CITY OF LAS VEGAS, NEVADA

By: (Manual or Facsimile Signature)
Mayor
Las Vegas, Nevada

Countersigned:

(MANUAL OR FACSIMILE CITY SEAL)

(Manual or Facsimile Signature)
City Treasurer
Las Vegas, Nevada

Attest:

(Manual or Facsimile Signature)
City Clerk
Las Vegas, Nevada

* Insert only if Certificate of Finance Director designates any of the Bonds as term Bonds.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication
and registration _____

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

CITY OF LAS VEGAS, NEVADA
CITY TREASURER,
as Registrar

By _____ Manual Signature
Authorized Officer
or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

(Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid by the City of Las Vegas, Nevada, in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

<u>Date of</u> <u>Prepayment</u>	<u>Principal</u> <u>Amount</u> <u>Prepaid</u>	<u>Signature of</u> <u>Authorized</u> <u>Representative of DTC</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(End of Form of Prepayment Panel)

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and hereby irrevocably constitutes and appoints _____ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

Name of Transferee:

Address of Transferee:

Social Security or other tax
identification number of
Transferee:

NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

(End of Form of Assignment for Bonds)

SECTION 23. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the City Treasurer, and the City Clerk at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 24. Deposit of Proceeds. The City Treasurer shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to ' 350.648, Bond Act, the Bond proceeds received from the sale of the Bonds as accrued interest on the Bonds and as any premium, if not needed for the cost of the Project, shall be deposited into the Interest Account, hereinafter created.

B. Second, an amount sufficient from the proceeds of the Bonds, together with other available moneys of the City, shall be deposited into a special account (the "Escrow Account") to be held by BNY Western Trust Company (the "Escrow Bank") pursuant to the agreement between the City and the Escrow Bank (the "Escrow Agreement") and shall be applied solely to the Project as set forth in the Escrow Agreement. After completion of the Project, or after adequate provision is made therefore, any unexpended balance of Bond proceeds in the Escrow Account shall be deposited into the Principal Account or the Interest Account to be used to pay the principal of and interest on the Bonds.

C. Third, the balance of the proceeds received from the sale of the Bonds shall be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004, Cost of Issuance Account" (the "Cost of Issuance Account") to be held by the City. Moneys in the Cost of Issuance Account shall be used solely to defray wholly or in part the cost of issuance of the Bonds. After the Project is complete and after all expenses have been

paid or adequate provision therefor is made, pursuant to ' 350.650 Bond Act, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Cost of Issuance Account shall be deposited into the Principal Account or Interest Account hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 25. Completion of Project. The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project with due diligence to the best of the City's ability hereinabove provided.

SECTION 26. Use of Investment Gain. Pursuant to ' 350.658, Bond Act, and except as may otherwise be required herein, any gain from any investment and any reinvestment of any proceeds of the Bonds (except gain from any investment or reinvestment of proceeds of the Bonds deposited in the Escrow Account) shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Cost of Issuance Account to the extent necessary to pay the cost of issuance of the Bonds, and thereafter, shall be deposited to the Principal Account or Interest Account, hereinafter created, for the payment of the principal of or interest on the Bonds or any combination thereof.

SECTION 27. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. Neither the Purchaser, any associate thereof, nor any subsequent owner of any Bond shall in any manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys referred to in this Ordinance.

SECTION 28. General Tax Levies. So far as possible, the Bond Requirements of the Bonds shall be paid from Net Revenues of the Sewer System (herein defined). However, pursuant to ' 350.596, Bond Act, the principal and interest falling due on the Bonds at any time when there are not on hand sufficient funds to pay same shall be paid out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements

on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there are hereby created separate accounts designated respectively as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004, Principal Account" (the "Principal Account") and the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004, Interest Account" (the "Interest Account"; collectively, the "Bond Fund"). Pursuant to ' ' 350.592 and 350.594, Bond Act, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installments of principal and interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay, retire and redeem the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to such separate accounts for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS ' 361.453 and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the City.

SECTION 29. Priorities for Bonds. As provided in NRS ' 361.463, in any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS ' 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The

General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS ' 361.453.

SECTION 30. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Principal Account and in the Interest Account, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 31. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to ' 350.596, Bond Act.

SECTION 32. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes but including Net Revenues as herein defined) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, fall due, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to ' 350.598, Bond Act.

SECTION 33. Legislative Duties. In accordance with ' 350.592, Bond Act, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 34. Appropriation of General Taxes. In accordance with ' 350.602, Bond Act, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements for the Bonds have been wholly paid.

SECTION 35. Pledge of Net Revenues. Subject only to the provisions of this Ordinance permitting the application thereof for or to the purposes and on the terms and conditions set forth herein, there are hereby additionally pledged to secure the payment of principal of and interest on the Bonds in accordance with their terms and the provisions of this Ordinance, all of the Net Revenues (as herein defined) of the Sewer System. This pledge shall be valid and binding from and after the date of the delivery of the Bonds to the Purchaser; and the Net Revenues, as received by the City shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing or further act; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City (except as herein otherwise provided) irrespective of whether such parties have notice thereof. The lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any and all other obligations and liabilities of the City payable from the Net Revenues, except as herein otherwise provided.

SECTION 36. Revenue Fund. So long as any of the Bonds shall be Outstanding, the entire Gross Revenues (as herein defined), upon their receipt from time to time by the City, shall be set aside and credited immediately to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Sanitary Sewer System Gross Revenues Fund" (the "Revenue Fund"). So long as any of the Bonds hereby authorized shall be Outstanding, the Revenue Fund shall be administered and the moneys on deposit therein shall be applied in the order of priority specified in Sections 37 through 42.

SECTION 37. Operation and Maintenance Fund. First, from time to time there shall be transferred and credited to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Sanitary Sewer System Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), moneys sufficient to pay Operation and Maintenance Expenses

(as hereinafter defined), as budgeted and approved in accordance with law, as such expenses become due and payable, and thereupon they shall be promptly paid. Any surplus remaining in the Operation and Maintenance Fund at the end of the fiscal year of the City and not needed for Operation and Maintenance Expenses shall be transferred to the Revenue Fund.

SECTION 38. Interest Account. Second, from any moneys thereafter remaining in the Revenue Fund, i.e., from the Net Revenues, there shall be transferred and credited to the Interest Account, the Interest Account created for payment of the bonds (the "1992 Bonds") authorized by Ordinance No. 3641, the Interest Account created for the payment of the bonds (the "January 1997 Bonds") authorized by Ordinance No. 4047 of the City, the Interest Account created for the payment of the bonds (the "December 1997 Bonds") authorized by Ordinance No. 5027 of the City, the Interest Account created for the payment of the bonds (the "2001 Bonds") authorized by Ordinance No. 5298 of the City, the Interest Account created for the payment of the bonds (the "2002 Bonds") authorized by Ordinance No. 5531 of the City, and to any other fund or account established for the payment of interest on any other Parity Securities monthly, commencing the first day of the month immediately succeeding the delivery to the Purchaser of the Bonds, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) the amount necessary to pay the installment of interest next due on the Bonds and such Parity Securities.

SECTION 39. Principal Account. Third, from any moneys thereafter remaining in the Revenue Fund, there shall be transferred and credited to the Principal Account, the Principal Account created for payment of the 1992 Bonds, the Principal Account created for the payment of the January 1997 Bonds, the Principal Account created for the payment of the December 1997 Bonds, the Principal Account created for the payment of the 2001 Bonds, the Principal Account created for the payment of the 2002 Bonds, and to any other fund or account established for the payment of principal or sinking fund installments on any other Parity Securities monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds to the Purchaser, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) to pay the installment of principal next due on the Bonds and such Parity Securities.

SECTION 40. Rebate Fund. Fourth, from any money thereafter remaining in the Revenue Fund, there shall be transferred and credited to the rebate funds created by ordinances authorizing the issuance of the Outstanding Parity Securities the amounts required to be deposited therein, and concurrently with such transfers, there shall be transferred and credited to a special and separate account hereby created and designated as the "City of Las Vegas, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2004, Rebate Fund" (the "2004 Rebate Fund") and to any other fund or account hereafter established for payment of amounts due the United States under ' 148(f) of the Tax Code in connection with any future Parity Securities such amounts as are required to be deposited therein to meet the City's obligations under the covenant contained in ' 54 hereof, in accordance with ' 148(f) of the Tax Code. Such deposits shall be made at such times as are required by ' 148(f) of the Tax Code and such covenant and amounts in the 2004 Rebate Fund shall be used for the purpose of making the payments to the United States required by such covenant and ' 148(f) of the Tax Code. Any amounts in the 2004 Rebate Fund in excess of those required to be on deposit therein may be withdrawn therefrom and deposited into the Revenue Fund.

SECTION 41. Payment of Subordinate Securities. Fifth, any moneys thereafter remaining in the Revenue Fund may be used by the City for the payment of the principal of and interest on Subordinate Securities; and may be used to create reasonable reserves and to pay rebate for such securities.

SECTION 42. Surplus Revenues. Sixth, any moneys thereafter remaining in the Revenue Fund may be used by the City at the end of any fiscal year of the City, or whenever there shall have been credited all amounts required to be deposited in the respective foregoing separate accounts for all of that fiscal year, for any lawful purposes of the City, as the City Council may from time to time determine, including, without limitation, for the creation of operation and maintenance reserves and capital reserves, the payment of capital costs and major maintenance costs of the Sewer System, to pay any other obligations pertaining to the System or otherwise.

SECTION 43. Termination of Deposits. No payment need be made into the Interest Account or Principal Account if the amounts in those funds total a sum at least equal to the entire amount of the Outstanding Bonds as to all Bond Requirements to their respective maturities both

accrued and not accrued, in which case moneys in such account in an amount, except for any interest or other gain to accrue from any investment of moneys in Federal Securities (as herein defined) from the time of any such investment to the time or respective times the proceeds of any such investment or deposit shall be needed for such payment, at least equal to such Bond Requirements, shall be used, together with any such gain from such investments, solely to pay such Bond Requirements as the same become due.

SECTION 44. Equal Security. The Bonds and any Parity Securities from time to time Outstanding shall be equally and ratably secured by the pledge of Net Revenues hereunder and shall not be entitled to any priority one over the other in the application of the Net Revenues regardless of the time or times of the issuance of the Bonds and any such Parity Securities.

SECTION 45. Defraying Delinquencies. If at any time the City shall for any reason fail to pay into the Interest Account, the Principal Account, or the 2004 Rebate Fund the full amount above stipulated from the Net Revenues, then an amount shall be paid first into the Interest Account and Principal Account and second into the 2004 Rebate Fund at such time equal to the difference between that paid from the Net Revenues and the full amount so stipulated. If securities (other than the Bonds) are Outstanding, the payment of which are secured by a lien on the Net Pledged Revenues which lien is on a parity with the lien hereon of the Bonds, and if the proceedings authorizing issuance of those securities require the replacement of moneys in a Interest Account, Principal Account, reserve fund or rebate fund therefor, then the moneys replaced in such funds shall be replaced on a pro rata basis related to the principal amount of the then Outstanding Bonds and the then Outstanding other Parity Securities, as moneys become available therefor, first into all of such interest, principal, and reserve funds and second into all such rebate funds.

SECTION 46. Conditions to Additional Parity Securities.

A. Nothing herein, except as expressly hereinafter provided, shall prevent the issuance by the City of additional securities payable from Net Revenues and constituting a lien thereon on a parity with, but not prior or superior to, the lien thereon of the Bonds, provided, however, that the following are express conditions to the authorization and issuance of any such Parity Securities:

(1) At the time of adoption of the instrument authorizing the issuance of the additional Parity Securities, the City shall not be in default in the payment of principal of or interest on the Bonds.

(2) The Net Revenues (subject to adjustments as hereinafter provided) projected by the City Finance Director, the Director of Public Works or an independent accountant or consulting engineer to be derived in the later of (i) the Fiscal Year immediately following the Fiscal Year in which the facilities to be financed with the proceeds of the additional Parity Securities are projected to be completed or (ii) the first Fiscal Year for which no interest has been capitalized for the payment of any Parity Securities, including the Parity Securities proposed to be issued, will be sufficient to pay at least an amount equal to the principal (or redemption price) and interest requirements (to be paid during that Fiscal Year) of the Outstanding Bonds, any other Outstanding Parity Securities of the City and the Parity Securities proposed to be issued (excluding any reserves therefor).

B. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, consideration shall be given to any probable estimated increase or reduction in Operation and Maintenance expenses that will result from the expenditure of the funds proposed to be derived from the issuance and sale of the additional Parity Securities.

C. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, the respective annual principal (or redemption price) and interest requirements shall be reduced to the extent such requirements are scheduled to be paid with moneys held in trust or in escrow for that purpose by any trust bank within or without the State, including the known minimum yield from any investment in Federal Securities (as herein defined).

D. A written certificate or written opinion by the City's Finance Director, the City's Director of Public Works, or an independent accountant or consulting engineer that the foregoing earnings test is met, shall be conclusively presumed to be

accurate in determining the right of the City to authorize, issue, sell and deliver additional Parity Securities.

E. In connection with the authorization of any such additional securities the Council may on behalf of the City adopt any additional covenants or agreements with the holders of such additional securities; provided, however, that no such covenant or agreement may be in conflict with the covenants and agreements of the City herein and no such covenant or agreement may be materially adverse to the interests of the holders of the Bonds. Any finding of the Council to the effect that the foregoing requirements are met shall, if made in good faith, conclusively establish that the foregoing requirements have been met for purposes of this Ordinance.

F. Nothing herein permits the issuance of securities having a lien on the Net Revenues superior to the lien thereon of the Bonds.

SECTION 47. Subordinate Securities for the Sewer System. Nothing herein, except as expressly hereinafter provided, shall prevent the City from issuing additional securities payable from Net Revenues and constituting a lien thereon subordinate to the lien thereon of the Bonds and any Outstanding Parity Securities; provided, however, that the proceeds of any such Subordinate Securities shall be used only to pay the cost (including, without limitation, incidental expenses) of a project for the betterment, enlargement, extension, other improvement or equipment of the Sewer System, or any combination thereof.

SECTION 48. Issuance of Refunding Bonds.

A. At any time after the Bonds, or any part thereof, are issued and remain Outstanding, if the City shall find it desirable to refund any Outstanding Bonds or other Outstanding Parity or Subordinate Securities payable from and constituting a lien upon any Gross Revenues, such Bonds or other securities, or any part thereof, may be refunded only if the Bonds or other securities at the time or times of their required surrender for payment shall then mature or shall be then callable for prior redemption for the purpose of refunding them at the City's option upon proper call, unless the owner or owners of all such Outstanding securities consent to such surrender and payment, regardless of whether the priority of the lien for the payment

of the refunding securities on the Pledged Revenues is changed (except as provided in Section 46F hereof).

B. The refunding bonds or other refunding securities so issued shall enjoy complete equality of lien with the portion of any securities of the same issue which is not refunded, if there is any; and the owner or owners of the refunding securities shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the unrefunded securities of the same issue partially refunded by the refunding securities.

C. Any refunding bonds or other refunding securities payable from any Gross Revenues shall be issued with such details as the Council may by ordinance provide, subject to the provisions of this section but without any impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of the Outstanding securities of any one or more issues (including, without limitation, the Bonds).

D. If only a part of the Outstanding Bonds and other Outstanding securities of any issue or issues payable from the Gross Revenues is refunded, then such securities may not be refunded without the consent of the owner or owners of the unrefunded portion of such securities:

(1) Unless the refunding bonds or other refunding securities do not increase for any Bond Year the aggregate principal and interest requirements evidenced by the refunding securities and by the Outstanding securities not refunded on and before the last maturity date or last Redemption Date, if any, whichever is later, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Net Revenues is not raised to a higher priority than the lien thereon of the Bonds or other securities thereby refunded; or

(2) Unless the lien on any Gross Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

(3) Unless the refunding bonds or other refunding securities are issued in compliance with Section 46 hereof.

SECTION 49. Operation of the System. The City shall at all times operate the Sewer System properly and in a sound and economical manner and shall maintain, preserve and keep the Sewer System properly, or cause the same so to be maintained, preserved and kept, in good repair, working order and condition. The City also shall from time to time make or cause to be made all necessary and proper repairs, replacements and renewals so that at all times the operation of the Sewer System may be properly and advantageously conducted in conformity with standards customarily followed by municipalities operating sanitary sewer facilities of like size and character.

Except for the use of the Sewer System or services pertaining thereto in the normal course of business, neither all nor a substantial part of the Sewer System shall be sold, leased, mortgaged, pledged, encumbered, alienated or otherwise disposed of until all the Bonds have been paid in full, or unless provision has been made therefor as hereinafter provided.

SECTION 50. Payment of Taxes, Etc. The City shall pay or cause to be paid all taxes, assessments and other municipal or governmental charges, if any, lawfully levied or assessed upon or in respect of the Sewer System or any part thereof, or upon any portion of the Gross Revenues, when the same shall become due. The City shall duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Sewer System or any part thereof, except for any period during which the validity of the same is being contested in good faith by proper legal proceedings. The City shall not create or suffer to be created any lien or charge on the Sewer System or any part thereof, or upon the Gross Revenues, except the pledge and lien created by this Ordinance for the payment of the Bonds and any other outstanding Parity or Subordinate Securities issued in accordance herewith, and except as herein otherwise permitted. The City shall pay or cause to be discharged or shall make adequate provision to satisfy and to discharge within 60 days after the same shall become payable, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Sewer System or any part thereof, or upon the Gross Revenues. Nothing herein contained requires the City to pay or cause to be discharged or to make provision for any such tax, assessment, lien, charge or demand before the time when payment thereon shall be due, or so long as the validity thereof shall be contested in good faith by appropriate legal proceedings.

SECTION 51. No Competing Facilities. The City shall neither construct nor permit to be constructed other facilities or structures to be operated by the City separate from the Sewer System and competing for Gross Revenues otherwise available for the payment of the Bonds or any other securities payable from Net Revenues; provided, however, that nothing herein contained shall impair the police powers of the City or otherwise cause the City to violate any applicable law.

SECTION 52. Rate Covenant. The City shall charge against users or against purchasers of services or commodities pertaining to the Sewer System such fees, rates and other charges as shall be sufficient to produce Gross Revenues annually which, together with any other funds available therefor, will be in each fiscal year of the City at least equal to the sum of:

- (a) an amount equal to the annual Operation and Maintenance Expenses for such fiscal year;

(b) an amount equal to the Bond Requirements and other debt service due in such fiscal year on the then Outstanding Bonds and any Outstanding Parity Securities; and

(c) any other amounts payable from the Net Revenues and pertaining to the Sewer System, including, without limitation, debt service on any Subordinate Securities and any other securities pertaining to the Sewer System, operation and maintenance reserves, capital reserves and prior deficiencies pertaining to any account relating to Gross Revenues.

The foregoing rate covenant is subject to compliance by the City with any legislation of the United States of America, the State or other governmental body, or any regulation or other action taken by the United States, the State or any agency or political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amounts of fees, rates and other charges collectible by the City for the use of or otherwise pertaining to, and all services rendered by, the Sewer System.

Subject to the foregoing, the City shall cause all fees, rates and other charges pertaining to the Sewer System to be collected as soon as reasonable and shall provide methods of collection and penalties to the end that the Gross Revenues shall be adequate to meet the requirements hereof.

SECTION 53. Records and Accounts. So long as any of the Bonds remain Outstanding, proper records and accounts shall be kept by the City, separate and apart from all other records and accounts, showing complete and correct entries of all transactions relating to the Sewer System and to all moneys pertaining thereto, including, without limitation, the Gross Revenues.

SECTION 54. Tax Covenant. The City covenants for the benefit of the owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities refinanced with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under ' 103 of the Tax Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in

' 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under ' 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 55. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder as to that Bond shall thereby be discharged and the Bond shall no longer be deemed to be Outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from direct obligations of, or obligations the principal of or interest on which are unconditionally guaranteed by, the United States of America (the "Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond, or upon any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of Bond for payment then. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof. When such defeasance is accomplished the Paying Agent shall mail written notice of the defeasance to the registered owner of the Bond at the address last shown on the registration records for the Bonds maintained by the Registrar.

SECTION 56. Amendments. This Ordinance may be amended or supplemented by instruments adopted by the City, without receipt by the City of any additional consideration, but with the written consent of the insurer of the Bonds, if any, or the owners of 66% in aggregate principal amount of the Bonds Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding Bonds which may then be held or owned for the account of the City, but

including such refunding securities as may be issued for the purpose of refunding any of the Bonds if the refunding securities are not owned by the City. No such instrument shall permit without the consent of the insurer of the Bonds, if any, or all of the bondowners adversely affected thereby:

(a) A change in the maturity or in the terms of redemption of the principal or any installment thereof of any Outstanding Bond or any installment of interest thereon;

(b) A reduction in the principal amount of any bond or the rate of interest thereon, without the consent of the owner of the Bond; or

(c) A reduction of the principal amount or percentages or otherwise affecting the description of Bonds the consent of the owners of which is required for any modification or amendment; or

(d) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(e) The modification of, or other action which materially and prejudicially affects the rights or privileges of the owners of less than all of the Bonds then Outstanding.

Whenever the City proposes to amend or modify this Ordinance under the provisions hereof, it shall cause notice of the proposed amendment (i) to be published one time in each of a newspaper published and of general circulation in Clark County, in the State of Nevada, and a financial newspaper or journal published in the City of New York, in the State of New York, as determined by the Council; and (ii) to be mailed by first class mail within 30 days to the insurer of the Bonds, if any, or each registered owner of each registered Bond. The notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory instrument is on file in the office of the City Clerk for public inspection.

Whenever at any time within one year from the date of such notice there shall be filed in the office of the City Clerk an instrument or instruments executed by the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed amendatory instrument described in the notice and shall specifically consent to and approve the adoption of the instrument; thereupon, but

not otherwise, the Council may adopt the amendatory instrument and the instrument shall become effective.

If the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds Outstanding, at the time of the adoption of the amendatory instrument, or the predecessors in title of such owners, shall have consented to and approved the adoption thereof as herein provided, no insurer or owner of any Bond, whether or not the insurer or owner shall have consented thereto, shall have any right or interest to object to the adoption of the amendatory instrument or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin the City from taking any action pursuant to the provisions thereof. Any consent given by the insurer of the Bonds, if any, or the owner of a Bond pursuant to the provisions hereof shall be irrevocable.

Bonds authenticated and delivered after the effective date of any action taken as provided in this Section 56 may bear a notation by endorsement or otherwise in form approved by the City as to the action; and if any Bond so authenticated and delivered shall bear such notation, then upon demand of the owner of any Bond Outstanding at such effective date and upon presentation of his bond, suitable notation shall be made on the Bond as to any such action. If the City so determines, new bonds so modified as in the opinion of the City to conform to such action shall be prepared, registered and delivered; and upon demand of the owner of any Bond then Outstanding, shall be exchanged without cost to the owner for Bonds then Outstanding upon surrender of such Bonds.

SECTION 57. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent shall resign, or if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, or if for any other reason the City determines to retain a successor Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same person or institution serve as Registrar and Paying Agent thereunder, but the City shall have the right to have the same person

or institution serve as Registrar and Paying Agent. Any successor Registrar and Paying Agent must be an officer or employee of the City or a commercial bank authorized to execute trust powers.

SECTION 58. Maintenance and Use of Escrow Account.

A. The Escrow Account shall be maintained by the City in an amount at the time of those initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities, to pay the interest due in connection with the Refunded Bonds, both accrued and not accrued, as the same become due up to and including the redemption date for the Refunded Bonds set forth in the Escrow Agreement (the "Refunded Bonds Redemption Date"), and to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds at a redemption price equal to the principal amount thereof, accrued interest to the redemption date and a premium of 2% of the principal amount so redeemed.

B. Moneys shall be withdrawn by the Escrow Bank from the Escrow Account in sufficient amounts and at such times to permit the payment of the principal and interest requirements of the Refunded Bonds on and before the Refunded Bonds Redemption Date and on the Refunded Bonds Redemption Date, the City shall call for prior redemption of all the Refunded Bonds. Any moneys remaining in the Escrow Account after provision shall have been made for the redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the Council may hereafter determine.

C. If for any reason the amount in the Escrow Account shall at any time be insufficient for the purposes of effecting the Refunding Project, the City shall forthwith from the first moneys available therefor deposit in such account such additional moneys as shall be necessary to permit the payment in full of the principal, interest and redemption premium due in connection with the Refunded Bonds as herein provided.

SECTION 59. Exercise of Option; Notice of Redemption.

A. The Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds. The Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith after the issuance of the Bonds as herein provided.

B. The Treasurer, forthwith upon issuance of the Bonds, is authorized and directed to give forthwith upon the issuance of the Bonds a notice of prior redemption and defeasance of all the Refunded Bonds as set forth herein, in accordance with the provisions of the ordinance authorizing the issuance of the Refunded Bonds.

C. The notice of prior redemption and defeasance shall be given by certified mail to the registered owner of each of the Refunded Bonds and to Financial Guaranty Insurance Company, and by first class mail to the Municipal Securities Rulemaking Board and one or more national information repositories.

SECTION 60. Delegated Powers. The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;

B. The execution of the certificates as may be reasonably required by the purchaser, relating, inter alia,

- (1) to the signing of the Bonds,
- (2) to the tenure and identity of the officials of the City,
- (3) to the assessed valuation of the taxable property in and the indebtedness of the City,
- (4) to the rate of taxes levied against the taxable property within the City,

(5) to the exemption of interest on the Bonds from federal income taxation,

(6) to the delivery of the Bonds to The Depository Trust Company and the receipt of the Bond purchase price,

(7) to the completeness and accuracy of any information provided the Purchaser in connection with the Bonds as of the date of delivery of the Bonds, and

(8) if it is in accordance with the fact, to the absence of litigation, pending or threatened, affecting the validity of the Bonds;

C. The execution of the Escrow Agreement by the City's Finance Director, on behalf of the City, as issuer, of the Bonds;

D. The execution by the City's Finance Director of the Bond Purchase Proposal for the sale of the bonds with the Purchaser thereof;

E. The completion and execution by the City's Finance Director of the Certificate of the Finance Director; and

F. The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 61. Continuing Disclosure Undertaking and Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the City Clerk to be executed and delivered in connection with the delivery of the Bonds and the City Finance Director is authorized to execute and deliver such certificate on behalf of the City.

SECTION 62. Publication of Proposed Ordinance. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. 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 the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

BILL NO. _____

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on April 7, 2004, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on April 21, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

SECTION 63. Publication of Ordinance and Effective Date. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published by title only, together with the names of the members of the Council who voted for or against its adoption. This Ordinance shall be in effect on and after the publication of adoption of this Ordinance. Such publication of adoption of this Ordinance shall be made at least once in a newspaper published and having general circulation in the City and such publication shall be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

BILL NO. _____

ORDINANCE NO. _____

(of Las Vegas, Nevada)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2004 FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled ordinance are available for public examination and distribution upon request at the office of the City Clerk of the City of Las Vegas, Nevada, at her office at 400 East Stewart Avenue, Las Vegas, Nevada; and that the above-numbered and entitled Ordinance was passed and adopted at a regular meeting of the City Council of the City of Las Vegas on April 21, 2004, by the following vote of the City Council:

Those Voting Aye:

Oscar Goodman
Janet Moncrief
Gary Reese
Larry Brown
Lynette Boggs-McDonald
Lawrence Weekly
Michael Mack

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect on and after the ____ day of April, 2004.

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 April 21, 2004.

/s/ Oscar Goodman
Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

SECTION 64. Ordinance Irrepealable. This Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 65. Implied Repealer. All resolutions and ordinances, bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, bylaw, order, or part thereof, heretofore repealed.

SECTION 66. Severability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this Ordinance.

(SEAL)

Attest:

Mayor

City Clerk

APPROVED AS TO FORM:

Madeline L. Dickman-Dilicco 3-29-'04
DATE

This Ordinance shall be in force and effect on and after the ____ day of April, 2004.

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

I, Barbara Jo Ronemus, the duly chosen, qualified and acting City Clerk of Las Vegas (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 Council on April 7, 2004 and finally adopted and approved on April 21, 2004.

2. The following members of the Council were present at the April 7, 2004 Council meeting:

Mayor:	Oscar Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lynette Boggs-McDonald
	Lawrence Weekly
	Michael Mack
	Janet Moncrief

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 7, 2004, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on April 21, 2004, 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 21, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Oscar Goodman
Gary Reese
Larry Brown
Lynette Boggs-McDonald
Lawrence Weekly
Michael Mack
Janet Moncrief

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 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 Council were given due and proper notice of the meetings held on April 7, 2004, and April 21, 2004. Pursuant to ' 241.020, Nevada Revised Statutes, 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 working days before the meetings 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 (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Hall
Las Vegas, Nevada
- (ii) Las Vegas Library
Las Vegas, Nevada
- (iii) Clark County Government Center
Las Vegas, Nevada
- (iv) Grant Sawyer Building
Las Vegas, Nevada

and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three working days before the meetings 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. A copy of such notice so given of the meeting of the Council on April 7, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on April 21, 2004, 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 21, 2004.

City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of April 7, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of April 21, 2004 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Deposit of the Bond Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Bond Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Any items from the afternoon session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

MOTION:

REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 163 [SUP-3479] and HOLD IN ABEYANCE Item 181 [ZON-3919] and Item 182 [SDR-3920] to 5/5/2004 – UNANIMOUS with L. B. McDONALD excused

MINUTES:

There was no discussion.

(1:00 – 1:01)

3 -1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public hearing on local improvement district for Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance - FY2005) - (\$41,902.50 - Capital Projects Fund - Special Assessments) - Ward 1 (Moncrief)

Fiscal Impact

☐

No Impact

☒

Budget Funds Available

☐

Augmentation Required

Amount: \$41,902.50

Dept./Division: Public Works/SID

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Public hearing on the Final Assessment Roll for the annual maintenance costs of street beautification improvements from July 1, 2004 through June 30, 2005 along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane.

RECOMMENDATION:

Public Hearing only; no action required.

BACKUP DOCUMENTATION:

1. Notice of Hearing
2. Submitted after final agenda – Protest letter from Michelle Lusiani

MOTION:

None required. Public Hearing held and Report given.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

RICHARD GOECKE, Director, Public Works Department, briefly summarized the maintenance costs for street beautification improvements along Alta Drive. He noted that the total costs are estimated at \$41,902.50. He added that in accordance with written legislation, it is necessary to come back each year to re-establish the Maintenance District.

TODD FARLOW, 240 North 19th Street, commended the City on a beautiful job.

MAYOR GOODMAN stated that according to MR. GOECKE, all of the property owners who are part of the Special Improvement District have been very diligent in keeping their payments up to date.

CITY COUNCIL MEETING OF APRIL 7, 2004

Public Works Department

Item 102 – Public hearing on local improvement district for Special Improvement District
No. 1485 – Alta Drive (Landscape Maintenance – FY 2005)

MINUTES – Continued:

MAYOR GOODMAN declared the Public Hearing closed.

(1:04 – 1:14)

3-123

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

AFFIDAVIT OF MAILING
NOTICE OF HEARING

Barbara Jo Ronemus does hereby swear, upon oath according to law:

1. I am and at all times hereinafter mentioned was the duly qualified and sworn City Clerk of the City of Las Vegas, Nevada.

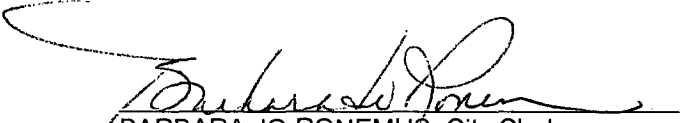
2. I mailed or caused to be mailed a notice entitled "NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005)" by deposit in the United States mail, postage prepaid, as first-class mail, at the post office in the City of Las Vegas, Nevada, on March 18, 2004, being at least twenty (20) days prior to the hearing, on April 7, 2004, to the last known address of each last known owner of land within the District whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the records of the County Assessor of Clark County, Nevada, and from such other sources as I, the City of Las Vegas and Public Works Department, deemed to be reliable.

3. A list of said owners and their addresses is hereto attached, marked Exhibit A and made a part hereof, all addresses therein being situated within the City of Las Vegas, Nevada, unless otherwise indicated, such names and addresses being the same as those shown on the "Tabulation of Parcels" or "Final Assessment Roll".

4. There is attached hereto, marked Exhibit B and made a part hereof, a full, true and correct copy of the notice as mailed as herein described.

5. Copies of the affidavit of publication of said notice, verified by the affidavit of the publisher, and a copy of this affidavit are on file in the office of the City Clerk.

Further Affiant sayeth naught.


BARBARA JO RONEMUS, City Clerk

SUBSCRIBED and SWORN to before me in the City of Las Vegas, Nevada, this April 14, 2004.

My commission expires 7-10-2005


Notary Public

(NOTARIAL STAMP)

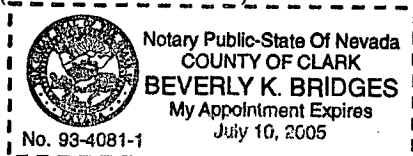


EXHIBIT "A"

(Attach List of Property Owners with Their Addresses)

APN: 139-32-210-001 ETAL

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS
SPECIAL IMPROVEMENT DISTRICT
400 STEWART AVENUE, 4TH FLOOR
LAS VEGAS, NV 89101

CITY OF LAS VEGAS

FINAL ASSESSMENT ROLL NO. 2004-5

**SPECIAL IMPROVEMENT DISTRICT NO. 1485
ALTA DRIVE – LANDSCAPE MAINTENANCE
(FY2005)**

City of Las Vegas
**** ASSESSMENT ROLL ****
 Special Improvement District No. 1485
ALTA DRIVE – LANDSCAPE MAINTENANCE (FY2005)
 Clark County

FINAL ASSESSMENT ROLL NO. 2004-5

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-210-001	DOC: 19950111:01211 DATE: 01/11/95 PT SEC 32 20 61 ELRANCHO ALTA PLAT BOOK 18 PAGE 15 LOT 17 BLOCK 2	MCGOLDRICK FAMILY TRUST MCGOLDRICK WILLIAM J & MARY TRS 416 LACY LN LAS VEGAS NV 89107-3220	250270.00	2900.00	840.46
139-32-210-017	DOC: 19911023:00405 DATE: 10/23/91 PT SEC 32 20 61 ELRANCHO ALTA PLAT BOOK 18 PAGE 15 LOT 1 BLOCK 1	ROBINSON, ROBERT E & BETTY E 417 LACY LN LAS VEGAS NV 89107-3210	206020.00	2500.00	705.39
139-32-211-001	DOC: 19900530:00177 DATE: 05/30/90 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 1 BLOCK 1	GRANGER, BERTHA N 850 S RANCHO RD #325 LAS VEGAS NV 89106-3831	216180.00	2400.00	690.37
139-32-211-002	DOC: 19970916:00760 DATE: 09/16/97 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 2 BLOCK 1	MULL, ROBERT S & CHEUNG K LIV TR MULL ROBERT S TRS ETAL 3200 ALTA DR LAS VEGAS NV 89107-3206	160470.00	2400.00	690.37

City of Las Vegas
**** ASSESSMENT ROLL ****
 Special Improvement District No. 1485
 ALTA DRIVE – LANDSCAPE MAINTENANCE (FY2005)
 Clark County

FINAL ASSESSMENT ROLL NO. 2004-5

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-211-003	DOC: 19990617:02418 DATE: 06/17/99 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 3 BLOCK 1	MUSGRAVE MABEL TRUST MUSGRAVE MABEL EAST TRS 3204 ALTA DR LAS VEGAS NV 89107-3206	161400.00	2400.00	690.37
139-32-211-004	DOC: 19970916:00759 DATE: 09/16/97 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 4 BLOCK 1	MULL, ROBERT S & CHEUNG K LIV TR MULL ROBERT S TRS ETAL 3200 W ALTA DR LAS VEGAS NV 89107-3206	144870.00	2400.00	690.37
139-32-211-005	DOC: 19950613:01048 DATE: 06/13/95 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 5 BLOCK 1	ADAMS 1990 TRUST ADAMS MELISSA KELLY TRS P O BOX 27289 LAS VEGAS NV 89126-1289	153220.00	2400.00	690.37
139-32-211-006	DOC: 19960911:01337 DATE: 09/11/96 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 6 BLOCK 1	CHURCH ROMAN CATHOLIC LAS VEGAS %FIN DEPT P O BOX 18316 LAS VEGAS NV 89114-8316	205130.00	2400.00	690.37

Date: 02/19/04

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City of Las Vegas
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-211-007	DOC: 19960911:01337 DATE: 09/11/96 PT SEC 32 20 61 RANCHO NEVADA EST UNIT #1 AMD PLAT BOOK 10 PAGE 57 LOT 7 BLOCK 1	CHURCH ROMAN CATHOLIC LAS VEGAS %FIN DEPT P O BOX 18316 LAS VEGAS NV 89114-8316	66000.00	2400.00	690.37
139-32-214-022	DOC: 20030611:00420 DATE: 06/11/03 PT SEC 32 20 61 RANCHO EST PLAT BOOK 8 PAGE 73 LOT 22 BLOCK 2	LARRACH, MAYRA & ZAAIDA P O BOX 60913 LAS VEGAS NV 89160-0913	263480.00	2300.00	675.37
139-32-214-023	DOC: 20020729:00128 DATE: 07/29/02 PT SEC 32 20 61 RANCHO EST PLAT BOOK 8 PAGE 73 LOT 23 BLOCK 2	GRANT, ROBERT T & KAY V 2804 ALTA DR LAS VEGAS NV 89107-3218	187300.00	2300.00	675.37
139-32-214-024	DOC: 19920131:01969 DATE: 01/31/92 PT SEC 32 20 61 RANCHO EST PLAT BOOK 8 PAGE 73 LOT 24 BLOCK 2	CHAPLIN, SIDNEY & SHIRLEY 2808 ALTA DR LAS VEGAS NV 89107-3218	204680.00	2300.00	675.37

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City of Las Vegas
**** ASSESSMENT ROLL ****
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-214-025	DOC: 20031110:00926 DATE: 11/10/03 PT SEC 32 20 61 RANCHO EST PLAT BOOK 8 PAGE 73 LOT 25 BLOCK 2	CLOPOT, CAREY 2812 ALTA DR LAS VEGAS NV 89107-3218	196540.00	2300.00	675.37
139-32-214-026	DOC: 20010323:02118 DATE: 03/23/01 PT SEC 32 20 61 RANCHO EST PLAT BOOK 8 PAGE 73 LOT 10 BLOCK 1	RIVAS, ALEX S 417 ROSEMARY LN LAS VEGAS NV 89107-3258	248510.00	2500.00	705.39
139-32-301-001	DOC: 20010723:01359 DATE: 07/23/01 PT NW4 SW4 SEC 32 20 61	LUSIANI, MICHELLE M 500 LACY LN LAS VEGAS NV 89107-4422	234090.00	2600.00	750.42
139-32-302-001	DOC: 159:0126924 DATE: 09/02/71 PT W2 SW4 SEC 32 20 61	PAPP, LOUIS E JR & MAFALDA E 3201 W ALTA DR LAS VEGAS NV 89107-3207	218680.00	2900.00	735.40
139-32-302-002	DOC: 20021127:01944 DATE: 11/27/02 PT NW4 SW4 SEC 32 20 61	ARANAS, ROMEO S & MARIA ELENA 500 CAMPBELL DR LAS VEGAS NV 89107-4402	390150.00	2500.00	720.39

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City of Las Vegas
**** ASSESSMENT ROLL ****
 Special Improvement District No. 1485
ALTA DRIVE – LANDSCAPE MAINTENANCE (FY2005)
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-304-001	DOC: 19930128:01146 DATE: 01/28/93 PT NE4 SW4 SEC 32 20 61	SELVAGGIO, RUDOLPH & GLADYS F 3081 ALTA DR LAS VEGAS NV 89107-4610	244830.00	4500.00	1305.69
139-32-304-002	DOC: 20030528:00184 DATE: 05/28/03 PT NE4 SW4 SEC 32 20 61	CAVA, KATRINA E CAVA GREGORY F & PATRICIA A 3021 ALTA DR LAS VEGAS NV 89107-4610	256630.00	4500.00	1305.69
139-32-304-003	DOC: 20020507:01857 DATE: 05/07/02 PT NE4 SW4 SEC 32 20 61	SCAGGIARI, GWEN 3011 ALTA DR LAS VEGAS NV 89107-4610	430760.00	4400.00	1275.68
139-32-304-004	DOC: 19920811:00974 DATE: 08/11/92 PT NE4 SW4 SEC 32 20 61	BARRICK, MARJORIE ANN REV LIV TR 3001 ALTA DR LAS VEGAS NV 89107-4610	526300.00	9100.00	2626.42
139-32-304-005	DOC: 19990225:01985 DATE: 02/25/99 PT NE4 SW4 SEC 32 20 61	CAMP, BOB L L C 2929 ALTA DR LAS VEGAS NV 89107-4609	210000.00	5100.00	1470.78
139-32-304-006	DOC: 19990225:01985 DATE: 02/25/99 PT NE4 SW4 SEC 32 20 61	CAMP, BOB L L C 2929 ALTA DR LAS VEGAS NV 89107-4609	3012110.00	6400.00	1830.98

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City of Las Vegas
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-304-007	DOC: 1872:1831109 DATE: 02/06/84 PT NE4 SW4 SEC 32 20 61	YERUSHALMI, MORDECHAI & VICTORIA 8912 GREENSBORO LN LAS VEGAS NV 89134-0502	565770.00	4800.00	1380.73
139-32-304-008	DOC: 19911023:00714 DATE: 10/23/91 PT NE4 SW4 SEC 32 20 61	PRABHU, R & L 1989 LIV TR PRABHU RACHAKONDA D & LATA TRS 2801 ALTA DR LAS VEGAS NV 89107-3201	455870.00	4800.00	1380.73
139-32-304-009	DOC: 20011107:01910 DATE: 11/07/01 PT N2 S2 SEC 32 20 61	ARTHUR, ALLAN R & NEDRA A 2727 ALTA DR LAS VEGAS NV 89107-4621	465050.00	4600.00	1320.71
139-32-310-001	DOC: 20030509:02740 DATE: 05/09/03 PT SEC 32 20 61 MOUNTAIN VIEW TRACT 1 PLAT BOOK 3 PAGE 23 LOT 1 BLOCK 1	MARTELL, MARY-ALENA BAKER BRUCE L P O BOX 29232 LAS VEGAS NV 89126-3232	128650.00	2500.00	720.39
139-32-310-028	DOC: 19911220:00391 DATE: 12/20/91 PT SEC 32 20 61 MOUNTAIN VIEW TRACT 1 PLAT BOOK 3 PAGE 23 LOT 28 BLOCK 1	ROMNEY, RUSSELL T & LESA I 500 KENNY WY LAS VEGAS NV 89107-4439	157750.00	2400.00	690.37

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City of Las Vegas
 ** ASSESSMENT ROLL **
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-601-053	DOC: 20031121:02403 DATE: 11/21/03 PT SE4 NE4 SEC 32 20 61	HAWKINS, FRANK JR QUAL PER RES TR HAWKINS FRANK JR TRS 2300 ALTA DR LAS VEGAS NV 89107-4616	300780.00	4300.00	1245.66
139-32-701-001	DOC: 20030319:01136 DATE: 03/19/03 PT NW4 SE4 SEC 32 20 61	KAHUNA TRUST 2500 WIMBLEDON DR LAS VEGAS NV 89107-2311	211190.00	4600.00	1320.71
139-32-701-002	DOC: 20031104:00381 DATE: 11/04/03 PT NW4 SE4 SEC 32 20 61	AVVAKOUM, GINN AVVAKOUMIDES JACQUELINE 2701 ALTA DR LAS VEGAS NV 89107-4621	369620.00	4800.00	1365.73
139-32-701-003	DOC: 20000526:00104 DATE: 05/26/00 PT NW4 SE4 SEC 32 20 61	MASON DAVID L LIVING TRUST MASON DAVID L TRS 516 S 6TH ST #400 LAS VEGAS NV 89101-6998	210000.00	5400.00	1545.83
139-32-701-004	DOC: 20020311:00942 DATE: 03/11/02 PT NW4 SE4 SEC 32 20 61	L A R LIVING TRUST RUFFIN LYNNE TRS 500 SHETLAND RD LAS VEGAS NV 89107-4642	799530.00	5200.00	1500.80

Date: 02/19/04

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City of Las Vegas
**** ASSESSMENT ROLL ****
 Special Improvement District No. 1485
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PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	MARKET VALUE	ESTIMATED MAX BENEFIT	ASSESSMENT TOTAL
139-32-702-001	DOC: 20000502:01148 DATE: 05/02/00 PT NW4 SE4 SEC 32 20 61	MALONE, JERALD D & DEBRA L 2329 ALTA LAS VEGAS NV 89107-4615	1369150.00	6500.00	1876.01
139-32-702-002	DOC: 19921218:00985 DATE: 12/18/92 PT NW4 SE4 SEC 32 20 61	BERNSTEIN, EDWARD M 2327 ALTA DR LAS VEGAS NV 89107-4615	906510.00	8300.00	2386.28
139-32-702-003	DOC: 20021127:03734 DATE: 11/27/02 PT NW4 SE4 SEC 32 20 61	TIU, OFELIA & ALEXANDER Y 2325 ALTA LAS VEGAS NV 89107-4615	289040.00	5600.00	1605.85
139-32-702-004	DOC: 20030709:02830 DATE: 07/09/03 PT N2 SE4 SEC 32 20 61	ALI, JAMILLAH R 2315 ALTA DR LAS VEGAS NV 89107-4615	649970.00	6100.00	1755.94
** REPORT TOTALS					41902.50

EXHIBIT "B"

(Attach Notice of Hearing as Mailed)

NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005)

NOTICE IS HEREBY GIVEN, that the Final Assessment Roll No. 2004-5 for City of Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance FY2005) (hereinafter the "District") in and for the City of Las Vegas in the County of Clark, State of Nevada, which has been made out by the City Council of City of Las Vegas, together with the Director of Public Works, has been filed on March 3, 2004, in the office of the City Clerk and since such date, the final assessment roll has been, and now is available for examination by any interested person during regular office hours, Monday through Friday 8:00 a.m. until 5:00 p.m. The boundaries of the District are described in the Special Improvement District No. 1485 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance") to defray the annual maintenance costs of a street beautification project (hereinafter the "Maintenance Project"). The boundaries of the District, which include the location of the Maintenance Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property abutting the street as described below. The streets along which the improvements are to be maintained include:

Alta Drive (BOTH SIDES) from western right-of-way of Rancho Drive to approximately 275 feet west of Lacy Lane.

The amounts to be assessed for the Maintenance of the Improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases), provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The amount to be assessed will be levied on an area basis, i.e., the amount of the assessment against each parcel will be in proportion to the area of that parcel as compared to the area of all parcels to be assessed. Each property owner will be assessed for the annual cost of the Maintenance Project. The landscape maintenance shall include maintenance of all landscape improvements including trees, shrubs, and other plantings, irrigation system and controls, fertilization, electrical and water services. The maintenance shall also include the supply of all required water and electrical power.

Such basis of assessments has been designated by the City Council in the Creation Ordinance heretofore adopted. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot, tract or parcel of land or property in the District is stated in the final assessment roll. The City Council has determined that each of these tracts will receive special benefits (and corresponding market value increases) from the maintenance of improvements in the Maintenance Project.

The City Council will meet to hear and consider all complaints, protests, and objections to said 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 Maintenance Project. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, April 7, 2004, at 1:00 p. m. at the City of Las Vegas Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada. Any complaint, protest, or objection to the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot, tract or parcel of land, shall be deemed waived unless filed in writing with the City Clerk, on or before Friday, April 2, 2004, i.e., at least three days prior to the date set for the assessment hearing.

At the time and place so designated for the hearing, the City Council shall hear and determine all complaints, protests, and objections to the regularity of the proceedings in making such assessments, the correctness of such assessments, the amount levied on any particular lot, tract or parcel of land to be assessed, the amount of the benefits and corresponding market value increases, which have been so made in writing or verbally. The City Council shall further have the power to adjourn such hearing from

time to time, and by resolution shall have power, in its discretion, to revise, correct, confirm, or set aside any assessment and to order that such assessment may be made de novo. The owners of the property to be assessed are advised that this is the final chance to present any evidence as to the amount of the assessments (or other matters to be considered at the hearing) to the City Council. If a person objects to the final assessment roll or to the proposed assessments:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and,
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.395.

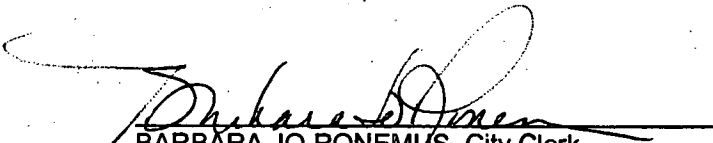
Assessments shall be due and payable at the office of the City Treasurer without interest and without demand within 30 days after the ordinance levying the assessments becomes effective. All or any part of such assessments may also, at the election of the owner, be paid thereafter in four (4) substantially equal quarterly installments without interest until paid in full. Penalties (at a rate not exceeding two percent (2%) per month on the unpaid balance of the assessment and accrued interest, or at any higher rate authorized by statute) shall be due for delinquencies. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a hardship determination. A person whose application for a hardship determination has been approved by the City Council is entitled to have the amount of the assessment postponed. A person desiring to apply for a hardship determination shall file an application no later than April 2, 2004, with the Clark County Department of Social Services (CCSS), 1600 Pinto Lane, Las Vegas, Nevada 89106. Please contact CCSS at (702) 455-8687 for a pre-qualification screening.

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Pursuant to NRS 271.395, within 15 days immediately succeeding the effective date of the assessment ordinance to be adopted following the hearing, any person who has filed a complaint, protest, or objection in writing 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, and of the amount of the assessment levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation, shall be perpetually barred.

Dated this March 3, 2004.



BARBARA JO RONEMUS, City Clerk

NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005)

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time to time, and by resolution shall have power, in its discretion, to revise, correct, confirm, or set aside any assessment and to order that such assessment may be made de novo. The owners of the property to be assessed are advised that this is the final chance to present any evidence as to the amount of the assessments (or other matters to be considered at the hearing) to the City Council. If a person objects to the final assessment roll or to the proposed assessments:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and,
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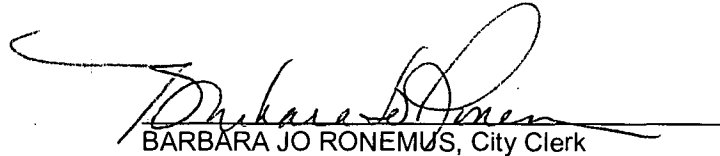
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Dated this March 3, 2004.


BARBARA JO RONEMUS, City Clerk

April 2, 2004

RECEIVED
CITY CLERK
2004 APR -2 P 1:57

To: Council Members
From: Michelle Lusiani
Subject: Increase for Special District No. 1485

I am very opposed to this increase. When I purchased my house a few years ago I had no idea of the SID planned for Alta. I consciously chose an area without an association fee. But here I am paying for the construction and maintenance for this project. Had I known this prior to purchase, I may have chosen to live elsewhere.

Perhaps the planners of this project should have selected desert landscaping that is water efficient. It's not a secret that Las Vegas has a water problem and selecting desert landscaping would have been proactive.

Please consider this my formal protest to the increase.

Michelle Lusiani
500 Lacy Lane
Las Vegas 89107

RECEIVED BY
Special Improvement District

APR 02 2004

Protest

Submitted after final agenda

Date 4/2/04 Item #102

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Required 30-day extension and review regarding the appeal of the Notice and Order to Abate Dangerous Building/Demolition at 880 E. Sahara Ave. PROPERTY OWNERS: DESERT PALMS INVESTMENT GROUP LLC - Ward 3 (Reese)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Neighborhood Services/Response

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 202 and 302, and Section 102 – Unsafe Buildings or Structures, of the 1997 Uniform Building Code. A Notice and Order to abate Dangerous Building/Demolition was mailed to the property owners to demolish the structure(s), cause the property to be cleaned, and install "No Trespassing" signs. Today's hearing is the required 30-day extension and review of the Appeal to the Notice and Order to Comply filed by Robert Newhard.

RECOMMENDATION:

That the City Council approve the Notice and Order to Abate Dangerous Building/Demolition.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Notice and Order to Abate Dangerous Building/Demolition
4. Notice of Appeal
5. Notice of 30-Day Extension and Review Letter to Property Owner

MOTION:

REESE – ABEYANCE to 4/21/2004 – UNANIMOUS with L. McDONALD excused

MINUTES:

DAVID SEMENZA, Neighborhood Services, showed photographs of the subject property and stated the property was a public nuisance. A Notice and Order to abate Dangerous Building/Demolition was mailed to the property owners to demolish the structure, cause the property to be cleaned and install "No Trespassing" signs. MR. SEMENZA recommended the City Council approve the Notice and Order to Abate Dangerous Building/Demolition.

CITY COUNCIL MEETING OF APRIL 7, 2004
Neighborhood Services
Item 103 – 880 E. Sahara Ave.

MINUTES – Continued:

The property owner was not present.

COUNCILMAN REESE stated that this situation has existed for the past year and a half and he directed staff to contact the property owner and ensure they are present at the 4/21/2004 City Council meeting. He also asked staff to inform the property owner that the Order will be signed if they are not present at that meeting.

(1:06 – 1:08)

3-175

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Required 30-day extension and review regarding the appeal of the Notice and Order to abate dangerous building/demolition located at 880 E. Sahara Ave. PROPERTY OWNERS: DESERT PALMS INVESTMENT GROUP LLC - Ward 3 (Reese)

The subject property was deemed to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 202 and 302, and Section 102 - Unsafe Buildings or Structures, of the 1997 Uniform Building Code.

A Notice and Order to Abate Dangerous Building/Demolition was sent to the property owners by regular and certified mail recommending that they demolish the structure(s), cause the property to be cleaned, and to post "No Trespassing" signs on the property. A copy of the notice was also posted on the property.

Today's public hearing is to consider the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Robert Newhard.

ALHAMBRA DR

SANTIAGO ST

CORDOVA ST

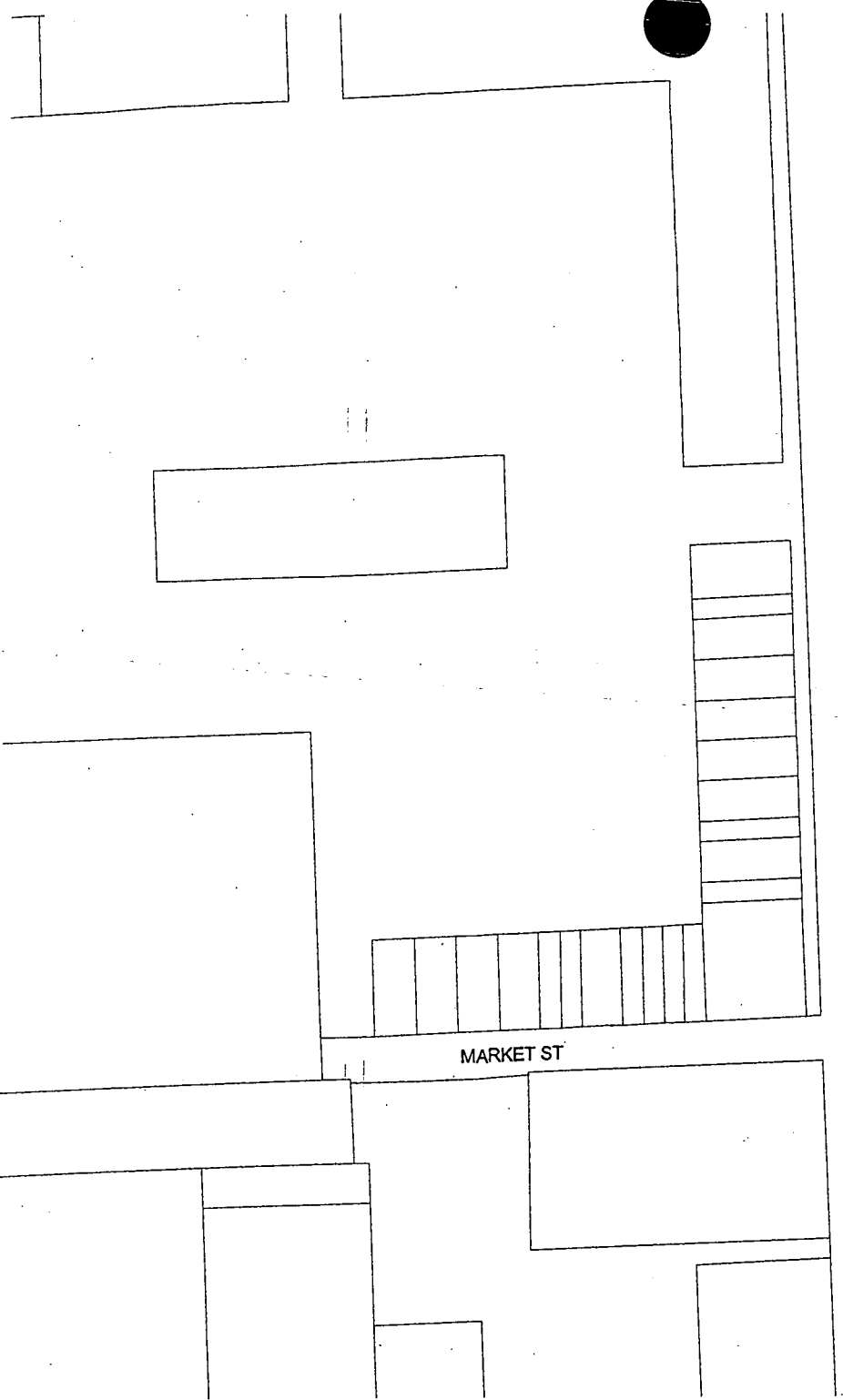
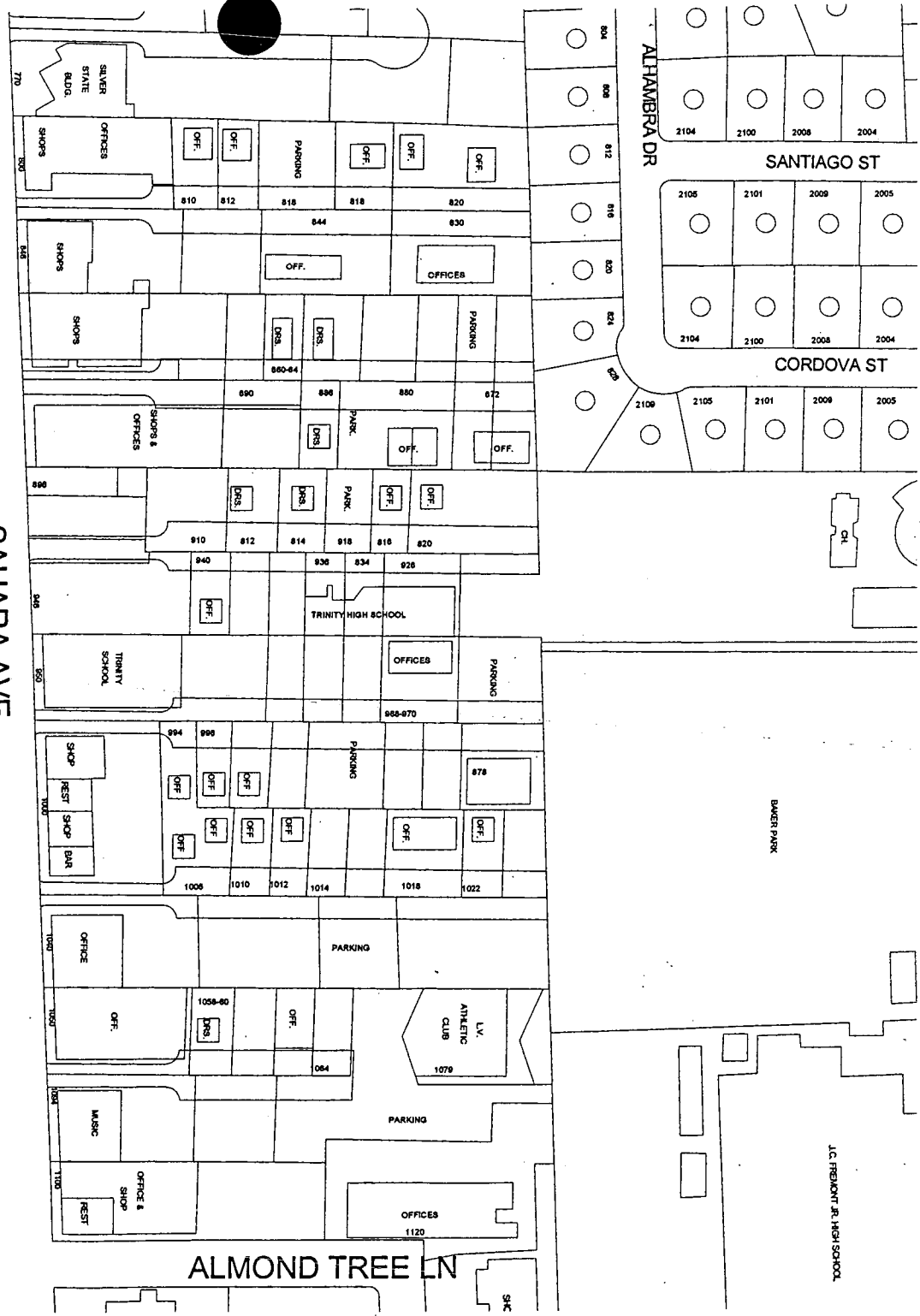
BAKER PARK

J.C. FREMONT JR. HIGH SCHOOL

ALMOND TREE LN

SAHARA AVE

MARKET ST





NEIGHBORHOOD SERVICES DEPARTMENT

NOTICE AND ORDER

December 18, 2003

CASE #7766

Certified/Regular Mail

Return Receipt Requested

Desert Palms Invest Group LLC
3609 Alliance Street
Las Vegas, NV 89126-6819

TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at 880 East Sahara Avenue, Las Vegas, Nevada, Parcel #162-03-801-133, the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Section 202, and is also a dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

1. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
2. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
3. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

MAYOR OSCAR B. GOODMAN

CITY COUNCIL: GARY REESE (MAYOR PRO-TEM) • LARRY BROWN • LYNETTE B. McDONALD
LAWRENCE WEEKLY • MICHAEL MACK • JANET MONCRIEF

CITY MANAGER: DOUGLAS A. SELBY

CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101

18201-031-7-03

VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.ci.las-vegas.nv.us

6

4. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.
5. Whenever any building or structure, or portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others, or have a deleterious effect on the value of neighboring properties.

And, under Section 102 of the 1997 Uniform Building Code.

Section 102 - - Unsafe Buildings or Structures

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

To correct this condition, you need to obtain a permit to demolish the structure(s) and cause the property to be cleaned and install "No Trespassing" signs on the property within ten (10) days from the date of receipt of this Notice and Order.

Once you have been officially notified that this condition exists and you fail to respond, court citations could be issued with each day constituting a separated offense.

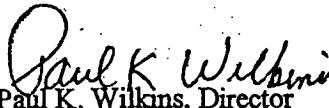
If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, A Lien of Assessment shall be filed with the County Recorder's office, certified copies of the lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the council's designee, in cases where a owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.
2. That this Notice and Order or a copy therefore be presented to the Department of Building and Safety when purchasing a demolition permit, or Neighborhood Services Department when boarding a building.
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. The City will send a contractor out to abate the problem without further notice.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions at your earliest convenience.

Sincerely,


Paul K. Wilkins, Director
Department of Building and Safety

PW:DS:ks

SEP 16 1993

Desert Palms Investment Group, LLC
2287 Crestline Loop Suite C & D
North Las Vegas, NV 89030
702-839-2052 702-839-2053

January 6, 2004

City of Las Vegas
City Clerk Office
400 Stewart Ave.
Las Vegas, NV 89101

RECEIVED
CITY CLERK
2004 JAN - 6 P 3: 02

Attention: Paul K. Wilkins

Re: **Neighborhood Services Department reference case #7766: 880 East Sahara Ave.**

Paul Wilkins or To Whom It May Concern:

Please use this letter as a formal notice that we at Desert Palms Investment Group, LLC are **appealing** the decision of demolition and abatement of the building located at **880 East Sahara Ave., Las Vegas, NV parcel #162-03-801-133.**

We at Desert Palms Investment Group, LLC are currently in final stages with the building department to obtain construction permits. We are anticipating having permits within short period of time. We have a **lot** invested in the project for us not to challenge the demolition and abatement decision. We at Desert Palms Investment Group, LLC are very excited about this project and we are ready to start the project as soon as permits are issued.

Please make changes to you files that Desert Palms Investment Group, LLC has a new mailing address. The information is on the top of this page.

If you have any further question please contact me on my cell at 210-4582 or at my office at the number above.

Sincerely,



Robert Newhard
Desert Palms Investment Group, LLC
Managing Member
Slsn



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B.
McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NEIGHBORHOOD
SERVICES
DEPARTMENT

DIRECTOR
ORLANDO SANCHEZ

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA
89101

VOICE 702.229.2330
FAX 702.382.3045
TDD 702.386.9108
www.ci.las-vegas.nv.us

Case #7766
Certified/Regular Mail
Return Receipt Requested

March 12, 2004

Desert Palms Invest Group LLC
3609 Alliance Street
Las Vegas, NV 89126-6819

Re: **30-Day Extension and Review of Appeal Hearing**
880 E. Sahara Avenue

You are hereby notified that a required 30-day extension and review hearing will be held before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada, on the 7th day of April 2004 at the hour of 1:00 p.m., regarding the appeal of the Notice and Order to Abate Dangerous Building/Demolition. You are requested to be present at the hearing. You may be, but need not be, represented by council.

If you have questions regarding this correspondence, please contact me at (702) 229-2330.

Sincerely,

A handwritten signature in cursive script that reads "David Semenza".

David Semenza, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:jg

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1733 N. Decatur Blvd. PROPERTY OWNER: TELOS ENTERPRISES, INC. – Ward 5 (Weekly)

Fiscal Impact☐**No Impact****Amount: \$1,725.00**☒**Budget Funds Available****Dept./Division: Neighborhood Services/Response**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, Weaver Construction was hired to abate the problem by removing all vagrant camps, vagrant materials, refuse, waste, trash, debris, overgrown weeds, and graffiti; and by posting "No Trespassing/Dumping" signs on the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,725.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:**WEEKLY – APPROVED the action of Neighborhood Services – UNANIMOUS**

NOTE: COUNCILMAN MACK disclosed that his brother, Steven Mack, owns property on a different street in the subject area but did not believe there would be any effect on his building and he would vote on this matter.

CITY COUNCIL MEETING OF APRIL 7, 2004
Neighborhood Services
Item 104 – 1733 N. Decatur Blvd.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, presented a video and stated that the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, Weaver Construction was hired to abate the problem by removing all vagrant camps, vagrant materials, refuse, waste, trash, debris, overgrown weeds, and graffiti and by posting "No Trespassing/Dumping" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,725.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer.

The property owner was not present.

TODD FARLOW, 240 North 19th Street, asked whether there were recent photographs to show whether the dirt mounds were removed. MR. SEMENZA noted that the property was cleaned but the dirt was not removed.

MAYOR GOODMAN declared the Public Hearing closed.

(1:08 – 1:10)

3-244

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004

DEPARTMENT: Neighborhood Services

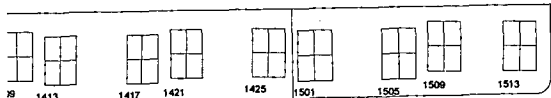
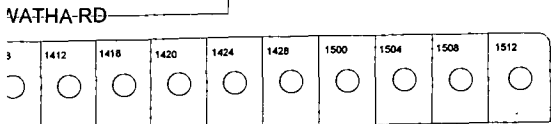
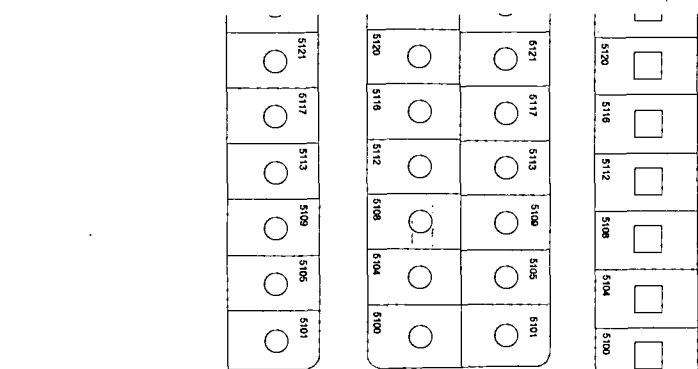
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1733 N. Decatur Blvd.

PROPERTY OWNER: TELOS ENTERPRISES, INC. – Ward 5 (Weekly)

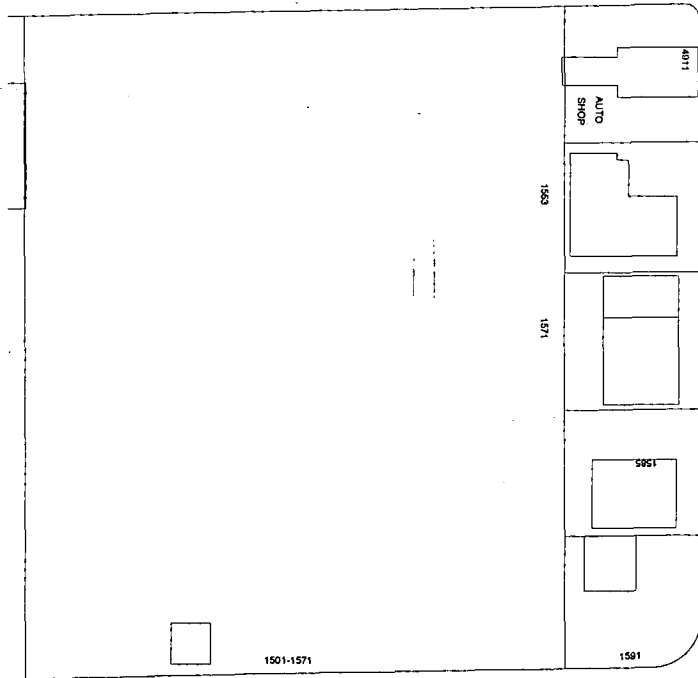
Weaver Construction completed work on February 16, 2004 at a cost of \$1,500.00, plus a 15% administration fee, for a total of \$1,725.00.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Dangerous Building/Boarded Building Nuisance", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

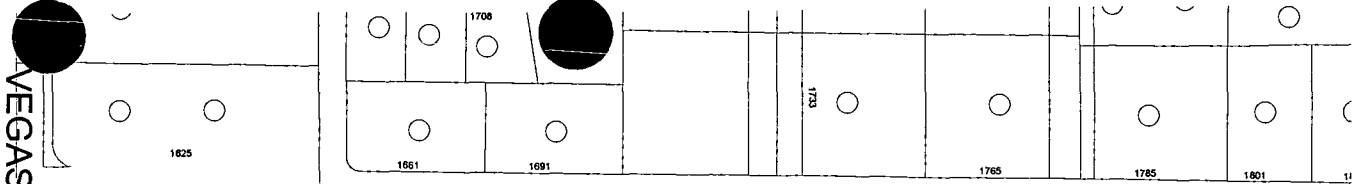
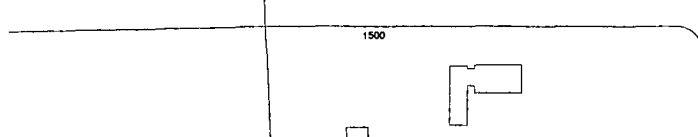
If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.



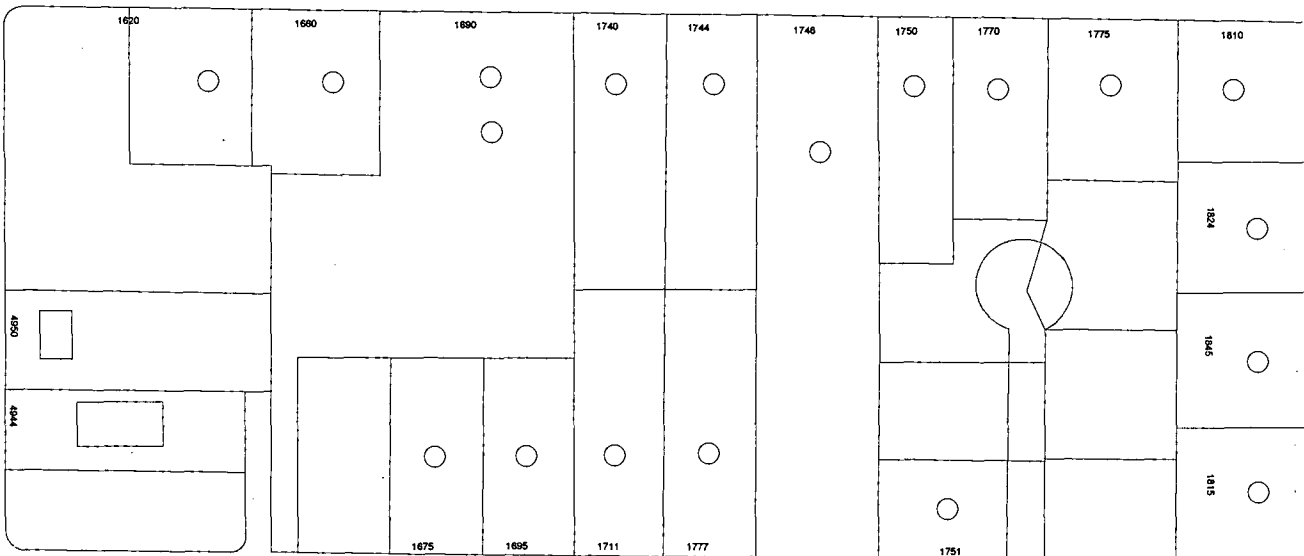
RELHURST DR



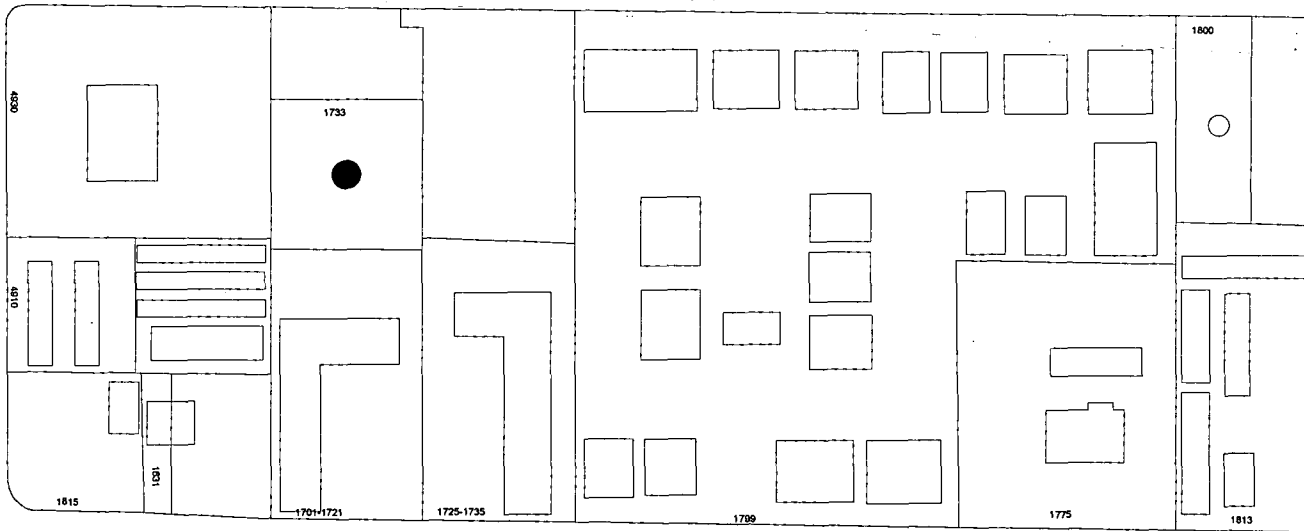
DECATUR BLVD



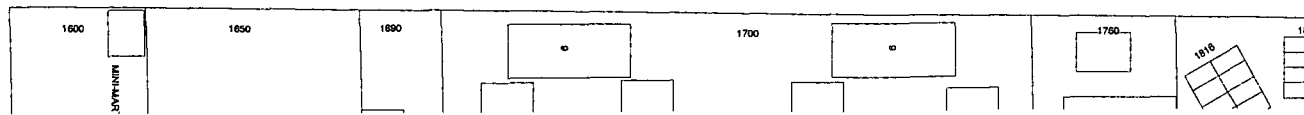
LEONARD LN



FAIRHAVEN ST



DECATUR BLVD



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: March 15, 2004

Re: Report of Expenses for the abatement of Nuisance/Litter located at 1733 North Decatur Blvd. - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Nuisance/Litter," the Department of Neighborhood Services caused the above-referenced property to be corrected by removing all vagrant camps, vagrant materials, refuse, waste, trash, debris, overgrown weeds, and graffiti; and by posting "No Trespassing/Dumping" signs on the property. Weaver Construction completed work on February 16, 2004 at a cost of \$1,500.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 1,500.00
AMOUNT DUE	1,500.00
Administrative processing fee	225.00
TOTAL AMOUNT DUE	\$ 1,725.00

OWNER OF RECORD: TELOS ENTERPRISES, INC.

PROPERTY ABATED: 1733 NORTH DECATUR BLVD.

ASSESSOR'S PARCEL: 138 24 804 006

LEGAL DESCRIPTION: PT SE4 SE4 SEC 24-20-60

DS:jg

WEAVER CONSTRUCTION

"GENERAL ENGINEERING"

2590 NORTH NELLIS BLVD.

LAS VEGAS, NEVADA 89115

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Weaver Construction and
all persons and entities holding more than a 1% interest in
Weaver Construction or any principal of
Weaver Construction are the following:

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. Phil Weaver	2590 N. Nellis Blvd. LV, NV	644-1088
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

Continue list until full and complete disclosure is made

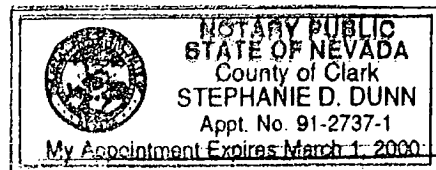
I certify under penalty of perjury, that the foregoing list is full and complete.

Weaver Construction

BY: Phyllis Weaver
Phyllis Weaver, Office Mgr.

Subscribed and sworn to before me
this 28 day of October, 1999.

Stephanie D. Dunn
Notary Public





MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING APRIL 7, 2004

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 7, 2004** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by removing all vagrant camps, vagrant materials, refuse, waste, trash, debris, overgrown weeds, and graffiti; and by posting "No Trespassing/Dumping" signs on property located at **177 NORTH DECATUR BLVD.** legally described as **PT SE4 SE4 SEC 24-20-60** Owner of record at time of abatement: **TELOS ENTERPRISES, INC. - WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,725.00 was expended (\$1,500.00 to Weaver Construction for cleaning the property; and \$225.00 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

Address: 1733 N DECATUR BLVD

BEHIND CHARLESTON CAR QUEST

Vagrants living in bushes behind the Charleston Auto Parts stores. (Metro called in this complaint, you have to look in the bushes to see their camps.)

Parcel(s)

Parcel:	Size:	Subdivision Name:
13824804006	0.62 ACRE	PT SE4 SE4 SEC 24-20-60

Owner Information:

10-Aug-02	09-Oct-02	TURNER MELVIN L & DARLA K TURNER FLOYD M 5905 HALIFAX AVE; LAS VEGAS, NV 89107-1464
09-Oct-02		TELOS ENTERPRISES INC 7390 W SAHARA AVE #250; LAS VEGAS, NV 89117-2765

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
870076	Passed			02/18/2004 9:18	02/18/2004 9:30	12
940274	Failed		10/21/2003	11/05/2003 11:00	11/05/2003 11:04	4
840182	Passed	Partial	11/17/2003	11/17/2003 13:16	11/17/2003 13:16	0
840182	Passed	Partial	11/26/2003	12/01/2003 9:00	12/01/2003 9:10	10
840182	Passed	Partial	1/2/2004	01/02/2004 14:15	01/02/2004 14:25	10
840182	Passed	Partial	1/7/2004	01/07/2004 8:50	01/07/2004 9:05	15
840182	Passed	Partial	1/15/2004	01/15/2004 9:00	01/15/2004 9:20	20
Time in Minuets:						71

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-NUISANCE	11/5/2003	2/18/2004	Lot - Car Quest
Lot with vagrants			
A-WEEDS	12/8/2003	2/18/2004	Vacant Lot
Remove all overgrown vegetation from the vacant lot.			
A-REFUSE/WST	12/8/2003	2/18/2004	Vacant Lot
Remove all refuse & waste, vagrant camps, & vagrant materials from the vacant lot.			
A-LITTER	12/8/2003	2/18/2004	Vacant Lot
Remove all trash, debris from the vacant lot			

Log

Type:	Date:	Employee:	Min:
MISC	3/15/2004 10:33:00 AM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER - 04-07 COUNCIL AGENDA			
RECORD	2/27/2004 3:19:00 PM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040227 INST: 02717.			
MISC	2/19/2004 2:53:00 PM	KATHY STEWART	0
Sent Invoice (\$1,500) from Weaver Construction to Finance for payment. Gave file to Jackie Gordon for Council.			
INSP	2/18/2004 9:18:00 AM	KATHY STEWART	12
24) Vagrant camp, refuse & waste, graffiti abated.			

VIDPST	2/13/2004 10:35:00 AM	KATHY STEWART	0
Phyllis with Weaver Construction called, said they are abating the property & will be done today.			
PHONE	2/11/2004 10:01:00 AM	KATHY STEWART	0
Phyllis with Weaver Construction called with start date for abatement is 2/13/04.			
BIDA	2/10/2004 1:10:00 PM	KATHY STEWART	0
Per David Semenza, okay to award to the lowest bidder, Weaver Construction (\$1,500). Faxed Award letter to Weaver Construction. Contractor to call with a start date.			
BIDR	2/10/2004 8:13:00 AM	KATHY STEWART	0
Received bids from contractors (1) Weaver Construction - \$1,500; (2) KO Construction-\$2,169; (3) C&W Enterprises-\$2,800.			
BIDS	2/4/2004 8:17:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due back Monday, February 9, 2004.			
VIDPRE	2/2/2004 8:00:00 AM	KATHY STEWART	15
24) Pre Video completed. Two vagrant camps, high weeds, refuse & waste, mostly along the block wall; graffiti also. Tape to DS, file to KS.			
INSP	1/15/2004 9:00:00 AM	LAURA DEARMOND	20
28) SPOKE TO ATTORNEY FOR RECEIVERSHIP MR JAMES DONELL THEY ARE NOT GOING TO DO ANYTHING W/LOT TOLD ME THAT CITY WILL HAVE TO CLEAN, PIX, VAGRANTS HEAVY IN LOT DEFECATING IN CORNER, GRAFFITI, T/D-TO 24 FOR ABATEMENT PROCEEDINGS.			
INSP	1/7/2004 8:50:00 AM	ANTHONY GUARINO	15
28)CONT-VAGRANTS,T/D,LITTER,GRAFFITI.IF NOT GOOD OWNERSHIP WE WILL MOVE FOR CITY ABATEMENT CB 1-15			
INSP	1/7/2004 8:50:00 AM	ANTHONY GUARINO	15
28)NEW PIX.REC.PAPERWORK FROM JAMES DONELL RECIEVER OF PROPERTY SAYING HE IS NOT RESPONSIBLE FOR UNIMPROVED PORTION OF PROP.IN RECERSHIP.SPOKE TO MR.DONELL BY TELE.HE IS FAXING ME NAMES&ADDRESS OF WHO HE FEELS IS RESPONSIBLE.LOT BAD. FURNITURE,(CONT)			
PHONE	1/2/2004 3:00:00 PM	LAURA DEARMOND	0
28) LEFT MSG FOR CLAUDIA TO CONTACT ME W/LOCAL PERSONS PHONE # BEFORE FEES ASSESSED.			
INSP	1/2/2004 2:15:00 PM	LAURA DEARMOND	10
28) NO CHANGE CB 1/7			
LETTER	12/26/2003 2:55:00 PM	DAVID SEMENZA	0
ds Received a letter from the attorney handling receivership. The vacant parcel isn't a part of it. Receivership is only for the property with building on it.			
MISC	12/24/2003 10:12:00 AM	KATHY STEWART	0
Received Certified Card back signed by Erin Ortiz. Sent card to C/E for filing.			
MISC	12/19/2003 10:08:00 AM	KATHY STEWART	0
Received Certified & Regular letters back Return to Sender, Forward Order Expired. Sent letters to C/E for filing.			
PHONE	12/18/2003 3:05:00 PM	LAURA DEARMOND	10
28) SPOKE BY PHONE TO CLAUDIA, PROPERTY IS IN RECEIVERSHIP AT THIS TIME. SHE DOES HAVE A LOCAL PERSON WHO WILL CLAN PROPERTY IN QUESTION. HE WORKS FOR CARQUEST. CLAUDIA'S # (310)207-8481. GRANTED EXTENSION UNTIL 1/2. CB 1/2			
NOPOST	12/15/2003 12:45:00 PM	LAURA DEARMOND	5
28) POSTED N&O AT BOTH SITE & OWNERS ADDRESS. NO CHANGE IN PROP. CB 12/26			
MISC	12/12/2003 9:47:00 AM	KATHY STEWART	0
N&O Letter attached in OLE			
NOTICE	12/12/2003 8:25:00 AM	KATHY STEWART	80
Sent Nuisance/Litter Abatement Notice & Order to Comply Vacant Lot letter to owner, TELOS Enterprises, Inc. Post: 12/15. C/B: 12/26. Sent file to #26.			
NOREQ	12/8/2003	KATHY STEWART	0
Sent N&O to office for typing & mailing.			
PHONE	12/5/2003	KATHY STEWART	0
28) Called Mr Gary Lee, he stated he is not the owner of the lot.			
RESEAR	12/3/2003 1:10:00 PM	JESSICA LARRAMENDY	0
JL) Cont. State of NV - TELOS, Gary Lee, 7390 W Sahara, Ste. 250, Las Vegas, NV 89117, Clark County - TELOS Enterprises, Inc. NO NEW PROPERTY OWNER INFORMATION AVAILABLE.			

RESEAR	12/3/2003 1:08:00 PM	JESSICA LARRAMENDY	0
JL) Tel book (same as white pages), Hill Donnelly - Nothing, Sewer (vacant land), Bus Lic - Nothing, Bldg permits - see attached, White pages - 2 possibilites (see attachment). Water screen - vacant land.			
INSP	12/1/2003 9:00:00 AM	LAURA DEARMOND	10
28) NO CHANGE. ATTEMPTED TO GIVE FINAL @ OWNER'S ADDRESS. OWNER'S ADDRESS OF RECORD IS VACANT. NEED RESEARCH TO FIND CORRECT ADDRESS. NO LISTING IN BOOK TO TEL CO. PIX. CB 12/11			
INSP	11/17/2003 1:15:00 PM	LAURA DEARMOND	0
28) C/N SENT TO OWNER TO CLEAN LOT & REMOVE VAGRANTS PIX CB 11/26			
RESEAR	11/14/2003 9:07:00 AM	JESSICA LARRAMENDY	0
JL) TEL BOOK, HILL DONNELLY, WHITE PAGES - NOTHING FOUND. BUS LIC & BLDG PERMITS - SEE ATTACHED. STATE OF NV CORPORATE SCREEN - GARY LEE - 7390 W SAHARA, STE 250, LAS VEGAS, NV 89117 FOR TELOS ENTERPRISES, INC.			
RESEAR	11/14/2003 9:05:00 AM	JESSICA LARRAMENDY	0
JL) ACTUAL ADDRESS IS 1733 N DECATUR BLVD. TELOS ENTERPRISES INC, 7390 W SAHARA AVE #250, LAS VEGAS NV 89117-2765. FORWARDED TO 28 FOR NOTICE.			
INSP	11/5/2003 11:00:00 AM	JESSICA LARRAMENDY	4
28) LOT WHERE VAGRANTS ARE IS DIRECTLY BEHIND ABOVE ADDRESS 1715 N DECATUR @ FAIRHAVEN. PIX. WILL GET RESEARCH OR OWNERSHIP OF PROPERTY OR POSSIBLY RRT'S HELP.			

Time in minuets:

196

APN 138-24-804-006
Ref # - 5755

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: TELOS ENTERPRISES, INC.
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 138-24-804-006
Commonly known as: 1733 NORTH DECATUR BLVD.
Legal Description: PT SE 4 SE4 SEC 24-20-60

On February 16, 2004, as provided in the Municipal Code, 16.08, Section 302 and Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$1,725.00 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on April 7, 2004, ordered the above charges in the amount of \$1,725.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

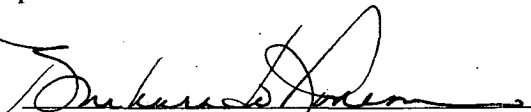
All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.


BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

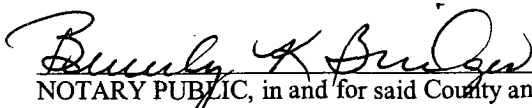
STATE OF NEVADA)

COUNTY OF CLARK)

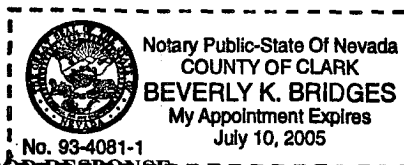
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 8th day of April, 2004


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 740 N 11th St. PROPERTY OWNER: WASHINGTON MUTUAL BANK F A – Ward 5 (Weekly)

Fiscal Impact☐**No Impact****Amount: \$2,140.85**☒**Budget Funds Available****Dept./Division: Neighborhood Services/Response**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, KO Construction was hired to abate the property by boarding and securing all doors, windows, and openings; removing all refuse, waste, trash, debris, vagrant materials, miscellaneous junk, dead/dry vegetation, the dilapidated chain link fence, and graffiti; and by posting "No Trespassing" signs the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,140.85 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

WEEKLY – APPROVED the action of Neighborhood Services – UNANIMOUS

CITY COUNCIL MEETING OF APRIL 7, 2004
Neighborhood Services
Item 105 – 740 N. 11th Street.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, explained that the condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, KO Construction was hired to abate the property by boarding and securing all doors, windows, and openings; removing all refuse, miscellaneous junk and graffiti and by posting "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$2,140.85 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer's Office.

The property owner was not present.

TODD FARLOW, 240 North 19th Street, referenced an approved legislation that required property owners to indicate what they intend to do with their properties. MR. SEMENZA replied that when the bank becomes sole owner of the property they will process it for sale. MR. SEMENZA added that a majority of the buildings are cleaned and most of them are sold; however, there are a number of older ones that remain boarded up forever.

MAYOR GOODMAN stated that the City Attorney's Office is creating a program for attainable housing.

MAYOR GOODMAN declared the Public Hearing closed.

(1:10 – 1:14)

3-307

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 740 N. 11TH ST.

PROPERTY OWNER: WASHINGTON MUTUAL BANK FA – Ward 5 (Weekly)

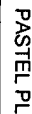
ADS Consulting, Inc. completed work on February 17, 2004 at a cost of \$1,579.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,140.85.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of "Dangerous Building", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

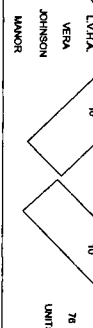
If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.



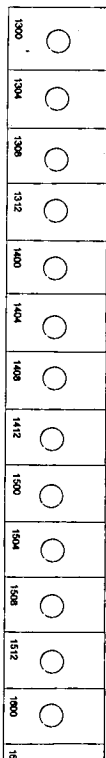
HELD RD



NORTH RUE 13th



HARRIS AVE



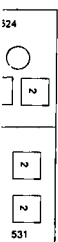
MC WILLIAMS AVE



ELEVENTH ST



BONANZA RD



Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: March 15, 2004

Re: Report of Expenses for the abatement of Dangerous Building located at 740 N 11th St. - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding and securing all doors, windows, and openings; removing all refuse, waste, trash, debris, vagrant materials, miscellaneous junk, dead/dry vegetation, the dilapidated chain link fence, and graffiti; and by posting "No Trespassing" signs the property. KO Construction, Inc. completed work on February 17, 2004 at a cost of \$1,579.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 1,579.00
AMOUNT DUE	1,579.00
Boarding Fee	325.00
Administrative processing fee	236.85
TOTAL AMOUNT DUE	\$ 2,140.85

OWNER OF RECORD: WASHINGTON MUTUAL BANK FA

PROPERTY ABATED: 740 N. 11TH Street

ASSESSOR'S PARCEL: 139 26 410 080

LEGAL DESCRIPTION: STEWART ADD
PLAT BOOK 1 PAGE 57
LOT 1 BLOCK 5

DS:jg

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
more than a 1% interest in [Contracting Entity] or any principal of [Contracting Entity] are
the following: K.O. CONST INC K.O. CONSTRUCTION INC

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

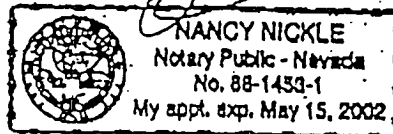
Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

[Contracting Entity] K.O. CONSTRUCTION INC
By: [Signature]

Subscribed and sworn to before me this

29 Day of October 1999.
Nancy Nickle
Notary Public





MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING APRIL 7, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 7, 2004**, at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following **REPORT OF EXPENSES** submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

Abatement of the property by boarding and securing all doors, windows and openings; removing all refuse, waste, trash, debris, vagrant materials, miscellaneous junk, dead/dry vegetation, the dilapidated chain link fence, and graffiti; and by posting "No Trespassing" signs on property located at **740 NORTH 11TH STREET** legally described as **STEWART ADD, PLAT BOOK 1 PAGE 57, LOT 1 BLOCK 5**. Owner of record at time of abatement: **WASHINGTON MUTUAL BANK FA - WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,140.85 was expended (\$1,579.00 to KO Construction, Inc. for cleaning the property; \$325.00 Boarding Fee and \$236.85 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

Address: 740 N 11TH ST

Open/accessible upstairs apartment

Parcel(s)

Parcel:	Size:	Subdivision Name:
13926410080	0.16 ACRE	STEWART ADD

Owner Information:

11-Jun-03	BANK WASHINGTON MUTUAL F A
	P O BOX 1169; MILWAUKEE, WI 53201-1169
10-Aug-02 11-Jun-03	CERVANTES PEDRO
	740 N 11TH ST; LAS VEGAS, NV 89101-2599

Inspection Summary

Inspector:	Status:	Scheduled DT:	Start Dt:	Comp DT:	Min:
870076	Failed		01/27/2004 12:49	01/27/2004 13:10	21
870076	Passed		02/18/2004 15:40	02/18/2004 15:50	10
970581	Failed	12/14/2003	12/14/2003 8:00	12/14/2003 8:15	15
970581	Passed	Partial 12/29/2003	12/29/2003 10:56	12/29/2003 11:05	9
970581	Closed	1/15/2004	03/02/2004 14:55	03/02/2004 14:55	0
Time in Minuets:					55

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-REFUSE/WST	12/14/2003		Property
Remove all refuse, waste, & vagrant material from the property.			
A-BLD DNGR	12/14/2003		Door
Board & secure door according to City specifications.			

Log

Type:	Date:	Employee:	Min:
MISC	3/15/2004 10:41:00 AM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER...04-07 COUNCIL AGENDA.			
MISC	2/19/2004 2:55:00 PM	KATHY STEWART	0
Sent Invoice (\$1,579) from K.O. Construction to Finance for payment. Gave file to Jackie Gordon for Council.			
VDPST	2/18/2004 3:40:00 PM	KATHY STEWART	10
24) Post video completed.			
INSP	2/18/2004 3:40:00 PM	KATHY STEWART	10
CONT'D) entrance today. Graffiti was painted over but there's a new smal sign today.			
INSP	2/18/2004 3:40:00 PM	KATHY STEWART	10
24) Secure @ this time. All but one upstairs board painted. The iron securey doors to 2 units are hanging open but the entrances are secure @ this time. The divider chain ling fence remains as before, partially dilapidated.			
MISC	2/18/2004 8:26:00 AM	KATHY STEWART	0
Sent Request for AFTER Abatement Video to Pam Hines.			
MISC	2/18/2004 8:25:00 AM	KATHY STEWART	0
Received Invoice (\$1,579) from K.O. Construction for completion of abatement.			

PHONE	2/13/2004 9:45:00 AM	KATHY STEWART	0
Chris w/K.O. Construction called and said they will start today with the abatement of the property.			
BIDA	2/10/2004 7:53:00 AM	KATHY STEWART	0
Per David Semenza, okay to award to the lowest bidder, K.O. Construction (\$1,579). Faxed Award letter to K.O. Construction. Contractor to call with a start date.			
BIDR	2/6/2004 8:00:00 AM	KATHY STEWART	0
Received bids from contractors: (1) KO Construction - \$1,579; (2) Weaver Construction - \$1,710; (3)C&W Enterprises - \$2,400.			
RECORD	2/4/2004 1:50:00 PM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY: BOOK:20040204 INSTR: 01294.			
BIDS	1/30/2004 11:35:00 AM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due back 2/5/04.			
INSP	1/27/2004 12:54:00 PM	PAMELA HINES	13
24) PRE-VIDEO TAPED. VAGRANT MATERIAL AROUND THE UNIT ENTRANCES. HUMAN WASTE ALSO. UPSTAIRS UNIT OPEN. BOARD WAS PULLED OFF. GRAFFITI ALSO. THE CHAIN LINK FENCE AT FRONT YARD PROPERTY LINE IS FALLEN & DILAPIDATED. TAPE TO DS. FILE TO KS TO PROCEED W/BIDS			
INSP	12/29/2003 10:56:00 AM	LAURA DEARMOND	9
26) GRAFFITI STILL REMAINS ON BLDG. 2 APTS NOW OPEN BOTTOM RIGHT & TOP LEFT. VAGRANTS ALL OVER PROPERTY, TOOK PIX, CONTINUE ABATEMENT			
MISC	12/29/2003 10:26:00 AM	KATHY STEWART	0
Received Certified Card back from owner signed. Sent card to C/E for filing.			
PHONE	12/22/2003 7:00:00 AM	LAURA DEARMOND	15
26) CALLED #'S FOR LINDA CATES NA, CORY HESS NA, TAMMY HACKER NA, HEATHER WADITCH LM/VM. CONTINUE ABATEMENT			
PHONE	12/20/2003 7:00:00 AM	LAURA DEARMOND	2
26) CALLED LINDA CATES # NA, CB 12/22			
NOPOST	12/19/2003 1:40:00 PM	LAURA DEARMOND	11
26) POSTED N&O, ALL DOORS & WINDOWS NOW SECURE BUT T/D & REFUSE/WASTE & GRAFFITI REMAIN TOOK PIX			
MISC	12/18/2003 11:09:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	12/18/2003 10:40:00 AM	KATHY STEWART	20
Sent Notice & Order to Abate Dangerous Building Letter to owner, Washington Mutual Bank. Post: 12/19. C/B: 12/29. Sent file to #26.			
NOREQ	12/14/2003 8:20:00 AM	KATHY STEWART	5
26) Prepared N&O for processing.			
INSP	12/14/2003 8:00:00 AM	KATHY STEWART	15
26) Upstair apartment open and accessible, #20 renailed door shut. Took PIXS of trash/debris and vagrant materials. Called Washington Mutual, Linda Cates @ (414) 359-8510, left message/voice mail. Prepared N&O & forward to #16 for review.			

Time in minuets:

120

APN 139-26-410-080

Ref # - 7761

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: WASHINGTON MUTUAL BANK FA
(Reputed Owner(s)) at time of abatement.

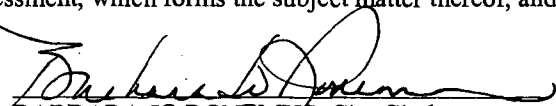
Assessor's Parcel No.: **APN 139-26-410-080**
Commonly known as: **740 NORTH 11TH STREET**
Legal Description: **STEWART ADD**
PLAT BOOK 1 PAGE 57
LOT 1 BLOCK 5

On **February 17, 2004**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **\$2,140.85** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **April 7, 2004**, ordered the above charges in the amount of **\$2,140.85**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

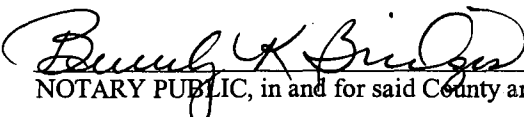

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.


BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 8th day of April, 2004


NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - SPECIAL USE PERMIT

- 106 EOT-3962 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 107 EOT-3963 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 108 EOT-3964 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 109 EOT-3965 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 110 EOT-3966 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 111 EOT-3967 - Applicant: Stanpark Construction – Owner: Kolob, Limited Liability Company
- 112 EOT-3992 - Applicant/Owner: Good Earth Enterprises, Inc.

EXTENSION OF TIME - REZONING

- 113 EOT-3975 - Applicant/Owner: Kenneth Long

DISCUSSION/ACTION ITEMS

REQUIRED ONE YEAR REVIEW - REVIEW OF CONDITION - PUBLIC HEARING

- 114 RQR-3881 - Applicant: Yono Enterprises – Owner: Richard and Beatrice Sturman

REVIEW OF CONDITION - PUBLIC HEARING

- 115 ROC-3761 - Applicant/Owner: Westview, Limited Liability Company
- 116 ROC-3797 - Applicant/Owner: United Brothers Enterprises, Inc.

REQUIRED TWO YEAR REVIEW - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING

- 117 RQR-3691 - Applicant/Owner: Las Vegas Valley Water District

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING

- 118 SDR-3703 - Applicant/Owner: Sharon Kea – Imperial Health Spa
- 119 SDR-3787 - Applicant/Owner: Silver State Bank
- 120 SDR-3795 - Applicant/Owner: Northwest 95, Limited Liability Company

City of Las Vegas

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City Council Meeting of April 7, 2004

- MAJOR MODIFICATION TO THE MONTECITO DEVELOPMENT AGREEMENT - PUBLIC HEARING
- 121 **MOD-3735** - Applicant: Richmond American Homes – Owner: James R. Tucker Family Trust and James Tucker Trust
- SPECIAL USE PERMIT RELATED TO MOD-3735 - PUBLIC HEARING
- 122 **SUP-3503** - Applicant: Richmond American Homes – Owner: James R. Tucker Family Trust and James Tucker Trust
- SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-3735 AND SUP-3503 - PUBLIC HEARING
- 123 **SDR-3505** - Applicant: Richmond American Homes – Owner: James R. Tucker Family Trust and James Tucker Trust
- MAJOR MODIFICATION TO THE MONTECITO TOWN CENTER DEVELOPMENT AGREEMENT - PUBLIC HEARING
- 124 **MOD-3763** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- REZONING RELATED TO MOD-3763 - PUBLIC HEARING
- 125 **ZON-3840** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- SPECIAL USE PERMITS RELATED TO MOD-3763 AND ZON-3840 - PUBLIC HEARING
- 126 **SUP-3765** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 127 **SUP-3767** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 128 **SUP-3769** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 129 **SUP-3770** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 130 **SUP-3771** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 131 **SUP-3773** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 132 **SUP-3774** - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.

City of Las Vegas

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City Council Meeting of April 7, 2004

SPECIAL USE PERMITS RELATED TO MOD-3763 AND ZON-3840 - PUBLIC HEARING

- 133 SUP-3776 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 134 SUP-3777 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 135 SUP-3778 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 136 SUP-3779 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 137 SUP-3780 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 138 SUP-3781 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 139 SUP-3783 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 140 SUP-3785 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 141 SUP-3786 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 142 SUP-3788 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.
- 143 SUP-3789 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-3763, ZON-3840, SUP-3765, SUP-3767, SUP-3769, SUP-3770, SUP-3771, SUP-3773, SUP-3774, SUP-3776, SUP-3777, SUP-3778, SUP-3779, SUP-3780, SUP-3781, SUP-3783, SUP-3785, SUP-3786, SUP-3788 AND SUP-3789 - PUBLIC HEARING

- 144 SDR-3764 - Applicant: Montecito Companies, Limited Liability Company – Owner: MTC-118, Inc.

MAJOR MODIFICATION TO THE LONE MOUNTAIN MASTER PLAN - PUBLIC HEARING

- 145 MOD-3758 - Applicant: Fred Lessman

SPECIAL USE PERMIT RELATED TO MOD-3758 - PUBLIC HEARING

- 146 SUP-4009 - Applicant: Fred Lessman – Owner: Shadows Hills Plaza, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Four

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City Council Meeting of April 7, 2004

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-3758 AND SUP-4009 - PUBLIC HEARING

- 147 **SDR-3759** - Applicant: Fred Lessman – Owner: Shadows Hills Plaza, Limited Liability Company

VACATION - PUBLIC HEARING

- 148 **VAC-3664** - Applicant: Sterling S. Development – Owner: Quarterhorse Falls Estates, Limited Liability Company

TENTATIVE MAP RELATED TO VAC-3664

- 149 **TMP-3639** - Applicant: Sterling S. Development – Owner: Quarterhorse Falls Estates, Limited Liability Company

VACATION - PUBLIC HEARING

- 150 **VAC-3707** - Applicant: Sterling S. Development – Owner: Quarterhorse Falls II, Limited Liability Company
- 151 **VAC-3726** - Applicant: Olympus Group, Inc. – Owner: O'Bannon-Jones, Limited Liability Company
- 152 **VAC-3760** - Applicant: American Premier Homes – Owner: Grand View Apartments, Limited Liability Company
- 153 **VAC-3782** - Applicant/Owner: Concordia Homes Nevada, Inc.
- 154 **VAC-3802** - Applicant: Taney Engineering – Owner: Univest I, Limited Liability Company

REQUIRED TWO YEAR REVIEW - VARIANCE - PUBLIC HEARING

- 155 **RQR-3685** - Applicant: Lamar Outdoor Advertising – Owner: James and Linda Sapp
- 156 **RQR-3705** - Applicant: Viacom Outdoor – Owner: Sahara Rancho Medical

VARIANCE - PUBLIC HEARING

- 157 **VAR-3711** - Applicant: Rancho Pointe – Owner: Trisison, Limited Liability Company and Helen Slavin Baldwin

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-3711 - PUBLIC HEARING

- 158 **SDR-3452** - Applicant: Rancho Pointe and J. Mario Sanchez – Owner: Trisison, Limited Liability Company and Helen Slavin Baldwin

VARIANCE - PUBLIC HEARING

- 159 **VAR-3800** - Applicant/Owner: Richard W. Minnear

City of Las Vegas

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City Council Meeting of April 7, 2004

- SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-3800 - PUBLIC HEARING
- 160 **SDR-3799** - Applicant/Owner: Richard W. Minnear
- VARIANCE - PUBLIC HEARING
- 161 **VAR-3880** - Applicant/Owner: Asie Jah
- SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-3880 - PUBLIC HEARING
- 162 **SDR-3710** - Applicant/Owner: Asie Jah
- SPECIAL USE PERMIT - PUBLIC HEARING
- 163 **ABEYANCE ITEM - SUP-3479** - Lamar Outdoor Advertising on behalf of Newberg-Fiorello Development
- 164 **SUP-3545** - Applicant: Show Media – Owner: Nevada Space, Inc.
- 165 **SUP-3716** - Applicant: Aurelio's – Owner: Cheyenne Investments, Limited Liability Company
- 166 **SUP-3712** - Applicant: Church's Bail Bonds, Inc. – Owner: Bonneville Center, Limited Liability Company
- SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-3712 - PUBLIC HEARING
- 167 **SDR-3713** - Applicant: Church's Bail Bonds, Inc. – Owner: Bonneville Center, Limited Liability Company
- SPECIAL USE PERMIT - PUBLIC HEARING
- 168 **SUP-3729** - Applicant: Bail Bond America, Inc. – Owner: Michael and Christine Accardi
- 169 **SUP-3746** - Applicant: Jeffrey Campbell – Owner: Pan Pacific Retail Properties, Inc.
- 170 **SUP-3747** - Applicant: Express Cash & Loan – Owner: Nerces Himidian Living Trust
- 171 **SUP-3772** - Applicant: Richardson Partnership – Owner: Rancho Washington, Limited Liability Company
- SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-3772 - PUBLIC HEARING
- 172 **SDR-3766** - Applicant: Richardson Partnership – Owner: Rancho Washington, Limited Liability Company
- SPECIAL USE PERMIT - PUBLIC HEARING
- 173 **SUP-3815** - Applicant: Bullseye Commercial Real Estate – Owner: PSA Land Investments, Limited Liability Company

City of Las Vegas

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City Council Meeting of April 7, 2004

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-3815 - PUBLIC HEARING

- 174 **SDR-3790** - Applicant: Bullseye Commercial Real Estate – Owner: PSA Land Investments, Limited Liability Company

REZONING - PUBLIC HEARING

- 175 **ZON-3665** - Applicant/Owner: Donna J. Capri
176 **ZON-3678** - Applicant/Owner: Ruth A. Sharron
177 **ZON-3775** - Applicant: Fiesta Homes – Owner: New York Plastics, Limited Liability Company

VARIANCE RELATED TO ZON-3775 - PUBLIC HEARING

- 178 **VAR-3946** - Applicant: Fiesta Homes – Owner: New York Plastics, Limited Liability Company

WAIVER OF TITLE 18 RELATED TO ZON-3775 AND VAR-3946 - PUBLIC HEARING

- 179 **WVR-3793** - Applicant: Fiesta Homes – Owner: New York Plastics, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3775, VAR-3946 AND WVR-3793 - PUBLIC HEARING

- 180 **SDR-3784** - Applicant: Fiesta Homes – Owner: New York Plastics, Limited Liability Company

REZONING - PUBLIC HEARING

- 181 **ZON-3919** - Applicant/Owner: Cornerstone Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3919 - PUBLIC HEARING

- 182 **SDR-3920** - Applicant/Owner: Cornerstone Company

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

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DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3962 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0156-99) FOR ALCOHOLIC BEVERAGE SALES adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

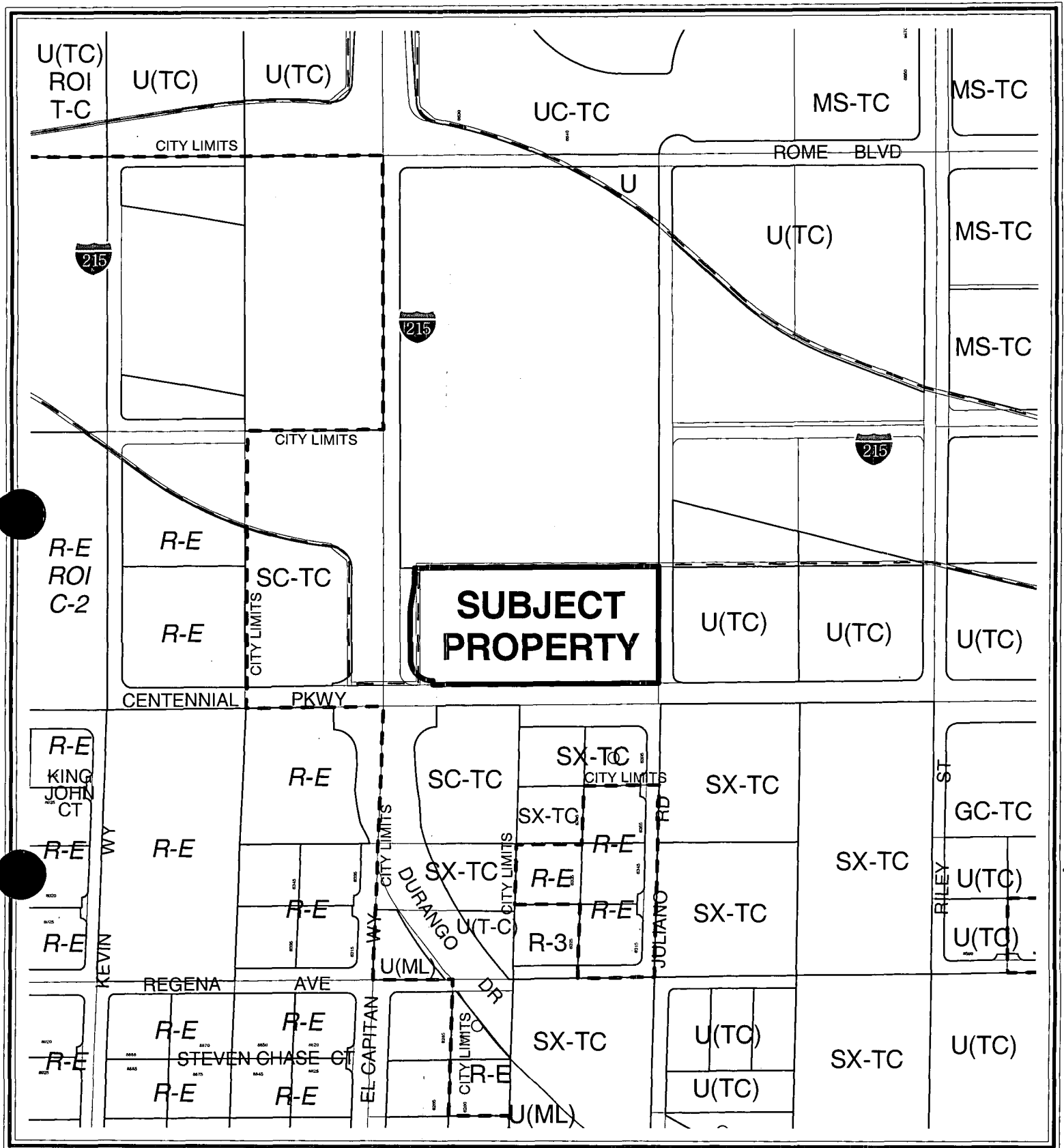
3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 106 – EOT-3962

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0156-99).



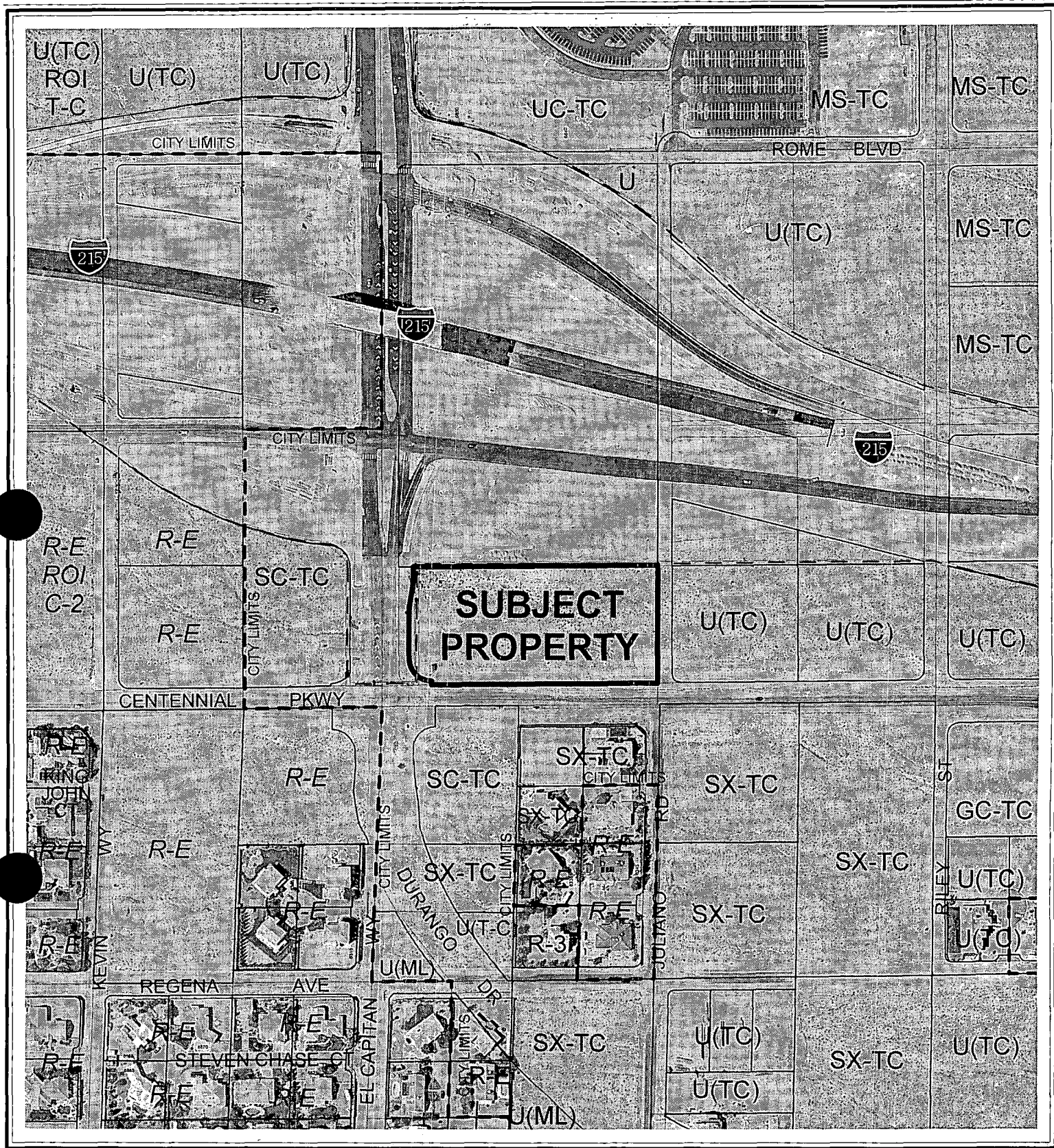
CASE: EOT-3962

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER)
LAND USE DESIGNATION]

106





0 200 400 Feet

CASE: EOT-3962

ZONING OF SUBJECT PROPERTY:

T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER)
LAND USE DESIGNATION]



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3962 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0156-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0156-99) for Alcoholic Beverage Sales adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98.
- 05/17/00 The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00.
- 05/17/00 The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00.
- 05/01/02 The City Council approved an Extension of Time [U-0156-99(1)] on the approved Special Use Permit for an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02.

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category near the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed convenience store with Alcoholic Beverage Sales is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for an Off-Premise Liquor Establishment, the proposed project was deemed to be a “Project of Significant Impact” through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Liquor Establishment (Off-Site Sales)	4,000 SF	1/300 SF GFA	13	1	165	12

The overall retail center in which the proposed use will be located will contain 177 parking spaces. The pad on which the proposed convenience store will be located contains 28 spaces; however, it will also contain an Auto Repair, Minor use. Parking should be adequate to meet the demand of the proposed Alcoholic Beverage Sales use.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards Manual (Section B.4.B), the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Alcoholic Beverage Sales/Liquor Stores	400-foot distance separation from any church, synagogue, school, child care facility (13+ children), or City park	Greater than 400 feet from protected properties

No churches, synagogues, schools, child care facilities or City parks are located with 400 feet of the property containing the proposed Alcoholic Beverage Sales/Liquor Store use. It is also noted that the Gaming, Restricted use is not permitted within 330 feet of any single-family residential dwelling. The approved Special Use Permit contained a condition prohibiting gaming inside the proposed convenience store where alcoholic beverages are proposed to be sold.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. Alcoholic Beverage Sales/Liquor Store is a permitted use in this district with the approval of a Special Use Permit.

- Use

The proposed use will occur inside a 4,000 square foot convenience store that is part of a 22,800 square-foot overall development that will also include an automatic car wash, an auto lube, two restaurants, and two multi-tenant retail buildings. The convenience store will be located adjacent to the corner of Centennial Parkway and Durango Drive (formerly El Capitan Way). Alcohol sales will be limited to beer and wine only. Because of the proximity of a single-family dwelling south of the subject property, Gaming is not permitted within the proposed convenience store.

The subject site and the surrounding area have not changed since the first Extension of Time request. This use will be compatible with the other uses planned on the site. For these reasons, it is recommended that the Extension of Time be granted.

- Conditions

The Town Center Development Standards Manual (Section B.4.B) requires the following applicable minimum standards for the Alcoholic Beverage Sales/Liquor Store use:

1. No beer/wine/cooler on-sale, off-sale, on-off-sale, package or wholesale general use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. The 400-foot separation distance shall be measured in a straight line from the nearest property line of the church, synagogue, school, child care facility, or City park to the nearest property line of the proposed liquor establishment premises, disregarding all intervening obstacles.
3. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The approved Special Use Permit (U-0156-99) for a Liquor Establishment (Off-Premise) also contained the following pertinent conditions:

1. The sale of individual containers of any size beer, wine coolers, or screw cap wine is prohibited.
2. There shall be no restricted gaming permitted within the convenience store.
3. This action does not constitute approval of a liquor license.
4. Conformance to the Conditions of Approval for Z-0076-98(11).

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Alcoholic Beverage Sales use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

The Town Center Development Standards require developments with Restricted Gaming uses to be separated from single-family dwellings by at least 330 feet. An existing residence on the south side of Centennial Parkway sits approximately 100 feet from the subject property. A condition of the original Special Use Permit (U-0156-99) prohibits gaming machines within the convenience store.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Alcoholic Beverage Sales use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the convenience store will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for Alcoholic Beverage Sales is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

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DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3963 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0154-99) FOR AN AUTO REPAIR GARAGE, MINOR adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 107 – EOT-3963

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0154-99).

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3963 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0154-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0154-99) for an Auto Repair Garage (Minor) adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98. |
| 05/17/00 | The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00. |
| 05/17/00 | The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), an Auto Repair Garage (Minor) (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00. |
| 05/01/02 | The City Council approved an Extension of Time [U-0156-99(1)] on the approved Special Use Permit for an Auto Repair Garage (Minor) (U-0154-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02. |

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category at the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed Auto Repair Garage (Minor) is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for an Auto Repair Garage (Minor), the proposed project was deemed to be a "Project of Significant Impact" through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auto Lube	2,800 SF	1 space per employee + one space per bay + two spaces in stacking lanes per bay	15 (Based on 4 employees and 4 bays)	1	165	12

The overall retail center in which the proposed use will be located will contain 177 parking spaces. The pad on which the proposed convenience store will be located will contain 28 spaces, enough to meet the Title 19 requirement; however, it will also contain an automatic car wash and convenience store. Therefore, parking may spill over into other areas of the overall retail development at peak business hours.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards Manual (Section B.4.B), the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Auto Repair Garage (Minor)	Shall not locate within 330 feet of any single-family detached dwelling	Approximately 500 Feet from auto lube to property line of single-family dwelling

The proposed building that will hold the proposed Auto Repair Garage (Minor) use is approximately 500 feet from a single-family dwelling south of Centennial Parkway. A condition of the original Special Use Permit specifically prohibited repairs to automobiles and limited service to the replacement of oil and filter, lubrication of chassis, and replacement of windshield wiper fluids. This will mitigate most of the effects of the use to residential development in the area. No Condition of Approval for Special Use Permit (U-0154-99) required conformance to the base conditions for approval of a Special Use Permit for the Auto Repair Garage (Minor) listed in the Town Center Development Standards Manual.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. Auto Repair Garage (Minor) is a permitted use in this district with the approval of a Special Use Permit.

- Use

The proposed Auto Repair Garage (Minor) use consists of a 2,800 square foot building that is part of a 22,800 square-foot overall development that will also include an automatic car wash, convenience store, two restaurants, and two multi-tenant retail buildings. Service to vehicles is limited to oil and filter changes, chassis lubrication, and replacement of wiper fluid. All other automobile repair is prohibited, by condition of the approved Special Use Permit.

The subject site and the surrounding area have not changed since the first Extension of Time request. This use will be compatible with the other uses planned on the site. For these reasons, it is recommended that the Extension of Time be granted.

- Conditions

The approved Special Use Permit (U-0154-99) for an Auto Repair Garage (Minor) contained the following conditions:

1. This approval shall expire in two years if the use is not exercised, unless an Extension of Time is granted.
2. No repairs to automobiles will be performed. Work will be limited to the replacement of oil and filter; lubrication of the automobile chassis; and, replacement of windshield wiper fluids.
3. All work shall be performed within a completely enclosed building.
4. There shall be no outside storage of stock, equipment, or residual used equipment.
5. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
6. Conformance to the Conditions of Approval of Z-76-98(11).
7. All City Code requirements and design standards of all City departments must be satisfied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Auto Repair Garage (Minor) use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Auto Repair Garage (Minor) use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the convenience store will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for Auto Repair Garage (Minor) is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-3963 APN: 125-20-801-002

Name of Property Owner: KOLOB LLC

Name of Applicant: Stanpark Construction

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

X Yes

 No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Mayor Goodman

Partner(s): Kevin M. Parkinson

APN: Apex

Signature of Property Owner/Authorized Agent: [Signature]

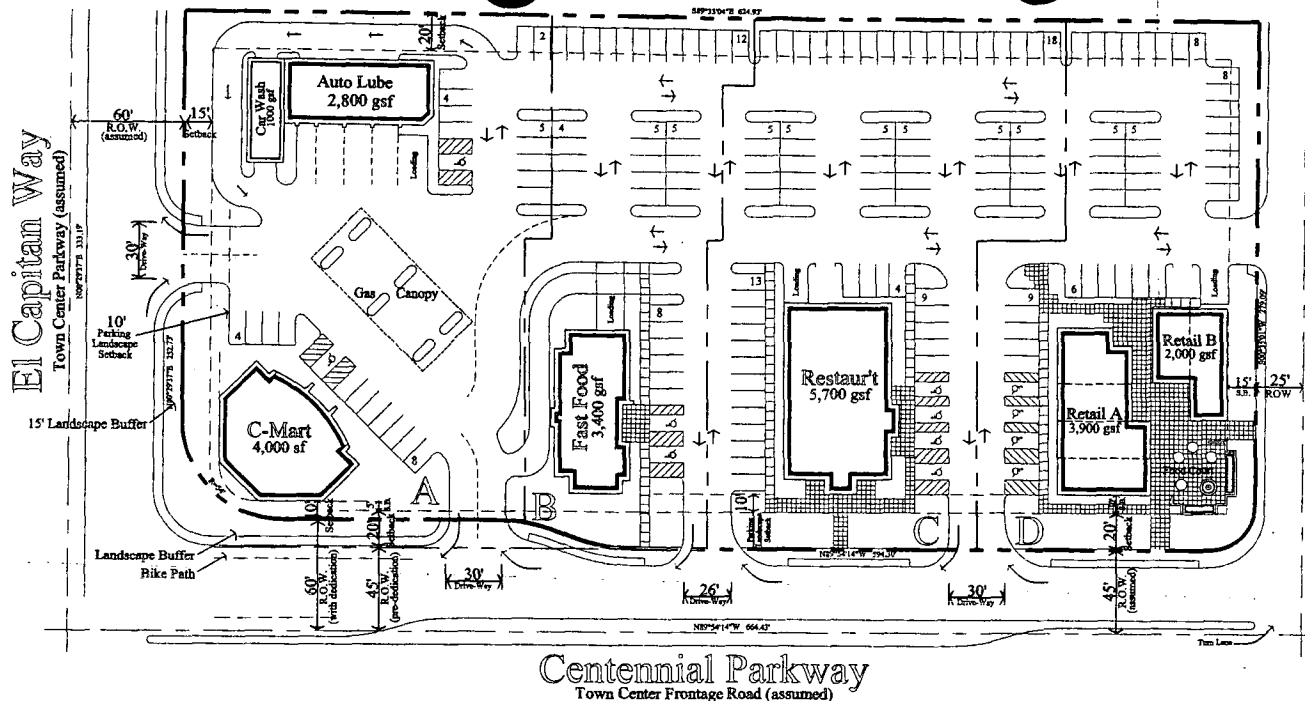
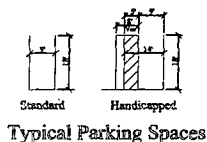
Print Name: KEVIN M. PARKINSON

Subscribed and sworn before me

This 17 day of February, 2004

Michelle Merrick
Notary Public in and for said County and State

MICHELLE MERRICK
Notary Public, State of Nevada
No: 99-47125-1
My Commission Expires April 8, 2007



SITE INFORMATION

ZONING - Las Vegas (Town Center)
C - 2 General Commercial District

AREA (Approximate, to be verified)			
Gross Area:	220,099 sf	5.05 acres	
Net Area:	161,816 sf	3.71 acres	
AREAS (Approximate)			
Pad A	51,135 sf	1.17	7,800 gsf
Pad B	27,978 sf	0.64	3,400 gsf
Pad C	45,628 sf	1.04	5,700 gsf
Pad D	37,075 sf	0.85	5,900 gsf
TOTALS	161,816 sf	3.71 ac	22,800 gsf

PARKING REQUIREMENTS

Parking Calculations (per Code)	Required	Provided
Pad A C-Mart	4,000 / 200 = 16	
Auto Lube	1 / empty & bay = 10	
Pad B	Fast Food Drive Thru	3,400 / 100 = 34
Pad C	Rest/Town	3,000 / 50 + 2,700 / 200 = 74
Pad D	Dress Shop	1,500 / 100 = 15
	Deli Shop	1,400 / 100 = 14
	Retail	3,000 / 250 = 12
		41
		175

Parking Required:

PARKING PROVIDED:	177
--------------------------	------------

Parking Ratio 1 per 130 sf 7.7 per 1000

Handicapped Required: 12

Handicapped Provided: 12

Loading Spaces Required: (per Table 4) 4

Loading Spaces Provided: 4

SETBACKS

Front:	20 ft
Rear:	20 ft
Side:	10 ft
Corner Street Side:	15 ft
Street Landscape Buffer:	15 ft

BUILDING HEIGHT

Allowed: No Restrictions

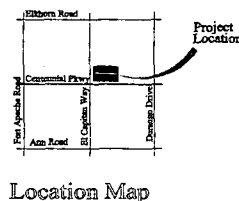
Provided: 1-Story - up to 35 feet

BUILDING COVERAGE

Allowed: 50 %

Provided: 14 %

Project Location



Note:

This plan has been prepared without benefit of a complete survey.
It is Conceptual in Nature and No Guarantee of its accuracy is implied.

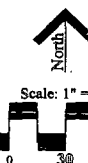
Centennial-El Capitan Commercial Center

Centennial Parkway and El Capitan Way, Clark County, Nevada

Conceptual Site Plan - Scheme E



PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89014
702.990.9900 702.932.3222 fax



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EOT-3963

4-7-04 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3964 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0149-99) FOR A SUPPER CLUB adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

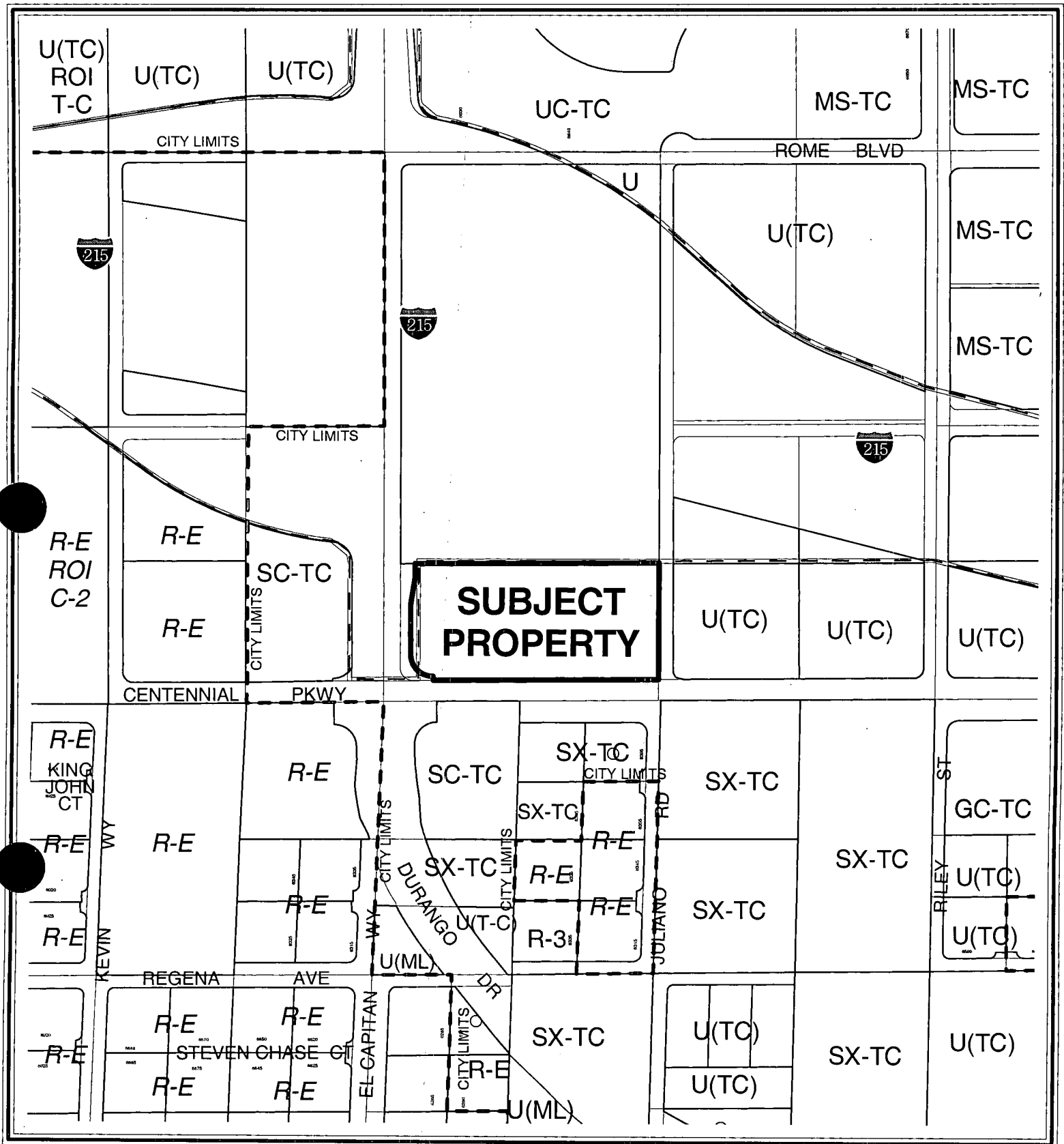
3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 108 – EOT-3964

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0149-99).



CASE: EOT-3964

ZONING OF SUBJECT PROPERTY:

**T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER)
LAND USE DESIGNATION]**

0 200 400 Feet



108



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3964 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0149-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0149-99) for a proposed Supper Club adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98. |
| 05/17/00 | The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00. |
| 05/17/00 | The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00. |
| 05/01/02 | The City Council approved an Extension of Time [U-0149-99(1)] on the approved Special Use Permit for a proposed Supper Club (U-0149-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02. |

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category at the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed restaurant Supper Club is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for a Supper Club, the proposed project was deemed to be a “Project of Significant Impact” through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Supper Club	5,700 SF	1/50 SF public seating & waiting area + 1/200 SF remaining GFA	71	3	165	12

The overall retail center in which the proposed use will be located will contain 177 parking spaces. The pad on which the proposed convenience store will be located contains 74 spaces, which meets Code requirements for the proposed Supper Club use.

A2) Minimum Distance Separation Requirements

Pursuant to the Town Center Development Standards Manual (Section B.4.B), the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Supper Club	400-foot distance separation from any church, synagogue, school, child care facility (13+ children), or City park; no specific distance requirement between similar uses	Greater than 400 feet from protected properties

No churches, synagogues, schools, child care facilities or City parks are located within 400 feet of the property containing the proposed Supper Club use.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. Supper Club is a permitted use in this district with the approval of a Special Use Permit.

- Use

The current site plan calls for a 5,700 square foot Supper Club with 3,000 square feet of public seating and waiting area. It is part of an approved 22,800 square-foot overall development that will also include a convenience store, an automatic car wash, an auto lube, a fast food restaurant, and two multi-tenant retail buildings. The proposed restaurant will be located in the center of the development on a pad that will contain the bulk of the required parking.

The subject site and the surrounding area have not changed significantly since the first Extension of Time request. This use will be compatible with the other uses planned on the site.

- Conditions

The Town Center Development Standards Manual (Section B.4.B) requires the following applicable minimum standards for the Supper Club use:

1. No Restaurant Service Bar or Supper Club shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City park.
2. Uses licensed as Service Bar/Supper Club or other comparable establishments shall have no specific spacing requirements between similar uses. However, the Las Vegas City Council may consider the concentration and spacing of such uses as part of its deliberation and approval of any requests for such establishments.
3. The 400-foot separation distance shall be measured in a straight line from the nearest property line of the church, synagogue, school, child care facility, or City park to the nearest property line of the proposed Service Bar/Supper Club or to the property line of the existing tavern or comparable establishment, disregarding all intervening obstacles.
4. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

The proposed Supper Club meets these base conditions for approval of the Special Use Permit.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Supper Club use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The proposed Supper Club use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the proposed Supper Club will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for a Supper Club is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Stanpark Construction

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

~~X~~ Yes No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Mayor Gooden

Partner(s): Kevin M Parkinson

APN: ~~125-20-801-002~~ Apex

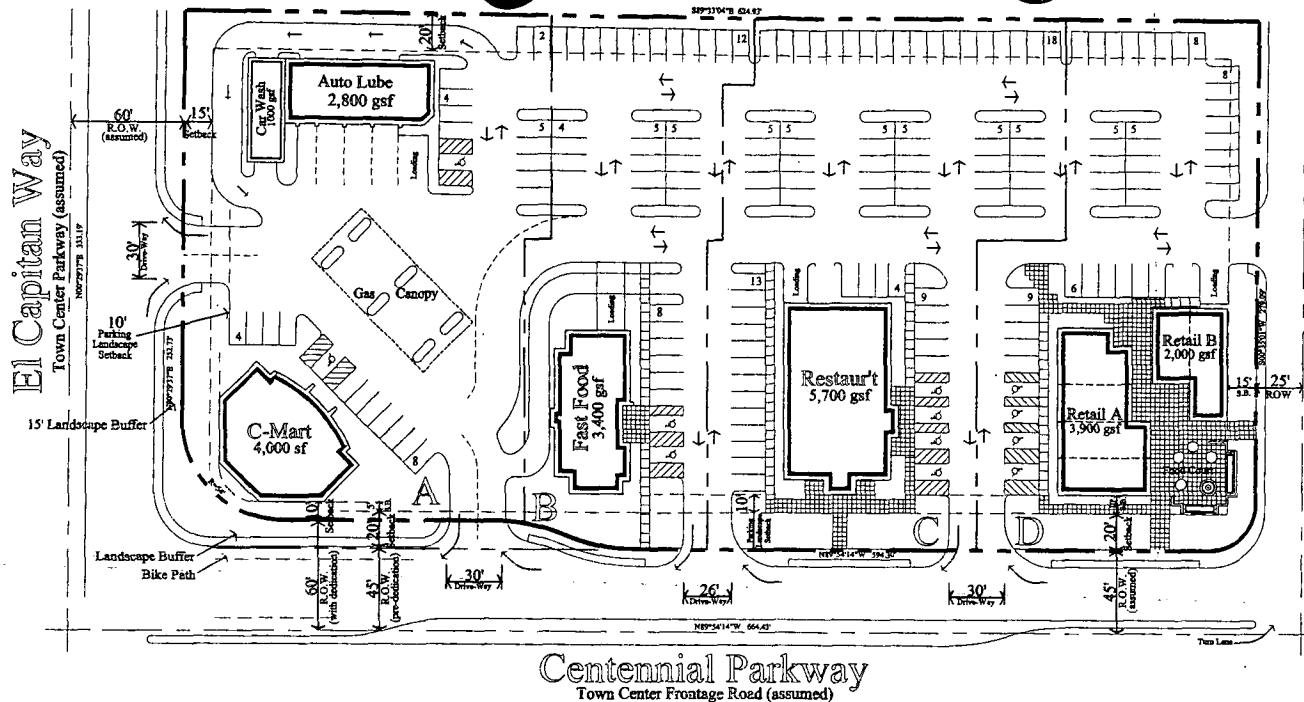
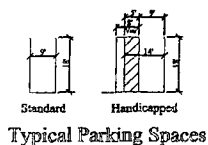
Signature of Property Owner/Authorized Agent: Mr. F. M. [Signature]

Print Name: Kevin M. Parkinson

Subscribed and sworn before me

This 17 day of February, 2004

Michelle Memeck
Notary Public in and for said County and State



SITE INFORMATION

ZONING - Las Vegas (Town Center)
C - 2 General Commercial District

AREA (Approximate, to be verified)
Gross Area: 220,099 sf
Net Area: 161,816 sf

5.05 acres
3.71 acres

AREAS (Approx)	Area - sf	Acres	Building Area
Pad A	51,135 sf	1.17	7,800 gsf
Pad B	27,978 sf	0.64	3,400 gsf
Pad C	45,628 sf	1.04	5,700 gsf
Pad D	37,075 sf	0.85	5,900 gsf
TOTALS	161,816 sf	3.71 ac	22,800 gsf

PARKING REQUIREMENTS

Parking Calculations (per Code) Required Provided

Pad A	C-Mart	4,000 / 250 =	16	
	Auto - Lube	1 / empty & bay =	10	
			26	28
Pad B	Rest. w/ Drive Thru	3,400 / 100 =	34	34
Pad C	Rest/Tavern	3,000 / 50 = 2,700 / 250 =	74	74
Pad D	Dress Shop	1,900 / 100 =	15	
	Deli Shop	1,400 / 100 =	14	
	Retail	3,000 / 250 =	12	
			41	41

Parking Required:

175	177
-----	-----

Parking Ratio 1 per 130 sf 7.7 per 1000

Handicapped Required: 12
Handicapped Provided: 12

Loading Spaces Required: (per Table 4) 4
Loading Spaces Provided: 4

SETBACKS

Front:	20 ft
Rear:	20 ft
Side:	10 ft
Corner Street Side:	15 ft
Street Landscape Buffer:	15 ft

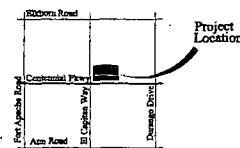
BUILDING HEIGHT

Allowed: No Restrictions
Provided: 1-Story - up to 35 feet

BUILDING COVERAGE

Allowed: 50 %
Provided: 14 %

Project Location



Location Map

Note:

This plan has been prepared without benefit of a complete survey.
It is Conceptual in Nature and No Guarantee of its accuracy is implied.

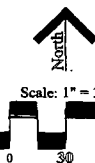
Centennial-El Capitan Commercial Center

Centennial Parkway and El Capitan Way, Clark County, Nevada

Conceptual Site Plan - Scheme E



PERLMAN ARCHITECTS, INC.
2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89014
702.990.9900 702.932.3222 fax



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EOT-3964

4-7-04 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3965 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0155-99) FOR A RESTAURANT WITH DRIVE THRU adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 109 – EOT-3965

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0155-99).

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3965 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0155-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0155-99) for a proposed fast food Restaurant with Drive-Thru adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98. |
| 05/17/00 | The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00. |
| 05/17/00 | The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00. |
| 05/01/02 | The City Council approved an Extension of Time [U-0155-99(1)] on the approved Special Use Permit for a proposed Restaurant with Drive-Thru (U-0155-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02. |

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category at the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses;

planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed restaurant Supper Club is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for a Restaurant with Drive-Thru, the proposed project was deemed to be a “Project of Significant Impact” through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Restaurant with Drive-Thru Facilities	3,400 SF	1/100 SF GFA, including outdoor seating + 1 per drive-up window, with stacking space for 6	33 Based on one drive-up window	2	165	12

The overall retail center in which the proposed use will be located will contain 177 parking spaces. The pad on which the proposed restaurant will be located contains 34 spaces, which is short one space, based on the floor plan of the building; however, parking should be adequate on the overall site to meet the demand of the proposed Restaurant with Drive-Thru use.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Town Center Development Standards that apply to the proposed Restaurant with Drive-Thru use.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. A Restaurant with Drive-Thru is a permitted use in this district with the approval of a Special Use Permit.

- Use

The proposed fast food restaurant will contain 3,400 square feet and does not have outside seating. It is part of a 22,800 square-foot overall development that will also include an automatic car wash, an auto lube, convenience store, Supper Club, and two multi-tenant retail buildings. The restaurant will be located adjacent to the convenience store along the Centennial Parkway frontage. Customers can reach the drive-thru lane from the center entrance to the overall site adjacent to the restaurant. The drive-thru lane feeds into a drive aisle near the western entrance to the overall site. The restaurant complies with all applicable codes and will be an appropriate use for this location in Town Center.

The subject site and the surrounding area have not changed significantly since the first Extension of Time request. This use will be compatible with the other uses planned on the site. For these reasons, it is recommended that the Extension of Time be granted.

- Conditions

The Town Center Development Standards Manual (Section B.4.B) does not specify minimum standards for a Restaurant with Drive-Thru use. Applications for this type of use are reviewed and conditioned on a case-by-case basis.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Restaurant with Drive-Thru use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Restaurant with Drive-Thru use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the proposed restaurant will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for a Restaurant with Drive-Thru is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

Name of Applicant: Stanpark Construction

X Yes No

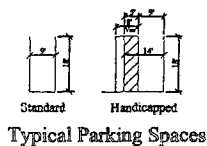
Partner(s): _____

APN: ~~125-20-801-002~~ Apr X

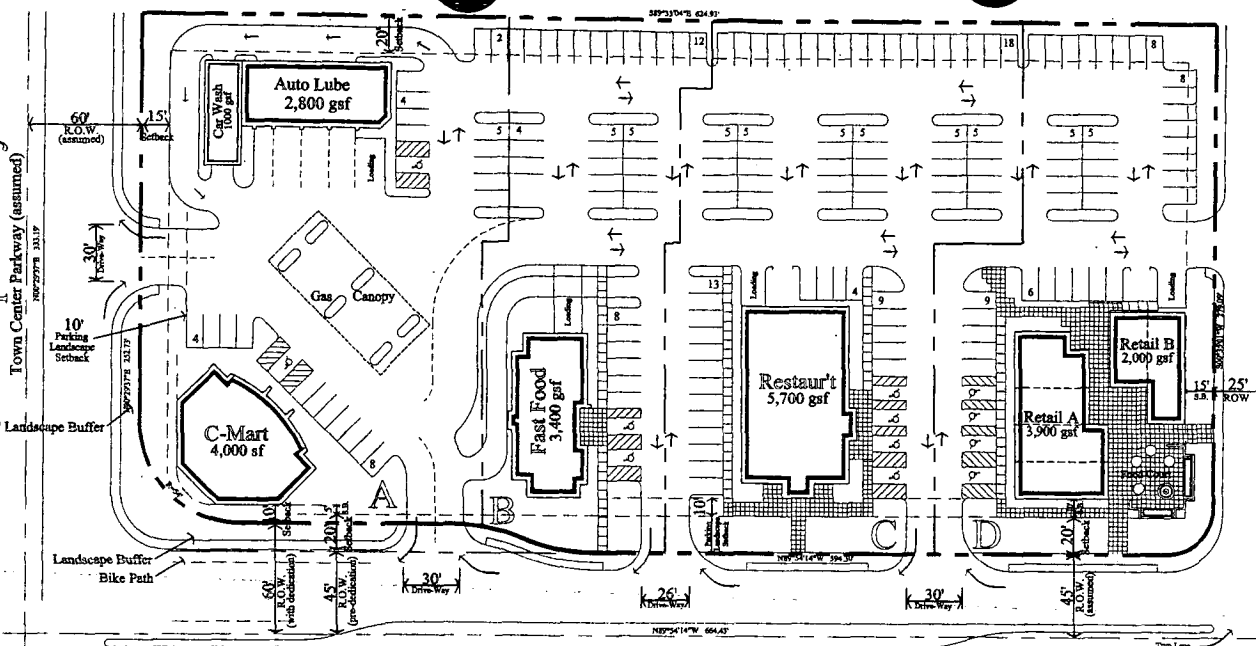
Print Name: Kevin M. Parkinson

Mahele Mamok
Notary Public in and for said County and State

f:\depot\Application Packet\Statement of Financial Interest.doc



El Capitan Way
Town Center Parkway (assumed)



Centennial Parkway
Town Center Frontage Road (assumed)

SITE INFORMATION

ZONING - Las Vegas (Town Center)
C - 2 General Commercial District

AREA (Approximate, to be verified)
Gross Area: 220,099 sf
Net Area: 161,816 sf

5.05 acres
3.71 acres

AREAS (Approx)	Area - sf	Acres	Building Area
Pad A	51,135 sf	1.17	7,800 gsf
Pad B	27,978 sf	0.64	3,400 gsf
Pad C	45,628 sf	1.04	5,700 gsf
Pad D	37,075 sf	0.85	5,900 gsf
TOTALS	161,816 sf	3.71 ac	22,800 gsf

PARKING REQUIREMENTS

Parking Calculations (per Code)

	Required	Provided
Pad A C-Mart	4,000 / 120 = 16	
Auto - Lube 1 / empty & bay = 10		26
Pad B	Fast. w/ Drive Thru 3,400 / 100 = 34	34
Pad C	Fast/Drive Thru 3,900 / 50 + 3,700 / 200 = 74	74
Pad D	Deli Shop 1,000 / 100 = 15	
	Deli Shop 1,000 / 100 = 14	
	Retail 3,000 / 250 = 12	
Parking Required:	175	41

PARKING PROVIDED: 177

Parking Ratio 1 per 130 sf 7.7 per 1000

Handicapped Required: 12
Handicapped Provided: 12

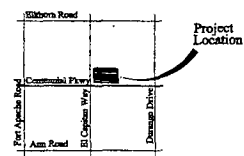
Loading Spaces Required: (per Table 4) 4
Loading Spaces Provided: 4

SETBACKS
Front: 20 ft
Rear: 20 ft
Side: 10 ft
Corner Street Side: 15 ft
Street Landscape Buffer: 15 ft

BUILDING HEIGHT
Allowed: No Restrictions
Provided: 1-Story - up to 35 feet

BUILDING COVERAGE
Allowed: 50 %
Provided: 14 %

Project Location



Location Map

Note:
This plan has been prepared without benefit of a complete survey.
It is Conceptual in Nature and No Guarantee of its accuracy is implied.

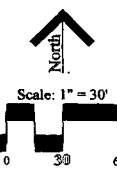
Centennial-El Capitan Commercial Center

Centennial Parkway and El Capitan Way, Clark County, Nevada

Conceptual Site Plan - Scheme E



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2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89014
702.990.9900 702.932.3222 fax



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EOT-3965

4-7-04 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3966 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0153-99) FOR AN AUTOMATIC CAR WASH adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 110 – EOT-3966

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0153-99).

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3966 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0153-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0153-99) for a proposed Automatic Car Wash adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- 12/07/98 The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98.
- 05/17/00 The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00.
- 05/17/00 The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00.
- 05/01/02 The City Council approved an Extension of Time [U-0153-99(1)] on the approved Special Use Permit for a proposed Automatic Car Wash (U-0153-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02.

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center)
Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and
SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center)
Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center)
Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category at the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed Car Wash (Automatic) is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for a Car Wash (Automatic), the proposed project was deemed to be a “Project of Significant Impact” through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Car Wash – Full Service	1,000 SF	1/150 SF GFA	6	1	165	12

The overall retail center in which the proposed use will be located will contain 177 parking spaces. The pad on which the proposed car wash will be located contains 28 spaces; however, it will also contain an Auto Repair, Minor use and a Convenience Store with gas pumps. Parking on the overall site should be adequate to meet the demand of the proposed Car Wash (Automatic) use.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Car Wash (Automatic) use and there are no other similar uses in the surrounding area.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. A Car Wash (Automatic) is a permitted use in this district with the approval of a Special Use Permit.

- Use

The 1,000 square foot Automatic Car Wash is proposed in conjunction with a Convenience Store with Fuel Pumps and an auto lube with an Auto Repair Garage (Minor) use. The site is part of an approved 22,800 square-foot overall development that will also include two restaurants and two multi-tenant retail buildings. The car wash will be located adjacent to the auto lube in the northwest corner of the development. The Northern 215 Beltway abuts this side of the proposed site, eliminating any use conflicts.

The subject site and the surrounding area have not changed since the first Extension of Time request, and the car wash will be compatible with the other uses planned on the site. For these reasons, it is recommended that the Extension of Time be granted.

- Conditions

The Town Center Development Standards Manual (Section B.4.B) does not specify minimum standards for a Car Wash (Automatic) use. Applications for this type of use are reviewed and conditioned on a case-by-case basis.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Car Wash (Automatic) use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Car Wash (Automatic) use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the proposed Car Wash (Automatic) will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for a Car Wash (Automatic) is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-3966 APN: 125-20-801-002

Name of Property Owner: Kolob, Limited Liability Company

Name of Applicant: Stanpark Construction

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☒ Yes ☐ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: Mayor Goodman

Partner(s): Kevin M Parkinson

APN: ~~125-20-801-002~~ Apex

Signature of Property Owner/Authorized Agent: [Signature]

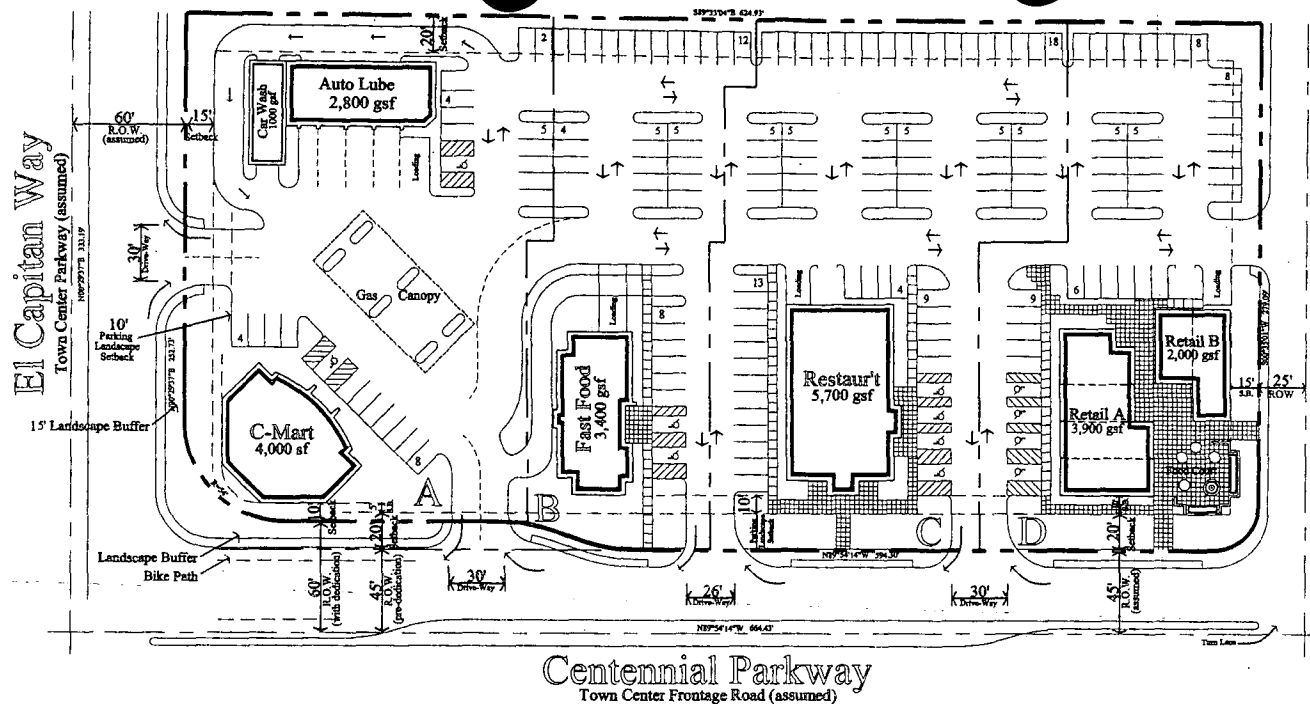
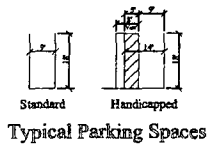
Print Name: Kevin M. Parkinson

Subscribed and sworn before me

This 17 day of February, 2004

Michelle Memek
Notary Public in and for said County and State

MICHELLE MERRICK
Notary Public, State of Nevada
No: 99-47125-1
My Commission Expires April 8, 2007



SITE INFORMATION

ZONING - Las Vegas (Town Center)
C - 2 General Commercial District

AREA (Approximate, to be verified)
Gross Area: 220,099 sf
Net Area: 161,816 sf

5.05 acres
3.71 acres

AREAS (Approx)	Area - sf	Acres	Building Area
Pad A	51,135 sf	1.17	7,800 gsf
Pad B	27,978 sf	0.64	3,400 gsf
Pad C	45,628 sf	1.04	5,700 gsf
Pad D	37,075 sf	0.85	5,900 gsf
TOTALS	161,816 sf	3.71 ac	22,800 gsf

PARKING REQUIREMENTS

Parking Calculations (per Code) Required Provided

Pad A	C-Mart	4,000 / 250 =	16	
	Auto - Lube	1 / supply & bay =	10	
				26
Pad B	Rest. w/ Drive Thru	3,400 / 100 =	34	34
Pad C	Rest/Drive Thru	3,200 / 50 + 2,700 / 200 =	74	74
Pad D	Direct Shop	1,900 / 100 =	15	
	Deli Shop	1,400 / 100 =	14	
	Retail	3,000 / 250 =	12	
				41
				175

Parking Required:

PARKING PROVIDED:	177
--------------------------	------------

Parking Ratio 1 per 130 sf 7.7 per 1000

Handicapped Required: 12
Handicapped Provided: 12

Loading Spaces Required: (per Table 4) 4
Loading Spaces Provided: 4

SETBACKS

Front:	20 ft
Rear:	20 ft
Side:	10 ft
Corner Street Side:	15 ft
Street Landscape Buffer:	15 ft

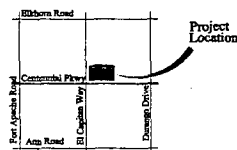
BUILDING HEIGHT

Allowed: No Restrictions
Provided: 1-Story - up to 35 feet

BUILDING COVERAGE

Allowed: 50 %
Provided: 14 %

Project Location



Location Map

Note:

This plan has been prepared without benefit of a complete survey.
It is Conceptual in Nature and No Guarantee of its accuracy is implied.

Centennial-El Capitan Commercial Center

Centennial Parkway and El Capitan Way, Clark County, Nevada

Conceptual Site Plan - Scheme E



Scale: 1" = 30'



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2230 CORPORATE CIRCLE, SUITE 200
HENDERSON, NEVADA 89014
702.990.9900 702.932.3222 fax

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99090

EOT-3966

4-7-04 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3967 - APPLICANT: STANPARK CONSTRUCTION - OWNER: KOLOB, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Special Use Permit (U-0152-99) FOR A CONVENIENCE STORE WITH FUEL PUMPS adjacent to the northeast corner of Centennial Parkway and Durango Drive (APN: 125-20-801-002), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Land Use Designation], Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

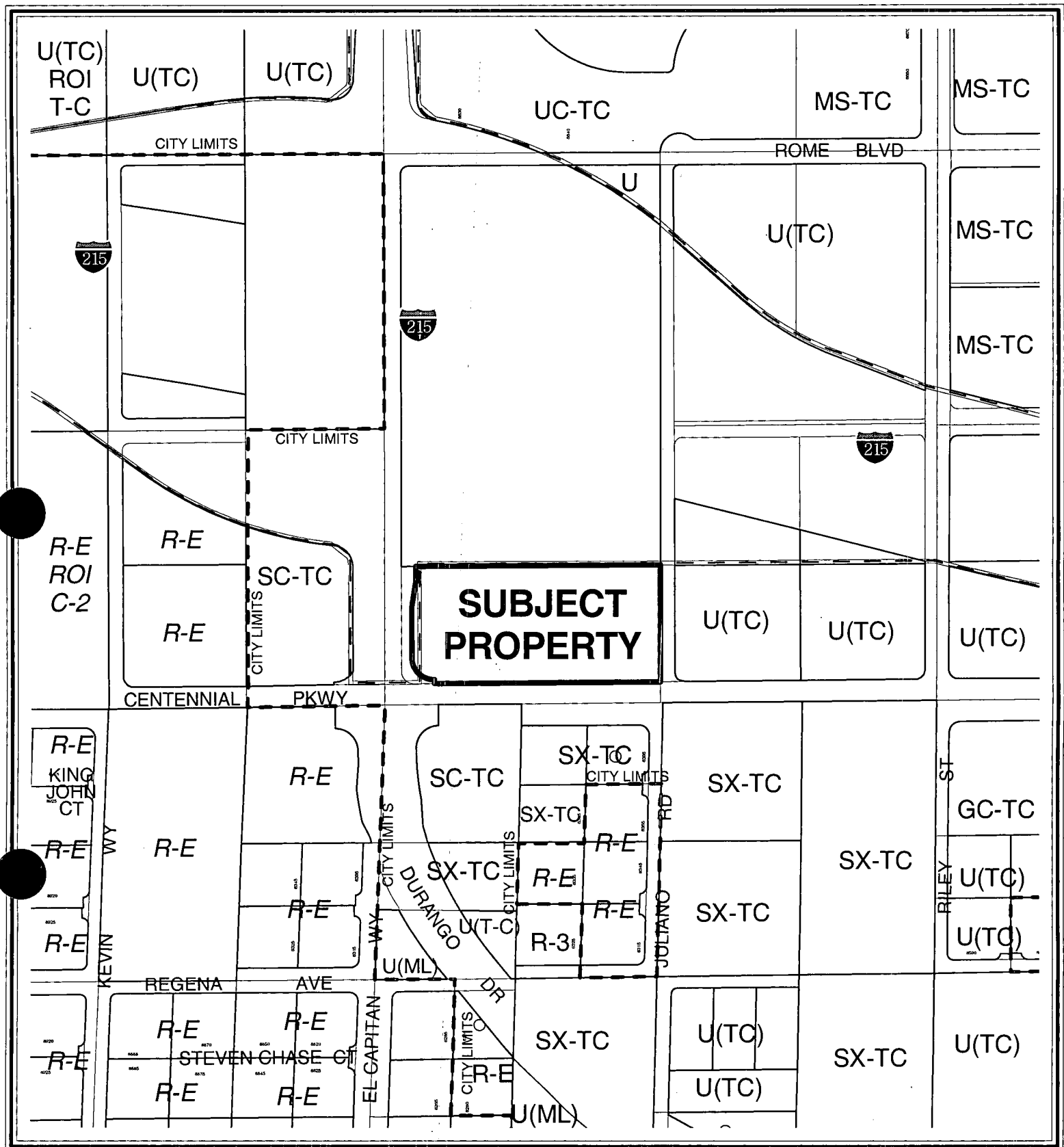
3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 111 – EOT-3967

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0152-99).



0 200 400 Feet

CASE: EOT-3967

ZONING OF SUBJECT PROPERTY:

**T-C (TOWN CENTER) ZONE [SC-TC (SERVICE COMMERCIAL -TOWN CENTER)
LAND USE DESIGNATION]**

111



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3967 - APPLICANT: STANPARK CONSTRUCTION –
OWNER: KOLOB, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on May 17, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (U-0152-99).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Extension of Time on an approved Special Use Permit (U-0152-99) for a proposed Convenience Store with Fuel Pumps adjacent to the northeast corner of Centennial Parkway and Durango Drive in the Centennial Hills Town Center Plan area.

B) Applicant's Justification

The applicant justifies this Extension of Time request by stating that it was necessary to obtain approval for various use permits within the proposed commercial development before construction in order to prepare area residents for the types of uses that may be available. Development patterns are now such that work on the commercial center can soon commence.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|--|
| 12/07/98 | The City Council approved a Rezoning (Z-0076-98) of a 1,468-acre portion of the Northwest to T-C (Town Center). The subject site was included in the zoning request. Staff recommended approval. The Planning Commission recommended approval on 11/05/98. |
| 05/17/00 | The City Council approved a request for a Site Development Plan Review [Z-0076-98(11)] for a proposed 22,800 square foot retail center on the subject site. Staff recommended approval. The Planning Commission recommended approval on 04/13/00. |
| 05/17/00 | The City Council approved requests for Special Use Permits on the subject property for a Supper Club (U-0149-99), a Convenience Store with Fuel Pumps (U-0152-99), an Automatic Car Wash (U-0153-99), a Minor Auto Repair Garage (U-0154-99), a Restaurant with Drive-Thru (U-0155-99), and an Off-Premise Liquor Establishment [Alcoholic Beverage Sales] (U-0156-99). Staff recommended approval of all items. The Planning Commission recommended approval on 04/13/00. |
| 05/01/02 | The City Council approved an Extension of Time [U-0152-99(1)] on the approved Special Use Permit for a proposed Convenience Store with Fuel Pumps (U-0152-99). The Special Use Permit will expire on May 17, 2004. Staff recommended approval of the Extension of Time. The Planning Commission recommended approval on 03/28/02. |

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 5.05
Net Acres: 3.71

B) Existing Land Use

Subject Property: Undeveloped
North: Clark County 215 Beltway
South: Undeveloped and Single-Family Residential
East: Undeveloped
West: Undeveloped

C) Planned Land Use

Subject Property: TC (Town Center)
North: ROW (Right-of-Way)
South: TC (Town Center)
East: TC (Town Center)
West: TC (Town Center)

D) Existing Zoning

Subject Property: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
North: Right-of-Way (Clark County 215 Beltway)
South: T-C (Town Center) [SC-TC (Service Commercial – Town Center) and SX-TC (Suburban Mixed Use – Town Center) Land Use Designations]
East: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]
West: T-C (Town Center) [SC-TC (Service Commercial – Town Center) Land Use Designation]

E) General Plan Compliance

The subject site is designated TC (Town Center) on the Centennial Hills Interlocal Map of the General Plan. Town Center is a mixed-use employment center category at the intersection of the U.S. 95 and Clark County 215 Beltway systems. Uses include mall facilities or shopping centers and other retail facilities; high density residential uses; planned business, office and industrial parks; and recreational uses with an emphasis on developments that are compatible with the surrounding areas and provide a traditional urban atmosphere. The subject site is zoned T-C (Town Center), which is compatible with the TC (Town Center) General Plan land use category.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Centennial Hills Town Center</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Town Center – The subject site is designated as SC-TC (Service Commercial – Town Center) on the Town Center Land Use Map of the Centennial Hills Sector Plan. This sub-district allows low to medium intensity retail, office or other commercial uses that are intended to serve primarily the Northwest area and do not include more intense general commercial characteristics. The district also includes office centers having professional and business services. These uses shall not exceed two stories in height. The proposed Convenience Store with Fuel Pumps is subject to the Town Center Development Standards and is a permitted use in the SC-TC (Service Commercial – Town Center) District with the approval of a Special Use Permit.

INTERAGENCY ISSUES

During the original review of the Special Use Permit application for a Convenience Store with Fuel Pumps, the proposed project was deemed to be a “Project of Significant Impact” through Senate Bill 191. This necessitated the submittal of an environmental impact assessment to Planning and Development Department staff for review of potential impacts to infrastructure resulting from this application. No significant impacts were noted by the affected agencies.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convenience Store	4,000 SF	1/250 SF GFA	15	1	165	12

Based on the required parking ratio for a Convenience Store use, 16 spaces are required. The building is shared by the Alcoholic Beverage Sales use, which also requires 14 spaces, and there is also a car wash and auto lube on the same pad site, each with their own required parking ratios. It is anticipated that customers will not use all of the spaces simultaneously and will share parking spaces with other pad sites on the overall development, which is adequate to handle the parking demand.

Pursuant to the Town Center Development Standards Manual (Section B.4.B), the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Convenience Store with Fuel Pumps	Shall not locate within 330 feet of any single-family detached dwelling	Approximately 310 Feet from single-family dwelling

At the time of approval of the original Special Use Permit for a Convenience Store with Fuel Pumps, this standard had not yet been imposed by the City Council. Applications for this type of use were to be reviewed on a case-by-case basis. It is noted that a single-family detached dwelling is located approximately 310 feet from the proposed location of the convenience store.

B) General Analysis and Discussion

- Zoning

The subject property is located in the SC-TC (Service Commercial – Town Center) District. Convenience Store with Fuel Pumps is a permitted use in this district with the approval of a Special Use Permit.

- Use

The proposed 4,000 square foot Convenience Store is part of a 22,800 square-foot overall development that will also include an automatic car wash, an auto lube, two restaurants, and two multi-tenant retail buildings. The convenience store will be located adjacent to the corner of Centennial Parkway and Durango Drive (formerly El Capitan Way). The associated fuel pump islands will be oriented toward the interior of the commercial center. A separate Special Use Permit for Alcoholic Beverage Sales has been approved for the sale of beer and wine within the store. Because of the proximity of a single-family dwelling south of the subject property, Gaming is not permitted within the proposed convenience store.

The subject site and the surrounding area have not changed since the first Extension of Time request. This use is typical of commercial strip developments and will be compatible with the other uses planned on the site. For these reasons, it is recommended that the Extension of Time be granted.

- Conditions

The Town Center Development Standards Manual (Section B.4.B) requires the following applicable minimum standards for approval of the Convenience Store with Fuel Pumps use:

1. Shall not locate within 300 feet of any single-family detached dwelling.
2. The installation and use of an outside public address or bell system is prohibited.

At the time of approval of the original Special Use Permit for a Convenience Store with Fuel Pumps, these conditions had not yet been imposed by the City Council. Applications for this type of use were to be reviewed on a case-by-case basis. It is noted that a single-family detached dwelling is located approximately 310 feet from the proposed location of the convenience store.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The site is designated for Service Commercial land uses by the Centennial Hills Town Center Land Use Plan. The proposed Convenience Store with Fuel Pumps use is in conformance with this designation and is compatible with existing and future land uses as projected by the Town Center Plan.

The Town Center Development Standards require developments with Restricted Gaming uses to be separated from single-family dwellings by at least 330 feet. An existing residence on the south side of Centennial Parkway is located approximately 100 feet from the subject property. A condition of Special Use Permit (U-0156-99) prohibits gaming machines within the convenience store.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The proposed Convenience Store with Fuel Pumps use will be located on undeveloped land and its introduction will not change the characteristics of the site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Access to the convenience store will be provided by Centennial Parkway, classified as a 90-foot Frontage Road; and Durango Drive, classified as a 120-foot Town Center Parkway Arterial on the Master Plan of Streets and Highways. These roads will be adequate to meet the demand of the proposed use and for the overall retail center.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

Approval of a Special Use Permit for a Convenience Store with Fuel Pumps is consistent with the types of uses found within the SC-TC (Service Commercial – Town Center) District and the objectives of the General Plan. In addition, routine inspections by Business Licensing will ensure that the public health, safety, and welfare of the public is safeguarded.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

STATEMENT OF FINANCIAL INTEREST

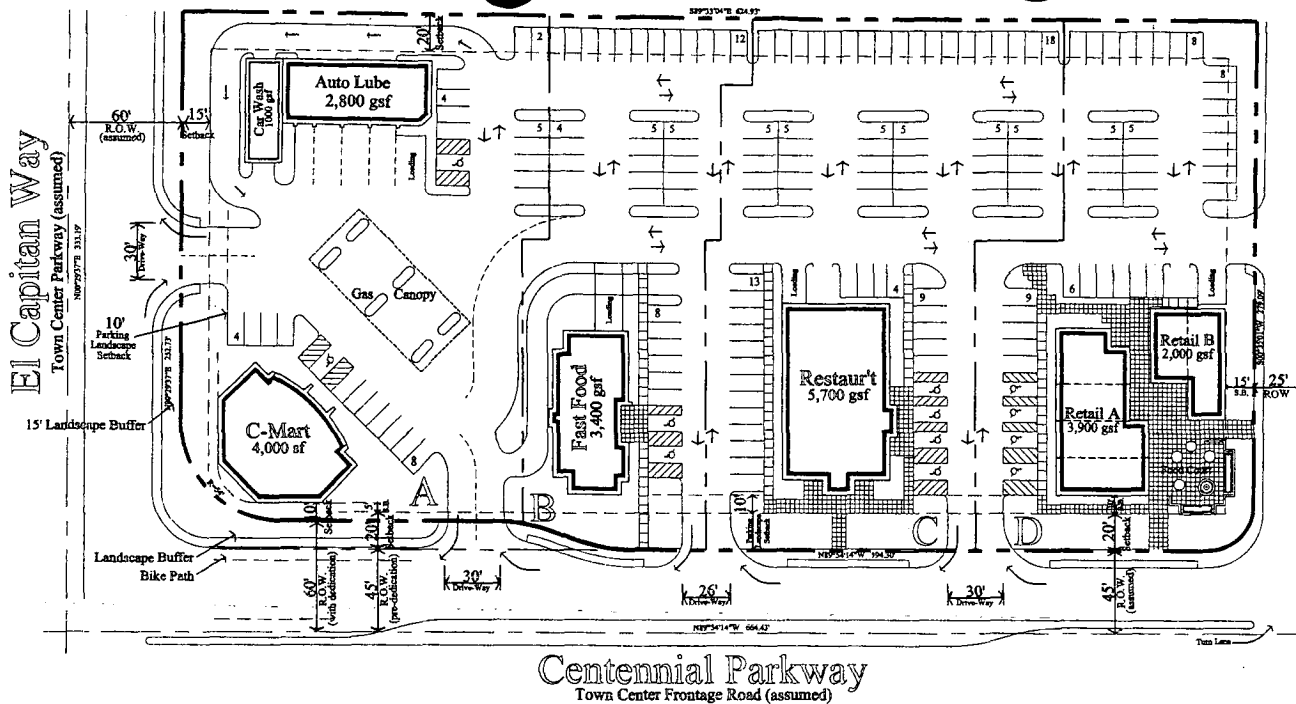
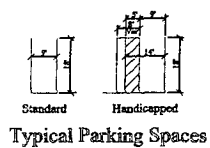
Name of Applicant: Stanpark Construction

~~X~~ Yes No

APN: 125-20-801-002 Apex

Print Name: Kevin M. Parkinson

MICHELLE MERRICK
Notary Public, State of Nevada
No: 99-47125-1
My Commission Expires April 8, 2007



SITE INFORMATION

ZONING - Las Vegas (Town Center)
C - 2 General Commercial District

AREA (Approximate, to be verified)
Gross Area: 220,099 sf
Net Area: 161,816 sf

5.05 acres
3.71 acres

AREAS (Approx)	Area - sf	Acres	Building Area
Pad A	51,135 sf	1.17	7,800 gsf
Pad B	27,978 sf	0.64	3,400 gsf
Pad C	45,628 sf	1.04	5,700 gsf
Pad D	37,075 sf	0.85	5,900 gsf
TOTALS	161,816 sf	3.71 ac	22,800 gsf

PARKING REQUIREMENTS
Parking Calculations (per Code)

	Required	Provided
Pad A C-Mart	4,000 / 250 = 16	
Auto - Lube 1 / supply & bay	10	
	26	28
Pad B Rest. w/ Drive Thru	3,400 / 100 = 34	34
Pad C Rest/Tavern	3,000 / 50 + 2,700 / 200 = 74	74
Pad D Dress Shop	1,000 / 100 = 10	
Deli Shop	1,400 / 100 = 14	
Retail	3,000 / 120 = 25	
	41	41

Parking Required: 175

PARKING PROVIDED: 177

Parking Ratio 1 per 130 sf 7.7 per 1000

Handicapped Required: 12

Handicapped Provided: 12

Loading Spaces Required: 4 (per Table 4)

Loading Spaces Provided: 4

SETBACKS

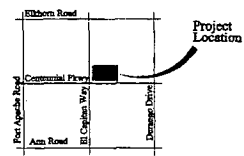
Front:	20 ft
Rear:	20 ft
Side:	10 ft
Corner Street Side:	15 ft
Street Landscape Buffer:	15 ft

BUILDING HEIGHT

Allowed:	No Restrictions
Provided:	1-Story - up to 35 feet

BUILDING COVERAGE

Allowed:	50 %
Provided:	14 %



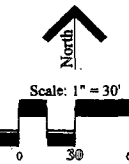
Location Map

Note:
This plan has been prepared without benefit of a complete survey.
It is Conceptual in Nature and No Guarantee of its accuracy is implied.

Centennial-El Capitan Commercial Center

Centennial Parkway and El Capitan Way, Clark County, Nevada

Conceptual Site Plan - Scheme E



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702.990.9900 702.932.3222 fax

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EOT-3967

4-7-04 CC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3992 - APPLICANT/OWNER: GOOD EARTH ENTERPRISES, INC. - Request for an Extension of Time on an approved Special Use Permit (SUP-1531) FOR A 330-UNIT ASSISTED LIVING APARTMENT COMPLEX at 233 South Sixth Street and 232 South Seventh Street (APN: 139-34-611-034, 036, 037, and 039), C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions – UNANIMOUS with GOODMAN abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 – 1:29)

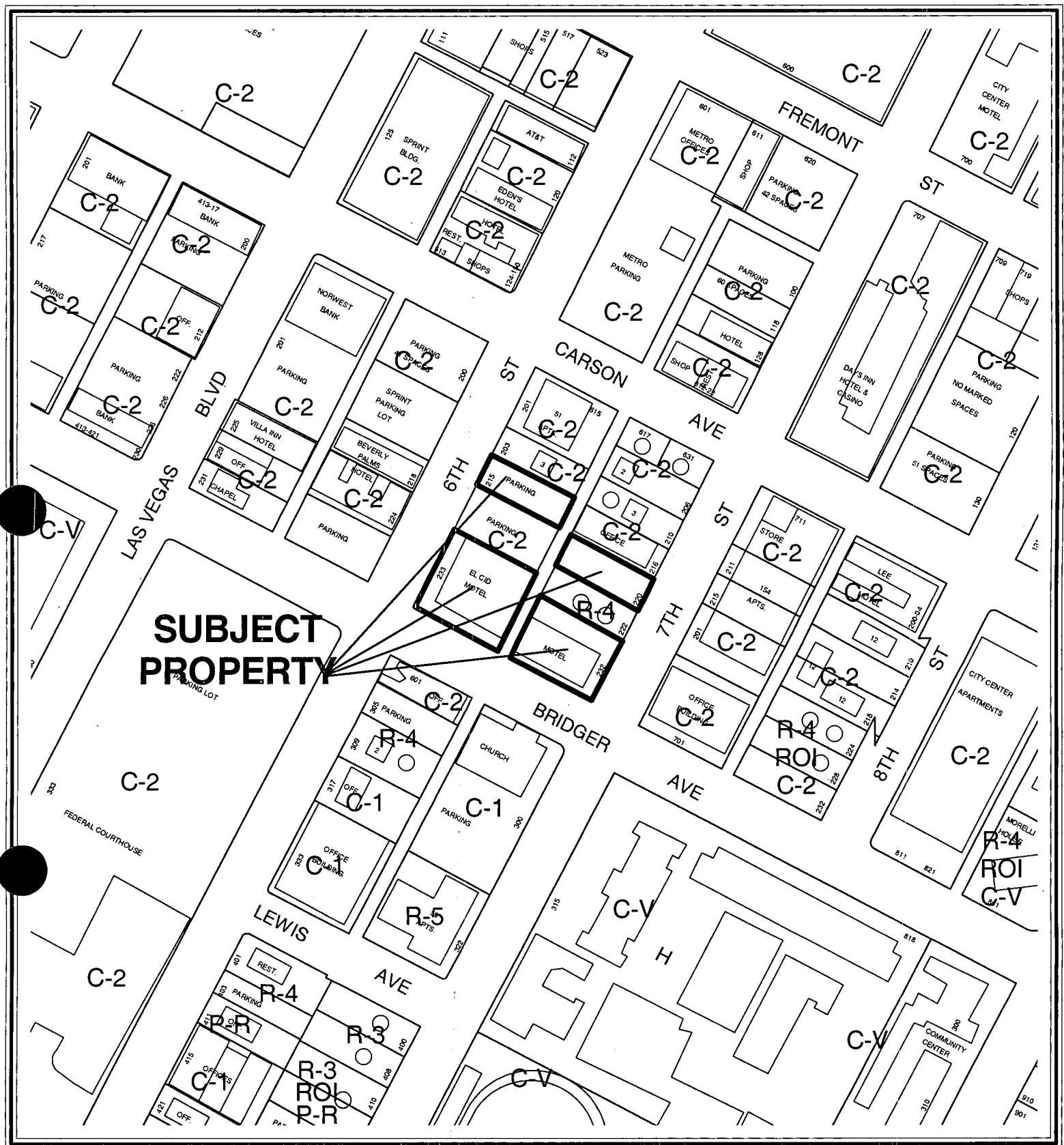
3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 112 – EOT-3992

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on February 19, 2005 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (SUP-1531).



CASE: EOT-3992

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3992 - APPLICANT/OWNER: GOOD EARTH
ENTERPRISES, INC.

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on February 19, 2005 unless another Extension of Time is approved by the City Council.
2. Conformance to the conditions of approval for Special Use Permit (SUP-1531).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Special Use Permit (SUP-1531) for a 330-unit Assisted Living Apartment Complex at 233 South Sixth Street and 232 South Seventh Street. The Special Use Permit expired on February 19, 2004. The applicant is requesting a two-year extension, owing to the complexity of loan financing requirements and procedures.

B) Applicant's Justification

Worsening economic conditions and the over-saturation of downtown hotel rooms have prompted the owner of the existing El Cid Hotel to convert the buildings on the subject site to assisted living apartments for senior citizens. Additional time is needed to handle financing and associated procedures.

BACKGROUND INFORMATION

A) Previous Actions

- | | |
|----------|---|
| 1954 | The City Council approved the current C-2 (General Commercial) zoning on the site (Z-0025-54). |
| 09/14/98 | The City Council accepted the request to withdraw an application to allow a Convalescent Care Facility at 232 South Seventh Street (U-0081-98). Staff recommended denial. The Planning Commission recommended denial on 08/13/98. |
| 02/19/03 | The City Council approved a request for a Variance (VAR-1295) to allow 35 parking spaces where 75 are the minimum required for the subject site. This Variance will expire on February 19, 2005. The City Council also approved a related Special Use Permit (SUP-1531) for a 330-unit Assisted Living Apartment Complex on the subject site. Staff recommended approval. The Planning Commission recommended approval on 01/23/03. |

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time application, nor was one held for this request.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 1.07 (Buildings are 44,525 square feet)

B) *Existing Land Use*

Subject Property: Hotel
 North: Apartments, Parking
 South: Church, Office
 East: Hotel
 West: Hotel

C) *Planned Land Use*

Subject Property: C (Commercial)
 North: C (Commercial)
 South: C (Commercial)
 East: C (Commercial); MXU (Mixed Use)
 West: C (Commercial)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
 North: C-2 (General Commercial); R-4 (High Density Residential)
 South: C-2 (General Commercial); C-1 (Limited Commercial)
 East: C-2 (General Commercial)
 West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject property is identified on the Southeast Sector Map of the General Plan as being included in the "Downtown Redevelopment Plan" Area. It is subject to the land use designations identified in the Las Vegas Redevelopment Plan. The Redevelopment Plan designates the parcel as C (Commercial), which allows office uses, service-oriented commercial uses, and general commercial uses. The proposed assisted living facility is consistent with the Commercial designation and is a permitted use in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Las Vegas Redevelopment Plan Area</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is included in the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Convalescent Care Facility/Nursing Home	N/A	1 space per 6 beds + 1 space per employee on largest shift + 3 spaces for doctors	71	4	31	4

At the time of approval, the standards for Convalescent Care Facility/Nursing Home were used to assess the parking needs for this project, since it was most similar to the proposed use. A Variance to reduce the parking requirement from 75 to 35 spaces was approved as a companion item to the Special Use Permit.

B) *General Analysis and Discussion*

- Zoning

The subject site is zoned C-2 (General Commercial), which allows for automotive, wholesale, and general business uses of an intense character in addition to office, retail, and service uses. An Assisted Living Apartment use is permitted in the C-2 (General Commercial) zoning district with the approval of a Special Use Permit.

- Use

The City of Las Vegas Zoning Code defines an Assisted Living Apartment as providing personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, medication or assistance with bathing. It does not include a convalescent care facility, nursing home or a special care facility. The proposal is consistent with this definition.

The request is compatible with the established land development pattern in the area, which includes motels, offices, the Las Vegas Academy and the Federal Courthouse. It advances policies of the General Plan that encourage the diversification of uses within the downtown area. It may also result in a reduction in the number of necessary social services facilities that are in the area.

- Conditions

No specific conditions for Assisted Living Apartments are listed in Section 19.04.050 of the Las Vegas Zoning Code.

The City Council decided to impose a one-year condition on the approval of the Special Use Permit (SUP-1531). It is recommended that this Extension of Time also be for one year, as the Variance to allow a reduction in the number of required parking spaces on site would expire at the same time.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The site is designated for Commercial uses in the Downtown Redevelopment Area as established by Ordinance No. 5652. This area is appropriate for a variety of commercial uses encompassed by their corresponding General Plan designations, including the GC (General Commercial), SC (Service Commercial) and O (Office) designations. It is compatible with the existing surrounding land use pattern, which includes motels, office, schools and public facility uses.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The buildings are convertible to assisted living apartments that are in conformance to all regulatory criteria. There is limited space on the site to accommodate the required number of parking spaces; however, a Variance was granted to allow 35 of the 75 required spaces on site.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The use is not very intensive in terms of impacts to street or highway facilities. Bridger Avenue, Sixth and Seventh Streets, and the connecting downtown street network will be adequate to handle traffic to and from the site.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The use will be operated in conformance with all applicable regulatory criteria. Periodic inspection will occur on a regular basis.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-3992
SUP-1331 APN: #139-34-611-037-03 MAIN BUILDING
#139-34-611-039-03 MAIN BUILDING PARKING LO
#139-34-611-036-03 HOTEL ANNEX BUILDING
#139-34-611-034-03 ANNEX PARKING LOT

Name of Property Owner: GOOD EARTH ENTERPRISES, INC.

Name of Applicant: SOPHIE LAU

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

XXX No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

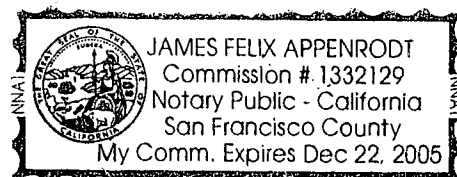
Signature of Property Owner/Authorized Agent: _____

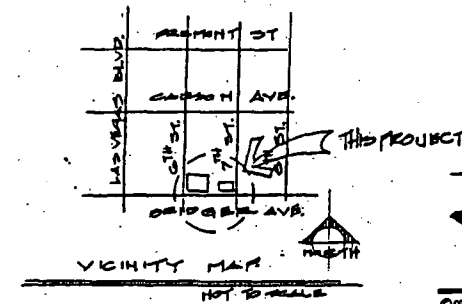
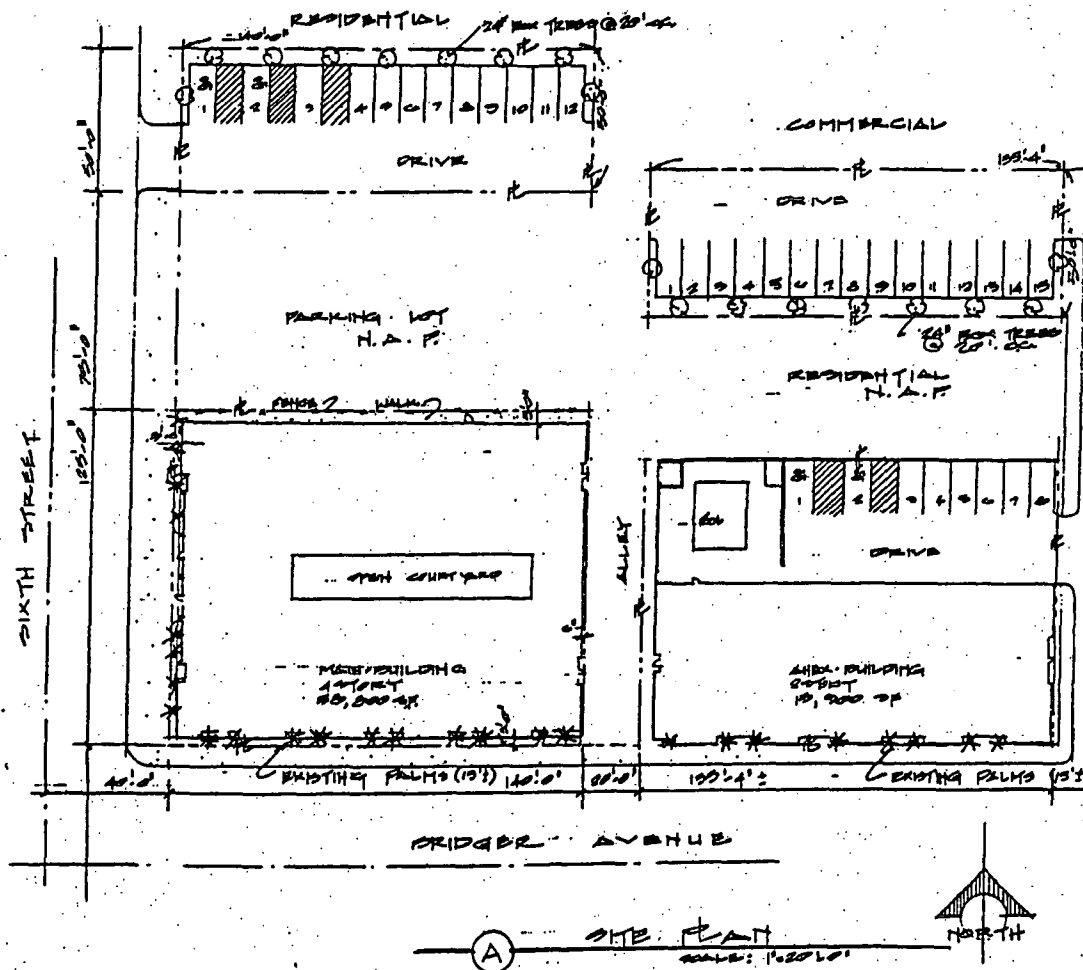
Print Name: SOPHIE LAU

Subscribed and sworn before me

This 10th day of FEBRUARY, 2004

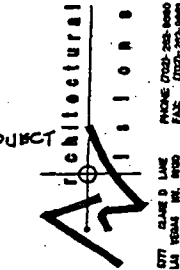
[Signature]
Notary Public in and for said County and State





GENERAL DATA:

BUILDING AREA:	
MAIN BUILDING 1 STORY	80,000 SF
AUX BUILDING 2 STORY	10,000 SF
PROPERTY SIZE:	4 LOTS 44,525 SF
PARKING REQ.	
200 BAY @ 11'0"	20 SPACES
20 EMPLOYEE @ 11'0"	20 SPACES
TOT	70 SPACES
PARKING PROVIDED	
NO STANDARD	0 SPACES
TOT	0 SPACES
VARIANCE:	30 SPACES 30% REDUCTION



NOT TO SCALE

BRIDGER AVENUE
SIXTH STREET
NORTH

EOT-3992

4-7-04 CC

STAFF

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: APRIL 7, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - EOT-3975 - APPLICANT/OWNER: KENNETH LONG -
Request for an Extension of Time on an approved Rezoning (Z-0070-99) FROM: R-1 (Single-Family Residential) TO: P-R (Professional Office and Parking) on 0.25 acres located at 717 Clark Avenue (APN: 139-34-710-048), Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

THIS ITEM IS TO BE CONSIDERED ROUTINE IN NATURE.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE - APPROVED Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], Item 111 [EOT-3967], Item 112 [EOT-3992] and Item 113 [EOT-3975] subject to conditions - **UNANIMOUS** with **GOODMAN** abstaining on Item 106 [EOT-3962], Item 107 [EOT-3963], Item 108 [EOT-3964], Item 109 [EOT-3965], Item 110 [EOT-3966], and Item 111 [EOT-3967] because of a partnership with Kevin Parkinson and the Apex property

MINUTES:

There was no discussion.

(1:27 - 1:29)

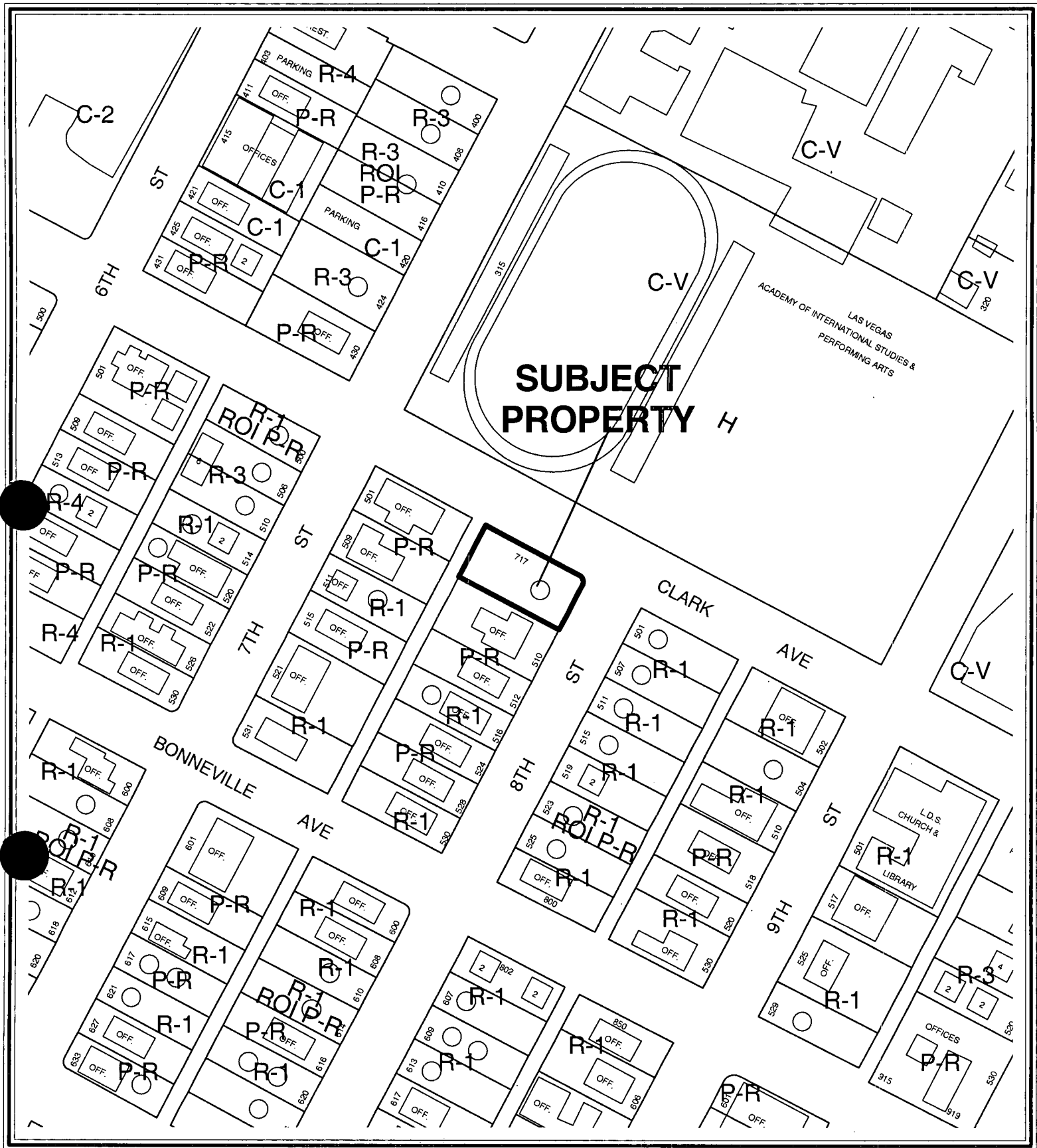
3-914

CITY COUNCIL MEETING OF APRIL 7, 2004
Planning and Development Department
Item 113 – EOT-3975

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on January 19, 2006 unless another Extension of Time is approved by the City Council.
2. Approval of a Site Development Plan Review by the Planning Commission or City Council prior to obtaining building permits for this site.
3. Conformance to all applicable Conditions of Approval for Rezoning (Z-0070-99) as required by the Planning and Development Department and Department of Public Works.



CASE: E0T-3975

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: P-R (PROFESSIONAL OFFICE AND PARKING)



0 100 200 Feet

CASE: E0T-3975

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

PROPOSED ZONING OF SUBJECT PROPERTY: P-R (PROFESSIONAL OFFICE AND PARKING)



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 7, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-3975 - APPLICANT/OWNER: KENNETH LONG

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on January 19, 2006 unless another Extension of Time is approved by the City Council.
2. Approval of a Site Development Plan Review by the Planning Commission or City Council prior to obtaining building permits for this site.
3. Conformance to all applicable Conditions of Approval for Rezoning (Z-0070-99) as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a second Reinstatement and Extension of Time on an approved Rezoning (Z-0070-99) on 0.25 acres at 717 Clark Avenue. The current extension expired on March 6, 2004.

B) Applicant's Justification

The applicant justifies this application by stating that the property is under new ownership, and the zoning must remain P-R to accommodate a proposed professional office, which will be relocated to this site from another lot. The existing house on the property has already been demolished. Additional time is needed for the current owner to prepare plans and documents for site plan review.

BACKGROUND INFORMATION

A) Previous Actions

- 01/19/00 The City Council approved a Rezoning (Z-0070-99) from R-1 (Single-Family Residential) to P-R (Professional Office and Parking) on the subject site. Staff recommended approval. The Planning Commission recommended approval on 12/02/99.
- 03/06/02 The City Council approved an Extension of Time [Z-0070-99(1)] on the approved Rezoning (Z-0070-99) on the subject property. A Condition of Approval set an expiration date two years after the date of approval of the Extension of Time. Staff recommended approval. The Planning Commission recommended approval on 01/24/02.
- 12/19/03 A building permit was issued to demolish the existing house on the property. The site is now vacant.

B) Pre-Application Meeting

A pre-application conference is not required for an Extension of Time request.

C) Neighborhood Meetings

A neighborhood meeting is not required for an Extension of Time request, nor was one held.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.25

B) *Existing Land Use*

Subject Property: Single-Family Residential
 North: Secondary School (Las Vegas Academy)
 South: Professional Offices
 East: Single-Family Residential
 West: Professional Offices

C) *Planned Land Use*

Subject Property: MXU (Mixed Use)
 North: MXU (Mixed Use)
 South: MXU (Mixed Use)
 East: MXU (Mixed Use)
 West: MXU (Mixed Use)

D) *Existing Zoning*

Subject Property: R-1 (Single-Family Residential) under Resolution of Intent to P-R
 (Professional Office and Parking)
 North: C-V (Civic)
 South: P-R (Professional Office and Parking)
 East: R-1 (Single-Family Residential)
 West: P-R (Professional Office and Parking)

E) *General Plan Compliance*

The subject property is identified on the Southeast Sector Map of the General Plan as being included in the "Downtown Redevelopment Plan" Area. It is subject to the land use designations identified in the Las Vegas Redevelopment Plan. The Redevelopment Plan designates the parcel as Mixed Use, which allows low- to high-density residential uses, office uses, service commercial uses, general commercial uses, and public facilities. The proposed P-R (Professional Office and Parking) zoning district is consistent with the Mixed Use district of the Las Vegas Redevelopment Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
<i>Las Vegas Redevelopment Plan Area</i>	<i>X</i>	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is included in the Las Vegas Redevelopment Plan Area, which includes most of downtown Las Vegas, portions of West Las Vegas, and the industrial area located south of Charleston and east of the Union Pacific Railroad. The purpose of this plan is to eliminate blighted properties, develop vacant or underutilized properties by using methods of planning, and strengthen the economic base of this part of the City of Las Vegas.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The standards for future development of the site are contained in Table 3 of the Commercial District Development Standards in Title 19.08. These standards include restrictions on lot coverage, lot width, height, and setbacks. No new development is proposed at this time; however, when the opportunity arises, it must conform to P-R (Professional Office and Parking) standards.

B) General Analysis and Discussion

Established P-R (Professional Office and Parking) and R-1 (Single-Family Residential) zoning districts are in close proximity to the subject property. The request is compatible with the surrounding land use designations, which are a mixture of single-family residential and professional offices. This area of the City has been experiencing a transition to professional offices over a long period of time. Therefore, this request will not have any detrimental impacts on the surrounding area.

According to the owner/applicant's justification letter, the property was acquired from the previous owner in November 2003. After an attempt to preserve the existing house on the lot, it was determined that the house was in such poor condition that the only practical alternative was to demolish it. The current owner has indicated that an existing 3,000 square foot building will be relocated to this site from another location. A Site Development Plan Review will be required before this structure can be moved to the site, in order to ensure compatibility with the area.

As a result of the demolition of the existing house on the property, several planning conditions from the original zoning case (Z-0070-99) that specifically pertained to the design of the building no longer apply. However, all conditions written by the Department of Public Works remain in effect.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The site is designated for Mixed Use in the Downtown Redevelopment Area as established by Ordinance No. 5652. This area is appropriate for a variety of commercial and residential uses encompassed by the corresponding General Plan designations, including the SC (Service Commercial) and O (Office) designations. The proposed rezoning conforms to these General Plan designations.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The request for rezoning to P-R (Professional Office and Parking), which would primarily allow professional offices, is compatible with the surrounding land use designations. These areas contain a mixture of single-family residential and professional offices. Therefore, this request will not have any detrimental impacts to the surrounding area. Furthermore, this area of the City has been experiencing a transition to professional offices over a long period of time.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

This area of the City is still making the desired transition from single-family residential uses to professional offices and mixed uses. The proposed rezoning to P-R (Professional Office and Parking) is therefore appropriate.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

Clark Avenue and Eighth Street, both 80-foot rights-of-way, will be adequate in size to handle the traffic demands of the uses permitted by the proposed P-R (Professional Office and Parking) zoning district.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

EOT-3975
Case Number: ~~2-0070-99~~ APN: B9-34-710-048
Name of Property Owner: Kenneth Long
Name of Applicant: Kenneth Long

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

X No

If yes, please indicate the member of the City Council, Planning Commission or Hearings Officer who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

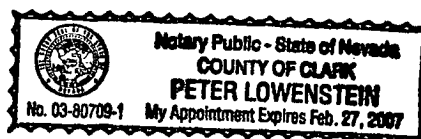
APN: _____

Signature of Property Owner/Authorized Agent: _____

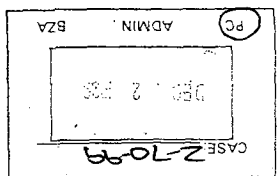
Subscribed and sworn before me

This 23 day of FEB, 2004

Peter Lowenstein
Notary Public in and for said County and State



EOT-3975



STAFF

* ADA COMPLIANT RAMP TO REPLACE PORCH STEPS.

PARKING REQ'D - 6 SPACES
LOT SIZE - 10,500 SF = .24 AC.

