

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Fiscal Impact

☐

No Impact

☒

Budget Funds Available

☐

Augmentation Required

Amount: Not to exceed \$40,000

Dept./Division: Neighborhood Services

Funding Source: General Fund-Winter Shelter Fund

PURPOSE/BACKGROUND:

On Friday, April 9, 2004 at 4:14 PM, Judge Bert Brown ordered the owners of the Sky Vue Mobile Home Park to abate the nuisances existing at 15 West Owens. The order further stipulated that all repairs shall be inspected by a licensed plumber/electrician to verify the adequacy of such repairs prior to any person occupying or residing in any structure on said property.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Photos of Sky Vue Mobile Home Park
3. Videotape was shown but a copy was not submitted

MOTION:

WEEKLY – A PPROVED with direction to City Attorney to use legal means to achieve an immediate solution – UNANIMOUS with Ward 2 seat vacant

MINUTES:

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor

ORLANDO SANCHEZ, Director, Neighborhood Services

LAWRENCE WEEKLY, Councilman

BETH JONES

BEATRICE TURNER

SUSAN BARNUM

SCOTT BARNUM

BRAD JERBIC, City Attorney

(10:59 – 11:26)

2-533

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

ITEM DESCRIPTION: Report and possible action on the Sky Vue Mobile Home Park, 15 West Owens Avenue, and to provide monetary compensation to Clark County Social Services for temporary housing of displaced residents in an amount not to exceed \$40,000 - Ward 5 (Weekly)

The judge's order required the following repairs be made and set a new court date of Tuesday, April 13, 2004 at 9:00 AM:

1. All currently leaking sewer lines must be repaired by a licensed plumber prior to any person occupying or residing in any structure on said property.
2. All repairs made to sewer lines since March 30, 2004 shall be inspected by a licensed plumber to verify the adequacy of such repairs prior to any person occupying or residing in any structure on said property.
3. All sewer lines shall be inspected by a licensed plumber to ensure that no cross connections exist, that is an inadvertent connection between potable water supply lines and sanitary sewer lines prior to any person occupying or residing in any structure on said property.
4. All garden hoses that supply potable water must be replaced with potable water supply lines in conformance with applicable codes and ordinances.
5. All extension cords that serve as the primary source of power shall be removed prior to any person occupying or residing in any structure on said property.
6. All unprotected panels and connections must be repaired by a licensed electrician prior to any person occupying or residing in any structure on said property.

In light of the judge's order the City Manager's Office and Neighborhood Services Department working in conjunction with Clark County Social Services took a pro-active approach giving the residence of the park an option to temporary relocate to the Budget Suites located at 1500 Stardust Drive while the work was being performed. The sole purpose of the city's involvement was to ensure that the residents were not left homeless.

During today's court hearing Judge Bert Brown continued the matter to 9:00 a.m. on May 4, 2004 with the existing stipulations in place. Before signing the order, the judge asked for a commitment that no residents would be displaced in the meantime. City officials indicated they had about two (2) weeks worth of funding available for temporary housing but agreed that no one would be denied temporary as the result of the order. The judge stipulated that the property owner might have to reimburse the city for costs associated with housing the relocated residents.

Future actions

A notice and order to abate dangerous building is currently being reviewed by the City Attorney's Office (April 13, 2004) and will be mailed by certified mail and the property posted as soon as

City of Las Vegas

authorized and signed by the Building Official, Fire Official and Business License Official giving them to abate the conditions identified in the order. The following are excerpts from the notice and order:

SECTION 901.6, 1997 UNIFORM FIRE CODE – FIRE PROTECTION IN RECREATIONAL VEHICLE, MOBILE HOME AND MANUFACTURED HOUSE PARKS, SALES LOTS AND STORAGE LOTS – Recreational vehicle, mobile home and manufactured housing parks, sales lots and storage lots shall provide and maintain fire hydrants and access roads in accordance with Section 902 and 903.

SECTION 902.2, 1997 UFC – FIRE APPARATUS ACCESS ROADS – From the front entrance to the most remote portion of the park it is approximately 1,000 feet. There is significant room for a turn-around or to make further turns once inside the park, effectively a dead-end.

SECTION 903 – WATER SUPPLIES AND FIRE HYDRANTS –

SECTION 903.1 – GENERAL – Water supplies and fire hydrants shall be in accordance with Section 901 and 903.

SECTION 903.4.2 – REQUIRED INSTALLATIONS – The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be provided on the public street or on the site of the premises or both to be protected as required and approved.

SECTION 1103.2.3, 1997 UFC – COMBUSTIBLE VEGETATION – Cut or uncut weeds, grass, vines and other vegetation shall be removed when determined by the chief to be a fire hazard.

UNIFORM HOUSING CODE

Section 1001 - Definition - 1001.1 General: Any building or portion thereof that is determined to be an unsafe building in accordance with Section 102 of the Building Code, or any portion thereof, including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the conditions referenced in this section to an extent that endangers the life, limb, health, property, safety or welfare of the public or the occupants thereof, shall be deemed and hereby are declared to be substandard buildings.

Section 1001.2 Inadequate Sanitation: Buildings or portions thereof shall be deemed substandard when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following (the following are the violations that exist at the above location, referenced by number to coincide with the Chapter 10 of the Uniform Housing Code):

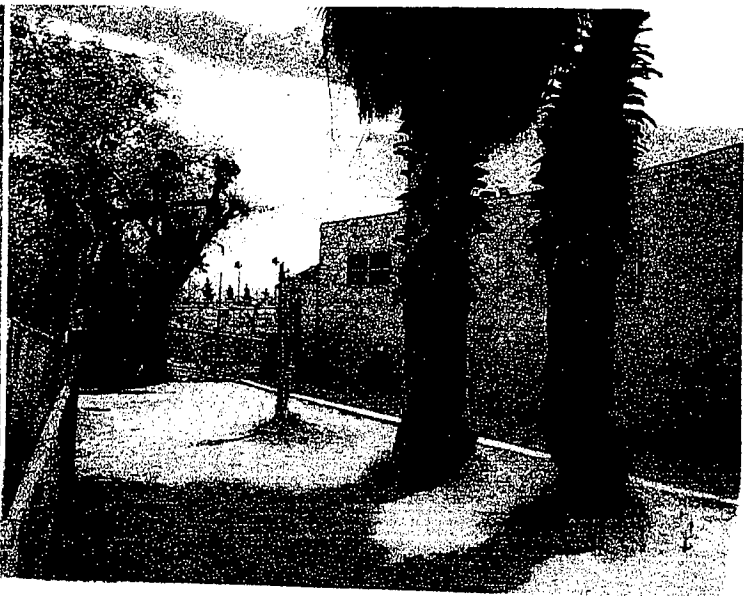
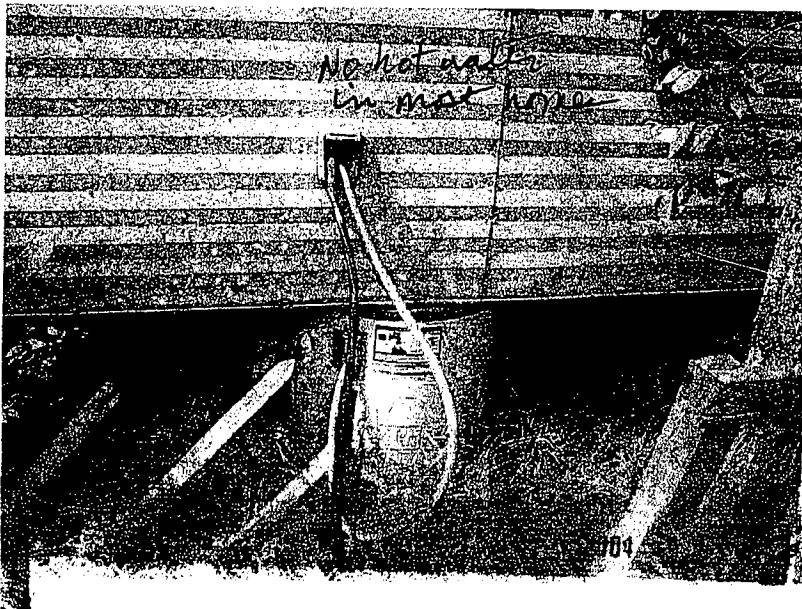
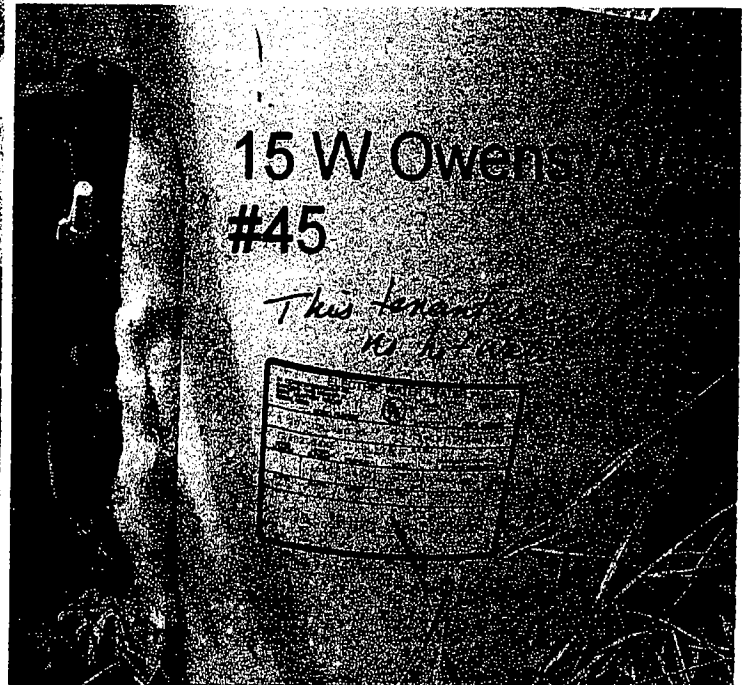
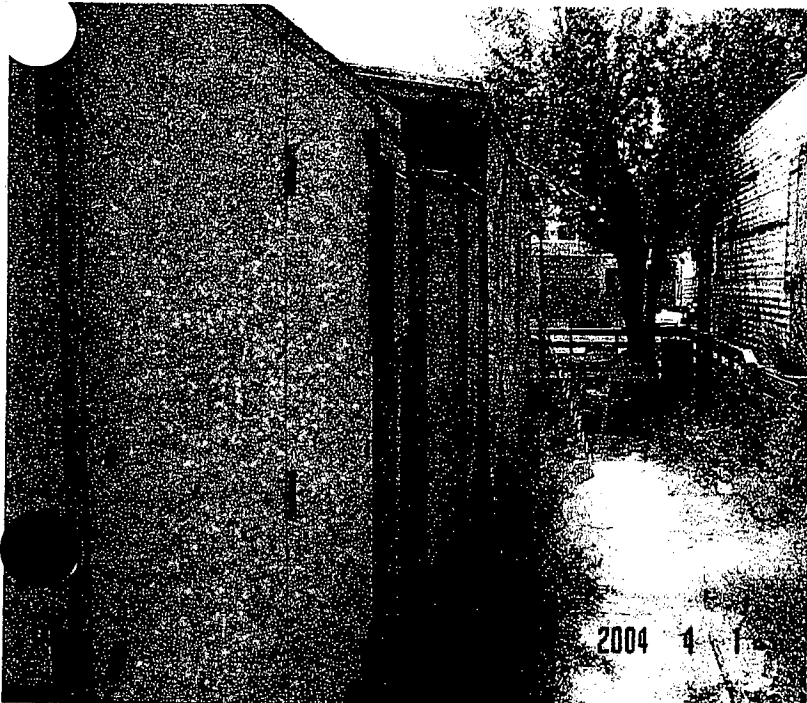
Section 1001.4 Nuisance: Buildings or portions thereof in which there exists and nuisance as defined in this code are deemed substandard buildings.

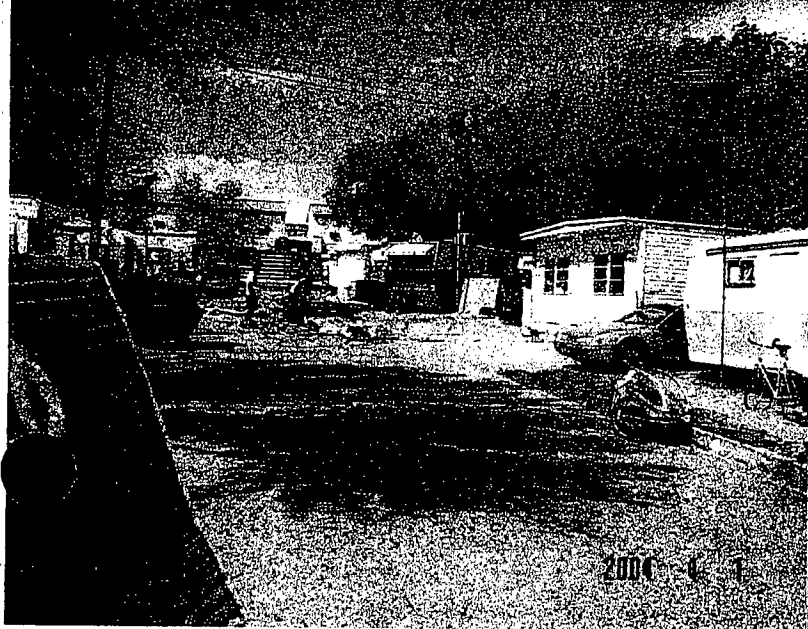
City of Las Vegas

Section 1001.5 Hazardous Electrical Wiring: Electrical wiring that was installed in violation of code requirements in effect at the time of installation or electrical wiring not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is being used in a safe manner shall be considered substandard.

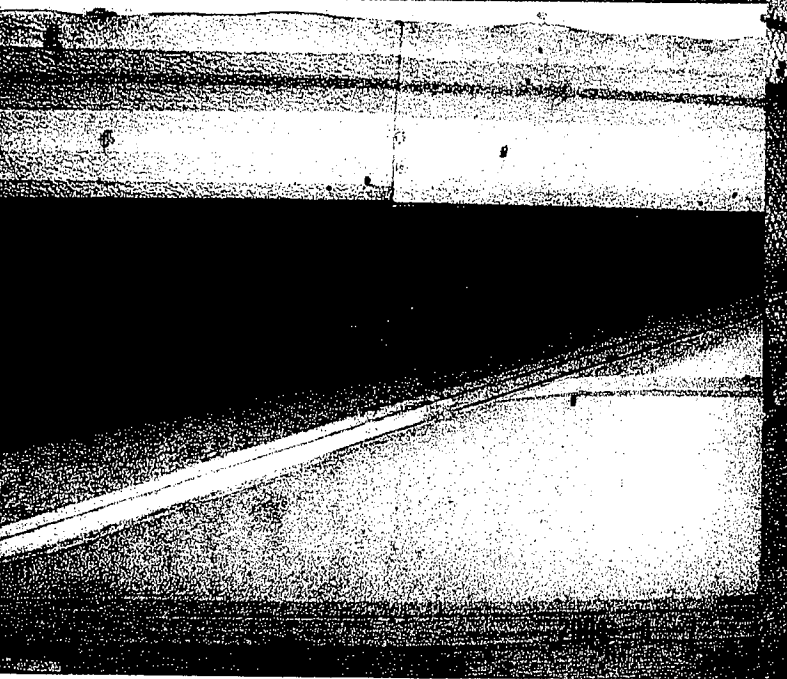
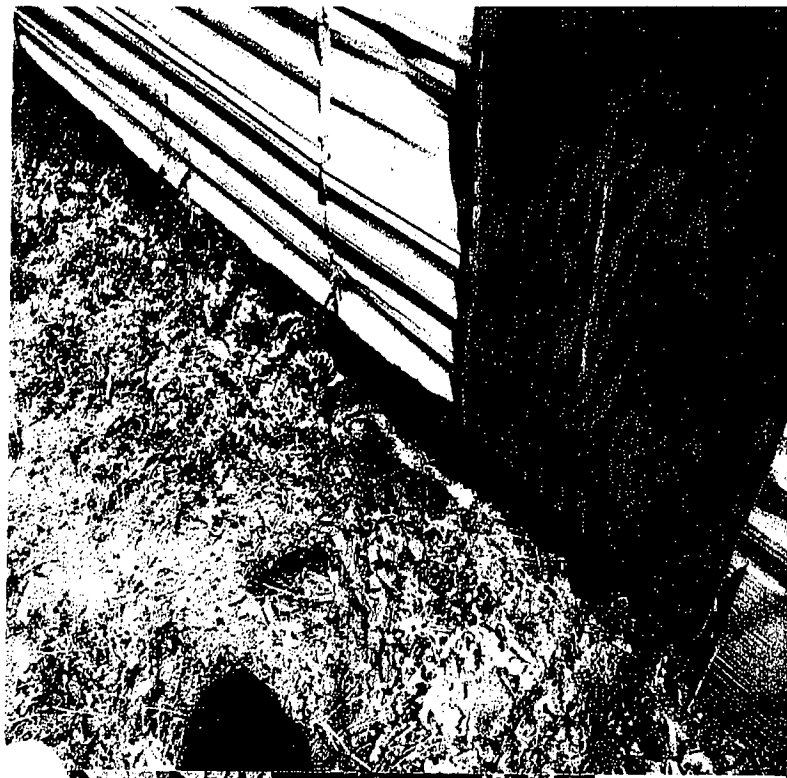
Section 1001.6 Hazardous Plumbing: Plumbing that was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or that has not been maintained in good condition or that is not free of cross-connections or siphonage between fixtures shall be considered substandard.

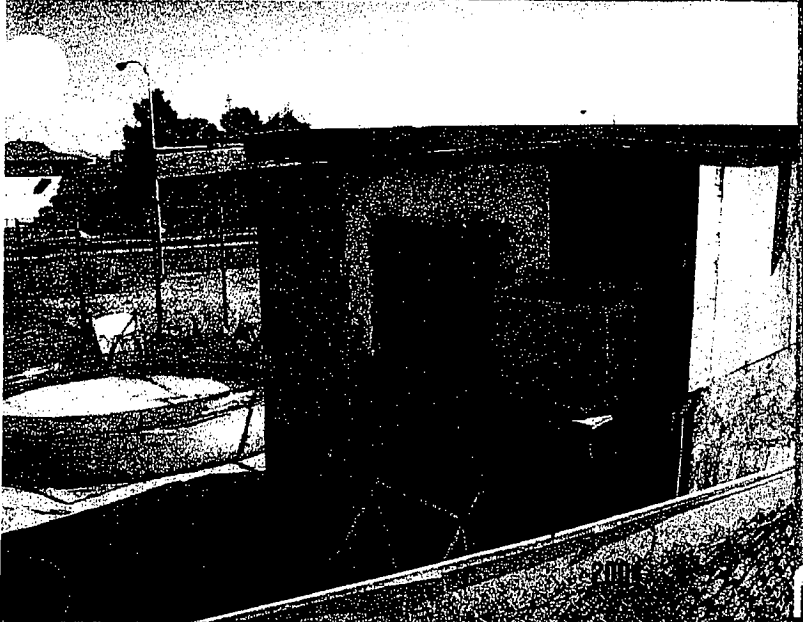
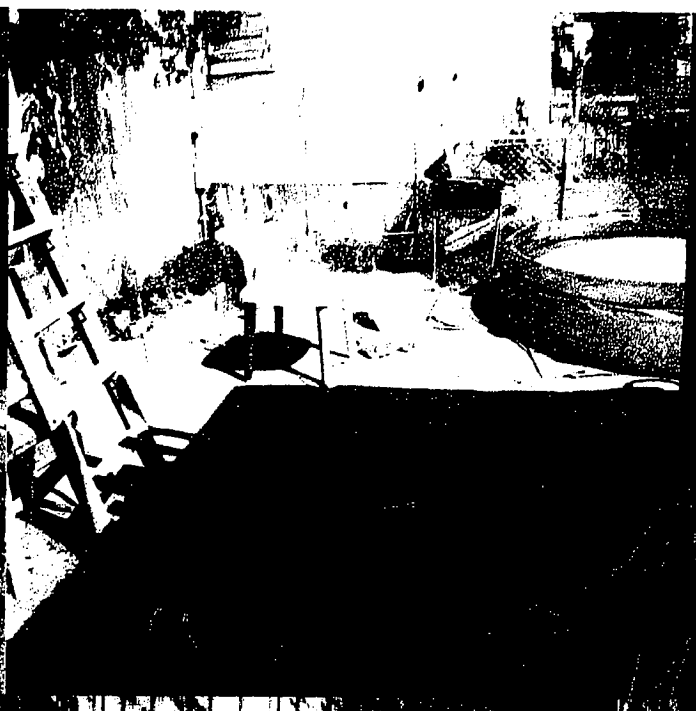
In addition, they have been operating without business license since October 28, 2003, (Temporary License #T04-00020-6-002940 expired on October 28, 2003) in violation of Title 6 of the Las Vegas Municipal Code. Business License cited the owner for conducting business without obtaining and maintaining a valid business license.



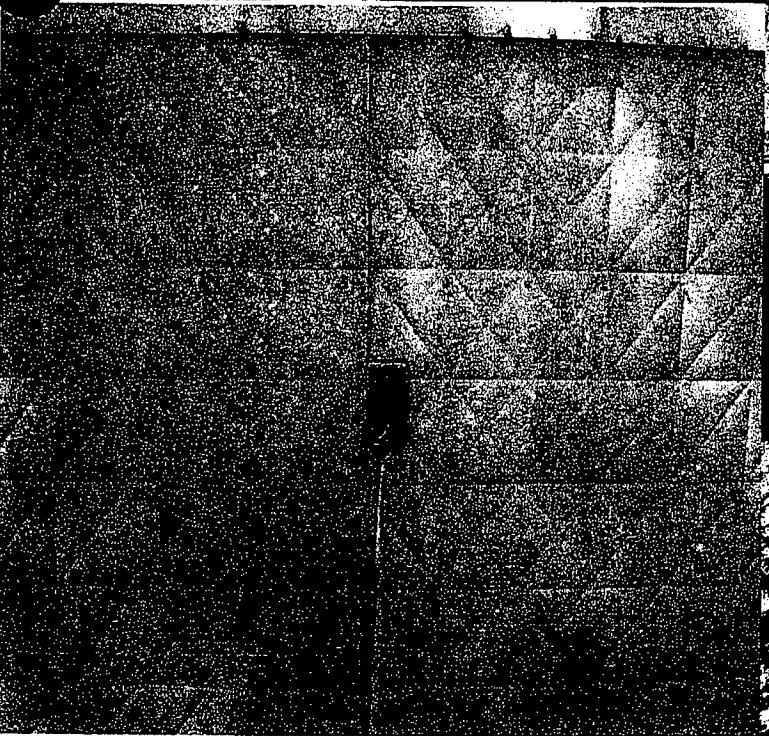
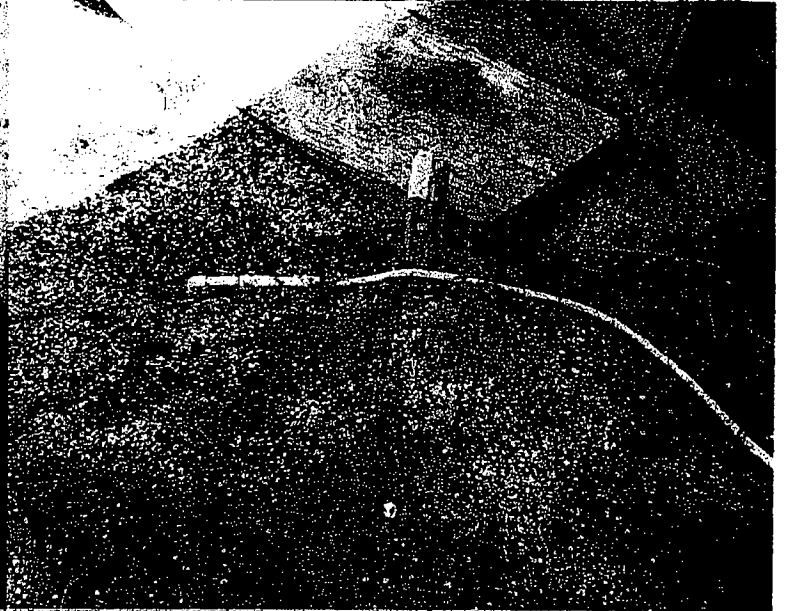


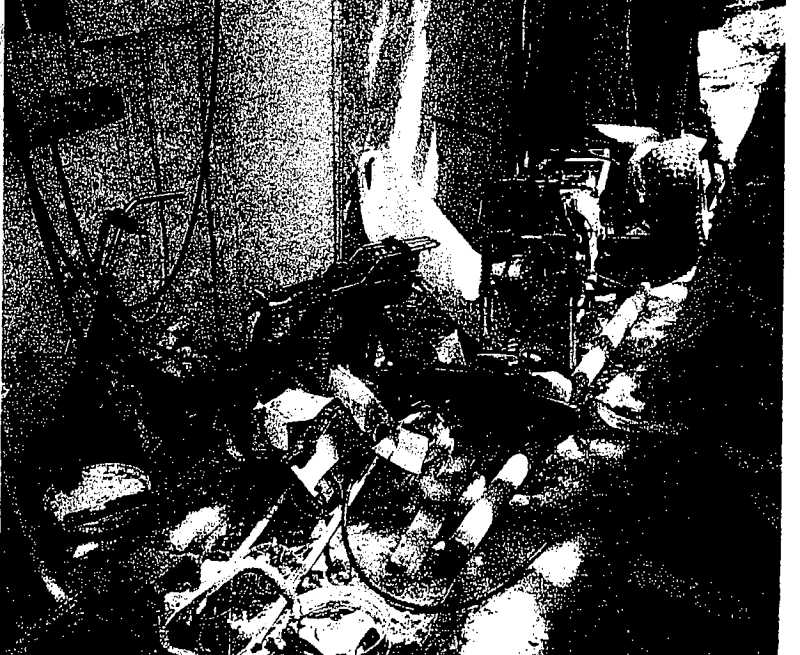
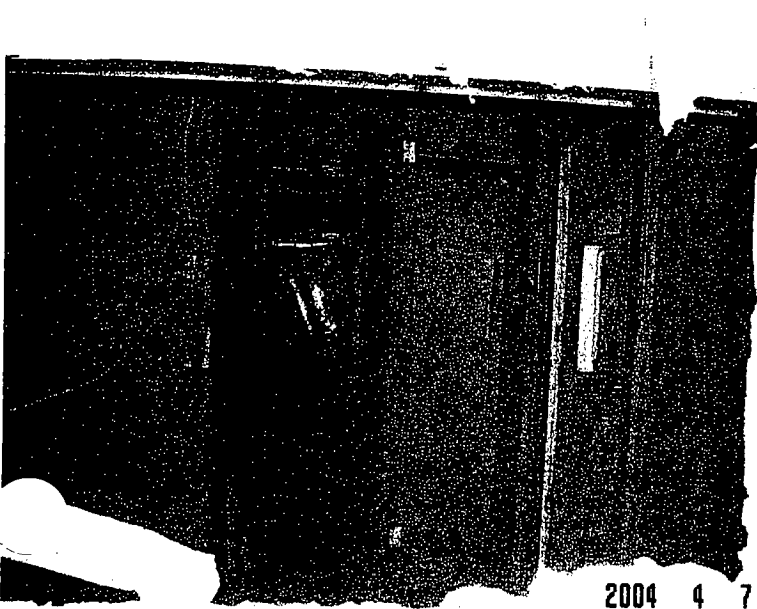
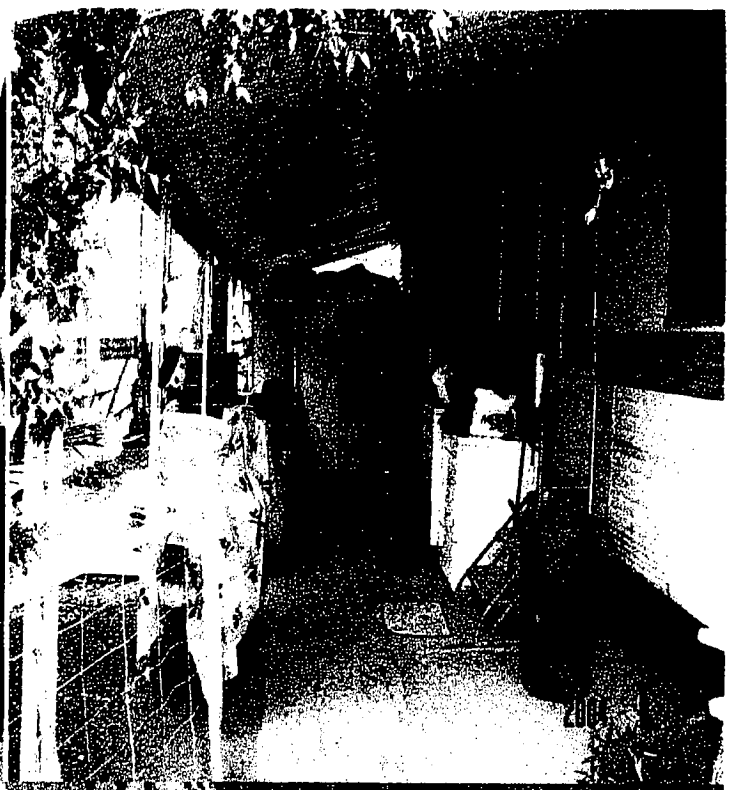
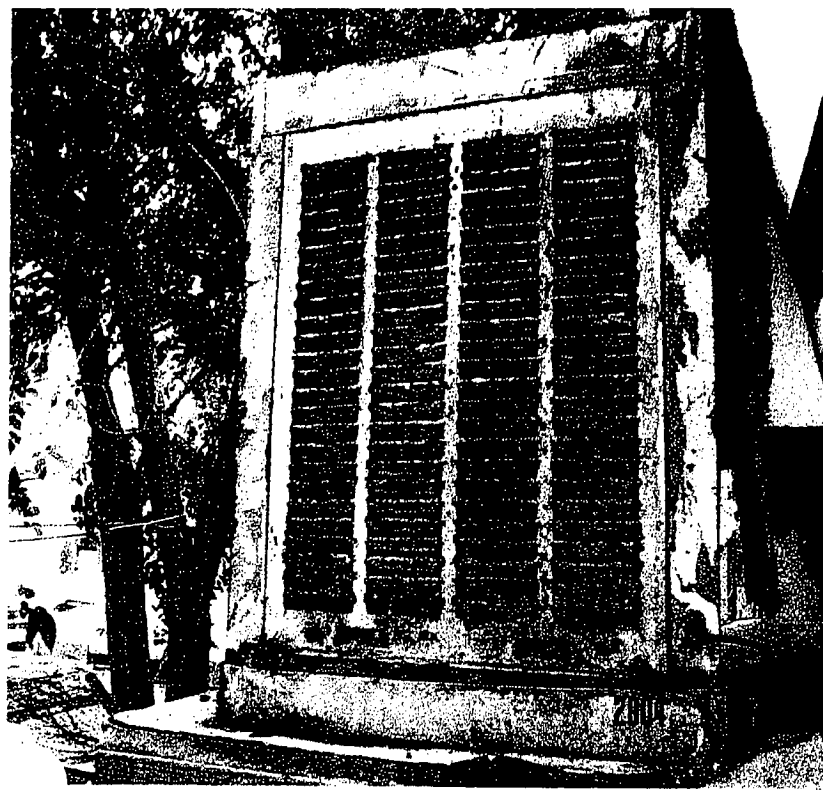
15 W Owens Ave.



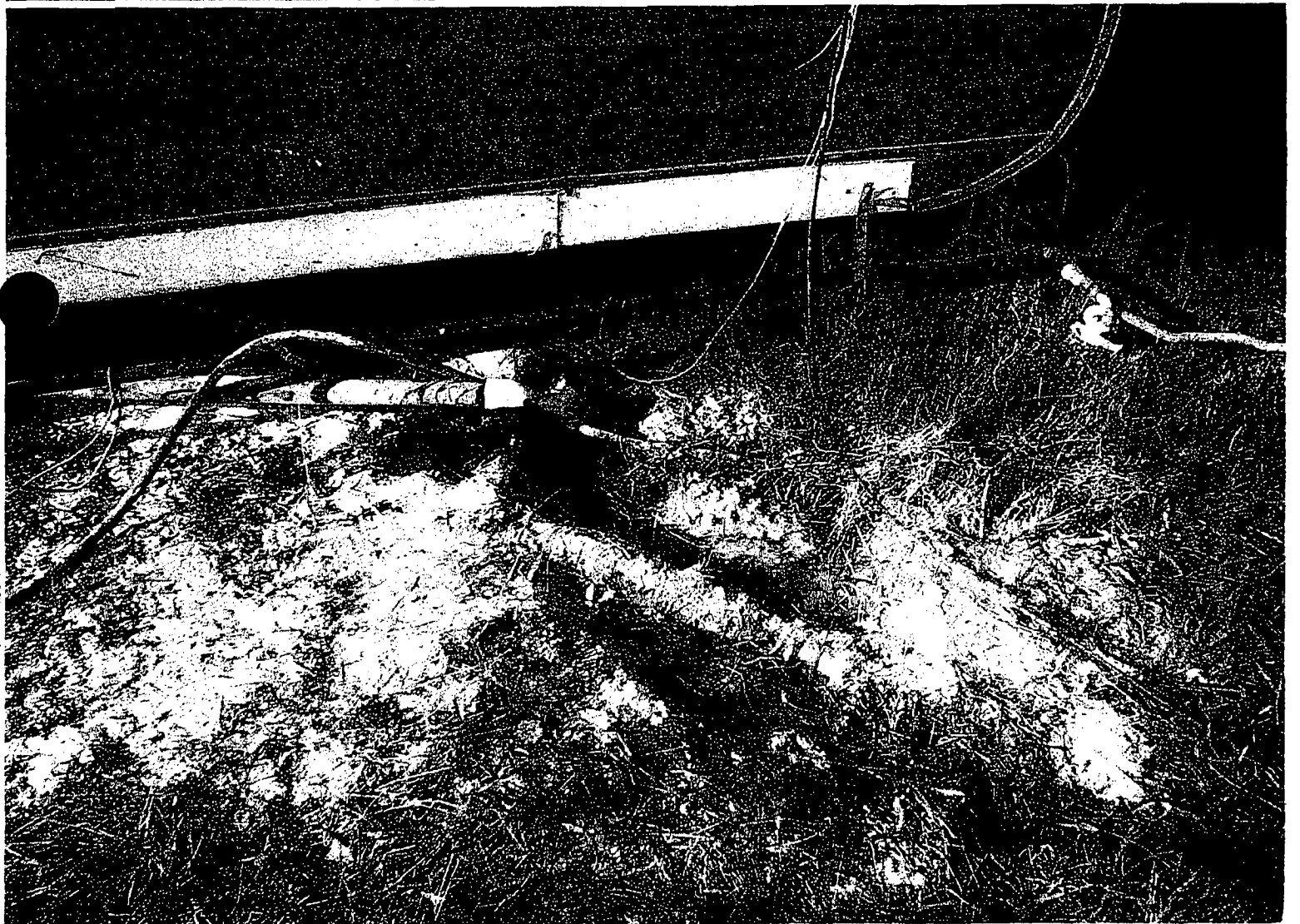
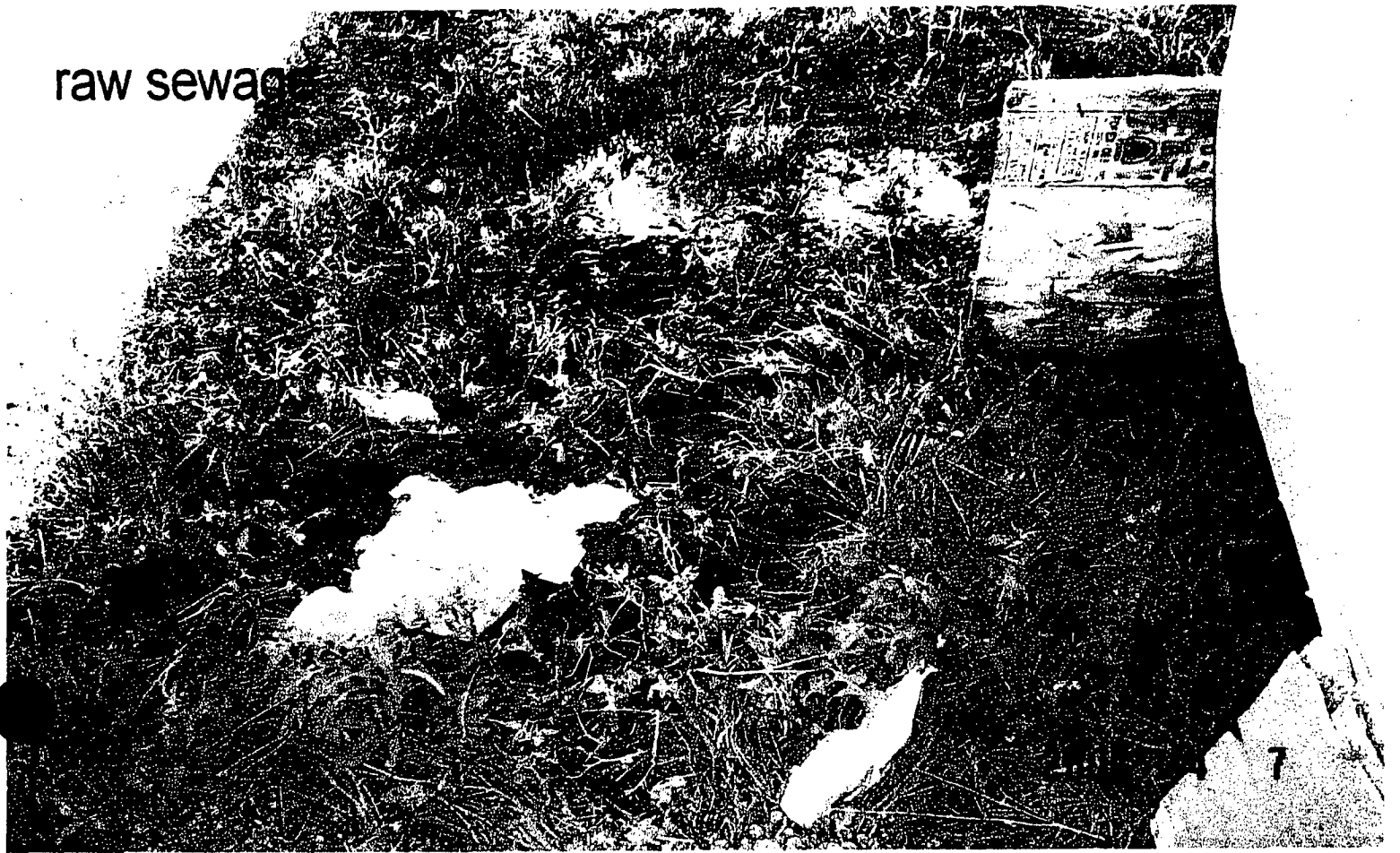


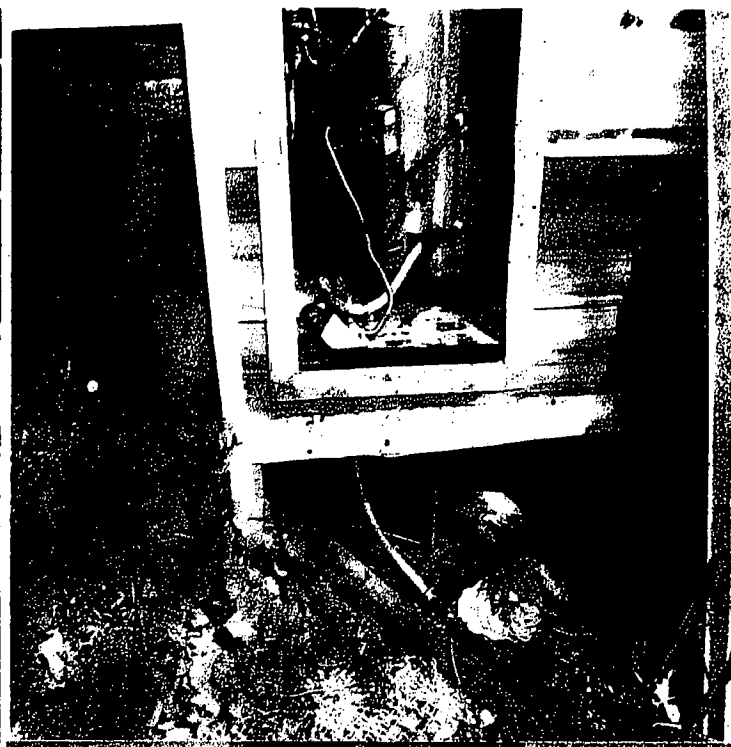
sawage leak
under home



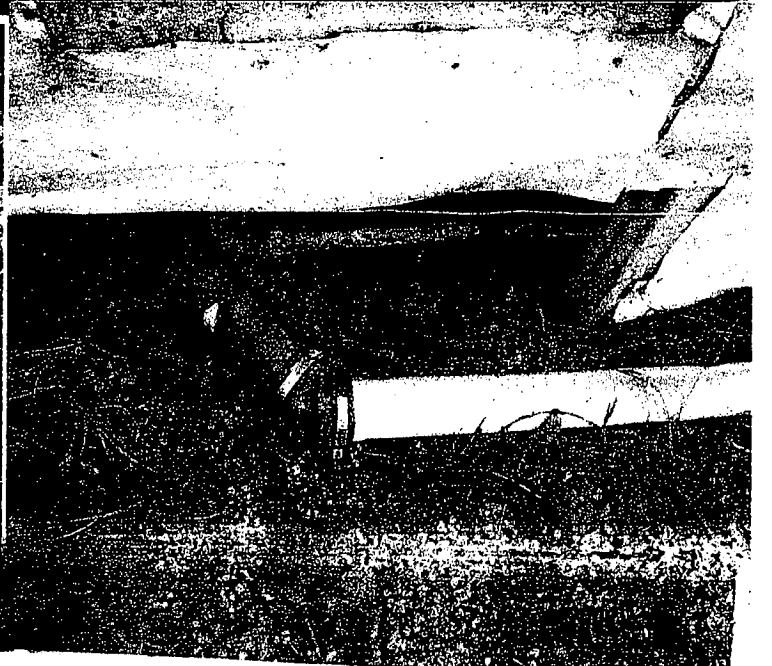
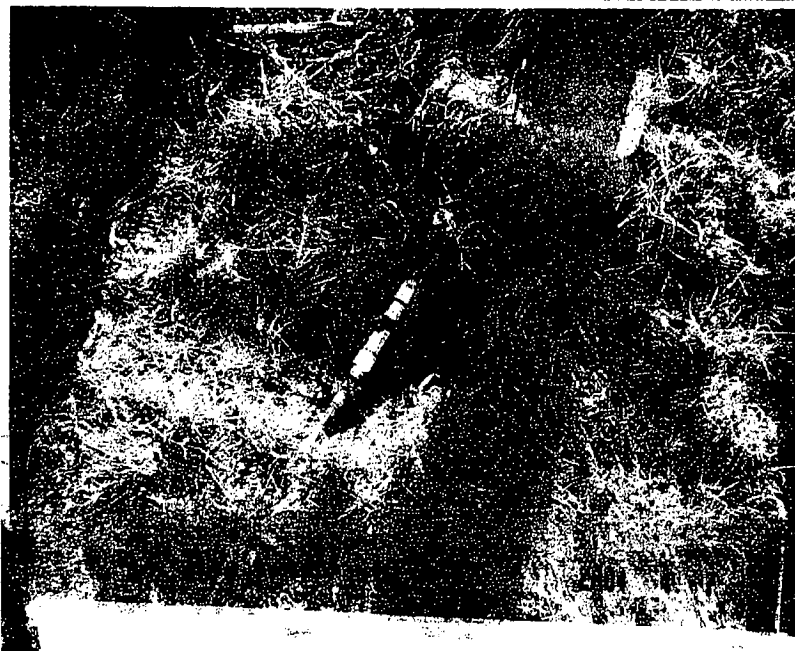
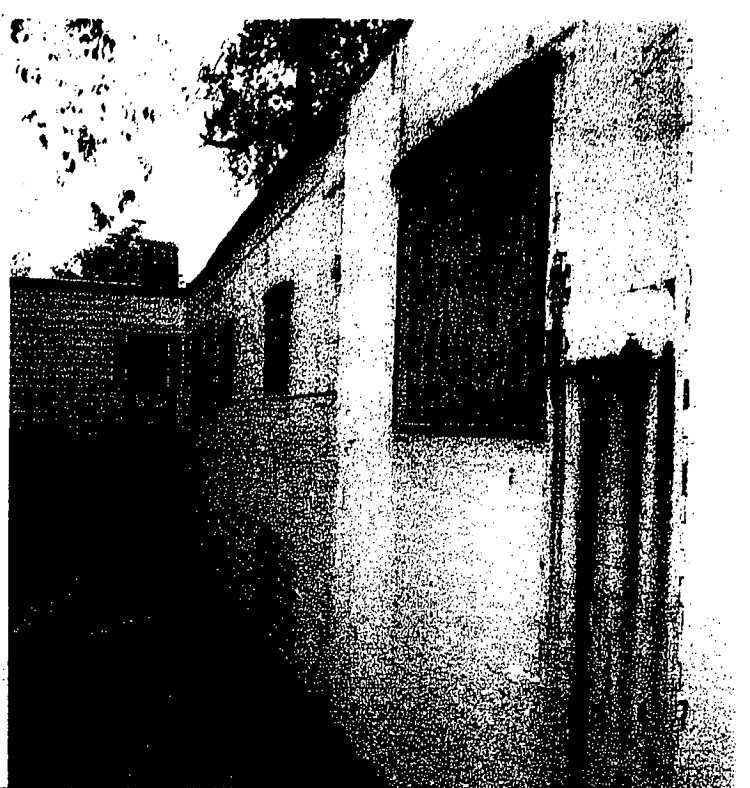


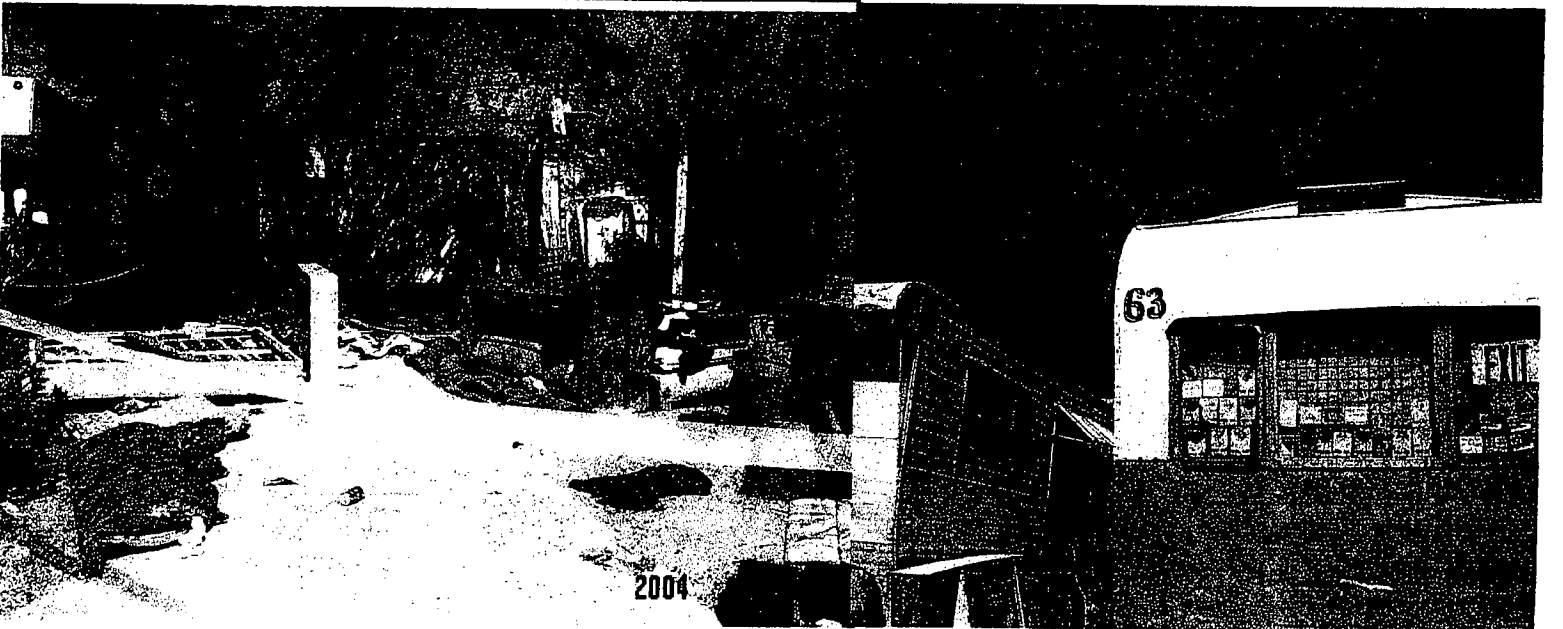
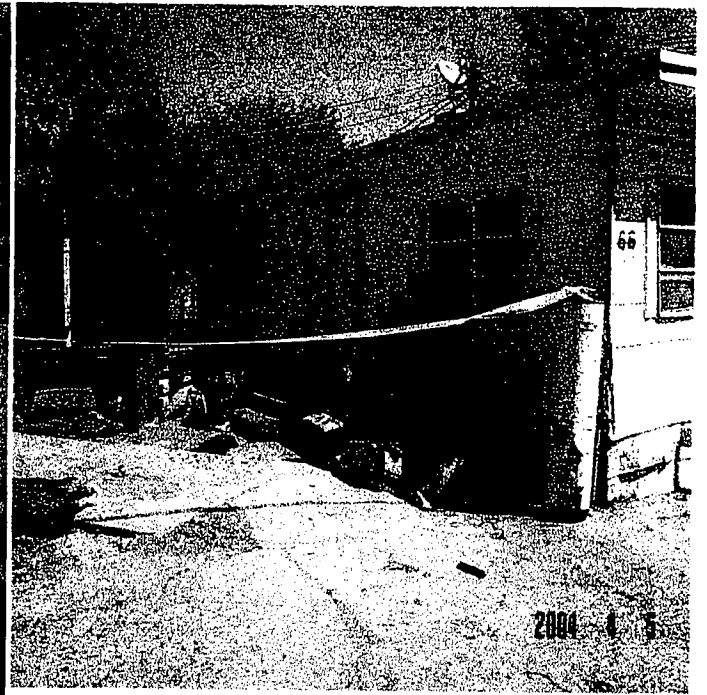
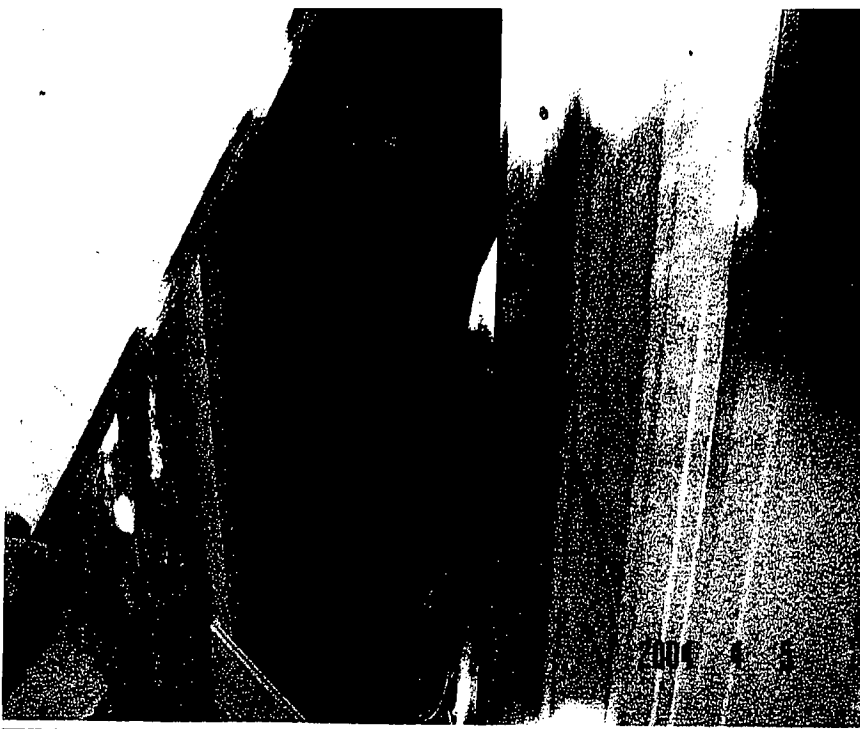
raw sewage





raw sewage leak

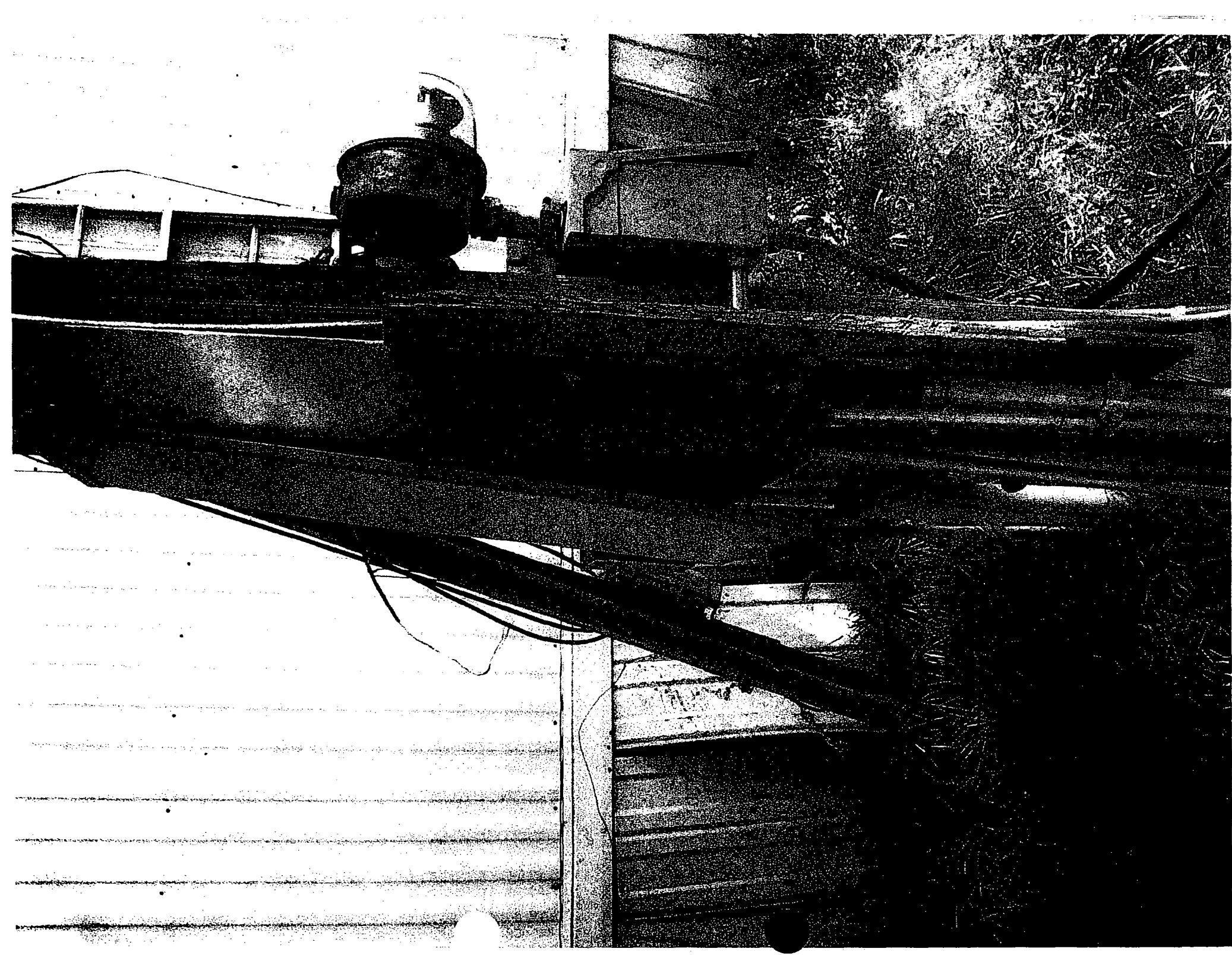


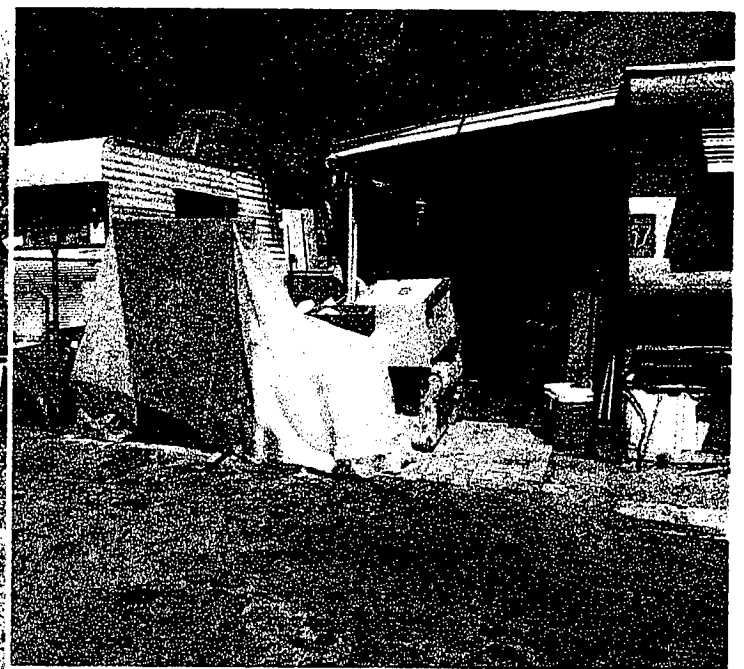
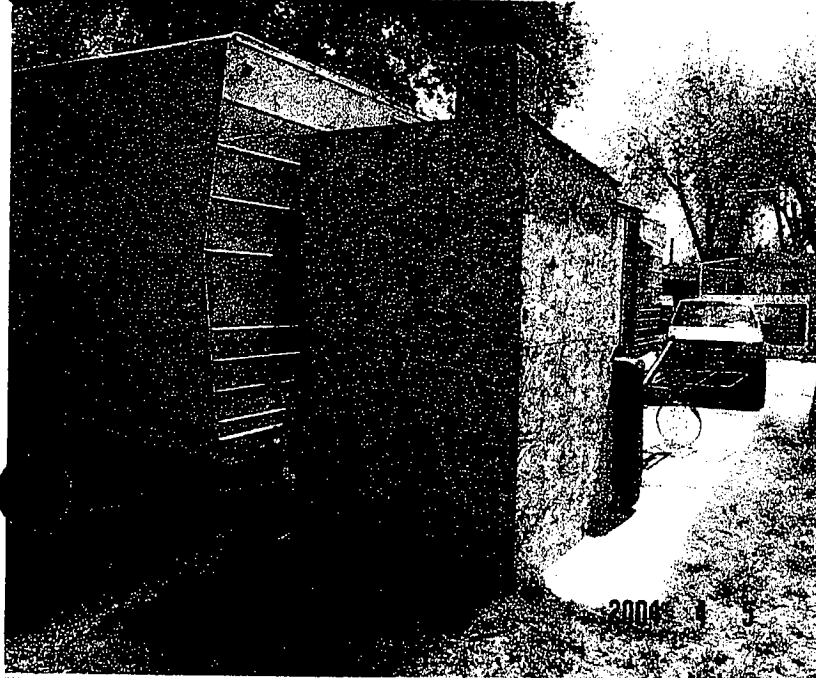
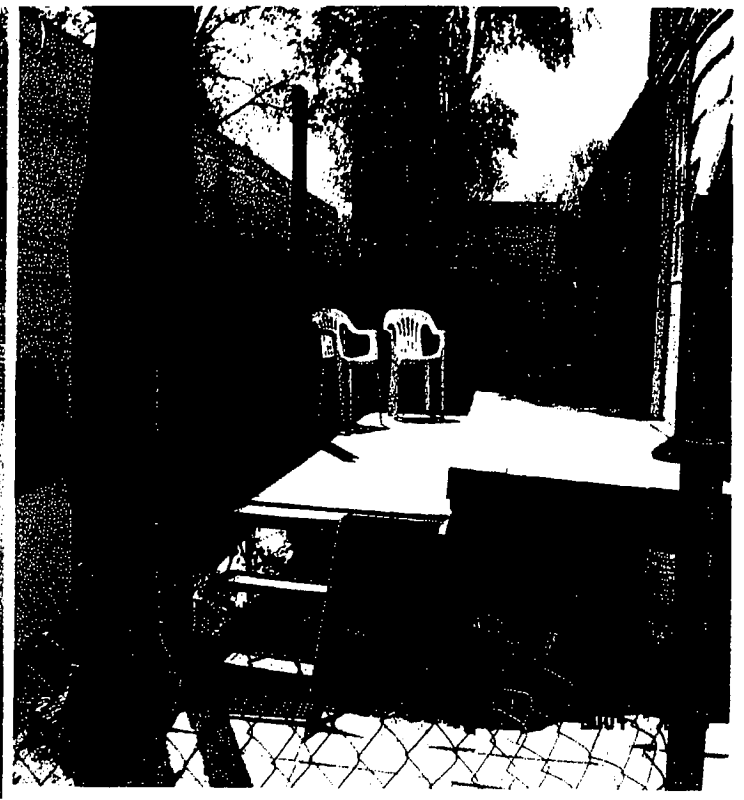


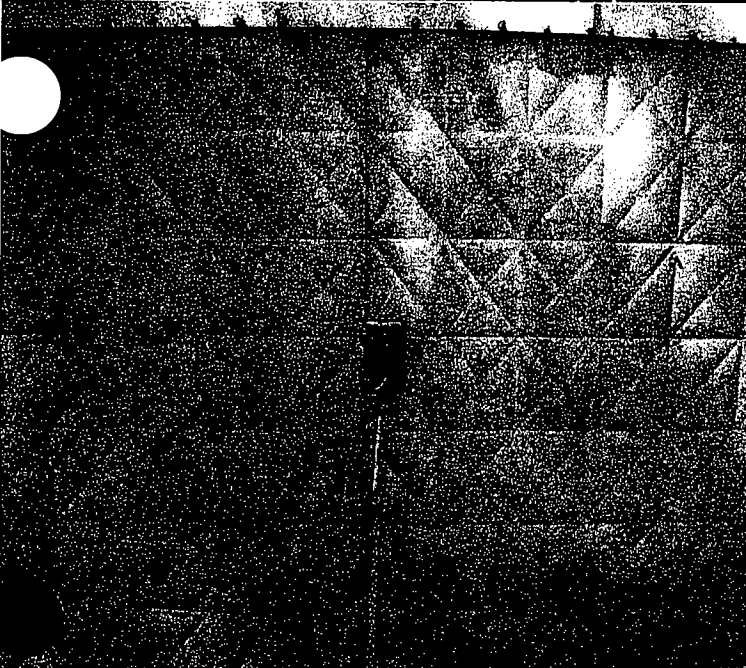
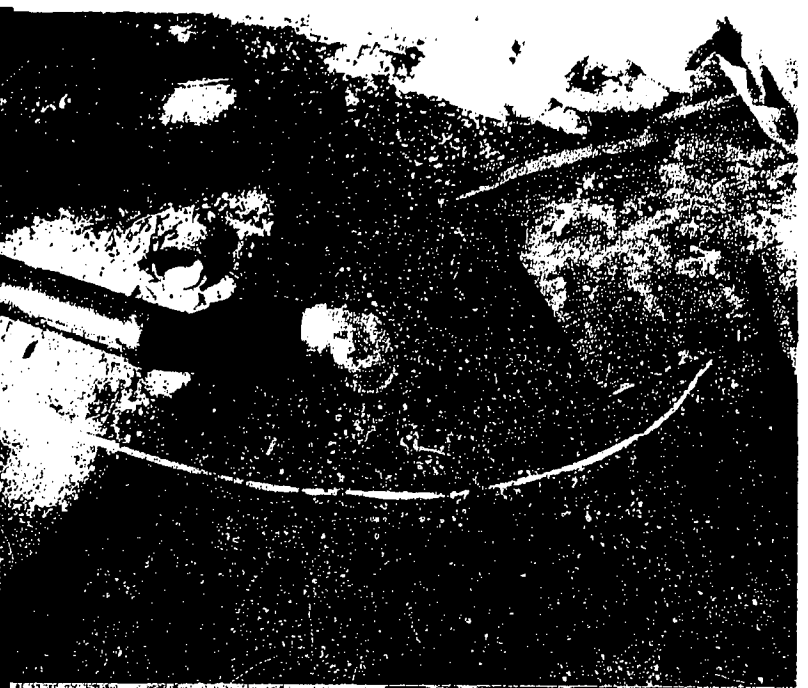
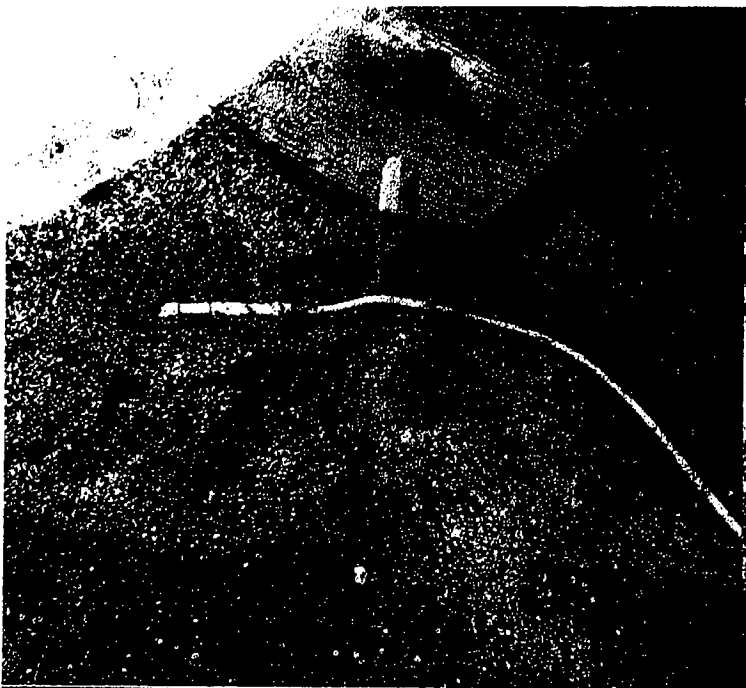


**SKY VUE MOBILE HOME PARK
15 W OWENS BOULEVARD**

THE ELECTRICAL BOX ON TOP OF THE
HOME HAS EXPOSED WIRES COMING
OUT OF THE BOX

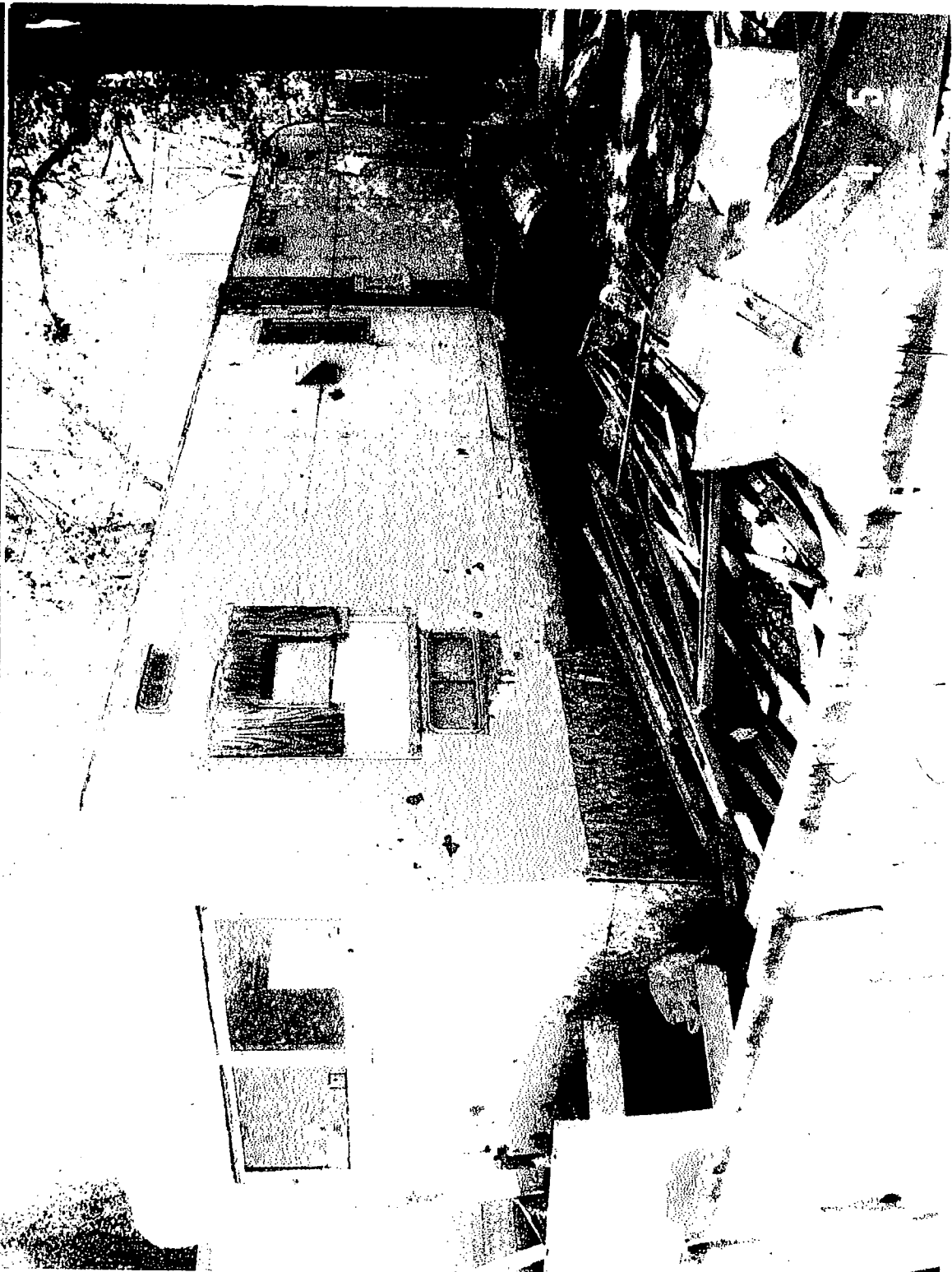




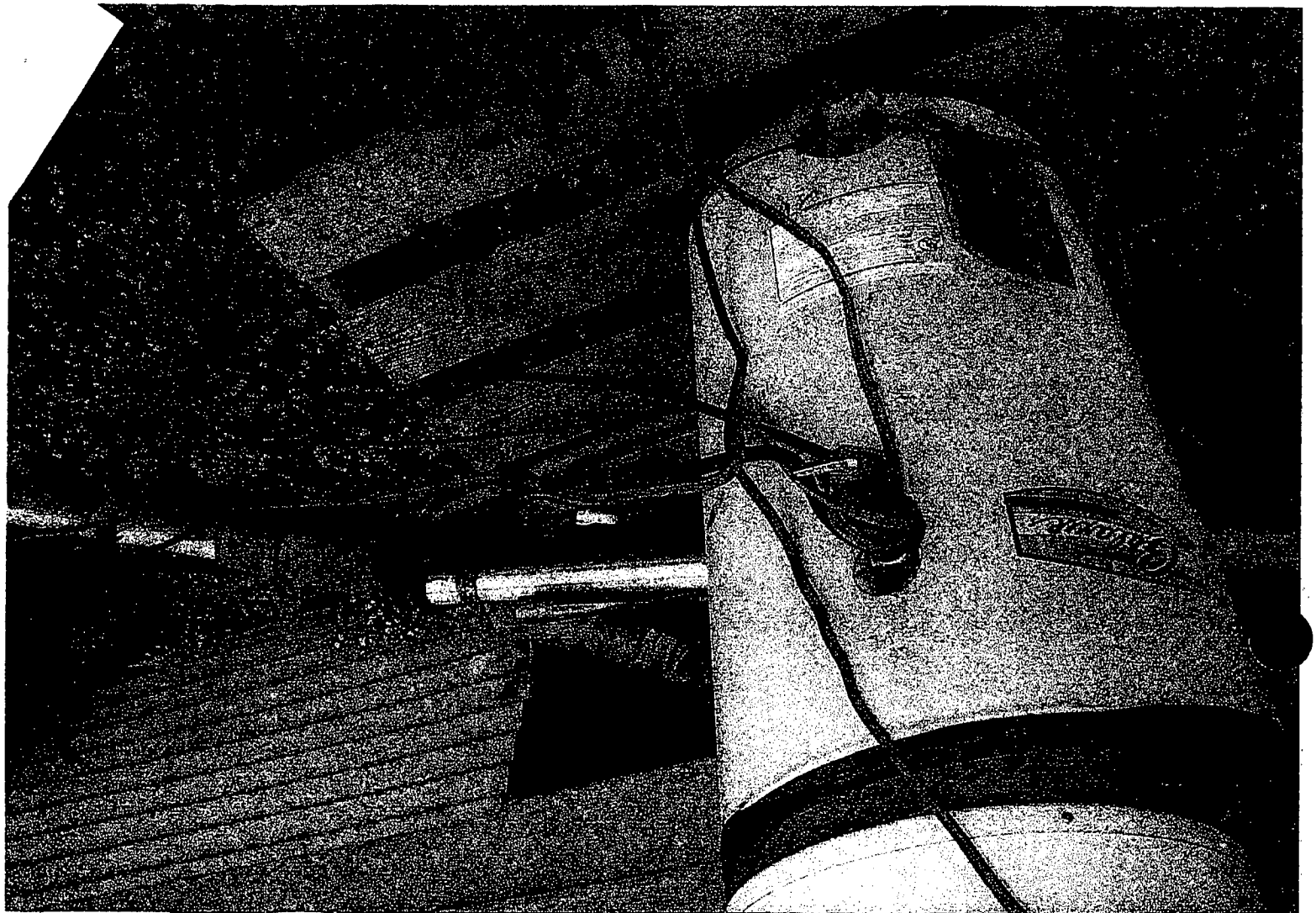




2004 4 5

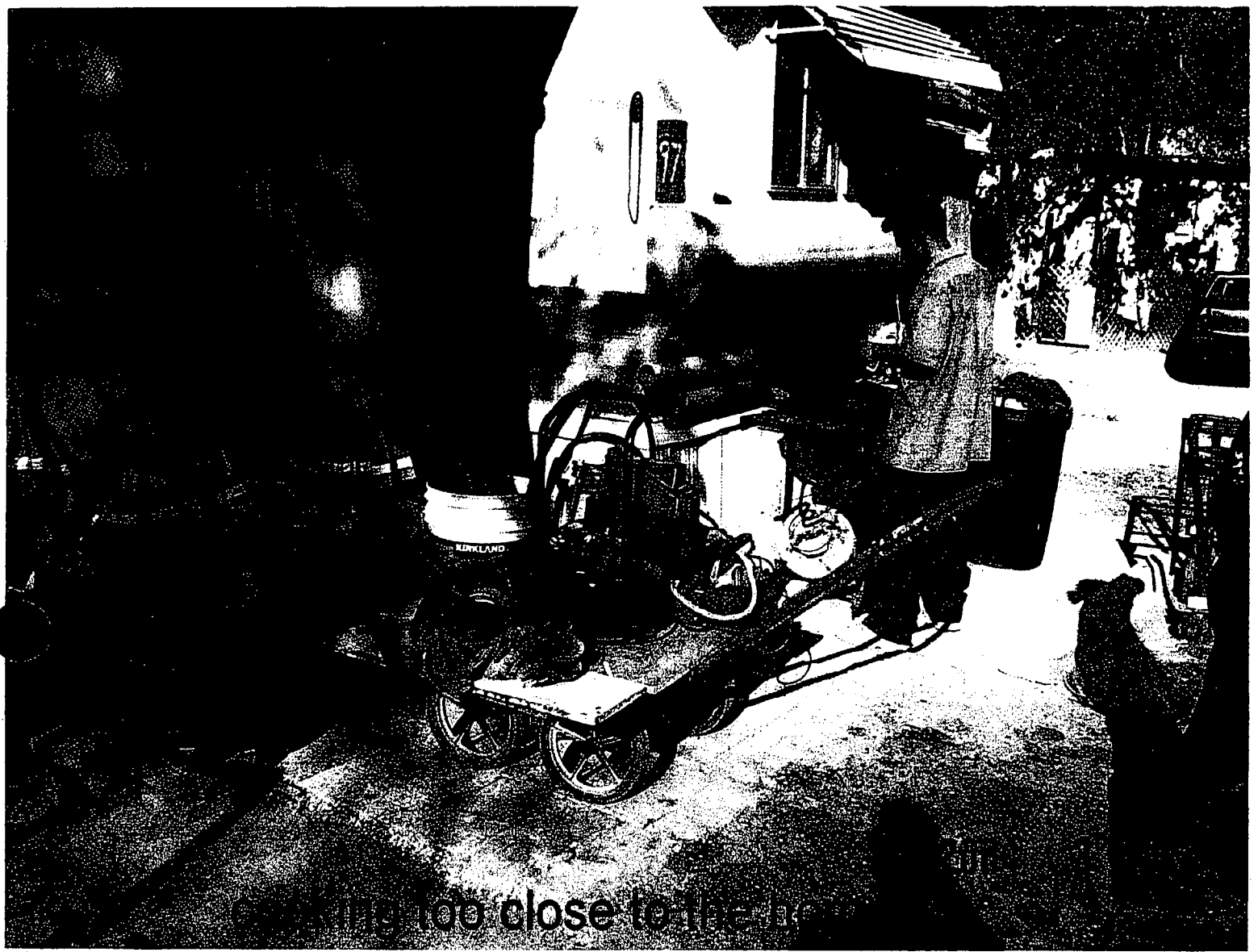


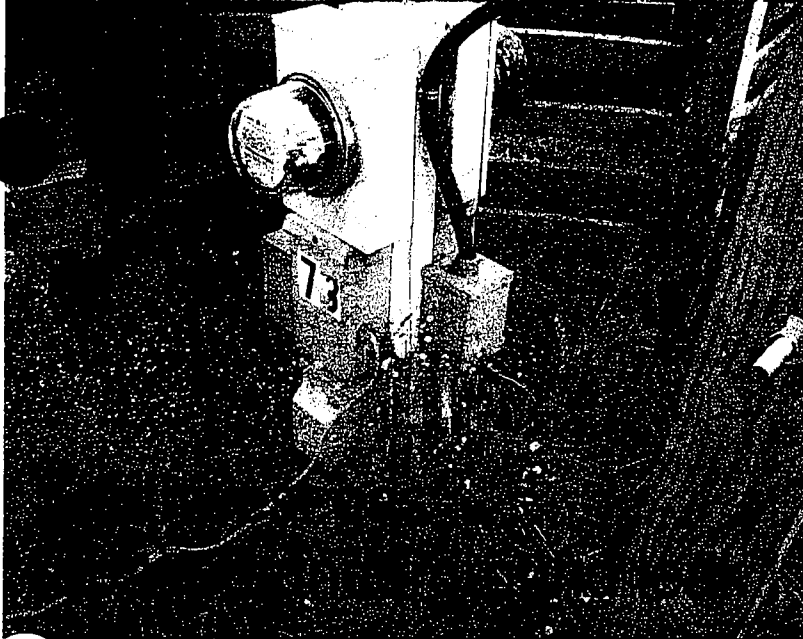
2004 4 5





2004 3 20





outside storage
water heater outside



2004 4 5



No Hot water
outside storage



No Hot water



garden hose
being used for
water supply

5

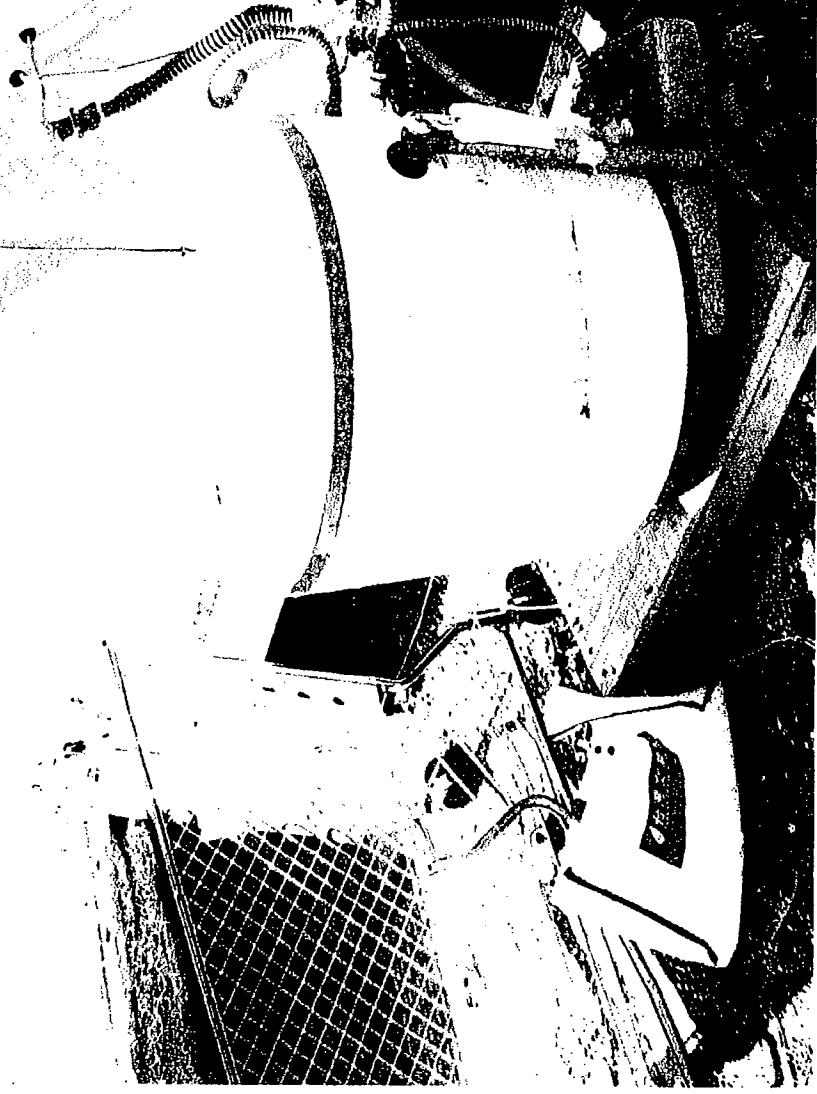
Improper
sewer
connections
[also taking
raw sewage]



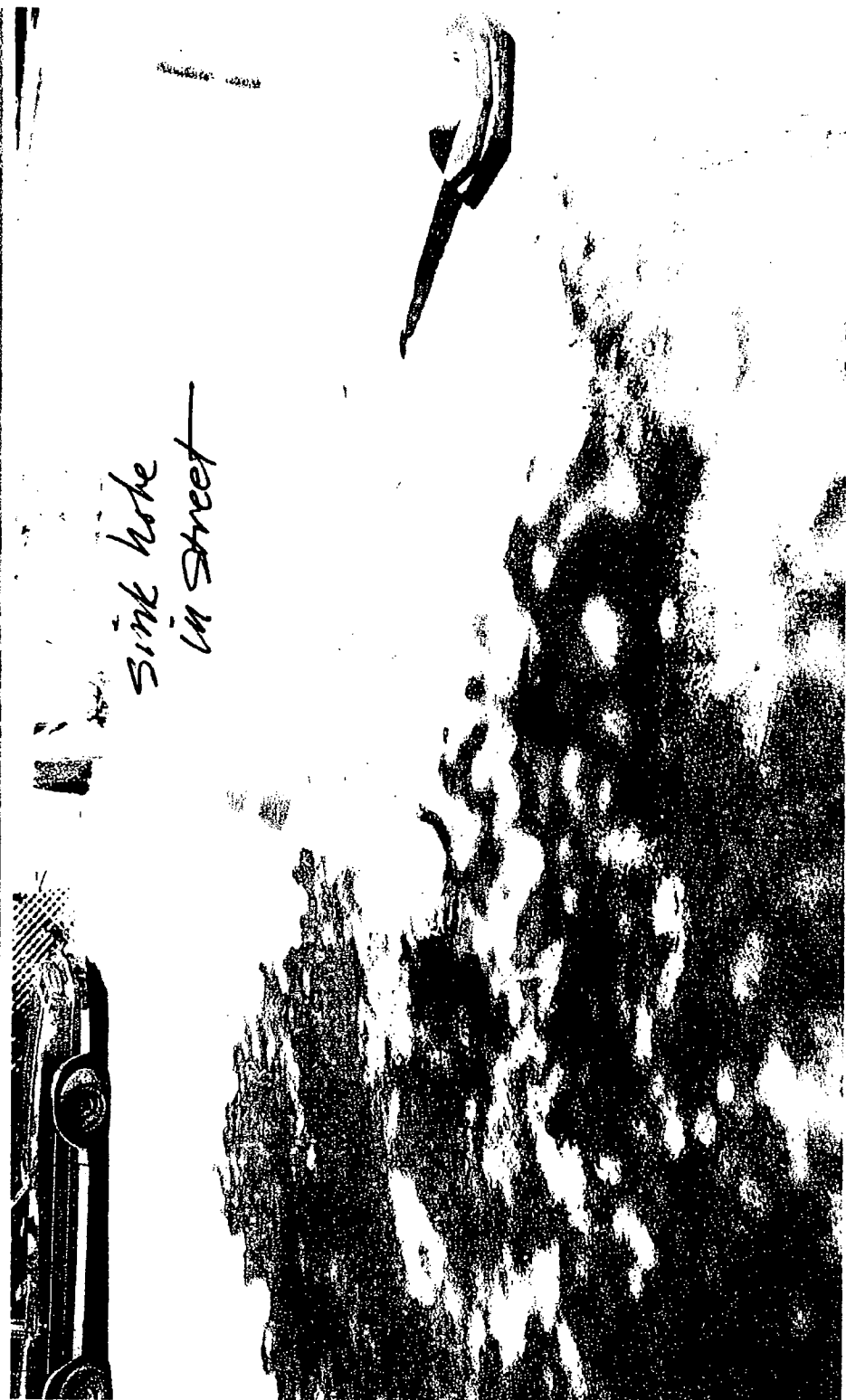
*open wires
children can touch*

2011 1 15

water heater outside



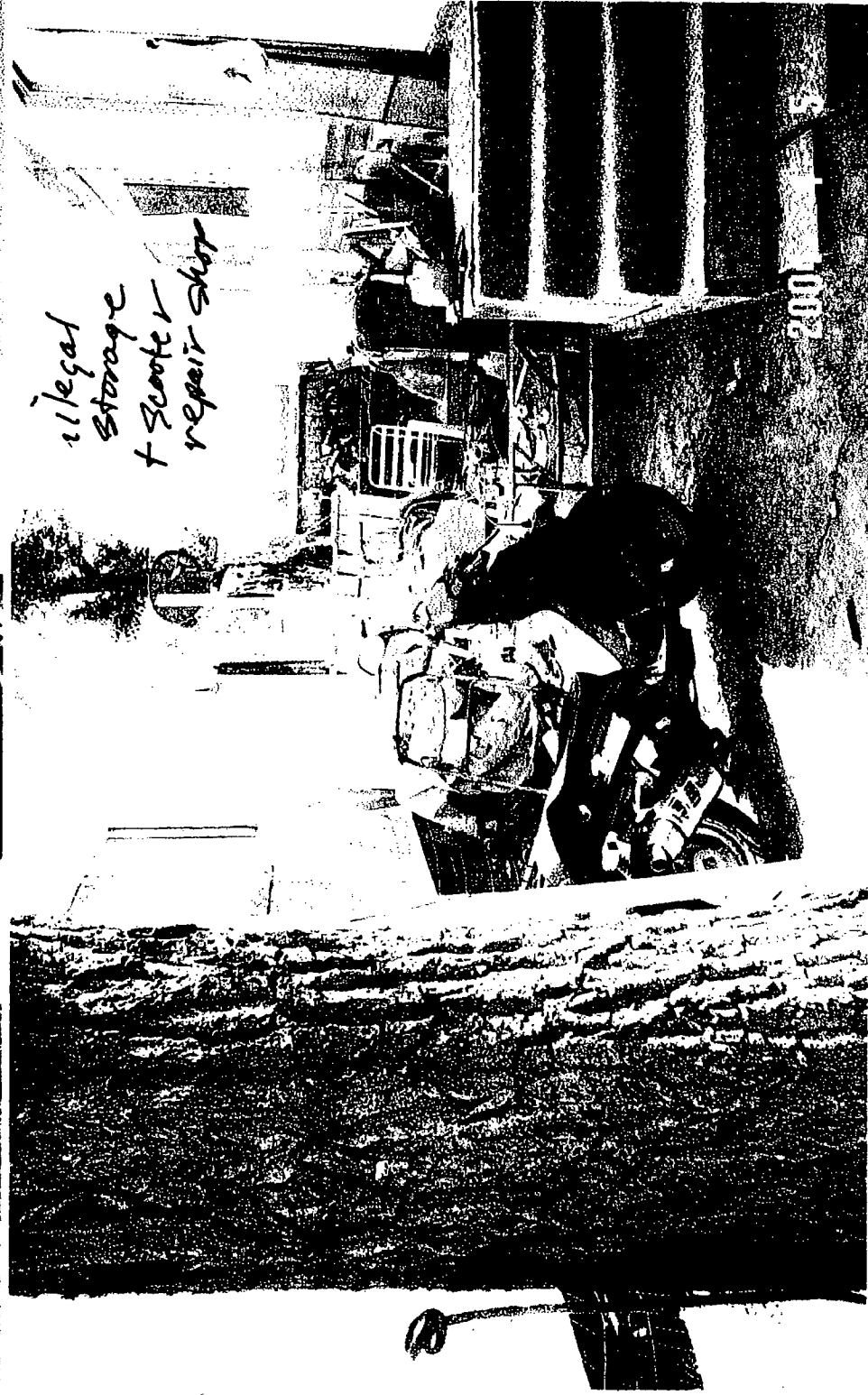
2011 1 15



wooden
open conductor
hazardous wiring
+ fire hazard



illegal
storage
+ scooter
repair shop



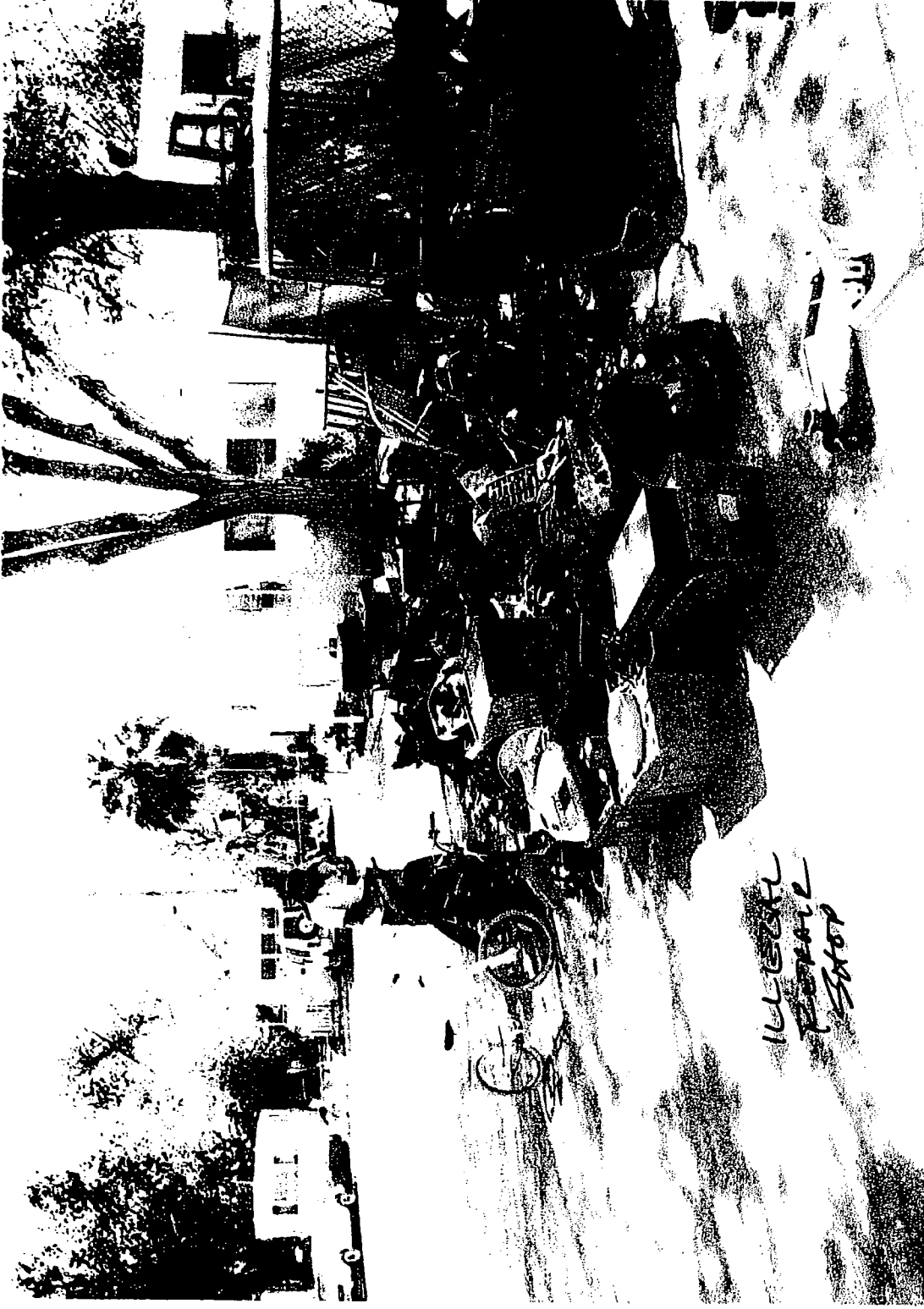
111224N
CSHS



OUTSIDE
Storage

BAR 136
TOO CLOSE

ILLEGAL COVER

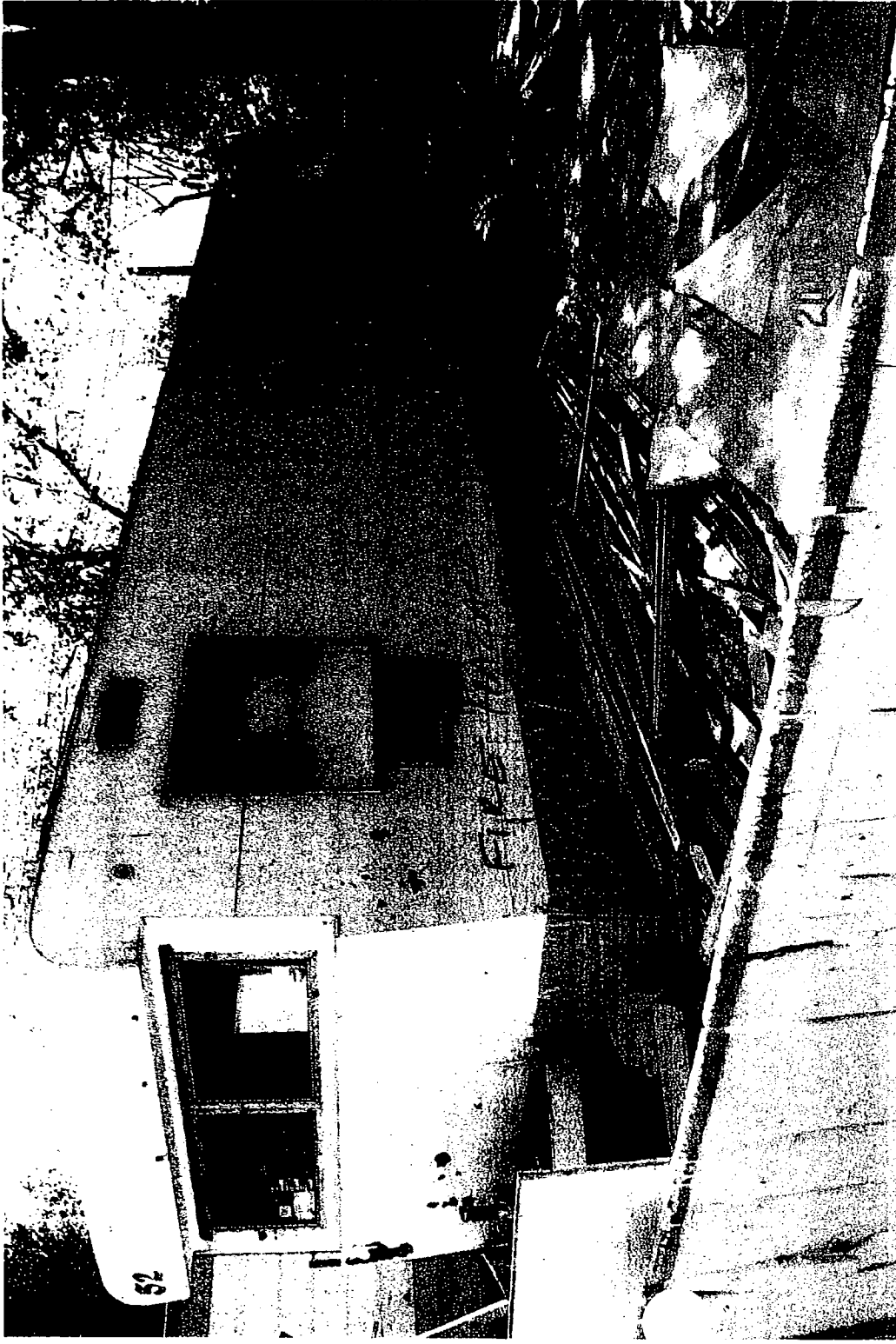


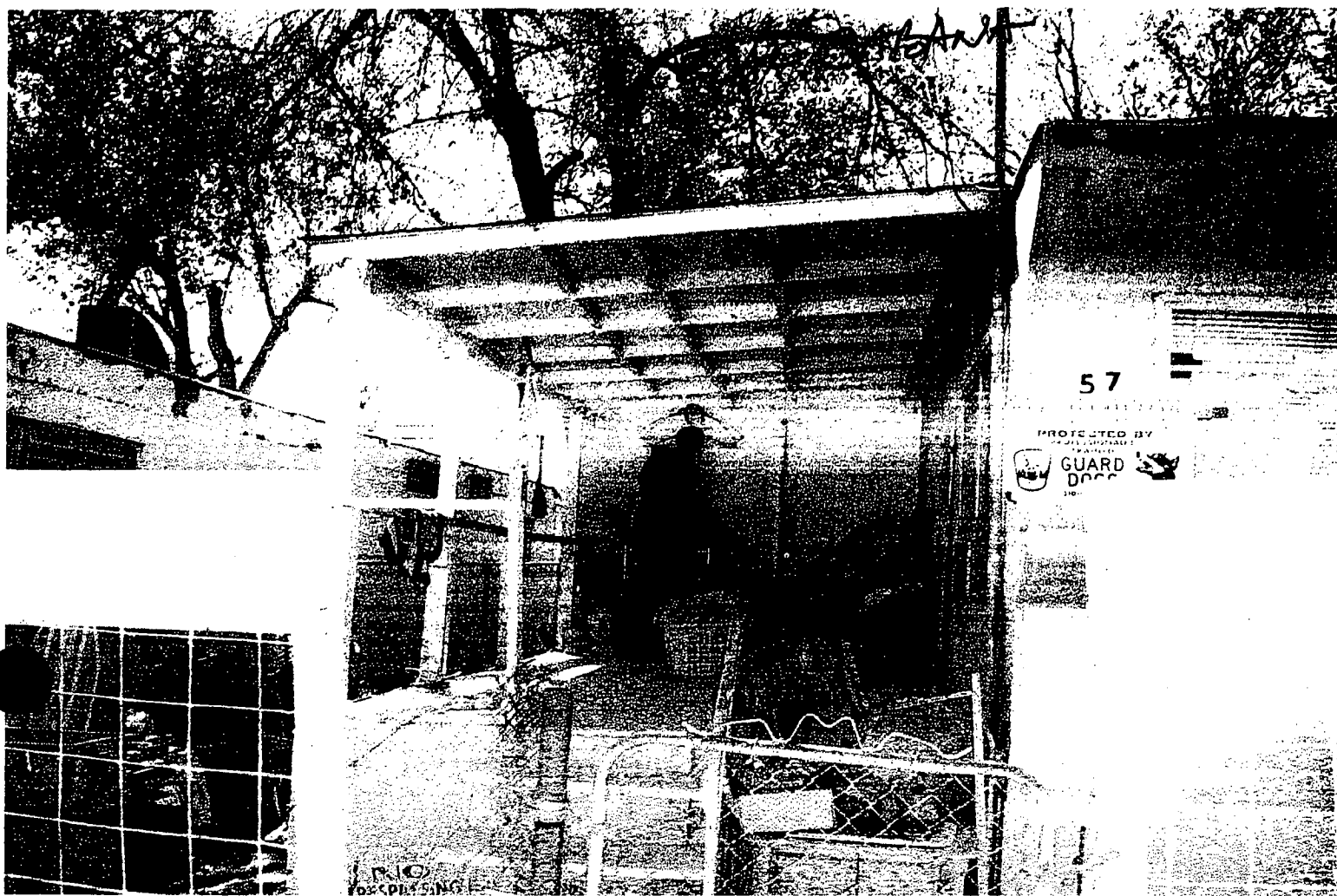
ILL
REPAIR
STOP

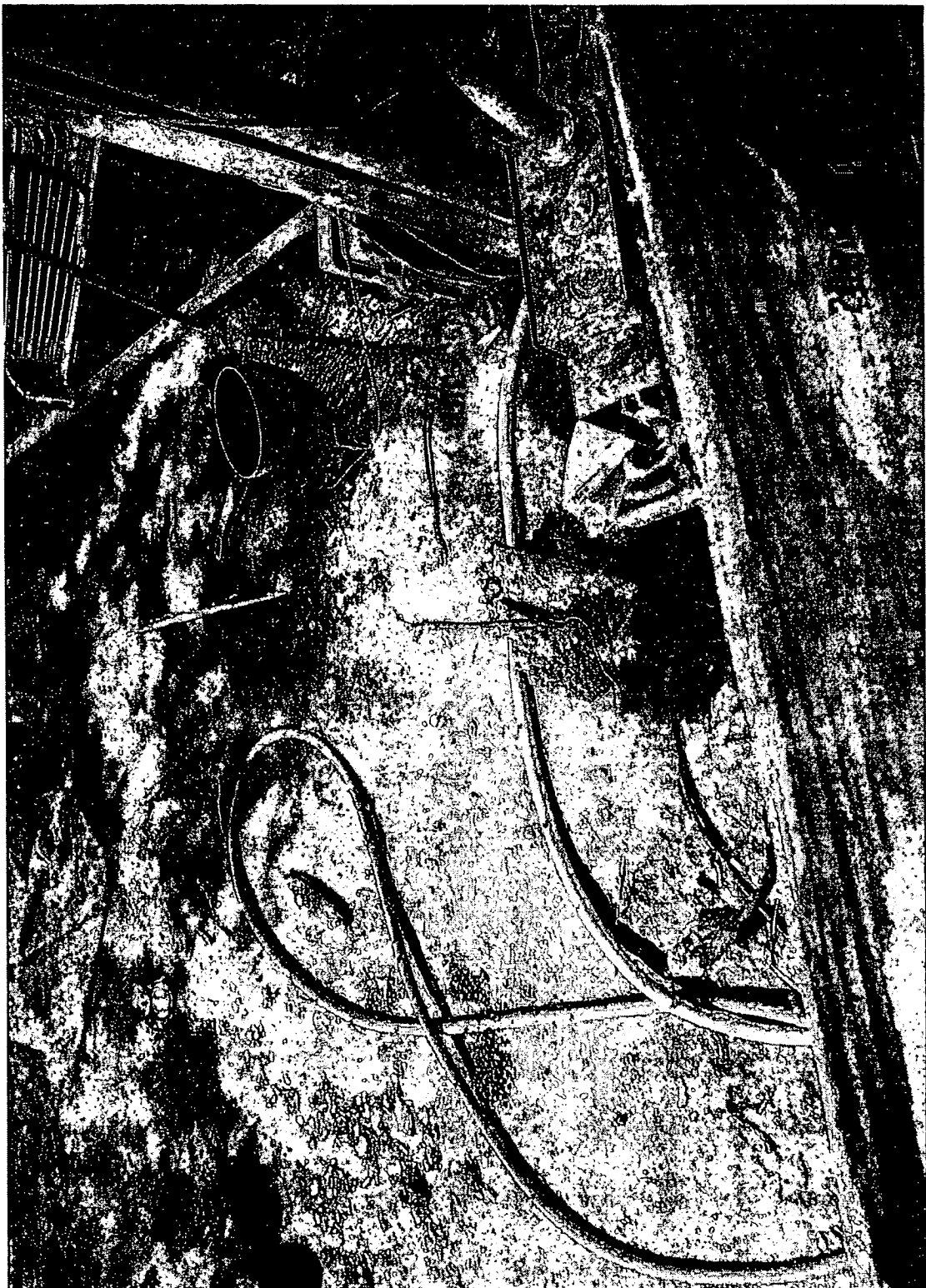
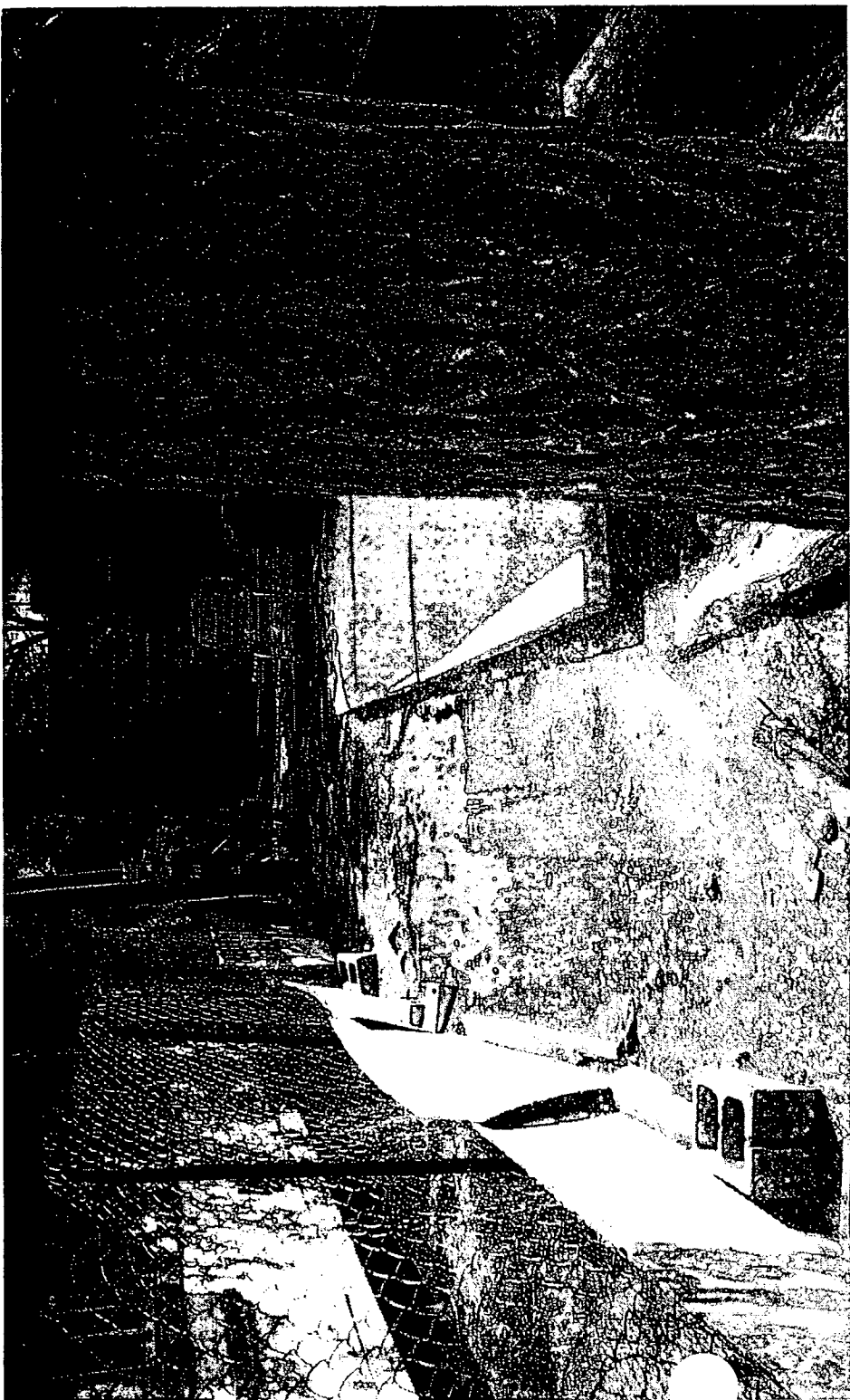


NO HANDICAPS
DANGEROUS STOPS

5 4 1002 5



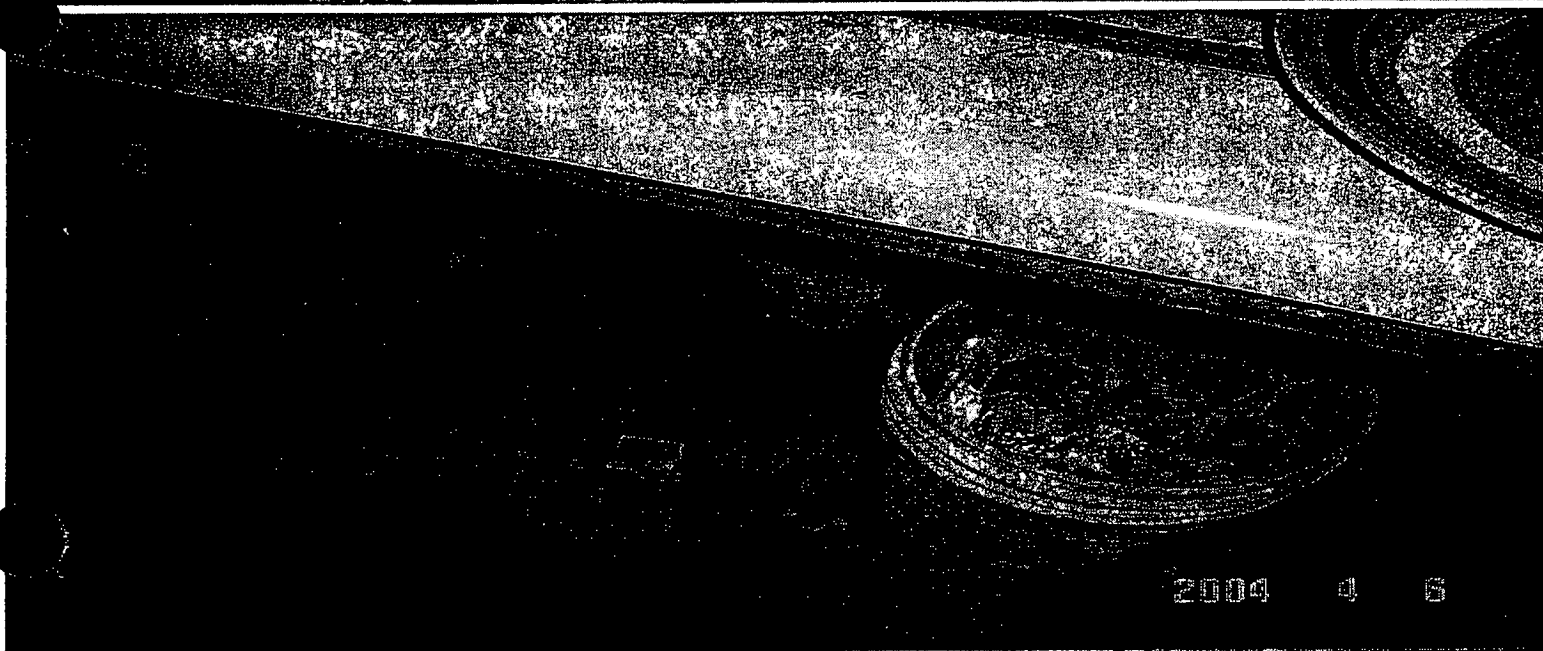








2004 4 6

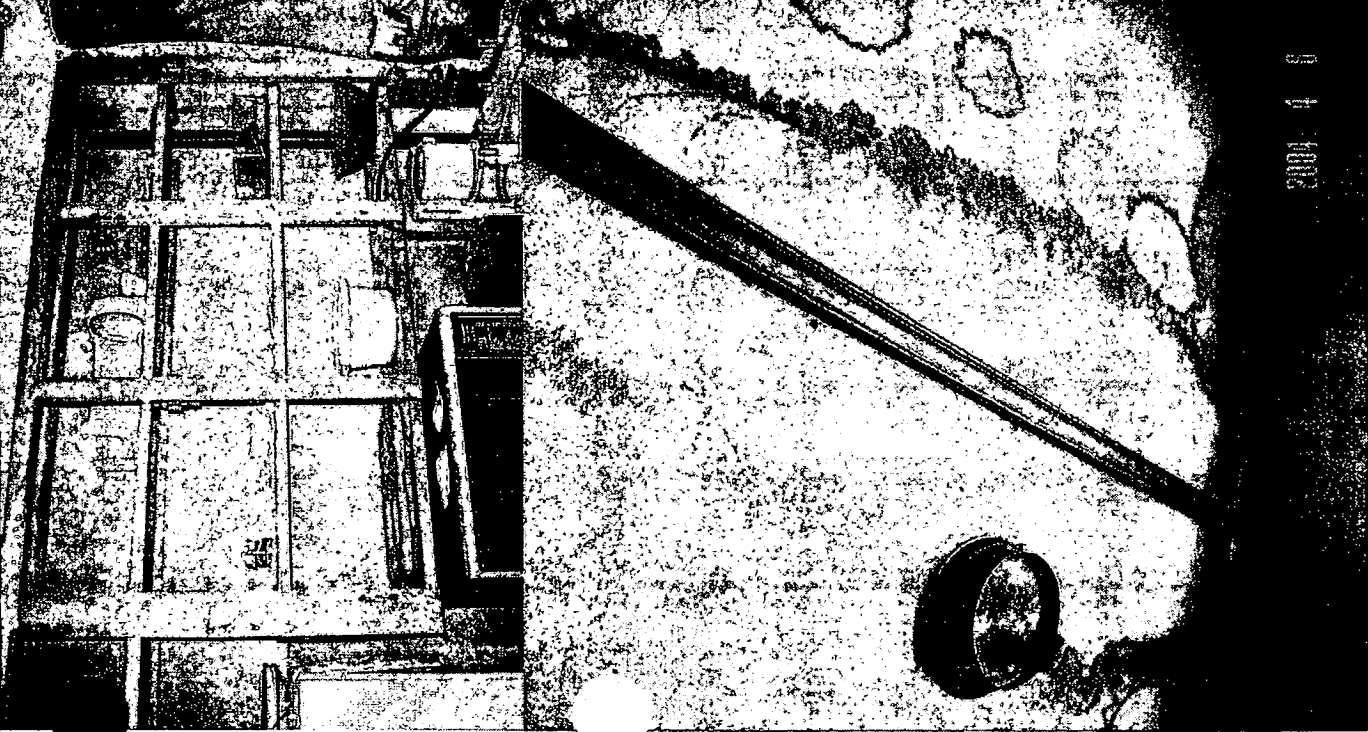
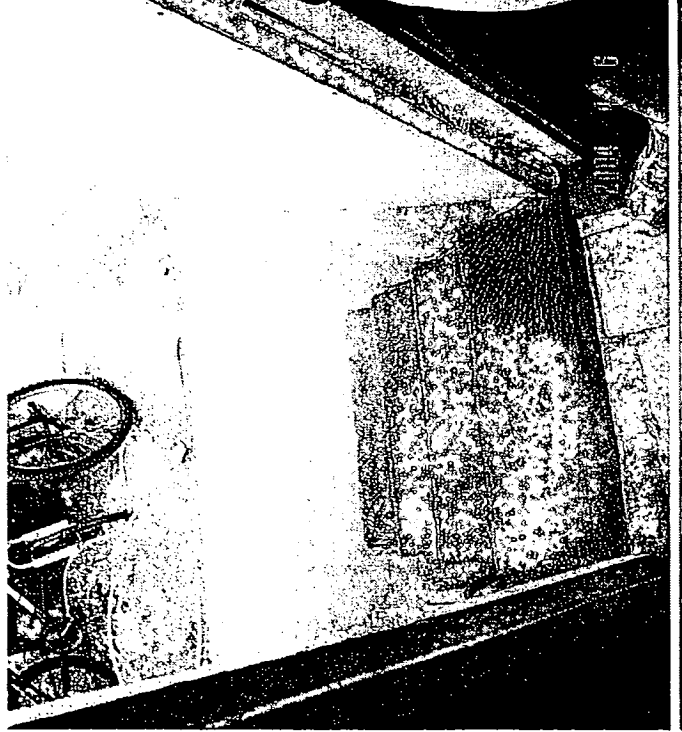


2004 4 6



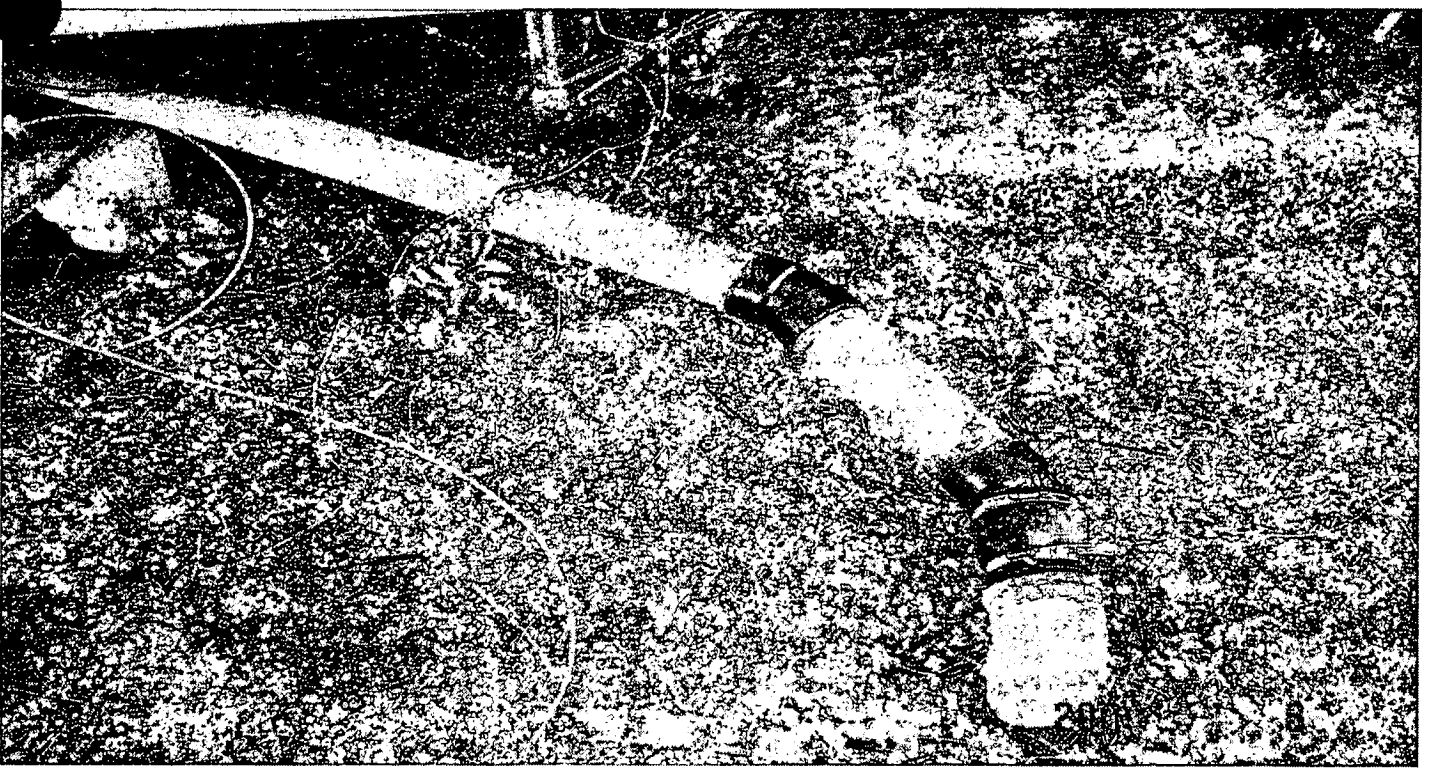
2004 4 6

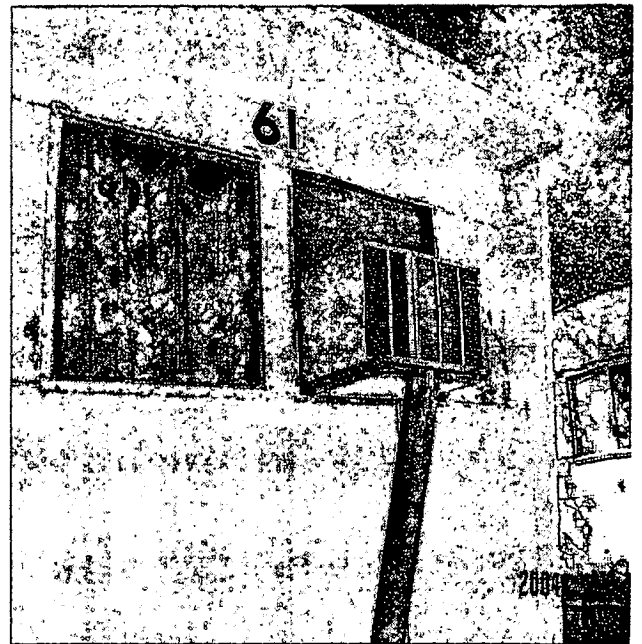
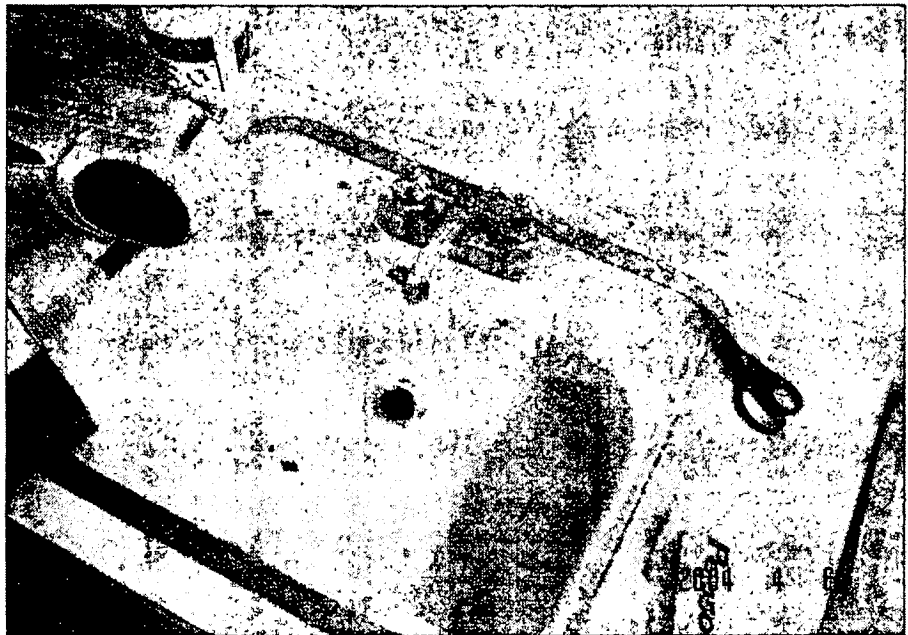
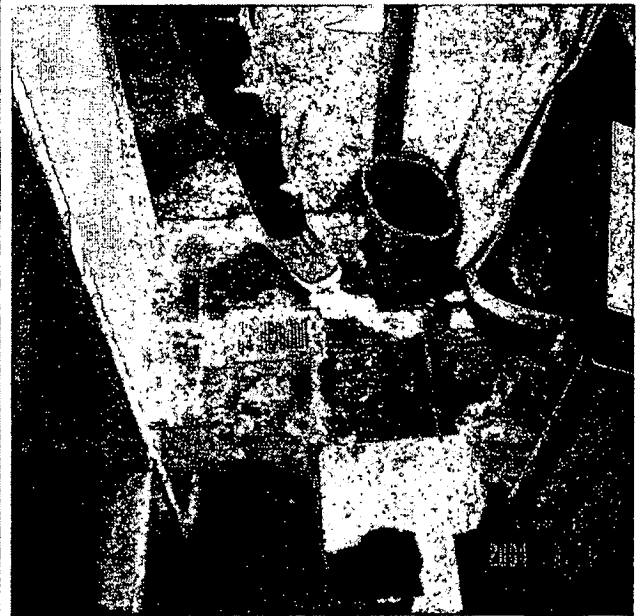
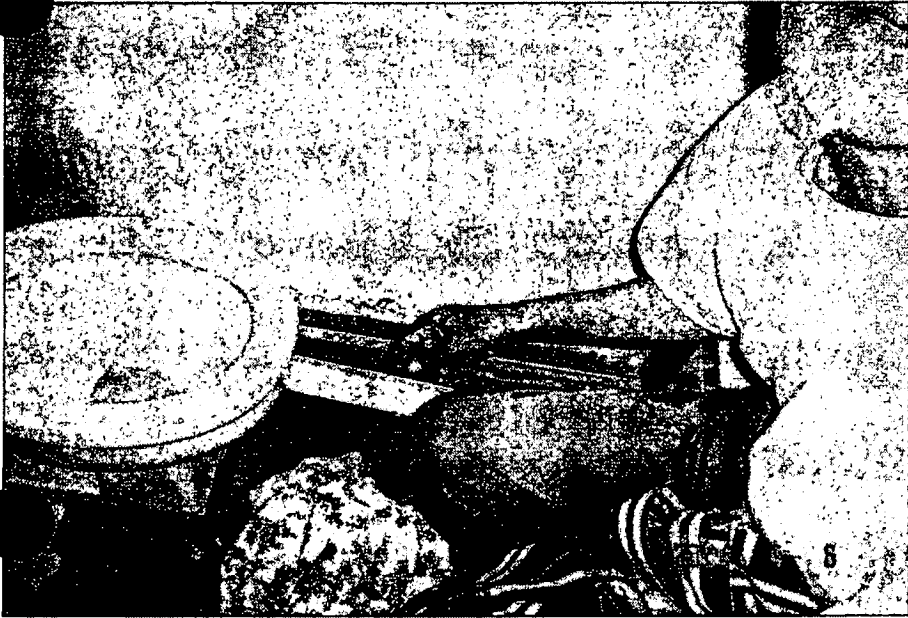
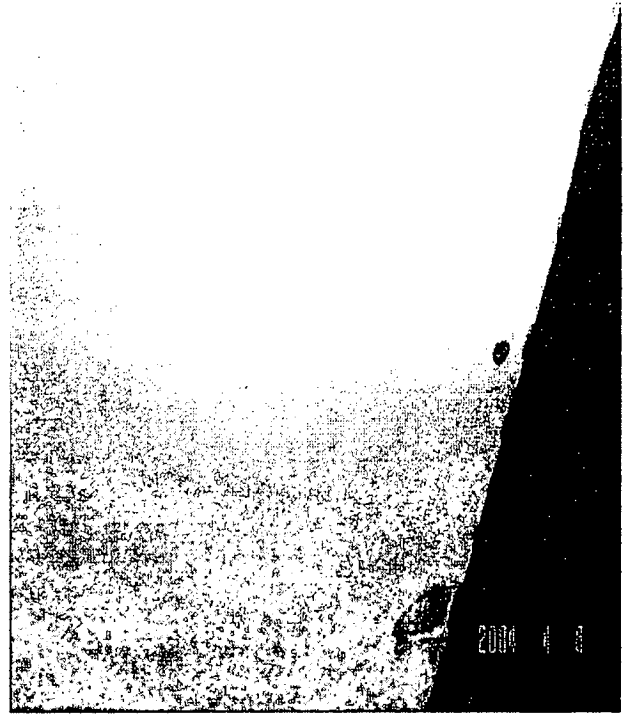
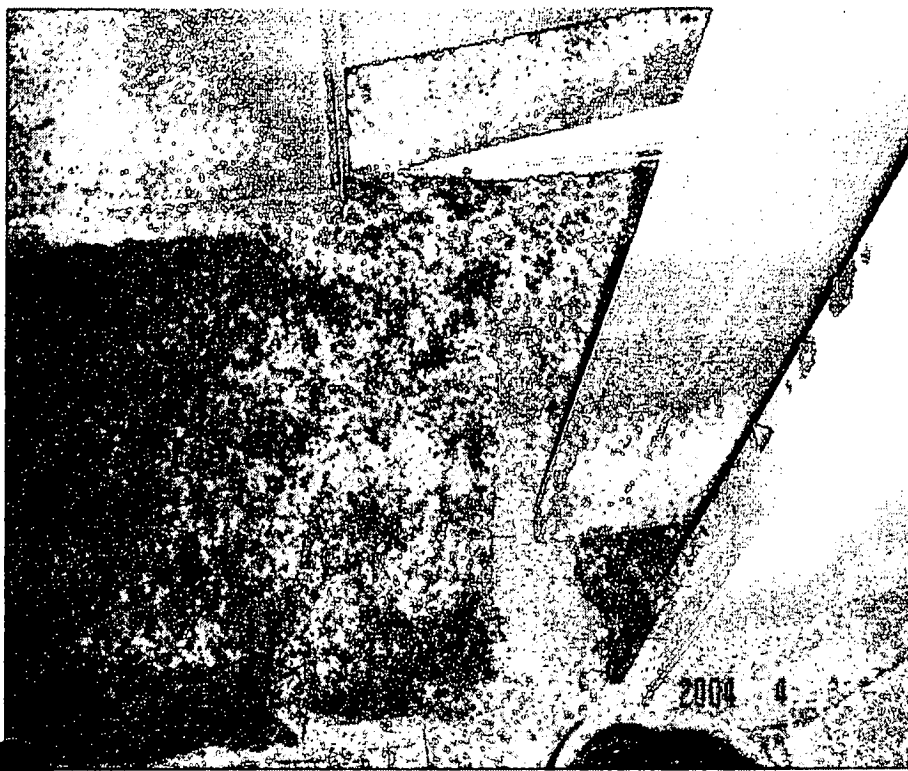
SR #61

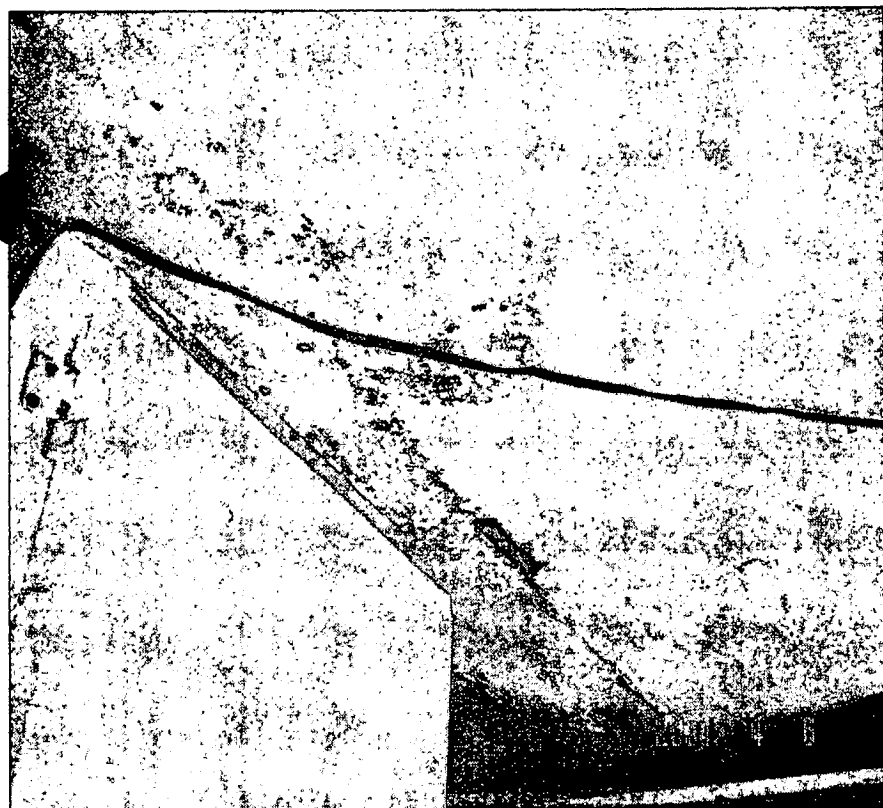
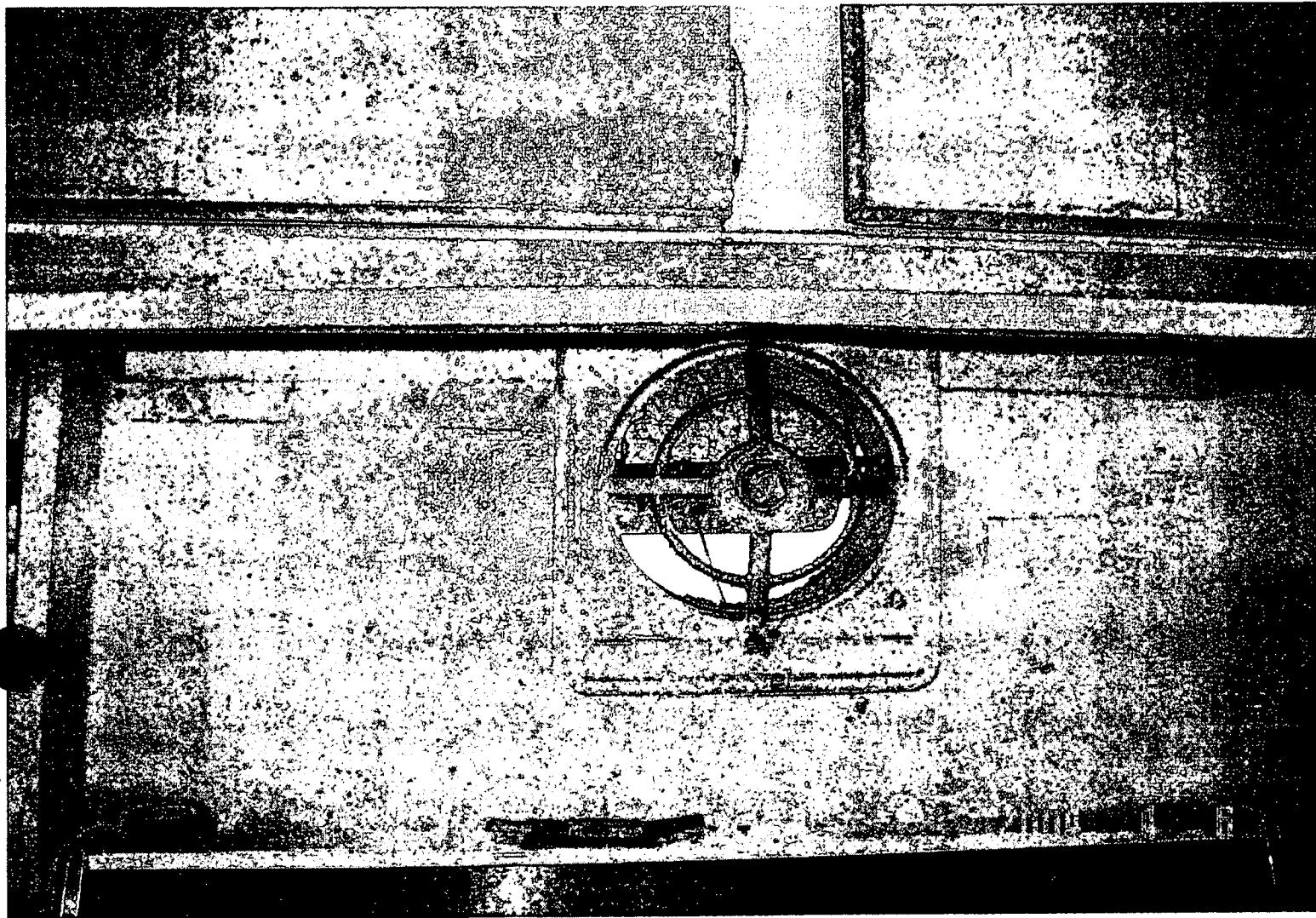


2004 4 6

2004 4 6



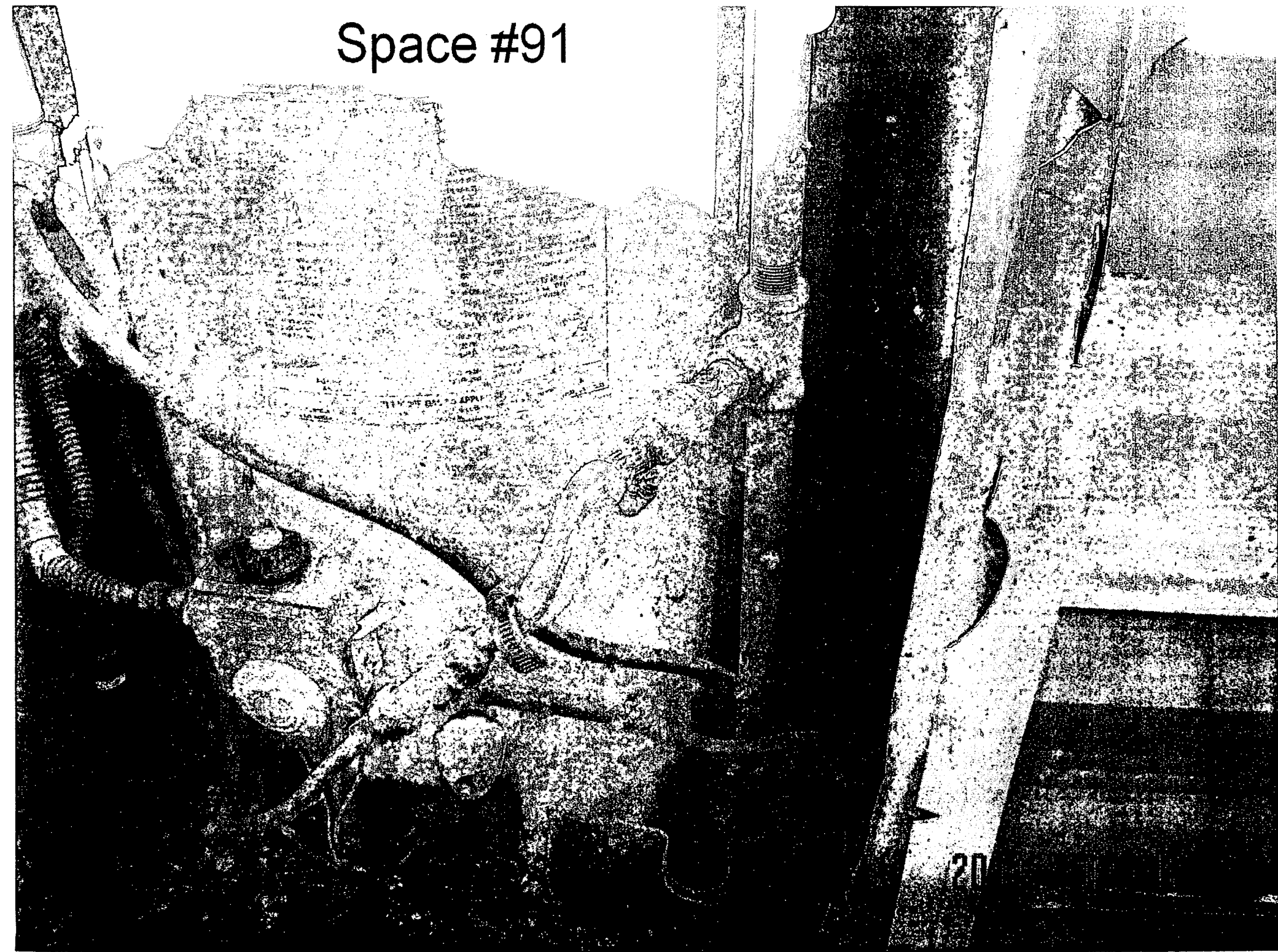




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Space #88

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CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 89

**Verbatim Transcript – Report and possible action on the Sky Vue Mobile Home Park 15
West Owens Avenue to provide monetary compensation to Clark County Social Services
for temporary housing of displaced residents in an amount not to exceed \$40,000 (General
Fund – Winter Shelter Fund)**

Appearance List:

**OSCAR GOODMAN, Mayor
ORLANDO SANCHEZ, Director, Neighborhood Services
LAWRENCE WEEKLY, Councilman
BETH JONES, Las Vegas Resident
BEATRICE TURNER, West Las Vegas Resident
SUSAN BARNAM, Las Vegas Resident
SCOTT BARNAM, Las Vegas Resident
BRAD JERBIC, City Attorney**

(10:59 – 11:26)

2-533

27 minutes

Typed by: Stacey Campbell

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 89

23 **MAYOR GOODMAN**

24 Item 89. Report and possible action on the Sky Vue Mobile Home Park 15 West Owens Avenue
25 to provide monetary compensation to Clark County Social Services for temporary housing of
26 displaced residents in an amount not to exceed \$40,000 from the General Fund, Winter Shelter
27 Fund. This is in Ward 5. Mr. Sanchez.

28

29 **ORLANDO SANCHEZ**

30 Good Morning, – Mayor and Council, Orlando Sanchez, Director of Neighborhood Services. As
31 you are aware, on Friday, April 9th at 4:14 p.m., Municipal Judge Bert Brown issued an order to
32 the owner of Sky Vue Mobile Home Park to abate the nuisance at the, nuisances at the real
33 property located at 15 West Owens Avenue, at the direction of, at the request of the Clark
34 County Health District. It was further ordered that this order is temporary and they will have a
35 hearing if they wanted it stayed until April 13, 2004. There were six nuisances that were ordered
36 and they were in your backup documentation. Basically, I just spoke with the Health District and
37 they're in the audience. Mr. Savage is in the audience if you want to address it. None of 'em
38 have been satisfied the their – satisfac, satisfaction.

39 What we did is, when we got the notification, we took a proactive approach. Betsy, Deputy City
40 Manager Betsy, myself and also representatives from Clark County Health District, Nancy
41 McLane. We worked together to get these individuals temporary housing while the work was
42 being performed. You see the pictures in the backup documentation. I know Councilman
43 Weekly was there, he walked it with us and he was intre, very, very involved in making sure that
44 we, – proceeded with the, no one was left homeless.

45

46 Today we're before you to request that we reimburse Clark County Social Services in an amount
47 not to exceed 40,000. We received a bill from, estimated bill from Clark County Social Services,
48 from Budget Suites and also for the food we've been providing, in the amount of twenty five
49 thousand seven hundred and eighty four thousand dollars for the two weeks that they've been
50 there. That will expire this Friday, I think that's the 23rd. Twenty three thousand nine hundred
51 and eighty four dollars is for Budget Suites and approximately eighteen hundred costs for food
52 and food cards.

CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 89

53 As of this morning, Clark County, as of this morning, 7:45 according to Clark County Health
54 District, none of the six nuisance have been satisfied. Mr. Glenn Savage and Nancy McLane
55 from Clark County Social Services are here if you have any questions. And, of course, we have
56 our own Jim Shaddrick if you have any questions about other conditions of the park. I would
57 like to – thank them for the outstanding cooperation and understanding in this matter
58 particularly, Ms. McLane. When Betsy and I called at 4:45 p.m. on Friday, April 9th, right
59 before Easter's Holiday, she was more than willing and very, very, very polite and professional
60 and understanding in our situation and helped us. In addition, I'd also like to thank the
61 apartment hunters who are providing alternative housing for these individuals. And also, one
62 other thing, the judge also said if we go before him on the fourth and present that there were
63 residents there, that he will hear, – our case and hopefully charge the owner for our charges. So,
64 we have a potential of being reimbursed for everything that we're paying here today, depending
65 how the judge rules. And, with that, if you have any questions.

66

67 **MAYOR GOODMAN**

68 All right. Thank you. Are there any questions of Mr. Sanchez? Councilman Weekly, do you
69 have any comment at this point?

70

71 **COUNCILMAN WEEKLY**

72 Well, yeah, I do at this point. Well, actually, Your Honor, if you don't mind, I'd like to hear
73 what Beth has to say first.

74

75 **MAYOR GOODMAN**

76 Sure.

77

78 **COUNCILMAN WEEKLY**

79 Thank you.

CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 89

80 **BETH JONES**

81 Hi, I'm Beth Jones. I'm one of the 81 men and women you took out of Sky Vue. So, if any one
82 of you want to run for re-election, you have 81 votes, not counting the kids. I want to explain to
83 you that Councilman Weekly and his Kelly, and Doug Rankin especially, and Betsy Fretwell,.
84 and, Mayor Oscar Goodman, your two aides who came on Easter and brought all of our children
85 Easter baskets and had prayer with us. And, firefighter Sherri Lee Parker who provided those
86 helmets and baskets. Assemblywoman Chris Giunchigliani, the County Environmentalist, Amy
87 Aranning, and Budget Suites, who have treated us like we're paying guests and been so good to
88 us with want ads, letting us use the computer and helping us. And, very specially, Cito Negron,
89 Las Vegas Sun. We thank you. And in thanking you, sixteen of our people have jobs!

90 So when you go to consider this, I want you to know that six thousand four hundred dollar
91 minimum is no longer a burden to the County and the City. We had problems with Social
92 Services. And, the problem is transportation and bus tokens. But, we meet, we got all our
93 people to work, they're all there. And we, of course, sent you thank you cards as people check
94 out. We will all meet the deadline with the exception of myself and one other senior who, and
95 unfortunately, we're ill and they're directly related to Sky Vue and we are going to present that
96 evidence in court on May 4th.

97 But before you consider this, I want you to know that I sent to your City Attorney, I was the
98 manager in December with 12 evictions, I still collected over \$20,000 for that park. I wrote each
99 and every receipt, I gave it to the District Attorney. I kept every fax and every memo, I gave that
100 to them. In Decem, in January, the collection had exceeded over \$22,000. Why are you paying
101 for us? Why would you dare to pay for us? Because the people who could not leave the park,
102 my American Latino neighbors, they own their trailers. Everything they have, and you better
103 believe how hard they work for it, is in that trailer. Many of them have sent their children to
104 family members. Every single person at the Budget Suites has thrived. Illness is down, no one's
105 at UMC with the exception of the two seniors, myself and Jesse. The thing is, is that we had to
106 look at why some of the people couldn't leave. The moment they did they were going to be
107 burglarized. And, we have nothing. Poverty, we think a lot about money. And poverty's a hard
108 way to go. There's nothing to pawn, there's nothing to sell. Your resources are gone. But what
109 you have are the things that have no monetary value, but they're your life. Your kid's pictures,

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110 they even burglarized those for some of the tenants that came to the Budget Suite. I went to the,
111 I, it's hard, thank you. I went to the park to check my mail, to check because I was not able to
112 remove the furniture that I worked very hard for, to find everyone ill. Everyone, Councilman
113 Weekly, is far sicker than they were two weeks ago. And I mean far sicker. And the same drug
114 addict employees doing the work. There were no licensed contractors. Therefore, Judge Brown
115 has called me to court and I'm going to go.

116 But you understand on May 4th, I don't, you're gonna look at the other hundred plus people who
117 are still there, who are going to have no choice to live. They have met none of the qualification
118 and it is worse. And I started this because of fire. The one issue that terrifies me and anyone
119 else who has ever been burned cooking and know how bad just a little burn, it is the number one
120 issue and nothing has been addressed there. Now, we had the sewer, the water, electrical, we got
121 some of the sharpest inspectors out there. But it doesn't mean anything because the individual
122 trailers, none of which who passed inspection, will be repaired in that period of time. Nor have
123 they fixed the water or the water situation.

124 I was in court with Judge Abeltang, Abbatangelo and I heard David DiMarco and Sandy
125 DiMarco stand right next to me and lie. I know how much money they collected, I'll give you
126 every one of my books. I don't want my city, where I am a resident, to pay for their crime. And
127 I do think, City Attorney, it is a crime. Depraved indifference to human life. And why are they
128 allowed to still keep renting these death trap trailers without a business license? And they did,
129 they rented four of them before you took us out of there. I mean, what is, what is the difference?
130 We have no transportation to remove the things that we want from our trailer except, in boxes,
131 those few things. We had no hope until you came and took us out. And Councilman Weekly,
132 you run for whatever you want, I'll fold envelopes, make phone calls, thank you. Thank you
133 very much. And I again want to thank the Budget Suites for their kindness. They hired two of
134 our people by the way. And I want to thank Cito Negron, again, from the Sun, for not letting this
135 die from public opinion.

136 And then the other thing is, I want it on record, I mean Ms. DiMarco went on the television said I
137 was trailer trash. I don't care if I live in the City dump, I will never be trash. I'm not crazy. I
138 don't do drugs. I'm not a criminal and in my life, in my morals, in my Christian life, human life
139 exceeds a dollar sign and they are not going to do what they say. They are liars and I will give

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140 you each and every one of my books for anything you need to collect the money that you have
141 paid for us and that you will be paying on May 4th from them. They have four trailer courts.
142 There's six million dollars worth of property in this city. Take the property, I mean that, you just
143 gave a great presentation about abandoned houses, take it. You know, they have a whole
144 subdivision going in in New York. They own land in California, they own land in Florida. I
145 don't want the taxpayers to have to pay for me. That's the reason I do odd jobs, then I don't
146 have to go and ask for vouchers and things like that. You know, it's – important that the person
147 who committed the crime be responsible. And that is Sandy and Dave DiMarco, Tracey and
148 Beth Delifante.(sic)

149

150 **MAYOR GOODMAN**

151 Okay. Thank you very much.

152

153 **BETH JONES**

154 And I have brought with me Sue and Scott Barnam who would like to speak with you but again,
155 thank you. Thank you for the hand up instead of the hand out. And how much every one of us
156 appreciate it. And, of course we'll send you the cards, but I am here to represent everyone and
157 thank you very, very much.

158

159 **MAYOR GOODMAN**

160 Thank you. I don't think that Councilman Weekly wants to follow that act, it looked pretty
161 eloquent Councilman but you're welcome to. Okay. Yes.

162

163 **BEATRICE TURNER**

164 Beatrice Turner, West Las Vegas. You know, for the elderly people that lives in that trailer park
165 that's 55 and over, you know the Housing Authority has some units that they're gonna, a
166 hundred units that they'll be opening up next month or the month after. You know, and those
167 seniors that live there, they qualify to move in those units. All they have to do is somebody got
168 to take 'em to get they applications did and get 'em processed so they can move in there. And,
169 North Las Vegas, since this sits right across from North Las Vegas, it ought to be the City

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170 Housing Authority and North Las Vegas step to the plate for those elderly people that live there.
171 And see what they can do to get them out of there, to get them to housing. Because, you know,
172 the Housing Authority should have been the first one to step to the plate' cause we got those
173 developments going up, we need people to go in 'em. You have elderly people that's there that
174 need to be moved out of there.

175 And the next thing I want to say, better not nobody get on TV and call nobody in my community
176 a slum lord when you got the biggest slum lord sittin' down there, nobody never did nuttin to
177 that trailer park and by right, that garbage ought to been mowed down ten years ago, for them
178 people to have to live in that, where they're living. You got elderly people that is sick, that's
179 living up in there and the City shoulda been stepped to the plate and did something about that
180 raggily trailer park. Now that's the slum lord. And for him to get on TV and say this is low cost,
181 low cost housing, I am outraged at him to get on TV and call that low cost housing. No, that is a
182 slum that needs to be tore down.

183

184 **MAYOR GOODMAN**

185 Did you folks want to be heard?

186

187 **SUSAN BARNAM**

188 Susan Barnam and Scott Barnam. You are looking at victims of David DiMarco and Tracy
189 Delifante.(sic) We were the managers and maintenance of College Inn Mobile Home, which is
190 located at 4615 East Lake Mead Boulevard. It too, this park there is in, un, a mess, unsafe
191 sewers, collapsed sewers, unsafe homes and when they dismissed us, the accusation of theft of
192 our records which I have all my records, receipts, just like Beth Jones. The accusations, they
193 have harassed us, they have intimidated us, they have every time we go out. I have a protection
194 order on this man and he sat there and lied to Judge Bixler that he hasn't been bothering me.
195 When we got home from court, our window was broke out of our house. There is unsafe issues
196 there in that trailer park and all's we were maintenance at Trailer Vegas and Sky Vue. We have,
197 he's now forced us to do illegal things because if we did not do 'em, we would lose our jobs.
198 This man needs to be stopped. There is nice people that live in College Inn. In the homes,
199 should, they should be able to leave (sic) in safe homes. He's bought very limited stuff for

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200 supplies for, to fix these homes. He pay, he's in debt with Republic Service, Nevada Power. He
201 pays bills, their checks bounce. And, right now, as far as I know, that they went to buy their
202 health permit and their check bounced.

203

204 **SCOTT BARNAM**

205 They're actually operating without a health certificate –

206

207 **SUSAN BARNAM**

208 They're operating without health certificate.

209

210 **SCOTT BARNAM**

211 Well, let's take another one for instance here

212

213 **MAYOR GOODMAN**

214 Please, would you be kind enough to identify yourself?

215

216 **SCOTT BARNAM**

217 Okay. I'm Scott Barnam and this is my wife.

218

219 **SUSAN BARNAM**

220 We're very upset, ok?

221

222 **SCOTT BARNAM**

223 All right. Now, I, we'll take for instance, over here on, what was it last month, on the 27th, we
224 had Russell Smith. She's POA, public, you know, just for taken care of him.

225

226 **SUSAN BARNAM**

227 By the way, God bless his soul.

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228 **SCOTT BARNAM**

229 Yeah. On the 27th, we had to take him to UMC and from UMC he wound up getting into a rehab
230 center over at College Park. But we needed to get in there on the 4th because we had to meet
231 Jody over there to show the DD214, his health records and stuff like that. We went to the house –
232

233 **SUSAN BARNAM**

234 This man was a thirty year –
235

36 **MAYOR GOODMAN**

237 You have to do one at a time ma'am, please.
238

239 **SCOTT BARNAM**

240 Okay. And we went to the house, you know, and tried to open the door. Well, the door was
241 locked and we were the only ones that were supposed to have the keys because he gave 'em to us
242 before he went in the hospital. So, anyway, it was late at night and we had to, you know, go the
243 next day in order to see another appointment with someone else. So, anyway, we got a call that
244 afternoon that they had to take him to Lake Mead and he was failing. He was not doing too well
245 at all. So at this point, we went over there to see him, you know, to stay with him because they
.46 said he was doing real bad but then the following day he did die, on the sixth. But meanwhile,
247 we had to get in there to get his stuff in order to make funeral arrangements and everything like
248 that. And, we actually had to call Metro twice in order to get the door open so that you could get
249 his uniform, his DD214 to show burial, all that. And Dave DiMarco stood there right in front of
250 his face, the Metro's face, and stated that yeah, we changed the lock on the first. Well the man
251 was only in the hospital a couple of days. His rent was due, not due until the fifth but they broke
252 into that man's house and changed the lock. Meanwhile, we had to call him to get the uniform
253 and everything. But he stood there and stated. Now I heard, through the grapevine, that they
254 rented that trailer on the fifth, the day before he died.

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255 **MAYOR GOODMAN**

256 Okay. Well I think that much of what you're telling us about this, would more properly be, this
257 would more properly be addressed, I think, in – court. We appreciate the – situation.

258

259 **SCOTT BARNAM**

260 Okay.

261

262 **MAYOR GOODMAN**

 .63 I mean, I had said before that when Ms. Jones brought this to our attention that this was
264 abhorrent and the City, as far as the City's concerned, will not tolerate this kind of living
265 condition to remain. Unfortunately, we don't have complete jurisdiction. This is a multi-faceted
266 agency to address this. We have the Health Department, we've got the State Mobile Home
267 Division and of course, our Neighborhood Services Office, our City Attorney, our City Court
268 system, it all has to work together. But much of what your saying, I think, has to be addressed
269 before – the Courts. I think – that's the appropriate body. But I'd like to hear from Councilman
270 Weekly now.

271

272 **COUNCILMAN WEEKLY**

 .73 Well, your Honor, I just want to say that the sad irony of this whole situation in Sky Vue is that
274 many of the residents are afraid. And, I think that's what we got out of the situation when we
275 were there. And when I mean afraid, not afraid of some of the violent acts that have taken place
276 from what we heard, over in the park, but there were many other residents who were more afraid
277 of the fact that, if I leave Sky Vue, where am I gonna go? And, many of them had the attitude
278 that they didn't feel self sufficient enough to stand on their own two feet. And, it was – a very
279 very sad situation for us. We were there for two days and I had my son with me on the first night
280 and he absolutely was absolutely terrified as to what he was exposed to and you know, to see
281 some of the people who were there who actually believed that if I leave right now, nine times out
282 of ten I'm gonna come back and either end up in Salvation Army or Shade Tree. And so, we
283 were very happy that some of the people, Your Honor and Council, that we were able to get them
284 to get on the bus and go to a Budget Suites. Because it was my hope and my prayer that

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285 someone would take a nice hot shower and sleep in a nice clean bed and look at themselves in
286 the morning and say wow, I actually really do look different and just get a sense of purpose
287 about themselves. And, that's actually what happened because the next day, two people were
288 hired with a job. And then turns out sixteen people have gotten a job.

289 And so, Mayor, some of those folks, some of the people over in Sky Vue, they're not gonna go
290 anywhere. And, it's almost like, and this thing has become so sensitive to the public that even
291 the judge when this was in court, even the Judge is of the opinion that, he feels like many of
292 these people are going to end up on the streets and so it's a very complicated situation. But, I
93 think now that, and we met with the DiMarco's the other day, City Attorneys and our Building &
294 Safety Department and Code Enforcement, everybody was in the room and one of the things that
295 the DiMarco's have said to us was that this problem has gone on for years. And my response to
296 her is probably so, but now that the City has been put on notice, it's time to step up and do the
297 right thing. And, so, if that means we have to go in and condemn this place, I just think that it's
298 all of our responsibilities as governmental entities and providers that we step up and try and find
299 housing for many of these people.

300 Now, realistically, are we going to be able to carry them through month after month after month?
301 No, we are not. But I think that as we sat here yesterday and we talked about the thousands of
302 dollars that we divvied up for some fantastic projects that are coming into the City of Las Vegas,
303 we were talking millions of dollars. Here, we're talking \$40,000 where we housed people who
304 would be homeless and I'm hoping that this doesn't become an issue. And Beth, I understand
305 what you're saying is that you don't want taxpayers to have to foot the bill for the DiMarco's.
306 Well, my thought on that is, they'll have their day. And eventually, they're gonna pay on the
307 front end or they're gonna pay on the back end and so, right, today, we have to do what we have
308 to do. I support the recommendation of our staff to do what we have to do, but I'm just appalled
309 that the DiMarco's would sit with us and tell us that they're going to do everything within their
310 power and to find out that not one of six nuisances have been satisfied. And, so, we just have to
311 do what we have to do but in the interim of that, Your Honor and Council, we got to be so
312 sensitive to some of those people over there. There are so many young mothers over there. We
313 saw anything that you wanted to see, it's right over there. And, we saw drug dealing happening
314 right in our faces. I mean, we saw people who were coming up to us, telling us all kinds of

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315 horrible stories about what's going on with them over there and I was absolutely just sick. You
316 see some of these pictures that we have here before us with a lot of this, raw sewage and
317 actually, Your Honor, just if you guys could give me one more minute, I'd like to actually roll a
318 tape because I actually had, I said, you know what, I wanted to show the public actually what I
319 exposed my son to one evening. And, this is, it just, this is during the day but we were there at
320 night. And, to – see raw sewage as we saw, to see people living in conditions where, these are
321 windows for some people that are boarded up. This is City of Las Vegas, this is America, that
322 people are living in these type of conditions. And, many of us are so blessed we have the
23 comfort of the homes that we live in and don't even look to realize that there are actual people
324 who are living in situations like this. And to see the number of children that were running
325 around in a place that, in my opinion, is so dangerous, open wire boxes. Jim Shaddrick, who is
326 here, he can tell you, he and Doug Rankin. And Doug Rankin, Councilman Brown, I want to
327 thank you so much for allowing us to – take him off of his birthday weekend. But, we all left
328 here in an emotional wreck. I know my son and I were emotional wrecks when we left here
329 because it's just really sad to see. And, I know one gentleman who said many of us were living
330 one check, one paycheck away from being in a situation like this. There are so many people
331 living in this park who can't help themselves or many of them don't have the confidence, the self
332 esteem to know that they can do better for themselves. People we have to do better and this is a
33 very, very sad situation here. Really, really sad, really sad.

334

335 **MAYOR GOODMAN**

336 Well.

337

338 **COUNCILMAN WEEKLY**

339 And that was good pictures. Those were the good pictures. I mean, I have pictures here that's
340 showing you raw footage (sic), I refused to walk up to some, I just, I couldn't do it. And some of
341 you guys, Beth, who live in it, you – were sick. I felt sick when I left there. And, it's just a sad
342 situation and I know Assemblywoman Chris Giunchigliani, she's very passionate about this and I
343 know, Councilman Reese, I think you met with the Assemblywoman to address these trailer park
344 issues where we have people living in these conditions.

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345 Ladies and Gentlemen, this is, we have to do something about this and Commissioner Turner
346 who's here from the housing authority indicated that they possibly have some housing. There's,
347 we have to work with everybody to see what we can do to help mitigate this problem and I'm
348 committed to do it and Orlando, I support this recommendation today and hopefully somebody
349 will see our side of the story and understand that we're not in the business of creating
350 homelessness, we're actually in the business of trying to cure homelessness and try and rectify
351 many of these problems that are brought to my attention. And so, when I don't have the luxury
352 of having wonderful ribbon cuttings, I love to go to 'em and celebrate with my colleagues, but
53 this is what we deal with in Ward 5 almost on a daily basis. And this is just the reality of it. And
354 so, thank everybody who got involved in this, thank you for your stories today. We appreciate it,
355 we heard you loud and clear and we're on your side. Thank you very much.

356

357 **SUE BARNAM**

358 Thank you very much.

359

360 **COUNCILMAN WEEKLY**

361 Thank you. Your Honor, thanks for your time.

362

363 **MAYOR GOODMAN**

364 Well, it's all right Councilman. I, this isn't about ribbon cutting, this is about a City that has a
365 great deal of pride, that I say, to be quite frank with you, that this kind of condition can't be
366 tolerated another second. Now, sometimes government says we can't do certain things.

367

368 **COUNCILMAN WEEKLY**

369 That's right.

370

371 **MAYOR GOODMAN**

372 In this instance here, because I believe as Ms. Jones said, this is a life threatening situation, not
373 only from a potential of disease with the raw sewage but also from the fire aspect. I don't want
374 to hear we can't do something about it, to be quite frank with you. I really don't want to hear it

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375 that what I've been hearing that this is, we have to deal with this agency and that agency. Let's –
376 step up and I don't know, I'm not going to practice law now but we have smart lawyers here. It
377 seems to me that this is a – dangerous nuisance and it – should be rectified immediately and –
378 not a situation where you have to wait 'till May the, when's the court date?

379

380 **ORLANDO SANCHEZ**

381 May 4th.

382

83 **MAYOR GOODMAN**

384 May 4th? Well, that's way too far for my satisfaction.

385

386 **COUNCILMAN WEEKLY**

387 Not one fire alarm in –

388

389 **MAYOR GOODMAN**

390 No, that's way too far –

391

392 **COUNCILMAN WEEKLY**

93 Not one fire alarm.

394

395 **MAYOR GOODMAN**

396 – as far as I'm concerned. **And I charge the City, I charge the staff to get a solution, an**
397 **immediate solution.** Not tomorrow, today. Talk about our budget. I agree. No, I don't want to
398 hear anymore. You made a very eloquent argument. You can't get me angrier than this okay?
399 I'm a very kind, gentle Mayor today but I really, – feel that we really have to address this. Mr.
400 Jerbic, do you have any thoughts?

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401 **BRAD JERBIC**

402 I do, Your Honor. I do believe that, I appreciate the guidance that you're giving us here today
403 because that's exactly why this is on the agenda. We also believe that there are imminent threats
404 to public–

405

406 **MAYOR GOODMAN**

407 Good.

408

09 **BRAD JERBIC**

410 – health and safety and I think we can take immediate action today.

411

412 **MAYOR GOODMAN**

413 Good. Good. Let's do it. All right. Council, your motion?

414

415 **COUNCILMAN WEEKLY**

416 Well, right now, I'd like to follow this recommendation here because we have an outstanding
417 balance but any motion that I can make to – bring some action to Sky Vue Mobile Home Park,
418 I'd like to do that. What that is, I'd like to hear it in legal terms but I don't speak legal
419 terminology like you all do. But, say what I want to say and then I'll tell you if that's what I
420 want it to say.

421

422 **MAYOR GOODMAN**

423 Okay. What you want to say is you're following staff's recommendation but also to incorporate
424 the remarks of a very angry Mayor. Okay. Let's vote on that please.

425

426 **COUNCILMAN WEEKLY**

427 Okay. That'll work.

428

429 **MAYOR GOODMAN**

430 Post.

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431 **ORLANDO SANCHEZ**

432 Thank you.

433

434 **MAYOR GOODMAN**

435 Motion carries, thank you. Thank you, Mr. Sanchez. **(Motion carried UNANIMOUSLY with**
436 **Ward 2 seat vacant).**

437

438 **(END OF DISCUSSION)**

39 /sc;ac

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT**DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Discussion and possible action on a request by Thomas and Mack Co. for a Water Feature Exemption on property located at 2300 W. Sahara Avenue - Ward 1 (Moncrief)

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

The Thomas and Mack Company is requesting a waiver from the restrictions applied to three water features located at 2300 W. Sahara Avenue in accordance with Chapter 14.11 of the Municipal Code. This chapter allows the City Council to grant such a waiver upon approval and implementation of a water reduction plan sufficient to save 50 times the amount of water used by the subject water feature. This can be achieved by removing 50 square feet of turf for every one square foot of that water feature.

Staff finds that the water reduction plan submitted depicts the removal of 37,405 square feet of turf. Removal of that amount of turf is adequate to support an exemption for the subject water feature, which is 634 square feet in size. It is recommended that should this request be approved, it is subject to the conditions listed on the attached agenda memo.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

MONCRIEF – APPROVED with the conditions as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

SEAN ROBERTSON, Planning and Development, indicated that Thomas and Mack Co. achieved a savings in consumptive water in the required amount to be considered for a waiver from drought restrictions for their water features. The Thomas and Mack Co. exceeded the required amount; therefore, staff recommends approval of the exemption with three conditions of approval: 1) payment of a \$250 fee in each subsequent year in which either drought watch or drought alert is declared, which would be contributed to the Southern Nevada Water Authority (SNWA) Rebate Program or used for the City's own conservation measures; 2) approval be granted only for the subject water features, not for any future fountains; and 3) this approval will not apply when a condition of drought emergency is declared.

CITY COUNCIL MEETING OF APRIL 21, 2004

Planning and Development

Item 90 – Discussion and possible action on a request by Thomas and Mack Co. for a Water Feature Exemption on property located at 2300 W. Sahara Avenue – Ward 1 (Moncrief)

MINUTES – Continued:

PETER THOMAS, Managing Partner, Thomas and Mack Co., 2300 W. Sahara Avenue, indicated that his previous proposal to replace turf with water efficient landscape at a commercial site at the corner of Sahara and Rancho has been completed. This saves 2.2 million gallons of water a year, and it looks wonderful. Many office owners interested in doing the same have called with inquiries. Two signs were posted on Rancho and Sahara to inform the public about how much water can be saved by replacing turf. He accepted the conditions imposed and requested approval. MAYOR GOODMAN thanked MR. THOMAS for coming forward with such a great idea, as well as COUNCILMAN BROWN for pressing the SNWA to address the issue. As a member of the SNWA, he can see that this program is really working.

COUNCILWOMAN MONCRIEF emphasized that MR. THOMAS exceeded the required amount to qualify for a waiver.

(11:26 – 11:31)

2-1516

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

DEPARTMENT: Planning and Development

ITEM DESCRIPTION: Discussion and possible action on a request by Thomas and Mack Co. for a Water Feature Exemption on property located at 2300 W. Sahara Avenue. Ward 1 (Moncrief).

Recommended Conditions of Approval:

1. An annual fee of \$250.00 to be paid in each subsequent year in which Drought Watch or Drought Alert is declared.
2. This approval is for the subject water features only. This turf conversion shall not apply to any future water features constructed on this property.
3. This approval will not apply during any time in which a condition of Drought Emergency is declared.

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DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-76-2004 - Discussion and possible action on a Resolution transferring 2002 Private Activity Bond Volume Cap of \$6,158,617 to George Gekakis Incorporated to construct new affordable senior housing located near the Southeast corner of West Cheyenne Avenue and Jones Boulevard - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This Resolution will be to transfer \$6,158,617 of the 2002 Private Activity Bond Volume Cap to George Gekakis Incorporated to construct new affordable housing for seniors.

RECOMMENDATION:

Staff recommends that the City Council approve the Resolution and authorize the Mayor to execute the Agreements with the subrecipients after they have been approved by the City Attorney.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Resolution R-76-2004

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

GEORGE GEKAKIS, 2655 South Rainbow Boulevard, remarked that this is the first step toward financing this affordable housing development. If approved, the state will match the City's volume cap, with another \$5 million to be raised in tax credit equity and \$2 million from his pocket to develop this affordable housing development. The project includes 238 units for seniors only and should be completed within 18 to 24 months.

COUNCILMAN WEEKLY thanked MARGO WHEELER, Deputy Director of Planning and Development, and KELLY BENAVIDEZ, Ward 5 Liaison, for their assistance in making this project a reality.

(11:31 – 11:32)

2-1691

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

ITEM DESCRIPTION: Discussion and possible action on a Resolution transferring 2002 Private Activity Bond Volume Cap of \$6,158,617 to George Gekakis Incorporated to construct new affordable senior housing located near the Southeast corner of West Cheyenne Avenue and Jones Boulevard - Ward 5 (Weekly)

The allocation is as follows:

Developer/Project	Ward	Allocation
George Gekakis Incorporated Sonoma Palms Apartments (238 units) Near S.E. corner of Cheyenne and Jones New construction	5	\$6,158,617
TOTAL ALLOCATION REQUESTS AND TRANSFERS:		\$6,158,617

RESOLUTION NO. R- 76 -2004

1. **WHEREAS**, in 2002 the City transferred \$20,405,706 of private activity bond Volume Cap ("Cap") for calendar year 2002 (the "2002 Volume Cap") to the Director (the "Director") of the Department of Business and Industry (the "Department") with a request that the Director transfer such Volume Cap to the Nevada Housing Division (the "Division") for projects to be designated by the City by December 31, 2004; and

2. **WHEREAS**, the City has heretofore designated uses for \$6,725,707 of such 2002 Volume Cap; and

3. **WHEREAS**, the City has received a request for an allocation of a Cap for an affordable rental senior housing project from George Gekakis Incorporated ("GGI") to acquire and rehabilitate 238 apartment low-income apartment units (the "Sonoma Palms Apartments Project"); and

4. **WHEREAS** the City desires to allocate the Cap described in preamble 2 hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. The City hereby requests that the Division use \$6,158,617 of the 2002 Volume Cap for the Sonoma Palms Apartment Project.

Section 2. The allocation made in Section 1 is subject to the condition that GGI execute an agreement in substantially the form attached as Exhibit "A."

Section 3. With respect to the allocation made in Section 1, in the event the condition listed in Section 2 is not met, or in the event that the condition is met but the bonds issued on or before August 1, 2005 for that project do not fully use the allocation made to that project, the Division is requested to use that allocation or the remaining part of that allocation for one or more other affordable rental housing projects located in the City, the financing of which is hereafter approved by the City Council.

Section 4. Pursuant to Section 348A.220 of NAC, the City hereby certifies that it has used \$-0- of its Cap allocation for calendar year 2004, (the "2004 Volume Cap") and that it will use or designate the uses of its 2004 Volume Cap by September 1, 2004.

Section 5. The Mayor and City Clerk are hereby authorized to execute and deliver on behalf of the City, an Agreement with each sponsor specified in Section 1 hereof, in substantially the form attached hereto as Exhibit "A."

Section 6. The City Clerk is hereby authorized and directed to mail a copy of this resolution to the Director and the Secretary of the State Board of Finance.

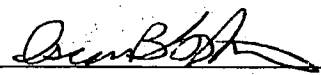
Section 7. Nothing in this Resolution obligates the City to issue bonds for any particular project or to grant approvals for a project or constitutes a representation that such bonds will be issued, that such projects will be approved, or that any city Volume Cap other than the amount outlined in Section 1 will be made available for any particular project.

Section 8. This Resolution may be amended or repealed at any time by the City at its sole discretion before bonds are issued that use the Volume Cap described herein. After such bonds are issued, this Resolution may not be amended or repealed in such a manner as to change the allocation of Volume Cap to the bonds which have been issued.

Section 9. This Resolution shall be effective upon its passage and approval.

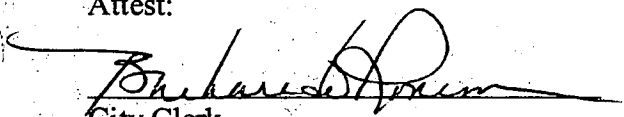
PASSED, ADOPTED AND APPROVED this 21st day of April, 2004.

(SEAL)



Mayor

Attest:



City Clerk

"EXHIBIT A"

AGREEMENT

This Agreement is entered into on this ____ day of _____, 200__ between the City of Las Vegas, Nevada (the ACity@) and _____ (the ASponsor@), of that certain affordable rental housing project known as the _____ (the AProject@).

WHEREAS, the Sponsor has submitted an application to the City for allocation of a part of the City's private activity bond Volume Cap in order for the Sponsor to finance the Project; and

WHEREAS, the City is inclined to allocate a portion of its private activity bond Volume Cap to the Project; and

WHEREAS, in so allocating its Volume Cap, the City is relying on representations made by the Sponsor in its application to the City with respect to the nature of the Project and other matters.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND AGREEMENTS CONTAINED HEREIN, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. The City will as provided in the resolution adopted by the City Council of the City on _____ (the AResolution@) allocate a portion of its bond Volume Cap to the Project under the conditions and for the term provided in the Resolution. Such allocation of bond Volume Cap is based on the representations contained in the Sponsor's application as to the nature of the Project and other matters stated in that application.

Section 2. The Sponsor agrees not to make any change in the Project or in any other of the items described in its application without obtaining consent of the City's Director of the City's Neighborhood Services Department or his designee.

Section 3. This Agreement shall be effective on the date of its execution and remain in effect until the bonds which use the Volume Cap allocation described herein have been paid in full.

Section 4. This Agreement does not provide any City endorsement of the Project or any City representation as to the Project or the issuance of bonds for the Project, other than an allocation of private activity bond Volume Cap as provided in the Resolution. It is understood that the private activity bond Volume Cap will be transferred to the State of Nevada, and that the State of Nevada in its sole discretion will determine whether to finance the Project with the issuance of bonds. Other than the allocation of bond Volume Cap mentioned above, this Agreement in no way binds the City to the

Project, and prior to the issuance of bonds which use this Volume Cap, the City may, in its sole discretion, amend or repeal the Resolution; but after the issuance of bonds which use this Volume Cap, the City will not amend the Resolution in a manner which changes the allocation of Volume Cap to the bonds which have been issued.

Section 5. In the event the Sponsor breaches this Agreement, the City may sue for specific performance hereof by the Sponsor, may pursue legal action against the Sponsor, may use whatever other remedies may be available to it at law or in equity or may pursue any combination thereof. The Sponsor agrees to pay any of the City's attorney fees incurred in enforcing the terms of this agreement. If bonds have been issued which rely on the allocation of bond Volume Cap made by the Resolution, a breach of this Agreement will not result in forfeiture of bond Volume Cap which has been used for those bonds, but may, at the option of the City, result in forfeiture of any part of the bond Volume Cap described herein which has not been used by the issuance of bonds.

Section 6. No person is a third party beneficiary of this Agreement and nothing herein requires that the City enforce the provisions hereof; however, any failure to enforce or delay in enforcing the provisions hereof does not constitute a waiver of the City's right to enforce this Agreement. Any single or partial enforcement of any provision hereof does not preclude any other enforcement or the exercise of any other right, power or remedy the City may have.

Section 7. The persons signing this Agreement represent that they have the power to do so on behalf of the party for which they are signing.

IN WITNESS WHEREOF, the City and the Sponsor have caused this Agreement to be signed as of the day and year mentioned above.

City of Las Vegas, Nevada

(SEAL)

By: _____
Mayor

City Clerk

Sponsor
By: _____

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

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

1. The foregoing pages, excerpts form the minutes of a regular meeting of the City Council of the City of Las Vegas (the "Council") held on April 21, 2004 constitute a true, correct, complete and compared copy of the proceedings of the Council so far as such minutes relate to the resolution, a copy of which is set forth in such minutes.

2. The adoption of the resolution was duly adopted by an affirmative vote of a majority of the members of Council as follows:

Those Voting Aye:

Oscar Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
NONE

Those Voting Nay:

Those Absent:

NONE

3. The copy of the resolution is a true, correct, complete and compared copy of the original passed and adopted by the Council at the designated meeting.

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

5. The members of the Council were present at such meeting and voted on the passage of the resolution as set forth above.

6. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later

than 9:00 a.m. on the third working days before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting 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
Las Vegas, Nevada
- (iv) Clark County Government Center
Las Vegas, Nevada
- (v) Grant Sawyer Building
Las Vegas, Nevada

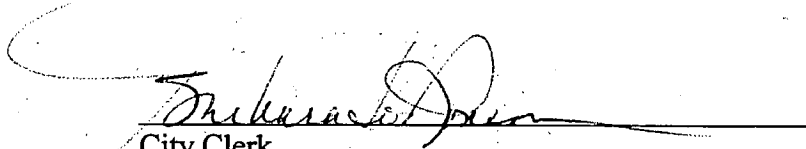
and

(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. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

7. Upon request, the Council 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 Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

8. A copy of such notice so given of the meeting of the Council on April 21, 2004 is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this April 21, 2004.



City Clerk

(SEAL)

EXHIBIT A

(Attach Notice of Meeting and Agenda)

CITY COUNCIL AGENDA

APRIL 21, 2004

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CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), LYNETTE BOGGS McDONALD (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

APRIL 21, 2004

**Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - REVEREND ROBERT FOWLER, VICTORY MISSION BAPTIST CHURCH
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE EMPLOYEE OF THE MONTH
- RECOGNITION OF THE AWARD-WINNING DOOLITTLE COMMUNITY CENTER JAM SQUAD
- PRESENTATION BY THE VETERANS DAY PARADE COMMITTEE

BUSINESS ITEMS

1. Any items from the morning 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
2. Discussion and possible action to appoint a City Council member for Ward 2

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

ADMINISTRATIVE - CONSENT

3. Approval to authorize the president of City Parkway IV and V to execute Modification No.1 to the Amended Designated Services Agreement for City Parkway Center Project with Design Workshop, Inc. to include the development of Design Guidelines and Development Standards (DGDS) for the Union Park development (61-acres site) (not to exceed \$300,000) Industrial Development SRF - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

4. Approval of Service and Material Checks/Payroll Checks/Wires Transfers/Other Checks and Investments
5. Approval to renew the Interlocal Agreement for Coordination of Franchise-Related Activities with Clark County, Henderson, North Las Vegas and Boulder City (\$40,000-General Fund)- All Wards
6. Approval of a Special Event License for Univision Radio-Las Vegas, Location: Lorenzi Park, 3333 West Washington Avenue, Date: May 2, 2004, Type: Special Event General, Event: Cinco de Mayo 2004, Responsible Person in Charge: Zulema Benjamin - Ward 5 (Weekly)
7. Approval of a Special Event License for Grace in the Desert Episcopal Church, Location: Grace in the Desert Episcopal Church, 2004 Spring Gate Lane, Date: April 24, 2004, Type: Special Event Beer/Wine, Event: Church Spring Festival & BBQ, Responsible Person in Charge: Donald W. Pickell - Ward 4 (Brown)
8. Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License From: Instant Impressions, Inc., Michael G. Maguire, Dir, Pres, 37.5%, Judy A. Maguire, Dir, Secy, 37.5%, Steven D. Gradwell, Dir, Treas, 10%, To: Garrett Equities Incorporated, LLC, dba The Wild Flower Cafe and Florist, 3818 Meadows Lane, Millicent Washington, Mgr, Mmbr, 100% - Ward 1 (Moncrief)
9. Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License, From: Pollos Tumi - Partnership, dba Pollos Tumi, Luis I. Pedemonte, Ptnr, 50%, Carlos A. Lazarte, Ptnr, 50%, To: Carlos Lazarte, dba Las Americas, 2319 South Eastern Avenue, Carlos A. Lazarte, 100% - Ward 3 (Reese)
10. Approval of Franchise Managers for a Beer/Wine/Cooler Off-sale License, 7-Eleven of Nevada, Inc., dba 7-Eleven Food Store #13699C, 2409 Tam Drive, Heon J. Kim, Franchise Mgr, Jeong M. Kim, Franchise Mgr - Ward 1 (Moncrief)
11. Approval of Change of Business Name for a Wholesale General License, Johnson Brothers of Nevada, Inc., dba From: Alternative Beverage Distributors, To: Johnson Brothers of Nevada, 4409 McGuire Street, Scott Belsaas, Dir, Pres, Michael Johnson, Dir, VP, Secy, 50%, Todd Johnson, Dir, VP, Treas, 50% - North Las Vegas
12. Approval of Change of Business Name for a Tavern License and a Non-restricted Limited Gaming License for 35 slots, TLC Gaming, Inc., dba From: Hurricane Harrys, To: José Hogs Casino & Cantina, 3190 West Sahara Avenue, Terry L. Caudill, Dir, Pres, Secy, Treas, 95%, Timothy G. Lager, 5% - Ward 1 (Moncrief)
13. Approval of Change of Business Name for a Tavern License and a Restricted Gaming License for 15 slots, Polonez Polish Deli & Restaurant, Inc., dba From: Polonez Polish Deli & Restaurant, To: Euro Place Ristorante, 1243 East Sahara Avenue, Boguslaw M. Sobol, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
14. Approval of Change of Location for a Burglar Alarm Service, Security Alarm Monitoring Service, Inc., dba Security Alarm Monitoring Service, Inc., From: 2421 Tech Center Court, #100, To: 5445 Royal Vista Lane, Martin J. Pollinger, Pres, 50%, Christopher L. Mullins, Secy, Treas, 50% - Ward 6 (Mack)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

15. Approval of new Martial Arts Instruction Business License, Marc Laimon, dba Cobra Kai Jiu Jitsu, 2104 Highland Avenue, Marc J. Laimon, 100% - Ward 1 (Moncrief)
16. Approval of Change of Location for a Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, AKS Karate, Inc., dba AKS Karate, Inc., From: 6704 West Cheyenne Avenue, To: 2333 North Jones Boulevard, Suite 104, Robert I. Navoa, Dir, Pres, 60%, Raymond L. Mingo, Dir, VP, 40%, Arlene A. Navoa, Dir, Secy, Tamika K.R. Simmons, Dir, Treas - Ward 5 (Weekly)
17. Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the fire codes, Gilbert Levy, dba G & G Liquidators, From: 401 West Bonanza Road, To: 3021 Sheridan Street, Gilbert Levy, 100% - Ward 1 (Moncrief)
18. Preapproval of award of Bid No. 04.1730.07-LED, Grand Montecito Parkway - Centennial Parkway to Elkhorn Road to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Pubic Works (\$6,000,000 - Special Assessment Capital Projects Fund) - Ward 6 (Mack)
19. Approval of award of Bid No. 03.15341.16-LED, Firefighters Memorial Park, Phase II, 6401 West Oakley Boulevard and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: RAFAEL CONSTRUCTION, INC. (\$719,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 1 (Moncrief)
20. Approval of rejection of all non-responsive bids and award of Bid Number 040086-TG, Annual Requirements Contract for Medical Supplies - Department of Fire and Rescue - Award recommended to: BOUNDTREE MEDICAL LLC (\$400,000 - General Fund)
21. Approval of Agreement Modification No. 2, Gaming Concession at Downtown Transportation Center, 300 N. Casino Center Blvd. - Department of Field Operations - Award to: UNITED COIN MACHINE COMPANY (\$297,000 revenue - General Fund) - Ward 5 (Weekly)
22. Approval of issuance of a purchase order for a mobile abrasive cutting system - Department of Fire and Rescue - Award recommended to: APPLIED NEW TECHNOLOGY AG (\$129,015 - Multi-Purpose Special Revenue Fund)
23. Approval of award of Bid No. 040227-DAR, Annual Requirements Contract for Fasteners - Various Departments - Award recommended to: FASTENAL COMPANY (Estimated annual amount of \$100,000 - Various Funds)
24. Approval of revision to purchase order 218380 for annual requirements contract for crack seal - Department of Field Operations - Award to: LAS VEGAS PAVING CORPORATION (\$124,000 - Public Works Capital Projects Fund) - All Wards
25. Approval of Amendment Number 1 to Automated Vehicle Fueling System Contract - Departments of Field Operations and Fire and Rescue - Award to: SER-CON, INC. (\$73,051.37 - Automotive Operations ISF and Fire and Rescue CPF)
26. Approval of Contract No. 040215-KF, Radiological Services - Department of Fire and Rescue - Award recommended to: DESERT RADIOLOGY (Estimated annual amount of \$60,000 - General Fund)
27. Approval of issuance of a purchase order for one Class 6 Cargo Truck under Bid No. 040030-DAR, Open End Contract for Class 6 Cargo Truck - Department of Field Operations - Award to: MCCANDLESS INTERNATIONAL TRUCKS, INC. (\$58,904 - Automotive Operations Internal Service Fund)
28. Approval of issuance of a purchase order for one Mid-Size Tractor Mower under Bid No. 040075-DAR, Open End Contract for Mid-Size Tractor Mower and Trailer - Department of Field Operations - Award recommended to: SIMPSON NORTON (\$36,982 - Automotive Operations Internal Service Fund)
29. Approval of issuance of a purchase order for a One-Ton Truck under Bid No. 040118-DAR, Open End Contract for One-Ton Trucks - Department of Field Operations - Award to: GAUDIN FORD (\$31,536.31 - Automotive Operations Internal Service Fund)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

30. Approval of issuance of a purchase order for a One-Ton Dedicated CNG Fuel Extended Locksmith Van under Bid No. 040160-DAR, Open End Contract for One-Ton Dedicated CNG Fuel Extended Locksmith Van - Department of Field Operations - Award recommended to: BILL HEARD CHEVROLET (\$30,370.71 - Automotive Operations Internal Service Fund)
31. Approval of revision to purchase order 217174 for Hewlett Packard printer maintenance- Department of Information Technologies - Award to: INTERTECH COMPUTER PRODUCTS (\$10,000 - Computer Services Internal Service Fund)

NEIGHBORHOOD SERVICES DEPARTMENT - CONSENT

32. Approval of a Third Amendment to Agreement To Grant Redevelopment Set Aside Housing Funds to East Las Vegas Community Development Corporation allowing subordinations of the City of Las Vegas Deeds of Trust to enable homeowners the ability to refinance homes under specific circumstances at Mi Casa en el Sol for 40 new townhomes located on the 2900 block of Cedar Avenue and Poplar Avenue - Ward 3 (Reese)
33. Approval of additional Home Investment Partnership Program (HOME) funds in the amount of \$4,000 for additional housing rehabilitation activities at 265 South 17th Street - Ward 5 (Weekly)

PUBLIC WORKS DEPARTMENT - CONSENT

34. Approval of Supplemental Interlocal Contract for Durango Drive, Westcliff Drive to Vegas Drive between the City of Las Vegas and the Southern Nevada Regional Transportation Commission to increase funding and change the scope of the project (\$6,273,000 - Southern Nevada Regional Transportation Commission) - Ward 2 (L.B. McDonald)
35. Approval to file an amendment to Bureau of Land Management Right-of-Way Grant N-66120 for sewer purposes on portions of land lying within the Northwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, generally located approximately 635 feet south of Alexander, west of Cliff Shadow Parkway, APN 137-12-101-008 - Ward 4 (Brown)
36. Approval to file a Right-of-Way Grant with the Bureau of Land Management for roadway, sanitary sewer, drainage, trail and streetscape amenity purposes on portions of land lying within Section 24, the Southwest Quarter and the East Half of Section 13, Township 19 South, Range 59 East, Mount Diablo Meridian, generally located between Hualapai Way and Puli Road on the east and west and by Grand Teton Drive and the Clark County Beltway on the north and south, APNs 126-13-401-014, -501-002, -701-006, 126-24-201-012, -301-011, -601-018 and -701-013 - Ward 6 (Mack)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Brian G. Smith and Valerie C. Smith, owners (southeast corner of La Madre Way and Janell Drive, APN 125-33-402-010) - County (near Ward 6 - Mack)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Aaron B. Hirschi, owner (southeast corner of Bonita Vista Street and Corbett Street, APN 125-29-708-001) - County (near Ward 6 - Mack)
39. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Bennett, owner (north of Tropical Parkway, between Fort Apache Road and Dapple Gray Road, APN 125-29-201-025) - County (near Ward 6 - Mack)
40. Approval of a Professional Services Agreement with Southwick Landscape Architects for the design services of Gilmore Cliff Shadows Park and Trail Head located at Gilmore Drive and Cliff Shadows Parkway (\$376,200 - Southern Nevada Public Lands Management Act) - Ward 4 (Brown)

PUBLIC WORKS DEPARTMENT - CONSENT

41. Approval of an Interlocal Agreement between the City of Las Vegas and the Las Vegas Valley Water District to allow the installation of fire protection water service for the Operation and Maintenance Building at the Water Pollution Control Facility (\$654 - Sanitation Fund) - Clark County

RESOLUTIONS - CONSENT

42. R-60-2004 - Approval of a Resolution Adopting a Revised Fee Schedule for LVMC Title 13 and Chapter 11.50 (pertaining to public improvement work and temporary traffic control work)
43. R-61-2004 - Approval of a Resolution directing the Engineer to prepare preliminary plans and an assessment plat for Special Improvement District No. 607 - Cliff's Edge - Ward 6 (Mack)
44. R-62-2004 - Approval of a Resolution directing the Engineer to prepare full and detailed plans, cost estimates and an assessment plat for Special Improvement District No. 607 - Cliff's Edge - Ward 6 (Mack)
45. R-63-2004 - Approval of a Resolution declaring necessity for creating and ordering the preparation of an assessment roll for Special Improvement District No. 607 - Cliff's Edge - Ward 6 (Mack)
46. R-64-2004 - Approval of a Resolution validating and confirming the assessment roll for Special Improvement District No. 607 - Cliff's Edge - Ward 6 (Mack)
47. R-65-2004 - Approval of a Resolution directing the City Treasurer to prepare the Fifty-Ninth Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
48. R-66-2004 - Approval of a Resolution approving the Fifty-Ninth Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
49. R-67-2004 - Approval of a Resolution directing the City Treasurer to prepare the Tenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
50. R-68-2004 - Approval of a Resolution approving the Tenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
51. R-69-2004 - Approval of a Resolution overruling complaints, protests, and objections and confirming the final assessment roll for Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance FY2005) (\$41,902.50 - Capital Projects Fund - Special Assessments) - Ward 1 (Moncrief)
52. R-70-2004 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given regarding Special Improvement District No. 1490 - Tenaya Way (Northern Beltway To Elkhorn Road) (Capital Projects Fund - Special Assessments) - Ward 6 (Mack)
53. R-71-2004 - Approval of a Resolution to establish a twenty percent minimum fund balance for the Group Insurance Internal Service Fund (ISF) based on prior year expenditures
54. R-72-2004 - Approval of a Resolution Amending Schedule 25-I, 30 MPH Speed Limits, to Add a Speed Limit of 30 MPH on Greenmoor Lane between Pavilion Center Drive and Anasazi Way; Laurelglenn Drive between Pavilion Center Drive and Sageberry Drive; Park Run Drive between Pavilion Center Drive and Town Center Drive; Pavilion Center Drive between Charleston Boulevard and Laurelglenn Drive; and Sageberry Drive between Pavilion Center Drive and Laurelglenn Drive - Ward 2 (L.B. McDonald)
55. R-73-2004 - Approval of a Resolution Amending Schedule 25-II, 35 MPH Speed Limits, to Add a Speed Limit of 35 MPH on Washington Avenue between Martin L. King Boulevard and D Street - Ward 5 (Weekly)
56. R-74-2004 - Approval of a Resolution Amending Schedule 25-IV, 45 MPH Speed Limits, to Add a Speed Limit of 45 MPH on Charleston Boulevard between the 215 Beltway and Hualapai Way - Ward 2 (L.B. McDonald)

RESOLUTIONS - CONSENT

57. R-75-2004 - Approval of a Resolution Amending Schedule 25-II, 35 MPH Speed Limits, to Add a Speed Limit of 35 MPH on Azure Drive between US 95 and Tenaya Way; Bradley Road from the 215 Beltway to the north City limits; Centennial Center Boulevard between Ann Road and Durango Drive; Farm Road between Durango Drive and Tenaya Way; Farm Road between Jones Boulevard and Decatur Boulevard; Tenaya Way between Ann Road and Skypointe Drive; and Tropical Parkway between Durango Drive and US 95 - Ward 6 (Mack)

REAL ESTATE COMMITTEE - CONSENT

58. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 488 acres of land commonly known as APNs 125-01-001-001 and 125-01-701-001 located in the vicinity of Decatur Boulevard and Moccasin Road for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
59. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as APN 126-02-101-005 located south of Moccasin Road and west of Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
60. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 8 acres of land commonly known as APNs 126-02-401-002 and 126-02-401-004 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
61. Approval to authorize staff to purchase real property known as APN 139-34-612-026 located on the northeast corner of Carson Avenue and 8th Street from the State of Nevada Department of Conservation and Natural Resources Division of State Lands (\$323,049.80 plus closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)
62. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as APN 126-01-801-002 located in the vicinity of Iron Mountain Road and Hualapai Way for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
63. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 15 acres of land commonly known as portions of APNs 126-01-101-010 and 126-01-301-004 located off of Puli Drive between Moccasin Road and Iron Mountain Road for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
64. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 12.5 acres of land commonly known as a portion of APN 126-01-401-003 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
65. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 5 acres of land commonly known as APN 126-01-501-001 located in the vicinity of Moccasin Road in between Puli Drive and Hualapai Way for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)
66. Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 5 acres of land commonly known as APN 126-01-601-002 located in the vicinity of Moccasin Road and Hualapai Way for use as a Public Park (\$100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

67. Discussion and possible action regarding final payment to Southwest Sports Realty, L.P. - (Not to exceed \$120,000 - Industrial Development Special Revenue Fund)
68. Report and possible action on a presentation by Clark County Health District staff concerning the "Urban Rodent Surveillance Project"

CITY ATTORNEY - DISCUSSION

69. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from March 17, 2004. Charles H. Lloyd, 301 Orland Street #25, Las Vegas, Nevada 89108
70. Discussion and possible action on Appeal of Work Card Denial: Jose Dennis Medrano-Arriola, 3756 Wynn Road #317, Las Vegas, Nevada 89103
71. Discussion and possible action on Appeal of Work Card Denial: Ms. Mializabeth Fenstermaker, 1400 So. Casino Center #22, Las Vegas, Nevada 89104
72. Discussion and possible action on Appeal of Work Card Denial: Desiree Dawn Gordon, 2700 Sadie Lane, Henderson, Nevada 89074
73. Discussion and possible action on Appeal of Work Card Denial: Chanpheng Phromprakay, 5010 Indian River Drive #149, Las Vegas, Nevada 89103

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

74. Discussion and possible action to fund the removal and relocation of skate element equipment from Patriot Park to Mountain Ridge Park (\$100,000 - Parks & Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
75. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations; From: Bells Market Partnership, Caroline Yousif, Ptnr, 50%, Jamal Jeberaeel, Ptnr, 50%, To: Sabah Shoshani, dba Bells Market, 720 West Owens Avenue, Sabah H. Shoshani, 100% - Ward 5 (Weekly)
76. ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Denial of Business License for an Independent Massage Therapist License, Nicholas A. Hoover, dba Nicholas A. Hoover, 4200 East Bonanza Road, #123, Nicholas A. Hoover, 100% - Ward 3 (Reese)
77. ABEYANCE ITEM - Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Melva Boyd, dba Lucky Champ, 1420 West Bonanza Road, Melva D. Boyd, 100% - Ward 5 (Weekly)
78. Discussion and possible action regarding a Six Month Review of a Child Care Family Home License, Joyce Cathey, 1720 East Oakey Boulevard, Joyce Cathey, 100% - Ward 3 (Reese)
79. Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 7981 West Tropical Parkway, TGEI, LLC, Managing Mmbr, 52%, Ted E. Kingston, Mmbr, 100%, John G. Barton, Mgr, John G. Barton Mmbr, 42% - Ward 6 (Mack)
80. Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, Makino Premium Outlet LV, LLC, dba Makino Las Vegas Seafood Buffet, 775 South Grand Central Parkway, #1301, Las Vegas Kitchen, LLC, Mgr, 100%, Masako Ishitsuka, Mmbr, Mgr, 100% - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

81. Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Scottsdale Beverages, LLC, dba Escole, 1451 Center Crossing Road, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr, Scottsdale Group, LLC, Mmbr, 100%, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr - Ward 2 (L.B. McDonald)
82. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, From: Peter Piper, Inc., Daniel E. Rubin, Dir, COB, Joseph R. Pederson, Pres, CEO, John G. Jordan, VP, Don Gordon, VP, Neil R. Simon, Dir, Secy, William J. Hunckler, III, Dir, Robin P. Selati, Dir, To: T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 560 South Decatur Boulevard, TGEI, LLC, Managing Mmbr, 52%, Ted E. Kingston, Mmbr, 100%, John G. Barton, Mgr, John G. Barton, Mmbr, 42% - Ward 1 (Moncrief)
83. Discussion and possible action regarding Temporary Approval of a Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Sentinel Combat Institute, LLC, dba Sentinel Combat Institute, LLC, 8450 West Sahara Avenue, Suite 112, Lance W. Burton, Mgr, Mmbr, 100% - Ward 1 (Moncrief)
84. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Martial Arts Instruction Business License subject to the provisions of the fire codes, From: Kicks, Inc., dba Collins Karate for Kids, David A. Riach, Jr., Dir, Pres, Secy, Treas, 66.66%, Andre Collins, VP, 33.33%, To: Karate for Kids of Green Valley and Henderson, Inc., dba Karate for Kids, 4840 East Bonanza Road, Suites 2 and 3, Leland R. Brandon, Dir, Pres, 50%, Marci D. Brandon, Secy, Treas, 50% - Ward 3 (Reese)
85. Discussion and possible action regarding a Six Month Review of a Restricted Gaming License for 7 slots, Shoshani and Jarjees, dba Family Food II, 1602 H Street, Salar Shoshani, Ptnr, 50%, Thamer Jarjees, Ptnr, 50% - Ward 5 (Weekly)
86. Discussion and possible action regarding amendment to Bid No. 03.15341.08-LED, Washington Buffalo Park, Phase 1A and 1B - located at the southwest corner of Washington Avenue and Buffalo Drive for issuance of a change order to Asphalt Products Corporation for installation of artificial turf in the amount of \$3,800,000 - Public Works (Parks & Leisure Activities CPF) Ward 4 (Brown)

NEIGHBORHOOD SERVICES DEPARTMENT - DISCUSSION

87. Report and possible action on the City of Las Vegas' prototype Tenant Based Rental Assistance (TBRA) Program for Homeless and Near Homeless regarding allocating \$300,000 in Fiscal Year 2004-2005 Federal HOME funds and \$26,275 Fiscal Year 2004-2005 Community Development Block Grant Public Service (CDBG-PS) funds to HELP of Southern Nevada to operate the prototype TBRA Program for one additional year - All Wards
88. Report and possible action to proceed with a plan to abate vacant and abandoned property located within the City of Las Vegas - All Wards
89. Report and possible action on the Sky Vue Mobile Home Park 15 West Owens Avenue to provide monetary compensation to Clark County Social Services for temporary housing of displaced residents in an amount not to exceed \$40,000 (General Fund-Winter Shelter Fund) - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

90. Discussion and possible action on a request by Thomas and Mack Co. for a Water Feature Exemption on property located at 2300 W. Sahara Avenue - Ward 1 (Moncrief)

RESOLUTIONS - DISCUSSION

91. R-76-2004 - Discussion and possible action on a Resolution transferring 2002 Private Activity Bond Volume Cap of \$6,158,617 to George Gekakis Incorporated to construct new affordable senior housing located near the Southeast corner of West Cheyenne Avenue and Jones Boulevard - Ward 5 (Weekly)

BOARDS & COMMISSIONS - DISCUSSION

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

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

93. TABLED ITEM - Bill No. 2003-78 – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Sponsored by: Councilwoman Janet Moncrief
94. 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
95. 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
96. 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
97. Bill No. 2004-21 – Updates the City’s emergency management provisions. Sponsored by: Mayor Oscar B. Goodman
98. 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)
99. Bill No. 2004-25 – Establishes zoning requirements for swap meets. Sponsored by: Councilman Gary Reese
100. 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
101. 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
102. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

103. 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
104. 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
105. 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

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

- 106. Bill No. 2004-30 – Requires merchants to make certain disclosures in connection with the sale of motorized scooters and motorized skateboards. Sponsored by: Councilman Michael Mack
- 107. Bill No. 2004-31 – Prohibits the breeding or training of animals for the purpose of using them in an animal fighting venture. Sponsored by: Councilman Michael Mack
- 108. Bill No. 2004-32 – Ordinance Creating Special Improvement District No. 607 - Cliff's Edge. Sponsored By: Step Requirement
- 109. Bill No. 2004-33 – Levies Assessments for Special Improvement District No. 607 - Cliff's Edge. Sponsored By: Step Requirement
- 110. Bill No. 2004-34 – Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance FY2005). Sponsored by: Step Requirement
- 111. Bill No. 2004-35 – Authorizing the issuance of Local Improvement Bonds, Series 2004 for the City of Las Vegas, Nevada Special Improvement District No. 607 Cliff's Edge not to exceed \$51,185,000. - Ward 6 (Mack)

1:00 P.M. - AFTERNOON SESSION

- 112. 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

HEARINGS - DISCUSSION

- 113. ABEYANCE ITEM - 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)
- 114. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 4550 E. Washington Avenue. PROPERTY OWNER: ASSISTED LIVING CENTER ETAL, C/O E COOK – Ward 3 (Reese)
- 115. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 1611 Euclid Avenue. PROPERTY OWNER: GARY STEPHEN BLAKE – Ward 3 (Reese)
- 116. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 3224 Brady Avenue. PROPERTY OWNER: SECRETARY VETERANS AFFAIRS – Ward 3 (Reese)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

117. REVIEW OF CONDITION - ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Review of Condition NO. 7 OF AN APPROVED TENTATIVE MAP FOR ELKHORN/GRAND CANYON UNIT TWO (TM-0034-02), WHICH REQUIRED PEDESTRIAN ACCESS AT THE END OF TWO CUL-DE-SACS adjacent to the southeast corner of Grand Canyon Drive and Severance Lane (APN 125-18-897-004), R-1 (Single Family Residential) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL
118. REVIEW OF CONDITION - PUBLIC HEARING - ROC-4119 - APPLICANT/OWNER: CONCORDIA HOMES OF NEVADA - Request for a Review of Condition No. 3 of an approved Site Development Plan Review [Z-0069-02(1)], WHICH ESTABLISHED THE FRONT SETBACK TO GARAGE DOORS FOR A SINGLE FAMILY RESIDENTIAL DEVELOPMENT on property located adjacent to the southeast corner of Deer Springs Way and Campbell Road (APN 125-20-301-006 and 007), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL (NOTE: To allow a 10' maximum setback to garage, where 5' maximum and 18' minimum is allowed)
119. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-3817 - APPLICANT: ADVANCED HOUSE CALLS - OWNER: GREGORY AND MARY BRYAN - Request for a Site Development Plan Review FOR A PARKING LOT AND WAIVERS OF PERIMETER LANDSCAPE BUFFER AND PARKING LOT LANDSCAPE FINGERS on 0.34 acres adjacent to the east side of Jones Boulevard, approximately 300 feet south of Upland Boulevard (APN 138-36-112-005 and 006), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking), Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
120. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-3853 - APPLICANT: ARLT CORPORATION - OWNER: ARLT FAMILY TRUST - Request for a Site Development Plan Review FOR A 14,126 SQUARE FOOT OFFICE BUILDING on 1.10 acres adjacent to the southwest corner of Martin L. King Boulevard and Wheeler Peak Drive (APN 139-21-416-001), C-PB (Planned Business Park) Zone, Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
121. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-3923 - APPLICANT/ OWNER: SANTA FE STATION, INC. - Request for a Site Development Plan Review FOR A PROPOSED CASINO EXPANSION AND THEATER ADDITION on 34.1 acres at 4949 North Rancho Drive (APN 125-34-801-001), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
122. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3288 - APPLICANT: PAUL AND SANDY BROUSSEAU - Request for a Variance to ALLOW A 5 FOOT SIDE SETBACK WHERE 10 FEET IS REQUIRED FOR an addition to an existing single family dwelling at 304 Canyon Drive (APN 139-32-211-031), R-E (Residence Estates) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL
123. VARIANCE - PUBLIC HEARING - VAR-3762 - APPLICANT: STERLING S. DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LIMITED LIABILITY COMPANY - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 30 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.32 acres adjacent to the northeast corner of Maverick Street and Racel Street (APN 125-11-704-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend DENIAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

124. REQUIRED SIX MONTH REVIEW - PUBLIC HEARING - RQR-3930 - APPLICANT: NEISSAN KOROGHLI - OWNER: FREMONT PLACE, LIMITED LIABILITY COMPANY - Required Six Month Review of an approved Special Use Permit (U-0106-02) WHICH ALLOWED A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) IN CONJUNCTION WITH AN EXISTING CONVENIENCE STORE/ DELICATESSEN at 228 Las Vegas Boulevard North (APN 139-34-511-001, 002 and 003), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
125. REVIEW OF CONDITION RELATED TO RQR-3930 - PUBLIC HEARING - ROC-4121 - APPLICANT: NEISSAN KOROGHLI - OWNER: FREMONT PLACE, LIMITED LIABILITY COMPANY - Request for a Review of Conditions FOR AN APPROVED SPECIAL USE PERMIT (U-0106-02), TO REMOVE CONDITION NOS. 1 THROUGH 4 FOR A LIQUOR ESTABLISHMENT (OFF-PREMISES CONSUMPTION) IN CONJUNCTION WITH AN EXISTING CONVENIENCE STORE/DELICATESSEN at 228 Las Vegas Boulevard North (APN 139-34-511-001, 002 and 003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL
126. REQUIRED FOUR YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - RQR-3732 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: STORAGE EQUITIES - Required Four Year Review of an approved Special Use Permit (U-0159-89) FOR A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 275 South Martin L. King Boulevard (APN 139-33-501-012), M (Industrial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
127. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
128. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3716 - APPLICANT: AURELIO'S - OWNER: CHEYENNE INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR AND A WAIVER FROM THE 400 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING CHURCH AND PARK at 7660 West Cheyenne Avenue, Suite #122 (APN 138-09-821-003), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
129. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3747 - APPLICANT: EXPRESS CASH & LOANS - OWNER: NERCES HIMIDIAN LIVING TRUST - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED at 1426 East Charleston Boulevard, Suite 110 (APN 162-02-110-007), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend DENIAL
130. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3844 - APPLICANT: JOSE AND ELIZA DIAZ - OWNER: MIGUEL FAMILY TRUST 1993, ET AL - Request for a Special Use Permit FOR A BANQUET FACILITY at 1520 North Eastern Avenue, Suite #101, 102 and 103 (APN 139-25-101-020), C-1 (Limited Commercial) and C-2 (General Commercial) Zones, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
131. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3748 - APPLICANT: CONTINENTAL CURRENCY OF NEVADA, INC. - OWNER: TONOPAH-CRAIG ROAD COMPANY, LIMITED PARTNERSHIP - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED AND AUTO TITLE LOAN at 4458 North Rancho Drive (APN 138-02-601-001), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL
132. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3875 - APPLICANT: HUGH CANADY - OWNER: CDS MEMBER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR GASOLINE SALES IN CONJUNCTION WITH A 4,500 SQUARE FOOT CONVENIENCE STORE at 1600 North Martin L. King Boulevard (APN 139-21-804-006), C-1 (Limited Commercial), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

133. ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-2457 - DONNA F. BEAM REVOCABLE TRUST - Request for a Rezoning FROM: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] TO: C-1 (Limited Commercial) Zone on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive (APN 138-15-402-001 and 138-22-101-001) Ward 4 (Brown). The Planning Commission (4-2 vote) and staff recommend APPROVAL
134. SPECIAL USE PERMIT RELATED TO ZON-2457 - PUBLIC HEARING - SUP-3896 - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DONNA F. BEAM REVOCABLE TRUST - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER FROM THE 1,500 FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING SCHOOL, CHURCH, AND CITY PARK adjacent to the northeast corner of Smoke Ranch Road and Buffalo Drive (APN 138-15-402-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited Commercial)], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-2 vote) recommends APPROVAL
135. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-2457 AND SUP-3896 - PUBLIC HEARING - SDR-2458 - DONNA F. BEAM REVOCABLE TRUST - Request for a Site Development Plan Review FOR TWO PROPOSED COMMERCIAL BUILDINGS on 3.88 acres adjacent to the northeast and southeast corners of Smoke Ranch Road and Buffalo Drive (APN 138-15-402-001 and 138-22-101-001) U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] [PROPOSED: C-1 (Limited Commercial) Zone], Ward 4 (Brown). The Planning Commission (4-2 vote) and staff recommend APPROVAL
136. ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-3665 - APPLICANT/OWNER: DONNA J. CAPRI - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.16 acres adjacent to the southwest corner of Eastern Avenue and Canosa Avenue (APN 162-02-713-114), Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL
137. REZONING - PUBLIC HEARING - ZON-3825 - APPLICANT/OWNER: JAN PAUL KOCH - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.26 acres at 701 South 7th Street (APN 139-34-810-008 and 009), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
138. VARIANCE RELATED TO ZON-3825 - PUBLIC HEARING - VAR-3826 - APPLICANT/OWNER: JAN PAUL KOCH - Request for a Variance TO ALLOW 9 PARKING SPACES WHERE 12 PARKING SPACES ARE REQUIRED FOR A PROPOSED OFFICE BUILDING AND TO ALLOW A COVERED TRASH ENCLOSURE TO BE LOCATED WITHIN THE 50 FEET RESIDENTIAL ADJACENCY DISTANCE SEPARATION REQUIREMENT on 0.26 acres at 701 7th Street (APN 139-34-810-008 and 009), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
139. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3825 AND VAR-3826 - PUBLIC HEARING - SDR-3824 - APPLICANT/OWNER: JAN PAUL KOCH - Request for a Site Development Plan Review FOR A PROPOSED LAW OFFICE AND A WAIVER OF LANDSCAPE AND COMMERCIAL STANDARDS on 0.26 acres at 701 7th Street (APN 139-34-810-008 and 009), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
140. REZONING - PUBLIC HEARING - ZON-3888 - APPLICANT: CITY OF LAS VEGAS - OWNERS: MULTIPLE - Request for a Rezoning FROM: M (INDUSTRIAL), C-M (COMMERCIAL INDUSTRIAL), C-2 (GENERAL COMMERCIAL) AND C-V (CIVIC) TO: C-M (COMMERCIAL INDUSTRIAL), C-2 (GENERAL COMMERCIAL), C-1 (LIMITED COMMERCIAL), R-3 (MEDIUM DENSITY RESIDENTIAL), AND C-V (CIVIC) on properties generally located within the area bounded by Washington Avenue, Owens Avenue, the Union Pacific Railroad and Bruce Street (APN 139-26-102-002, 003, 139-26-201-015, 018, 139-27-502-004, 139-27-504-003, 006, 007, 008, 009 and 010, 139-27-602-003, 004, 139-27-603-001, 002, 008, and 018), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

141. REZONING - PUBLIC HEARING - ZON-3909 - APPLICANT/OWNER: LEONARD KRYK - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.16 acres at 1007 Salem Drive (APN 138-35-804-001), Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
142. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3909 - PUBLIC HEARING - SDR-3911 - APPLICANT/OWNER: LEONARD KRYK - Request for a Site Development Plan Review FOR A PROPOSED OFFICE AND A WAIVER OF LANDSCAPE STANDARDS on 0.16 acres at 1007 Salem Drive (APN 138-35-804-001), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
143. REZONING - PUBLIC HEARING - ZON-3910 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (UNDEVELOPED) [ROW (RIGHT OF WAY) GENERAL PLAN DESIGNATION] TO: C-V (CIVIC) on 10.0 acres on the northeast corner of Tenaya Way and Summerlin Parkway (a portion of APN 138-27-301-019), Ward 2 (L.B. McDonald). The Planning Commission (7-0 vote) and staff recommend APPROVAL
144. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

Items raised under this portion of the City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes

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

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

AGREEMENT

This Agreement is entered into on this 21st day of April, 2004 between the city of Las Vegas, Nevada (the "City") and George Gekakis, Inc. (the "Sponsor"), of that certain affordable rental housing project known as Sonoma Palms Apartments (the "Project").

WHEREAS, the Sponsor has submitted an application to the City for allocation of a part of the City's private activity bond Volume Cap in order for the Sponsor to finance the Project; and

WHEREAS, the City is inclined to allocate a portion of its private activity bond Volume Cap to the Project; and

WHEREAS, in so allocating its Volume Cap, the City is relying on representations made by the Sponsor in its application to the City with respect to the nature of the Project and other matters.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES AND AGREEMENTS CONTAINED HEREIN, IT IS HEREBY AGREED AS FOLLOWS:

Section 1. The City will as provided in the resolution adopted by the City Council of the City on April 21, 2004 (the "Resolution") allocate a portion of its bond Volume Cap to the Project under the conditions and for the term provided in the Resolution. Such allocation of bond Volume Cap is based on the representations contained in the Sponsor's application as to the nature of the Project and other matters stated in that application.

Section 2. The Sponsor agrees to provide incremental progress reports, at six-week intervals if the Project is a rehabilitation project and at 3-month intervals if the Project is a new construction project.

Section 3. The Sponsor agrees not to make any change in the Project or in any other of the items described in its application without obtaining consent of the City's Director of the City's Neighborhood Services Department or his designee.

Section 4. This Agreement shall be effective on the date of its execution and remain in effect until the bonds which use the Volume Cap allocation described herein have been paid in full.

Section 5. This Agreement does not provide any City endorsement of the Project or any City representation as to the Project or the issuance of bonds for the Project, other than an allocation of private activity bond Volume Cap as provided in the Resolution. It is understood that the private activity bond Volume Cap will be transferred to the State of Nevada, and that the State of Nevada in its sole discretion will determine whether to finance the Project with the issuance of bonds. Other than the allocation of bond Volume Cap mentioned above, this Agreement in no way binds the City to the Project, and prior to the issuance of bonds which use this Volume Cap, the City may, in its sole discretion, amend or repeal the Resolution; but after the issuance of bonds which use this Volume Cap, the City will not amend the Resolution in a manner which changes the allocation of Volume Cap to the bonds which have been issued.

Section 6. In the event the Sponsor breaches this Agreement, the City may sue for specific performance hereof by the Sponsor, may pursue legal action against the Sponsor, may use whatever other remedies may be available to it at law or in equity or may pursue any combination thereof. The Sponsor agrees to pay any of the City's attorney fees incurred in enforcing the terms of this agreement. If bonds have been issued which rely on the allocation of bond volume cap made by the Resolution, a breach of this Agreement will not result in forfeiture of bond Volume Cap which has been used for those bonds, but may, at the option of the City, result in forfeiture of any part of the bond Volume Cap described herein which has not been used by the issuance of bonds.

Section 7. No person is a third party beneficiary of this Agreement and nothing herein requires that the City enforce the provisions hereof; however, any failure to enforce or delay in

enforcing the provisions hereof does not constitute a waiver of the City's right to enforce this Agreement. Any single or partial enforcement of any provision hereof does not preclude any other enforcement or the exercise of any other right, power or remedy the City may have.

Section 8. The persons signing this Agreement represent that they have the power to do so on behalf of the party for which they are signing.

Section 9. Disclosure of Principals: Pursuant to Resolution R-105-99 adopted by the Las Vegas City Council effective October 1, 1999, Sponsor warrants that it has disclosed, on the form attached hereto as Exhibit "A", all principals, including partners or directors of Sponsor, as well as all persons and entities holding more than a one percent (1%) interest in Sponsor, or any principal of Sponsor. Throughout the term of the Agreement, Sponsor shall notify City in writing of any material change in the above disclosure within fifteen (15) days of any such change.

[illegible]

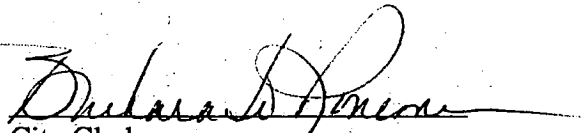
IN WITNESS WHEREOF, the City and the Sponsor have caused this Agreement to be signed as of the day and year mentioned above.

City of Las Vegas, Nevada

(SEAL)

By: 
Oscar B. Goodman, Mayor

"City"


City Clerk

City Council Approved: April 21, 2004

Approved as to form:

 4/30/04

George Gekakis, Inc.

By: 
George Gekakis, President

"Sponsor"

EXHIBIT "A"

DISCLOSURES OF PRINCIPALS

Pursuant to Resolution 79-99 adopted by the City Council effective October 1, 1999, George Gekakis, Inc. warrants that it has disclosed, all principals, including partners of George Gekakis, Inc., as well as all persons and entities holding more than a 1% interest in George Gekakis, Inc., or any principal of George Gekakis, Inc. Throughout the term hereof, George Gekakis, Inc., shall notify City in writing of any material change in the above disclosure within 15 days of any such change.

The principals and partners of George Gekakis, Inc. and all persons and entities holding more than 1% interest in George Gekakis, Inc. or any principal of George Gekakis, Inc. are the following:

	FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1.	George Gekakis	2655 So. Rainbow #401	364-8027
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

George Gekakis, Inc.

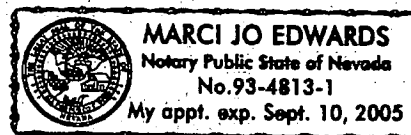
By: [Signature]
George Gekakis, President

"Sponsor"

Subscribed and sworn to before me this

6th Day of May, 2004.

Marc Jo Edwards
Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 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. This item was abeyed at the April 7, 2004 Council Meeting.

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 5/5/2004 – UNANIMOUS with GOODMAN abstaining because this board oversees the Meadows preschool where his wife is involved and Ward 2 seat vacant

MINUTES:

COUNCILMAN WEEKLY announced that this appointee must reside in Ward 5. He encouraged anyone interested in serving that qualifies to contact his office.

(11:32 – 11:33)

2-1751

Godsend Learning Center
1001 North Tonopah Drive
Las Vegas NV 89106
702-647-5712 Fax 702-647-4975

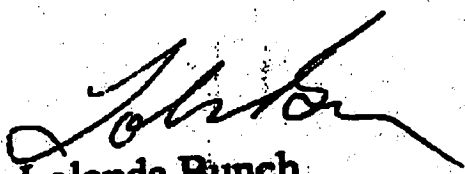
Attn: Wendy Smith

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**

2004 MAR 10 P 3:19

**RECEIVED
CITY CLERK**

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 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

TABLED ITEM - Bill No. 2003-78 – Establishes locational restrictions for the uses “auto pawn,” “auto title loan,” and “specified financial institution.” Sponsored by: Councilwoman Janet Moncrief

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:

1. Bill No. 2003-78
2. Submitted at 4/5/2004 Recommending Committee meeting - Proposed First Amendment
3. Submitted at meeting: Opinion memo from City Attorney regarding abstentions by Mayor Goodman and Councilman Mack pertaining to Item 93, Item 129 [SUP-3747] and Item 131 [SUP-3478]
4. Submittee at meeting: Draft No. 1 and 2 from the industry

MOTION:

MONCRIEF – Second Reading and Bill **ADOPTED** as First Amendment, allowing these types of businesses to close at 11:00 p.m., as Ordinance No. 5682 – motion carried with **BROWN** voting NO, **GOODMAN** abstaining because his son, **ERIC GOODMAN**, had represented Check City and Rapid Cash, **MACK** abstaining to avoid any conflict because he does consulting for SuperPawn, a similar type of business owned by his brother, **STEVEN MACK**, and Ward 2 seat vacant

CITY COUNCIL MEETING OF APRIL 21, 2004

Recommending

Item 93 – Bill No. 2003-78

MOTION – Continued:

NOTE: CITY ATTORNEY JERBIC disclosed that MAYOR GOODMAN and COUNCILMAN MACK sought legal written opinions from his office and were advised that they had legitimate conflicts of interest under NRS 281 to abstain, which would reduce the governing body from seven to five members; thus, requiring three votes for this item to pass. The same will apply to Items 129 and 131, as long as full disclosure is made. He noted that the written opinions were filed with the City Clerk.

Clerk to proceed with Second Publication

MINUTES:

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

APPEARANCES:

OSCAR GOODMAN, Mayor

BRAD JERBIC, City Attorney

GARY REESE, Councilman

MICHAEL MACK, Councilman

LAWRENCE WEEKLY, Councilman

MARGO WHEELER, Deputy Director, Planning and Development

JANET MONCRIEF, Councilwoman

PAUL LARSEN, Attorney, 300 South 4th Street, representing Check City and Rapid Cash

LARRY BROWN, Councilman

TODD FARLOW, 240 N. North 19th Street

TOM AMICK, Attorney, 3800 Howard Hughes Parkway

TRINA FIERO, 856 East Sahara Avenue

CINDY MORGENTHAL, 8989 Flying Frog

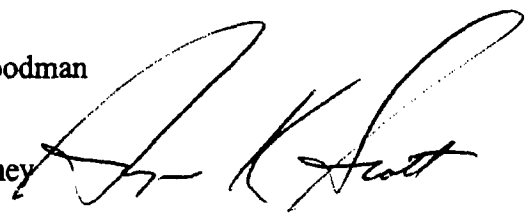
(11:33 – 11:58)

2-1782

Memorandum

City of Las Vegas Office of the City Attorney

To: Mayor Oscar B. Goodman

From: Bryan K. Scott
Deputy City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: April 20, 2004

Re: Request for Opinion on Abstentions for 4/21/04 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on items #92 (Bill No. 2003-78), #129 (SUP-3747) and #131 (SUP 3748) which are to be considered by the City Council at its April 21, 2004 meeting. Bill No. 2003-78, among other things, proposes a Las Vegas Municipal Code provision which would require a 1,000 foot distance separation between financial institutions, specified. Items #129 and #131 are requests for Special Use Permits for financial institutions, specified at two separate locations within the City's jurisdiction.

ERIC
You have informed me that your son, ~~Reas~~ Goodman, Esq. has been retained by Check City and Rapid Cash to, among other things, represent their interests in opposing the City's proposal to require a 1,000 foot distance separation between financial institutions, specified. The proposed Bill could have a significant impact on Rapid Cash's and Check City's business interests if they are adopted by the City Council. Items #129 and #131 are applications for similar businesses.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by (c) his commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (b) who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity. . .

It is the conclusion of the City Attorney that you should disclose the factual circumstances surrounding your potential conflicts on the record and abstain from the discussion and vote on all of the above-referenced items.

If you have any additional questions regarding any of the above, please feel free to contact me at ext. 6621.

BKS:b

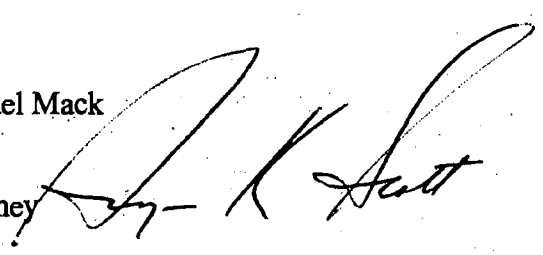
Submitted at City Council

Date 4/21/04 Item #92
129
131

Memorandum

City of Las Vegas Office of the City Attorney

To: Councilman Michael Mack

From: Bryan K. Scott
Deputy City Attorney 

CC: Bradford R. Jerbic
City Attorney

Date: April 20, 2004

Re: Request for Opinion on Abstentions for 4/21/04 City Council Meeting

This memorandum is written in response to your request for an opinion from the City Attorney's Office regarding whether you are required to abstain on items #92 (Bill No. 2003-78), #129 (SUP-3747) and #131 (SUP 3748) which are to be considered by the City Council at its April 21, 2004 meeting. Bill No. 2003-78, among other things, proposes a Las Vegas Municipal Code provision which would require a 1,000 foot distance separation between financial institutions, specified. Items #129 and #131 are requests for Special Use Permits for financial institutions, specified at two separate locations within the City's jurisdiction.

You have informed me that Super Pawn is owned by your Brother, Steven Mack, and that you are a paid consultant for Super Pawn. Part of Super Pawn's business involves the loaning of money to individuals on a short-term basis, similar to that of the applicants in items #129 and #131. The distance restriction in #92 would affect Super Pawn. The proposed Bill and these items could have a significant impact on Super Pawn if they are adopted by the City Council.

NRS 281.501(2) provides:

In addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of . . . a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by (c) his commitment in a private capacity to the interests of others.

NRS 281.501(8) defines "commitment in a private capacity to the interests of others" as a commitment to a person: (b) who is related to him by blood, adoption or marriage within the third degree of consanguinity or affinity, (c) who employs him . . . or (d) with whom he has a substantial and continuing business relationship.

It is the conclusion of the City Attorney that you should disclose the factual circumstances surrounding your potential conflict on the record and abstain from the discussion and vote on all of the above-referenced items.

If you have any additional questions regarding any of the above, please feel free to contact me at ext. 6621.

BKS:b

Submitted at City Council

Date 4/21/04 Item #92
129
131

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH RESTRICTIONS FOR THE USES "AUTO PAWN," "AUTO TITLE LOAN," AND "SPECIFIED FINANCIAL INSTITUTION," AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by:

Summary: Establishes restrictions for the uses "auto pawn," "auto title loan," and "specified financial institution."

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

SECTION 1: 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 amending the subdivision entitled "AUTO TITLE LOAN" to read as follows:

AUTO TITLE LOAN [C-M, M]

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

- A. Color schemes shall use earth tones or desert palette tones to the extent possible. Flourescent and "day-glo" colors shall not be permitted on buildings, trim or windows.**
- B. Building signage shall be reviewed by the Department to ensure compliance with this section, including but not limited to the provisions of subsections 3 and 4 of this section.**
- C. All premises used for auto title loans shall comply with all applicable Title 19 standards, including landscaping and on-site parking. All deviations from Title 19 standards shall require a special use permit**

Submitted at City Council

Date 4/21/04 Item #93

issued pursuant to this Title.

D. All heating, cooling and ventilation equipment located on rooftops shall be screened from view by pitched roofs, decorative mansards, or other functional or decorative architectural features. Compliance with this requirement shall be reviewed by the Department. Any deviation from the requirement shall require a special use permit issued pursuant to this title.

E. All premises used for "auto title loans" shall have a minimum of 1,500 square feet, and shall be designed to have sufficient interior room for customer waiting areas, customer queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be visible through unobstructed exterior windows. Any deviation from this subsection shall require a special use permit issued pursuant to this title.

3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, window painting or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirtysixty days.

4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior windows or other window obstructions shall not be permitted, except with a special use permit issued pursuant to this title.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

///=

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 amending the subdivision entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

FINANCIAL INSTITUTION, SPECIFIED [C-M, M]

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

- A. Color schemes shall use earth tones or desert palette tones to the extent possible. Flourescent and "day-glo" colors shall not be permitted on buildings, trim or windows.**
- B. Building signage shall be reviewed by the Department to ensure compliance with this section, including but not limited to the provisions of subsections 3 and 4 of this section.**
- C. All premises used for "Financial Institution, Specified" shall comply with all applicable Title 19 standards, including landscaping and on-site parking. All deviations from Title 19 standards shall require a special use permit issued pursuant to this Title.**
- D. All heating, cooling and ventilation equipment located on rooftops shall be screened from view by pitched roofs, decorative mansards, or other functional or decorative architectural features. Compliance with this requirement shall be reviewed by the Department. Any deviation from the requirement shall require a special use permit issued pursuant to this title.**
- E. All premises used for "Financial Institutions, Specified" shall have a**

minimum of 1,500 square feet, and shall be designed to have sufficient interior room for customer waiting areas, customer queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be visible through unobstructed exterior windows. Any deviation from this subsection shall require a special use permit issued pursuant to this title.

3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, window painting or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirtysixty days.

4. Window signs ~~shall not cover more than twenty percent (20%) of the area of all exterior windows~~ or other window obstructions shall not be permitted, except with a special use permit issued pursuant to this title.

5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

SECTION 3: 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 amending the subdivision entitled "PAWN, AUTO" to read as follows:

PAWN, AUTO [M]

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60 and Title 19.

2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.

3. Vehicles that have been pawned may not be parked or stored in parking spaces that are

designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard, between Charleston Boulevard and Sahara Avenue.

SECTION 4: 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 amending the subdivision entitled "AUTO TITLE LOAN" to read as follows:

AUTO TITLE LOAN [O, C-D, C-1, C-2]

* 1. The use shall comply with all applicable requirements of LVMC Title 6.

*~~22~~. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

- A. Color schemes shall use earth tones or desert palette tones to the extent possible. Flourescent and "day-glo" colors shall not be permitted on buildings, trim or windows.**
- B. Building signage shall be reviewed by the Department to ensure compliance with this section, including but not limited to the provisions of subsections 3 and 4 of this section.**
- C. All premises used for "auto title loans" shall comply with all applicable Title 19 standards, including landscaping and on-site parking. All deviations from Title 19 standards shall require a special use permit issued pursuant to this Title.**
- D. All heating, cooling and ventilation equipment located on rooftops shall be screened from view by pitched roofs, decorative mansards, or**

other functional or decorative architectural features. Compliance with this requirement shall be reviewed by the Department. Any deviation from the requirement shall require a special use permit issued pursuant to this title.

E. All premises used for "auto title loans" shall have a minimum of 2,000 square feet, and shall be designed to have sufficient interior room for customer waiting areas, customer queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be visible through unobstructed exterior windows. Any deviation from this subsection shall require a special use permit issued pursuant to this title.

3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, window painting or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirtysixty days.

4. Window signs ~~shall not cover more than twenty percent (20%) of the area of all exterior windows~~ or other window obstructions shall not be permitted, except with a special use permit issued pursuant to this title.

[5]6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

SECTION 5: 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 amending the subdivision entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

FINANCIAL INSTITUTION, SPECIFIED [O, C-D, C-I, C-2]

- *11.** The use shall comply with all applicable requirements of LVMC Title 6.
- *22.** The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.

- A.** Color schemes shall use earth tones or desert palette tones to the extent possible. Flourescent and "day-glo" colors shall not be permitted on buildings, trim or windows.
- B.** Building signage shall be reviewed by the Department to ensure compliance with this section, including but not limited to the provisions of subsections 3 and 4 of this section.
- C.** Any building used for the use shall comply with all applicable Title 19 standards, including landscaping and on-site parking. All deviations from Title 19 standards shall require a special use permit issued pursuant to this Title.
- D.** All heating, cooling and ventilation equipment located on rooftops shall be screened from view by pitched roofs, decorative mansards, or other functional or decorative architectural features. Compliance with this requirement shall be reviewed by the Department. Any deviation from the requirement shall require a special use permit issued pursuant to this title.
- E.** All buildingspremises used for "Financial Institutions, specified" shall have a minimum of 2,000 square feet, and shall be designed to have sufficient interior room for customer waiting areas, customer queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be visible

through unobstructed exterior windows. Any deviation from this subsection shall require a special use permit issued pursuant to this title.

[3.] 4. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, **window painting**, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirtysixty days.

[4.] 5. Window signs **or other window obstructions** shall not ~~ever more than twenty percent~~ **(20%) of the area of all exterior windows be permitted, except with a special use permit issued pursuant to this title.**

[5.] 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 8:00 p.m.

SECTION 6: 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 amending the subdivision entitled "PAWN, AUTO" to read as follows:

PAWN, AUTO [C-M]

1. The use shall comply with the applicable requirements of LVMC Chapter 6.60 **and Title19.**
2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise shall be permitted.
3. Vehicles that have been pawned may not be parked or stored in parking spaces that are designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the required minimum parking.

4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard, between Charleston Boulevard and Sahara Avenue.

SECTION 7: In Sections 1 to 6, inclusive, of this Ordinance, the brackets that follow the titles of the subdivision being added or amended are not intended to indicate deleted matter, but instead are used as the means of indicating the applicable districts.

SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040 and 19.04.050 are deemed to be subchapters rather than sections.

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

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

PASSED, ADOPTED and APPROVED this ____ day of , 2003.

APPROVED:

By _____

OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

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

VOTING "AYE" _____

VOTING "NAY": _____

ABSENT: _____

APPROVED:

By _____

OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-78

ORDINANCE NO. _____

AN ORDINANCE TO ESTABLISH LOCATIONAL RESTRICTIONS FOR THE USES AUTO PAWN, AUTO TITLE LOAN, AND SPECIFIED FINANCIAL INSTITUTION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Establishes locational restrictions for the uses auto pawn, auto title loan, and specified financial institution.

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

SECTION 1: 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 amending the subdivision entitled AUTO TITLE LOAN to read as follows:

AUTO TITLE LOAN [C-M, M]

1. The use shall comply with all applicable requirements of LVMC Title 6.
2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a grand opening or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior windows entail neon, flashing signs, nor text other than hours of operation and open/closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 98:00 p.m.
6. All premises used for "auto title loans" shall have a minimum of 1,500 square feet, and shall be designed to have sufficient interior room for customer waiting areas, custom queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be visible through unobstructed exterior windows.

Submitted at City Council

Date 4/24/04 Item #93

1 7. 6. No auto title loan use may be located closer than:

2
3 (a) One thousand feet from any other auto title loan use, auto pawn use or specified
4 financial institution use; or

5 (b) Two hundred feet from any residential use or parcel zoned for residential use.
6 For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to
7 property line, without regard to intervening obstacles. The term "property line" refers to property lines
8 of fee interest parcels and not leasehold parcels.

9 *[insert section "A" here]*

10 SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
11 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
12 entitled FINANCIAL INSTITUTION, SPECIFIED to read as follows:

13 FINANCIAL INSTITUTION, SPECIFIED [C-M, M]

14 1. The use shall comply with all applicable requirements of LVMC Title 6.

15 2. The building design and color scheme shall be subject to review by the Department to ensure
16 that it will be harmonious and compatible with the surrounding area.

17 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
18 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
19 purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or
20 that a business is "coming soon" may be approved administratively for a period not to exceed thirty
21 days.

22 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
23 windows ~~entail neon, flashing signs~~ nor text other than hours of operation and open/closed.

24 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 98:00 p.m.

25 6. ^{specified} All premises used for "financial institutions" shall have a minimum of 1,500 square feet, and
26 shall be designed to have sufficient interior room for customer waiting areas, custom queuing, and
27 business areas such as "teller" windows or desks. To the extent possible, all customer accessible areas

1 shall be visible through unobstructed exterior windows.

2 7. No specified financial institution use may be located closer than:

3 (a) One thousand feet from any specified financial institution use, auto title loan
4 use or auto pawn use; or

5 (b) Two hundred feet from any residential use or parcel zoned for residential use.

6 For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to
7 property line, without regard to intervening obstacles. The term "property line" refers to property lines
8 of fee interest parcels and not leasehold parcels.

9

[insert section "B"]

10 SECTION 3: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
11 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
12 entitled "PAWN, AUTO" to read as follows:

13 PAWN, AUTO [M]

14 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.

15 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
16 shall be permitted.

17 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
18 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
19 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
20 required minimum parking.

21 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
22 between Charleston Boulevard and Sahara Avenue.

23 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
24 windows ~~entail neon, flashing signs~~ nor text other than hours of operation and open/closed.

25 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 98:00 p.m.

26 7. All premises used for "auto pawn" shall have a minimum of 1,500 square feet, and shall be
27 designed to have sufficient interior room for customer waiting areas, custom queuing, and business

28

1 areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be
2 visible through unobstructed exterior windows.

3 8. No auto pawn use may be located closer than:

4 (a) One thousand feet from any other auto pawn use, auto title loan use or specified
5 financial institution use; or

6 (b) Two hundred feet from any residential use or parcel zoned for residential use.

7 For purposes of this Paragraph (8), distances shall be measured in a straight line from property line to
8 property line, without regard to intervening obstacles. The term "property line" refers to property lines
9 of fee interest parcels and not leasehold parcels.

10
11 *[Insert section "C"]*

12 SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
14 entitled "AUTO TITLE LOAN" to read as follows:

15 AUTO TITLE LOAN [O, C-D, C-1, C-2]

16 *1. The use shall comply with all applicable requirements of LVMC Title 6.

17 *2. The building design and color scheme shall be subject to review by the Department to ensure
18 that it will be harmonious and compatible with the surrounding area.

19 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
20 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
21 purposes, or other similar devices are permitted, except that banners announcing a grand opening@ or
22 that a business is coming soon@ may be approved administratively for a period not to exceed thirty
23 days.

24 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
25 windows, ~~entail neon, flashing signs,~~ nor text other than hours of operation and open/closed.

26 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 9:00 p.m.

27 7. All premises used for "auto title loan" shall have a minimum of 1,500 square feet, and shall be

1 designed to have sufficient interior room for customer waiting areas, custom queuing, and business
2 areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be
3 visible through unobstructed exterior windows.

4 8. No auto title loan use may be located closer than:

5 (a) One thousand feet from any other auto title loan use, auto pawn use or specified
6 financial institution use; or

7 (b) Two hundred feet from any residential use or parcel zoned for residential use.

8 For purposes of this Paragraph (8), distances shall be measured in a straight line from property line to
9 property line, without regard to intervening obstacles. The term "property line" refers to property lines
10 of fee interest parcels and not leasehold parcels.

11
12 [insert section "D"]

13 SECTION 5: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
14 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
15 entitled "FINANCIAL INSTITUTION, SPECIFIED" to read as follows:

16 FINANCIAL INSTITUTION, SPECIFIED [O, C-D, C-1, C-2]

17 *1. The use shall comply with all applicable requirements of LVMC Title 6.

18 *2. The building design and color scheme shall be subject to review by the Department to ensure
19 that it will be harmonious and compatible with the surrounding area.

20 3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices,
21 searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage
22 purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or
23 that a business is "coming soon" may be approved administratively for a period not to exceed thirty
24 days.

25 4. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
26 windows, ~~entail neon, flashing signs,~~ nor text other than hours of operation and open/closed.

27 5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 9:00 p.m.

1 6. All premises used for "Specified financial institution" shall have a minimum of 1,500 square
2 feet, and shall be designed to have sufficient interior room for customer waiting areas, custom
3 queuing, and business areas such as "teller" windows or desks. To the extent possible, all customer
4 accessible areas shall be visible through unobstructed exterior windows.

5 7. No specified financial institution use may be located closer than:

6 (a) One thousand feet from any other specified financial institution use, auto title
7 loan use, or auto pawn use; or

8 (b) Two hundred feet from any residential use or parcel zoned for residential use.

9
10 For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to
11 property line, without regard to intervening obstacles. The term "property line" refers to property lines
12 of fee interest parcels and not leasehold parcels.

13 *[Insert section "E"]*

14 SECTION 6: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
15 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision
16 entitled "PAWN, AUTO" to read as follows:

17 PAWN, AUTO [C-M]

- 18 1. The use shall comply with the applicable requirements of LVMC Chapter 6.60.
- 19 2. Except for the parking of automobiles, no outdoor display, sales or storage of any merchandise
20 shall be permitted.
- 21 3. Vehicles that have been pawned may not be parked or stored in parking spaces that are
22 designated as off-street parking necessary to meet the minimum requirements of LVMC Chapter
23 19.10. Any parking or storage of such vehicles must occur only in spaces that are in excess of the
24 required minimum parking.
- 25 4. No auto pawn use shall be located on either side of Fremont Street or on Las Vegas Boulevard,
26 between Charleston Boulevard and Sahara Avenue.

1 5. Window signs shall not cover more than twenty percent (20%) of the area of all exterior
2 windows, ^gentail neon, flashing signs, ^pnor text other than hours of operation and open/closed.

3 6. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 98:00 p.m.

4 7. All premises used for "auto pawn" shall have a minimum of 1,500 square feet, and shall be
5 designed to have sufficient interior room for customer waiting areas, custom queuing, and business
6 areas such as "teller" windows or desks. To the extent possible, all customer accessible areas shall be
7 visible through unobstructed exterior windows.

8 8. No auto pawn use may be located closer than:

9 (a) One thousand feet from any other auto pawn use, auto title loan use, specified
10 financial institution use; or

11 (b) Two hundred feet from any residential use or parcel zoned for residential use.

12 For purposes of this Paragraph (8), distances shall be measured in a straight line from property line to
13 property line, without regard to intervening obstacles. The term "property line" refers to property lines
14 of fee interest parcels and not leasehold parcels.

15 [Insert section "P"]

16
17 SECTION 7: In Sections 1 to 6, inclusive, of this Ordinance, the brackets that follow
18 the titles of the subdivision being added or amended are not intended to indicate deleted matter, but
19 instead are used as the means of indicating the applicable districts.

20
21 SECTION 8: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
22 and 19.04.050 are deemed to be subchapters rather than sections.

23
24 SECTION 9: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28

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

5
6 SECTION 10: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9
10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.
11 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18
19 _____ Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

APPROVED:

12

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

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25

26

27

28

"A"

7. No new "auto title loan" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

"B"

7. No new "financial institution, specified" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

"C"

8. No new "auto pawn" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

"D"

8. No new "auto title loan" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

"E"

7. No new "financial institution, specified" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

"F"

8. No new "auto pawn" use may be permitted unless the applicant provides satisfactory proof that such new use will result in no less than one hundred thousand dollars (\$100,000.00) being invested in new capital improvements, tenant improvements, remodeling, or other renovation of existing structures.

CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 93

**Verbatim Transcript – BILL No. 2003-78 – ESTABLISHES LOCATIONAL
RESTRICTIONS FOR THE USES “AUTO PAWN,” “AUTO TITLE LOAN,” AND
“SPECIFIED FINANCIAL INSTITUTION.”**

Appearance List:

OSCAR GOODMAN, Mayor
BRAD JERBIC, City Attorney
GARY REESE, Mayor Pro Tem
MICHAEL MACK, Councilman
LAWRENCE WEEKLY, Councilman
MARGO WHEELER, Deputy Director, Planning and Development
JANET MONCRIEF, Councilwoman
PAUL LARSEN, 300 South 4th Street
LARRY BROWN, Councilman
TODD FARLOW, 240 North 19th Street
TOM AMICK, 3800 Howard Hughes Parkway
TRINA FIERO, 856 East Sahara
CINDY MORGENTHAL, 8989 Flying Frog

(11:33 – 11:58)

2-1782

25 minutes

Typed by: Stacey Campbell

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
April 21, 2004

VERBATIM TRANSCRIPT – ITEM 93

27 **MAYOR GOODMAN**

28 This is Item 93. This is Bill No. 2003-78. This establishes locational restrictions for the uses
29 “auto pawn,” “auto title loan,” and “specified financial institution.” I’ve been advised that I
30 should abstain and I asked the City Attorney for an opinion. The opinion was given to me, the
31 only, and I’ll make this part of the record, the only change in the opinion is, it’s my son, Eric,
32 who had represented Check City and Rapid Cash and not my son Ross, in this particular
33 situation. So, with that, I’m going to hand this to Ms. Ronemus to be may, made part of the
34 record.

35

36 **BRAD JERBIC**

37 I think that’s appropriate, Your Honor. Let me just elaborate on that for a moment. There’s
38 another typo on the second sentence. It’s Item No. 93, not –, number two, with respect to Bill
39 No. 2003-78. As the public and the Council’s aware, there’s a vacancy on this Council, at this
40 time. We only have a six-member board. But under state law, four votes are still required to
41 pass any item. Because of the conflicts of interest that may be involved with a reduced board,
42 we may not have enough people to pass items this morning and this afternoon. Because of that,
43 state law does recognize that a legitimate conflict of interest, under NRS, wherein you asked the
44 City Attorney for written advice and you received written advice, and you reveal that advice on
45 the record, is sufficient to reduce the size of the governing body. This morning, Mayor
46 Goodman and Councilman Mack are going to make disclosures on Item number 93 that they
47 have received written opinions on, that will be filed with the City Clerk. We believe that they
48 have conflicts of interest that are legitimate under NRS 281. As a result of the filing of these
49 written opinions with the City Clerk, the governing body will reduce from seven members to five
50 members. And, it will only take three votes to pass and give an item. The same will apply this
51 afternoon, and you’re gonna have to restate the conflicts this afternoon, Your Honor and
52 Councilman Mack, with respect to Items number 131 and 129. Those are two special use
53 permits where you also have conflicts of interest. Once you make that disclosure, and
54 incorporate by reference these written opinions that have already been filed this morning, it will
55 again reduce the governing body from seven people to five and only three votes will be required
56 to pass those particular items.

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 93

57 **MAYOR GOODMAN**

58 Thank you very much, Mr. Jerbic. I appreciate that.

59

60 **MAYOR PRO TEM REESE**

61 Councilman Mack?

62

63 **COUNCILMAN MACK**

64 Thank you, Your Honor. As it was stated earlier, we asked for written opinion from the City
65 Attorney's office to – move forward with this vote. As you know, I'm a consultant for my
66 brother's company, Super Pawn, which offers the same type of services. I feel this bill could
67 impact Steven's business and believe there's a conflict. So, I'll be abstaining on this item as well
68 as Items 129, 131. And I'll make that disclosure this afternoon. Thank you.

69

70 **MAYOR PRO TEM REESE**

71 Thank you. Councilman Weekly would you like to have Bill No. 2003-78 read, please?

72

73 **COUNCILMAN WEEKLY**

74 Yes, Your, Mayor Pro Tem.

75

76 **BRAD JERBIC**

77 Thank you, Mr. Mayor Pro Tem, Councilmen. Bill No. 2003-78, an ordinance to establish local
78 restrictions for the uses auto pawn, auto title loan and specis, specified financial institution and to
79 provide for other related matters.

80

81 **MAYOR PRO TEM REESE**

82 Thank you. Councilman Weekly?

83

84 **COUNCILMAN WEEKLY**

85 Yes, will refer it to Margo, thank you.

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VERBATIM TRANSCRIPT – ITEM 93

86 **MARGO WHEELER**

87 Thank you. Mayor Pro Tem and members of the Council, this item comes to you as an
88 amendment to an original ordinance that was approved, by the Council, on January 22nd, 2003.
89 That ordinance required special use permits for financial institutions specified which were
90 defined at that time. These are the uses typically that are check cashing, payday loans and other
91 types of financial institutions that are governed by different state law than are banks, mortgage
92 companies and finance companies. On August 14th, 2003, the Planning Commission approved a
93 proposed ordinance that is before you today with regard to setting distance standards for these
94 type of uses. On October 13, 2003, this matter went to the Recommending Committee, of the
95 City Council, which then asked that the Item be abeyed in order for the City staff to have time to
96 work with industry representatives, the same industry representatives which, whom we had
97 worked originally in formulating this bill.

98

99 **MAYOR GOODMAN**

100 I'm on it.

101

102 **MARGO WHEELER**

103 Between December and February of this year, staff met several times with the representatives of
104 the industry and made several changes to the ordinance as it was originally proposed and those
105 changes are what is before you today and I'll go over them very briefly.

106 At the request of the industry, the changes to this ordinance are to change the hours of operation
107 from previously, 8:00 p.m. to 9:00 p.m. There's additional language with regard to design.
108 There are, is additional language with regard to signs, indicating no flashing or neon and that
109 signs shall be the hours of operation and open/closed only. These color schemes, the signage,
110 the design standards, all of that language was already set by the ordinance that was adopted in
111 2003. The one area on which staff and the industry were not able to come to agreement, was
112 with regard to distance requirements. Distance requirements are part of the ordinance that is
113 before you today. And the language that we used is a combination of that of the County
114 standards and City standards. In the County, the distance standards are the 1,000 feet separation
115 between similar uses and 200 feet to residential property. That is the stan and is – , as is in the

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County. The language with regard to how to measure these distances is the language that is the same as is in the City of Las Vegas ordinance with regard to taverns. We believe that this internal consistency with regard to measurement is important and that is why we use the same language we have established elsewhere in the code. In this case, the hours of operation and the distance requirements, while they are set in the code as requirements of the special use permit, these requirements are listed as waivable. In other words, with regard to the specific incident, the Council may choose to not require those distance requirements and may waive them. These distance requirements are also waivable within the County. So, this is consistent with what the County does. That remains the only issue on which there is a difference between the City staff and the industry and that, again, the distance requirements is within the bill that is before you today. If you have any questions of staff, I'll certainly attempt to answer them.

MAYOR PRO TEM REESE

Are there any questions? I have a couple questions. Can you put on the record the distance, or the difference, differentiation between a check cashing place, an auto car loan for money and one of the businesses that just transfers money?

MARGO WHEELER

A wire transfer business is, I believe, a W21 and we use the codes that are set by the Finance Department, Business License Division. A wire transfer is a different type of business license and has a different state requirement. A check cashing business is a C21 license, which Business Licenses calls Check Cashing. Which again, is this type of business regulated elsewhere by state law with regard to how they handle their loans and the interest rates that they may charge. An auto title is another business license category that again, has a different area of state law that governs that business. So therefore, we use the categories from the Finance Department, Business License Division, which then is related to state law, which governs how these various businesses operate.

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VERBATIM TRANSCRIPT – ITEM 93

143 **MAYOR PRO TEM REESE**

144 Do we have any auto title loans that cash checks?

145

146 **MARGO WHEELER**

147 Yes Sir, we do.

148

149 **MAYOR PRO TEM REESE**

150 Is that a combination license or what's the difference there?

151

152 **MARGO WHEELER**

153 They would have to have both licenses, I believe.

154

155 **MAYOR PRO TEM REESE**

156 So when we talk about, in this bill, distance requirements, are we talking about auto title loans as
157 well as check cashing?

158

159 **MARGO WHEELER**

160 Yes, Sir.

161

162 **MAYOR PRO TEM REESE**

163 And those that are combined then?

164

165 **MARGO WHEELER**

166 Yes, Sir.

167

168 **MAYOR PRO TEM REESE**

169 Okay. Are there any other questions? Councilman, Councilwoman Moncrief, this is your bill,
170 do you have anything you'd like to say?

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VERBATIM TRANSCRIPT – ITEM 93

171 **COUNCILWOMAN MONCRIEF**

172 Yes, thank you, Your Honor. The reason I looked into this, these restrictions, is due to the fact
173 that we are being over saturated within the City with these types of businesses. And, we worked
174 with the representation of these businesses as close as we could and the only thing that we didn't
175 come up with is the distance requirement. But as Margo Wheeler said, they can waive that
176 distance requirement, if you feel within your ward that if you want this specific site. As I've
177 always said, I have 31 of these businesses within my ward. One of the arguments was always
178 that, if you allow numerous of them to come into different areas, maybe the so-called better
179 businesses will drive out the old. But within 10 months in office, not one of these has closed
180 down and with 31, I think that's severe over saturation. So, again, I'm saying that the 1,000 feet
181 distance requirement gives us some leverage on not allowing some of these to come in when
182 there one, on a, each and every street corner. But yet, in areas, or wards, that do not have very
183 many, they can always waive this distance requirement if they feel it's appropriate. **I would like**
184 **to move for approval on this adoption.**

185

186 **MAYOR PRO TEM REESE**

187 Before you make your motion, Councilwoman, I would, – want to (inaudible) on the record, I
188 know there are some representatives of some of the businesses that are going to be effected by
189 this in the audience today. And, I want to give them an opportunity to come up and speak if they
190 would like to. Is there anyone wishing to speak?

191

192 **PAUL LARSEN**

193 Thank you Mayor Pro Tem, Paul LARSEN, 300 South 4th Street, representing Check City and
194 Rapid Cash. As Ms. Wheeler said, we did work very closely with staff in developing this
195 ordinance and we do think it is a – step towards addressing what is been perceived as a problem.
196 And the problem is, essentially, these types of businesses will take over. Let me back up. Some
197 of the less reputable operators of these types of businesses will take over an existing building,
198 paint it garish colors without any kind of capitol investment and throw it open for business.
199 Thereby, signaling that this may be a neighborhood in decline, a shopping center in decline, that
200 sort of thing. It became the very personification of blight in a commercial area. One of the

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VERBATIM TRANSCRIPT – ITEM 93

things we wanted to ensure with this ordinance was that, that was reversed. And that a business, doing business as a financial institution specified or a check cashing business brought some kind of a capital infusion into a neighborhood. That's why we came up with the design criteria, the minimum square footage requirements and in fact, one of the ordin, ordinance drafts that we originally proposed had a lot more very stringent requirements. And I'd be happy to provide that to the City Clerk. The second draft actually required a minimal level of capital contribution for tentative improvements or actual remodeling of, or construction of buildings. And, staff choose not to include those.

What the ordinance does not do is raise the bar for the businesses that are already there. The businesses are already painted these garish colors, that really haven't done any kind of capital investment, that are the, sort of, personification of commercial blight, urban blight in these commercial areas. They are actually being protected by this ordinance because of the distance restrictions. We have seen in other loc, other areas, a good example is Jones and Flamingo. In 1999, there were six businesses within a block of that intersection, six of these types of businesses. Right now, there's only two left. The better operators, with the businesses that actually look like a bank, have, you know, nice lobbies, have minimum signage really are reputable businesses with a very nice building that anybody, I think, would be happy to have in their neighborhood. These are the types of businesses that drove the other fly by night operators out.

This ordinance, as it's currently proposed, raises the bar for new businesses but protects those existing bad businesses by putting those distance restrictions in place. And, what we would suggest is, delete the sections, those distance restrictions in Section 1, Paragraph 7; Section 2, Paragraph 7; Section 3, Paragraph 8; Section 4, Paragraph 7; Section 5, Paragraph 7; and Section 6, Paragraph 8. Those distance restrictions really do nothing more than protect the businesses from competition. We think competition will drive them out of business. And, using the new bar, the new standard that you have raised, have a capital infusement (sic) into neighborhoods rather than perpetuating the blight that you're seeking to correct.

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VERBATIM TRANSCRIPT – ITEM 93

228 **MAYOR PRO TEM REESE**

229 Thank you. Any questions? Councilman?

230

231 **COUNCILMAN BROWN**

232 Thank you, Mayor Pro Tem. Mr. LARSEN, as far as the proposed ordinance, as written, it does
233 allow that distance separation to be waived.

234

235 **PAUL LARSEN**

236 That's correct.

237

238 **COUNCILMAN BROWN**

239 Have you reviewed that criteria on the waiver?

240

241 **PAUL LARSEN**

242 My concern about the waiver is, that, there really aren't, I'm not sure there are criteria for the
243 waiver. And, in fact, my stronger concern is, if you have a distance restriction and someone is
244 outside that distance restriction, it leads to an argument that I'm not subject to any distance
245 restrictions, you have to grant my approval. With the distance restriction in there, it just raises
246 too many issues. What we'd like to see is just have those waived. That if someone's coming in
247 meeting all the other criteria, then, you know, the concerns that the Council had is addressed.

248

249 **MAYOR PRO TEM REESE**

250 Any other questions?

251

252 **COUNCILWOMAN MONCRIEF**

253 Excuse me, Your Honor.

254

255 **MAYOR PRO TEM REESE**

256 Yes?

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VERBATIM TRANSCRIPT – ITEM 93

257 **COUNCILWOMAN MONCRIEF**

258 I'd just like to address that, even if there is the 1,000 square feet distance requirement and they, –
259 may meet that, it's still a special use permit. So, the Council still would have to vote on that. So,
260 that does not restrict us from, excuse me, from turning an applicant down. And, if the County
261 has went along with this 1,000 feet distance requirement and with this 1,000 feet, I still feel that
262 – the competitors can weed out the less competent applicants, as you might say. Or, the ones
263 that you're saying we might be protecting. I don't think if someone puts one in 500 feet away or
264 1,000 feet away, I'd still feel that person might drive that extra 500 feet to go to this location in
265 comparisons to the other one. And, as I've said again, we can waiver this 1,000 feet if we feel
266 that it's appropriate, but at least it gives us some leverage (sic) so that we don't have one every 500
267 feet.

268

269 **MAYOR PRO TEM REESE**

270 Thank you.

271

272 **TODD FARLOW**

273 Thank you. Todd Farlow, 240 North 19th Street. To contradict with Mr. Larsen proposed here,
274 between the Strip and Eastern, I counted 23 of these services, some of which, he represents. If
275 what he said was true, why then, haven't they ran out the no good ones? They're all there.
276 Thank you.

277

278 **MAYOR PRO TEM REESE**

279 Thank you. Anyone else wishing to speak?

280

281 **TOM AMICK**

282 Thank you, Mayor Pro Tem, Council. Tom Amick, 3800 Howard Hughes Parkway. Jennifer
283 Lazovich, of our office, has been involved in this process on behalf of Money Tree. And our
284 comments, with regard to Money Tree, are specifically related to the hours of operation. Our
285 concern would be that if – a facility would meet the – provisions of this ordinance, the hours of
286 operation either be extended a little later or that they be deleted from the ordinance, period. It's a

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VERBATIM TRANSCRIPT – ITEM 93

287 24-hour town, a lot of the folks that use these facilities don't necessarily work 8:00 to 5:00 or
288 9:00 to 6:00 or 9:00 to 7:00, whatever –

289

290 **MAYOR PRO TEM REESE**

291 Excuse me just a moment, please. Margo, you say the – proposed in this new ordinance is 8:00
292 to 9:00? 8:00 a.m. to 9:00 p.m.?

293

294 **MARGO WHEELER**

295 Yes, Sir. And that is waivable.

296

297 **MAYOR PRO TEM REESE**

298 And, how – would you like to change that?

299

300 **TOM AMICK**

301 I'm –, at a minimum, we'd like to see a couple more hours in the evening. Largely for folks that
302 might work a swing shift and might not be able to get there before 9:00 o'clock. We think a
303 couple hours later in the evening may help some of those folks who utilize those services.

304

305 **MAYOR PRO TEM REESE**

306 Okay. I will ask the maker of the bill, the sponsor of the – ordinance, if she, to see if she would
307 like to change that or she can address that in a – later time.

308

309 **TOM AMICK**

310 Thank you.

311

312 **MAYOR PRO TEM REESE**

313 Thank you. Yes ma'am?

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VERBATIM TRANSCRIPT – ITEM 93

314 **TRINA FIERO**

315 Thank you, Councilman Reese, members of the Council. Trina Fiero, 856 East Sahara,
316 representing Rapid Cash and Check City as well. These are for the Clerk, from Mr. Larsen.
317 Thank you. And, what I'd like to do this afternoon, I know you've got more items on your
318 agenda this morning, just wrap up. On behalf of Rapid Cash and Check City, they're here in the
319 audience. Mr. McKnight and Mr. Marchesi. If any of the Council members has questions of the
320 industry, they'd be glad to answer those for you. But we would like to thank the Council
321 members for working with us on the sub-committee level. Your staff, the Planning staff for
322 working with us. This has been almost a year that we've been working very hard on research
323 and drafting language and capital improvement and checking sign ordinances and things that you
324 have all said, this is what bothers us. And, this is what we've been doing. I'd like to thank my
325 team of professionals that I've worked with.

326 I would like to ask you not to adopt the language that's in front of you this morning. Simply
327 adopt it because it's there. Simply adopt it because it's, the County has the same kind of
328 measurements. And, the County measures door to door, not property line to property line, which
329 makes a huge difference in commercial corridors, a huge difference. I would ask you, however,
330 to look at the language to be removed and add the additional capital improvement language.
331 That would, in fact, raise the bar and give you a financial institution instead of just giving you a
332 use that you can put a sign up on and open the doors and do business. See, these are the type of
333 uses that you have all told us have bothered you. We've heard war stories on. I assure you, that
334 our clients would, if this law passes the way that we've proposed it, would grant the community
335 a much stronger, much more insightful, much more, much better law than what would be
336 existing on your books just because the County has it. And I think that you all want to look
337 forward to the future of Las Vegas, and we want to see these financial institutions do a good job,
338 represent you well, and be something that we're all proud of, in all your Wards. And I thank you
339 all for your time again.

340

341 **MAYOR PRO TEM REESE**

342 Thank you very much.

343

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VERBATIM TRANSCRIPT – ITEM 93

343 **CINDY MORGENTHAL**

344 Good afternoon, Council, Your Honor. My name is Cindy Morgenthal, I'm just a citizen. But I
345 would like to congratulate you on your hard work. I think these businesses are bad and they
346 promote gambling sickness and do everything you can to make it as hard as it can be for them to
347 keep reproducing. Thank you.

348

349 **MAYOR PRO TEM REESE**

350 Thank you very much ma'am. Are there any other questions or comments? Councilwoman do
351 you want to address the one issue on the hours of operation.

352

353 **COUNCILWOMAN MONCRIEF**

354 Yes, I would be willing to keep them open 'till 11:00. Is that what you would agree to?

355

356 **MAYOR PRO TEM REESE**

357 So, then, change that from 8:00 to 11:00?

358

359 **COUNCILWOMAN MONCRIEF**

360 Right.

361

362 **MAYOR PRO TEM REESE**

363 Councilman Brown did you have any com, I'm sorry Councilman. Did you have anything else?

364 Anything else?

365

366 **COUNCILWOMAN MONCRIEF**

367 No, I have nothing else.

368

369 **MAYOR PRO TEM REESE**

370 Councilman?

CITY COUNCIL MEETING OF

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VERBATIM TRANSCRIPT – ITEM 93

371 **COUNCILMAN BROWN**

372 Mayor Pro Tem, thank you. I just wanted to put on the record that in talking to the staff and
373 some of the industry representatives, I'm still not real comfortable in moving towards this
374 distance separation. I think it's a whole different argument when we deal with taverns and some
375 of our other special use permits. But, I just, when we get into the public agency trying to
376 influence the type of business within this sector, I think we're really into a grey area as far as the
377 role of our policy. And I – really don't support it because, if the private sector is going to
378 compete, the good ones will ultimately drive out the bad ones. Unfortunately, as we've seen in
379 some of the pictures and certainly, some of the applications in the last six to nine months, there
380 are some real bad ones out there that have somehow, gotten through the system. But I just don't
381 believe in the distance requirement because we don't do it for other similar businesses. We don't
382 restrict branch banks. We don't restrict fast food. And we don't restrict some of those type of
383 private sector entrepreneurs. And, this is unique. I mean, this – is certainly a business as the last
384 speaker indicated. There's a perception of a bad element, element out there. And it is, there is a
385 bad element that is taking advantage of people. But, I've also seen and been inside and talked to
386 people that use these services that are very good people. These services, I –, we certainly don't
387 want to get into what's better, a applicant before us or some of the banks and credit card
388 companies that can be just as outrageous as far as dealing with people's finances and some of
389 those type things that the speaker spoke towards. I just don't feel comfortable. I think it's a bad,
390 we're setting a bad policy if we're going to, by ordinance, try to weed out the bad elements of
391 this particular private sector.

392 Now, with that said, I just ask the Attorney as far as this reduced quorum and such, with that
393 said, I fully support a lot of the other language and the compromise that was reached with the
394 industry and this is certainly Councilwoman's office. So, I'm not going to support the motion as
395 it exists, but I don't want Councilwoman to feel that I'm opposed to what her intent is. I think
396 it's something that needs to be addressed and I certainly complement the work that's been done
397 to date in reaching this consensus, as far as getting it this far.

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VERBATIM TRANSCRIPT – ITEM 93

398 **MAYOR PRO TEM REESE**

399 Thank you, Councilman. I'm going to support the ordinance as it is proposed today. And I can
400 certainly understand the need for these type of institutions. And, I'm not going to get into a long
401 discussion or a long oratory here. I'm not trying to put anybody out of business and there are
402 existing businesses like this, in Ward 3. And, I really need to have a tool so that I can keep and
403 in – my way of thinking, for nine years, I really hated the waiver opportunity. But I will support
404 the waiver opportunity today. I think there are some very good operators that do come in that
405 may have a need or a reason for the waiver. I – have seen areas along Eastern Avenue and on
406 Bonanza and on Stewart where there's two, three, four, within a couple hundred yards in the
407 same shopping centers. It is inundating, it is over saturation and I feel like that if this is not the
408 solution, than maybe we'll have to come back and re-look at it in another year or something. But
409 I do know today, in Ward 3, we have to have some type of a distance requirement for these
410 businesses as they come in. So I am going to be supporting the motion. Are there any other
411 comments? Okay. You've heard the motion. Please, cast your vote.

412

413 **BRAD JERBIC**

414 Mr. Mayor Pro Tem, that is as amended by Ms. Wheeler.

415

416 **MAYOR PRO TEM REESE**

417 Yeah, with the, yes, yes. Is that true Councilwoman? As amended?

418

419 **COUNCILWOMAN MONCRIEF**

420 Yes. That sets the length of time.

421

422 **MARGO WHEELER**

423 That would be with the 11:00 p.m. –

424

425 **MAYOR PRO TEM REESE**

426 Yes.

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VERBATIM TRANSCRIPT – ITEM 93

427 **MARGO WHEELER**

428 – that the Councilwoman recommended?

429

430 **COUNCILWOMAN MONCRIEF**

431 Correct.

432

433 **MAYOR PRO TEM REESE**

434 Thank you. You've heard the motion. Please cast your vote. Please Post. Please show
435 Councilman Mack as an abstention. So, motion does carry. (Motion carried with BROWN
436 voting NO, GOODMAN abstaining because his son, ERIC GOODMAN, had represented
437 Check City and Rapid Cash, MACK abstaining to avoid any conflict because he does
438 consulting for SuperPawn, a similar type of business owned by his brother, STEVEN
439 MACK, and Ward 2 seat vacant.) Thank you.

440

441 **(END OF DISCUSSION)**

442 /sc;ac

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS 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:

Bill No. 2004-17 and Location Map

MOTION:

WEEKLY – Second Reading and Bill ADOPTED as recommended as Ordinance No. 5683 – UNANIMOUS with Ward 2 seat vacant

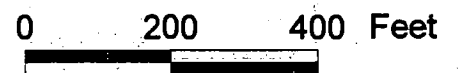
Clerk to proceed with second publication

MINUTES:

There was no discussion.

(11:58 – 11:59)

2-2948



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS 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:

Bill No. 2004-18 and Location Map

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5684 – **UNANIMOUS** with Ward 2 seat vacant

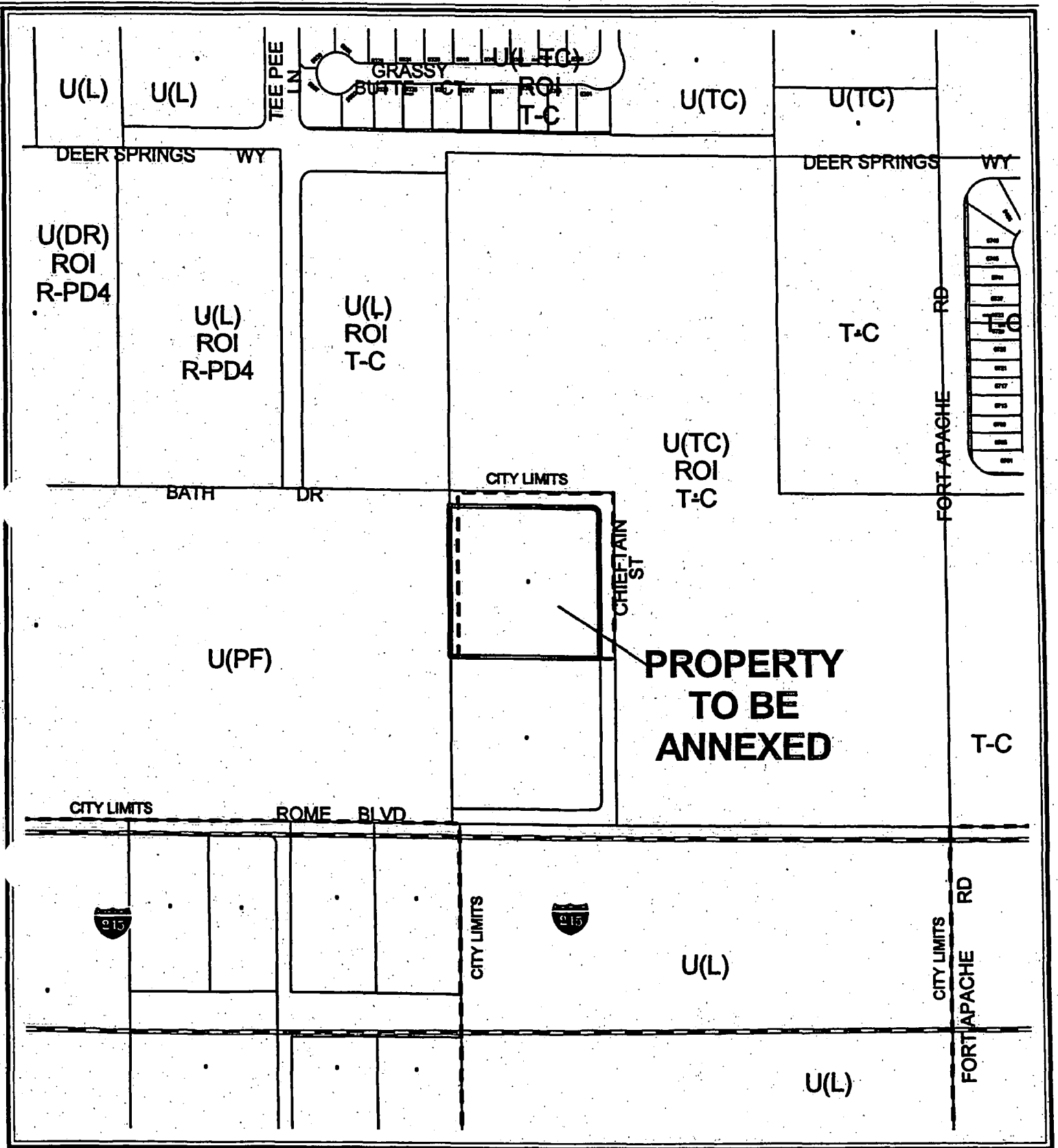
Clerk to proceed with second publication

MINUTES:

There was no discussion.

(11:59)

2-2988



CASE: ANX-3714

0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS 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:

1. Bill No. 2004-20
2. Submitted at 4/5/2004 Recommending Committee meeting – Written statements by Danny Piker, Jennifer Norrid, Jeffrey J. Frischmann and a protest petition representing 41 properties
3. Submitted after final agenda - Support letter from Mr. and Mrs. Milton Schwartz

MOTION:

MONCRIEF – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5685 – **UNANIMOUS** with **GOODMAN** abstaining because, even though this is a generalized revision, it applies to a specific situation in the area where he resides and he does not want to get involved to avoid any potential conflict and Ward 2 seat vacant

Clerk to proceed with second publication

CITY COUNCIL MEETING OF APRIL 21, 2004

Recommending

Item 96 – Bill No. 2004-20

MINUTES:

COUNCILWOMAN MONCRIEF stressed that this is not a bill to gate off the Scotch 80's residential neighborhood. It revises the zoning standards and procedures for the City at large.

ROBERT GENZER, Director, Planning and Development, explained that several years ago a situation arose in the City whereby a number of subdivisions were proposed with 20,000 square foot lot size requirements, measured from the centerline of the street, leaving an approximate 18,000 square-foot lot. In order to remedy that situation, a requirement for a special use permit was put in place for private streets. In doing so, the actual lot size could no longer be measured to the center of the street, so the 20,000 square feet encompassed a buildable lot. This bill eliminates the special use permit requirement but only in the situation where an existing subdivision within which the lot sizes meet the minimum lot size requirement. In the case of new subdivisions that might be proposed, the special use permit requirement will stay in place.

Nevertheless, the interest of the residents of Scotch 80's prompted this bill. In order to apply for the vacation to privatize the streets, the Scotch 80's residents are presently trying to obtain the signature of every resident. He noted that approval of this bill would not be a detriment to the City.

DANNY PIPER, 1217 Park Circle, President of the Scotch 80's Homeowners Association, STEVEN GROGAN, 2121 Silver Avenue, NEIL and GLORIA PEARSON, 1700 Waldman Avenue, JENNIFER NORID, Mercedes Circle, KURT HOFFSOMMER, 1451 Birch, BARBARA DEARING, 1621 Westwood, and TROY McCOY, Scotch 80's resident, expressed their support of this bill and requested approval. They felt that it is the only way to preserve some of the historic neighborhoods and keep them safe. MR. GROGAN noted that this bill only allows neighborhoods to present to the Council, with the support of Planning and Development, a concise development plan for consideration. MS. NORID indicated that she would like the notification radius be set at a minimum of 750 feet. MR. McCOY pointed out that privatizing streets would save the City money in maintenance costs.

JEFFREY FRESHMAN, 1208 Mercedes Circle, read a statement explaining his opposition to this bill. He felt that it fails to provide safeguards to property owners currently covered under the requirement of a special use permit, such as the notification requirement.

MARNETT RACHIELL, 2601 Gilmary Avenue, did not oppose the privatization of streets but felt that the notification radius should be increased.

TODD FARLOW, 240 N. 19th Street, asked if the City would be responsible for maintaining privatized streets.

CITY COUNCIL MEETING OF APRIL 21, 2004

Recommending

Item 96 – Bill No. 2004-20

MINUTES - Continued:

CYNTHIA MORGENTHAL, 8989 Flying Frog, opposed the idea of gating off communities that she presently enjoys bicycling through.

COUNCILMAN REESE indicated that he would require any request for privatization of streets in his ward to have the notification radius extended, especially when it is a matter that affects so many people.

COUNCILMAN MACK supported this bill. He then confirmed with MR. GENZER that approval of this bill does not mean that Scotch 80's residents would be authorized to privatize their community. They would still have to submit an application. MR. GENZER further clarified that this bill applies to the entire City. It is not only for the Scotch 80's community. And even though he used the R-E lots as an example, it could just as easily apply to an R-1 or R-CL subdivision. The lot size does not matter, as long as the requirements are met.

As far as the notification issue, it is a major issue for staff, in terms of vacation applications. At the present time, a property owner could apply to vacate a street, and staff would have to accept the application and notify. He felt that this part of the process should be reviewed to determine if one applicant is enough or if there needs to be a majority of the total number of lots. On any vacation application, it is incumbent on staff to make a judgment call on who should be notified, which is another part of the process that should be reviewed. Vacation applications have nothing to do with this issue, but he strongly suggests a review of the process for possible revisions.

COUNCILWOMAN MONCRIEF reiterated that this is a City-wide bill. The Scotch 80's residents will have to meet numerous conditions before privatizing their streets. She stressed that she would extend notification on an application for privatization of streets.

(11:59 – 12:26)

2-3016/3-1

City of Las Vegas
Planning Dept.
Recommendation Committee

1217 Paul C. C. C.
LWN

I am here today at the request of the MAJORITY of the Scotch 80's Volunteer HOA requesting consideration of Bill #2004-20 addressing the procedures for converting public streets to private streets in existing neighborhoods.

others have made calls & fast

Just over 1 year ago I agreed to assist our neighborhood with the request to finalize the gating of our neighborhood.

We did a door to door drive to get homeowners signed up and we now have a total of (99) signed applicants that wish to have this matter reviewed and voted on by Las Vegas City Council.

History:

Last October the Scotch 80 HOA attempted to file our applications requesting closure of our neighborhood. We were surprised to learn that the procedures for privatizing neighborhoods had changed. Respectfully, we were shocked to learn that changes made over a year ago, by the Planning Dept. and the City Attorneys office became applicable for all neighborhoods and Special Use Permits would be required.

We contacted our City Councilwoman Janet Moncrief requesting that she sponsor a change "NOT" just at the request of the homeowners in SCOTCH 80's "NOW" but for any and all OLDER/EXISTING neighborhoods that wish to privatize their streets in the future.

If I may take a moment to explain, I have been a resident of Scotch 80 for a total of 15 years and I was part of every request to close certain streets in our area and home owners on each street paid the cost to vacate and secure that street.

We have worked very closely with our City Councilwoman Janet Moncrief regarding this issue and I believe she sees value in our request that will preserve and will benefit other OLDER/ESISTING neighborhoods in the future.

In closing I will state that I feel honored to get to live in a fine City like Las Vegas and a community located in Ward 1 known as Scotch 80's and every minute I spend working on causes to preserve our neighborhood is worth all my efforts.

I am here today requesting that you vote YES on Item #5
Bill \$ 2004-20

If you have any questions I will answer them.

Jennifer Norrid
1208 Mercedes Circle
Las Vegas, Nevada 89102
702-382-1447 • 702-339-2465 (cell) • 702-678-5001 (fax)

April 4, 2004

The Honorable Councilwoman Janet Moncrief
The Honorable Councilman Lawrence Weekly
400 Stewart Avenue
Las Vegas, NV 89101

Re: April 5, 2004 Recommending Committee – Bill 2004-20

Dear Ms. Moncrief and Mr. Weekly,

Please do not pass Bill 2004-20 as it is currently written. I do not oppose street privatization or gating in established neighborhoods. However, I do oppose legislation that allows this to be accomplished in a manner that fails to insure equal consideration for all affected property owners.

A number of questions remain unanswered. It is evident from viewing planning commission hearing meeting tapes that there was agreement Bill 2004-20 carries the risk of having far reaching effects on city neighborhoods. Due to the complexity of the bill, it is critical you fully understand the potential implications it may have on existing neighborhoods and property owners throughout the city. While not inclusive, following is a list of issues that should be addressed prior to making a recommendation to pass Bill 2004-20.

Mandate Items (6) thru (8) Privatization of existing public streets in established neighborhoods is far more complex than creating private streets in new subdivisions. Yet, the bill leaves open the possibility of waiving items (6), (7), and (8) for established neighborhoods. The Bill's text already prohibits waiving these items for a special use permit. It should contain the same provision for conditional use.

Enforce NRS 116 By mandating item (6), homeowners association, you would be protecting rights of existing property owners by insuring they receive the same level of disclosure required for new homebuyers. Homeowner associations in established neighborhoods should not be exempted from any provision of the Nevada Common Interest Community Uniform Act.

Clarify Ownership Item (7) addresses the ownership of private street lots. During the planning commission hearings, the question arose of whether private streets would belong to the association or homeowner, when the homeowner did not consent to the privatization. Minutes inaccurately cite the deputy city attorney as affirming the status, when in fact he questioned it. This issue needs to be resolved and the Bill's text clarified.

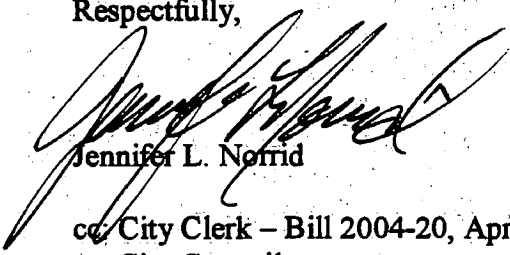
Fiscal Accountability Item 8 addresses the waiver of City services, and is mandatory for new developments, but not for existing developments. Particularly in cases where the city may need to write off recent capital improvements, further taxpayer support of streets planned for closure to the public is unreasonable.

Notification In the case of low-density neighborhoods, the proposed legislation could lead to the exclusion of hundreds of property owners receiving notice by mail, since vacation permits only require notification of abutting property owners. The bill text should include a provision to expand the notification area in established areas.

There are many more issues to consider before finalizing this complex legislation. For example, what is the effect of imposing the governance authority of associations on homeowners without their consent? Or, what is the criteria for determining which properties will be included or excluded in the gated boundaries? These and other questions must be considered when deciding whether or not to recommend passage of Bill 2004-20.

Your attention to the details of this bill is needed to ensure that everyone's rights and interests are represented and considered. I strongly urge you to incorporate needed changes or reject Bill 2004-20 in its entirety.

Respectfully,



Jennifer L. Norrid

cc: City Clerk – Bill 2004-20, April 5, 2004 Recommending Committee
cc: City Council

April 3, 2004

The Honorable Councilwoman Janet Moncreif
The Honorable Councilman Lawrence Weekly
400 Stewart Avenue
Las Vegas, NV 89101

Re: April 5, 2004 Recommending Committee – Bill 2004-20

Dear Councilwoman Moncreif and Councilman Weekly,

I strongly oppose Bill 2004-20 as it is written. In its present form, Bill 2004-20 fails to provide essential safeguards to property owners currently covered under the requirement of a Special Use Permit for the privatization of public streets. Please take the time to fully understand the implications of Bill 2004-20.

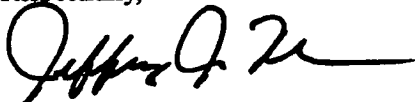
During the Planning Commission Hearings on this measure, important issues were raised and Bill 2004-20 fails to address many of those issues. Foremost is that Bill 2004-20 would allow the privatization of public streets in subdivisions with less than 10% of those effected property owners needed to apply for a Vacation Permit. While the intent of Bill 2004-20 is to ease the requirement of 100% agreement of effected property owners to move forward with vacation, it fails to require a minimum threshold of agreement. Any prudent lawmaker can recognize the inherent pitfalls Bill 2004-20 will present.

Please recognize that Bill 2004-02 reduces the requirements of privatizing public streets in established neighborhoods to a standard below that of a new development. Consideration of the impact on surrounding properties is lessened in established areas than is currently required by new developments. This is evident in the notification requirements. Currently, notification is required to all properties within 500 feet of any proposed vacation plan. Bill 2004-20 will require only abutting properties receive notification. Consider the absurdity; to create new streets at individual property owner's expense would require less notification of the public than converting existing public streets paid for with taxpayers dollars.

Furthermore, exempting any group wanting to privatize a public street from the requirement of forming "traditional" Homeowners Association as defined by the State of Nevada creates numerous pitfalls not addressed in Bill 2004-20. While "volunteer" Homeowners Associations may appear attractive, they would not be required to meet the same scrutiny and disclosure requirements currently mandated. This would be a dangerous and expensive path to lead our City down.

Any one of these concerns alone is sufficient to oppose Bill 2004-20 as written, but collectively they build a compelling case to stop Bill 2004-20. It is obvious that Bill 2004-20 needs to be amended to consider numerous potential pitfalls. I urge you to oppose Bill 2004-20 as it is currently written.

Respectfully,



Jeffrey J. Frischmann
1208 Mercedes Circle
Las Vegas, NV 89102
702-382-1447

April 4, 2004

Re: April 5, 2004 Recommending Committee -- Bill 2004-20

The Honorable Councilman Lawrence Weekly
The City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Dear Councilman Weekly,

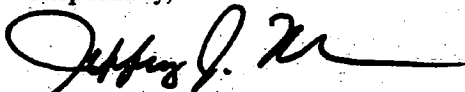
I urge you to vote "NO" on Bill 2004-20.

There are a number of concerns that would arise by passage of Bill 2004-20. Passage would result in the gentrification of neighborhoods in the City of Las Vegas. The example of the Scotch 80's street privatization effort typifies the dangers this Bill poses to the citizens of this City. The Scotch 80's proposal clearly demonstrates gentrification along the lines of socioeconomic status.

Considering the enormous challenges that you and the citizens in your Ward face, I beg you to carefully consider the direction this Bill will take our City. Rather than creating a City with harmonious neighborhoods working together to solve the challenges of safety, neighborhood preservation, and quality of life issues in their respective communities, it will result in segregated enclaves of the "haves" and "have-nots".

Bill 2004-20 will negate much of the hard work you have done in tearing down the walls that have stifled the constituents in your Ward for so many years. Please do not vote for the erection of new walls. I urge you to recognize Bill 2004-20 for what it really is. Vote "NO" to segregation. Vote "No" to gentrification. Vote "NO" on Bill 2004-20.

Respectfully,



Jeffrey J. Frischmann
1208 Mercedes Circle
Las Vegas, NV 89102

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

Re: Bill 2004-20, Scheduled for April 5, 2004

We are constituents of Councilwoman Janet Moncrief, with properties in the Mercedes Circle Sub-division, Saratoga Meadows Sub-division, Jaylar Circle, and on Ellis Avenue. City of Las Vegas neighborhood association maps indicate we are within the boundaries of the Scotch 80's Neighborhood Association. The president of the neighborhood and homeowners' associations confirms that neither organization represents our interests. We were unaware that Councilwoman Janet Moncrief was sponsoring this Bill when public hearings were held by the Planning Commission in November and December 2003.

We strongly urge you NOT to recommend passage of Bill 2004-20 without addressing the following issues, which affect the rights of property owners in every established Las Vegas neighborhood.

Approval Criteria The standards for approving the *conversion* of public streets into private streets should be equal to or greater than those applied to the *creation* of private streets in new subdivisions. Because new developments will fail to meet condition 1 of Bill-2004-20, conditions 5 thru 8 will become mandatory under the Special Use Permit. Conditions 5 thru 8 are not mandatory for established neighborhoods unless they fail to meet conditions 1 thru 5.

Notice of Public Hearing The Planning Commission passed Bill 2004-20 with the understanding that the Vacation Permit process would afford property owners the same rights currently provided by the Special Use Permit. The Vacation Permit's minimum area of notification for interested parties is limited to properties abutting streets being vacated, significantly less than the 500 ft. radius required by the Special Use Permit.

Boundaries Newly developed subdivisions have well defined boundaries. Re-subdivision of established neighborhoods could result in partial integration of one or more surrounding subdivisions, shrinking surrounding subdivisions and leaving them in disarray. This only becomes an issue when streets are privatized and gates erected. Bill 2004-20 should include a condition prohibiting private streets in re-subdivided subdivisions unless entire subdivisions have been merged.

Life-Cycle Bill 2004-20 allows the conversion of public streets regardless of how recent publicly funded construction and/or capital improvements have been completed. Further conditions should be placed on streets having more than seventy-five percent of their life-cycle remaining from original construction or capital improvements exceeding \$250,000.

Name	Address	Phone	Signature	Date
Quintin Hart	1201 Jaylar Circle	382-7028	[Signature]	3/30/04
Sherry Coffman	1209 Jaylar	384-4139	[Signature]	3/30/04
Jamie Halverson	1209 Mercedes Cr.	382-0428	[Signature]	3/30/04
GLEN HALVERSON	1209 MERCEDES CR	382-0428	[Signature]	3/30/04
Jennifer Norrid	1208 Mercedes	678-5000	[Signature]	3/30/04

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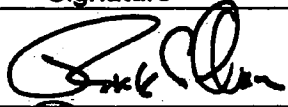
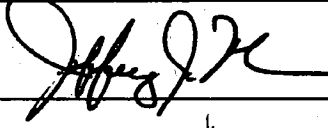
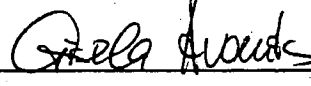
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Name	Address	Phone	Signature	Date
Zick Coffman	1209 SARATOGA CIR.			3-30-04
Jeffrey Frischman	1208 Mercedes Cir.	382-1447		4/2/04
Gisela Avants	1212 Mercedes Cir	382-1350		4/2/04

cc: City Council

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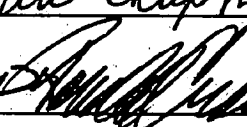
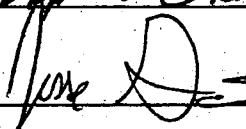
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Name	Address	Phone	Signature	Date
Marvin Chapman	1317 charmer Ln	384-7129		3-31-04
Shelly Chapman	1317 charmer Ln.	384-7129	Shelly Chapman	3-31-04
Nelda Chapman	1317 charmer Ln.	384-7129	Nelda Chapman	3/31/04
Ronald Crosson	1313 charmer Ln	384-1897		3-31-04
John D.	1301 Richard	384-7411		4-1-04

cc City Council

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Name	Address	Phone	Signature	Date
Serge GAUCIN	1301 Richard Ct	474-1357		3-31-04
T. Gaucin	1301 Richard Ct	474-1357	T. Gaucin	3-31-04
Brett Jones	1305 Richard Ct	301-3983		3-31-04
Christina Gibson	1309 Richard Ct	893-3367	C. Gibson	3-31-04
Norma Dine	1305 Richard Ct	382-2611	NORMA DINE	3-31-04

cc: City Council

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Name	Address	Phone	Signature	Date

TRINIAUD MEDINA	1221 RICHARD CT	702 362 1562	Trinidad Medina	4/1/04

Adriana Medina	1221 Richard Ct	362-15-62	Adriana Medina	4/1/04

Shirley A. Davis	1204 Mercedes Cir	89102 382-5394	Shirley A. Davis	4/1/04

Paula Brown	1201 Mercedes Circle	89102 474 6606	Paula Brown	4-7-04

Joe GeneghTy	1200 Mercedes Circle	L.V. 89102	Joe GeneghTy	4-4-04

cc: City Council

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Name	Address	Phone	Signature	Date
ROBERT J. EDWARDS	1213 Mercedes Circle	3854598	Robert J. Edwards	4/1/04
ELAINE HEITZ-EDWARDS			Elaine Heitz-Edwards	
WENDY REYNOLDS	1205 MERCEDES CIR LV NV 89102	(702) 8689108	Wendy Reynolds	4/2/04

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

Re: Bill 2004-20, Scheduled for April 5, 2004

We are constituents of Councilwoman Janet Moncrief, with properties in the Mercedes Circle Sub-division, Saratoga Meadows Sub-division, Jaylar Circle, and on Ellis Avenue. City of Las Vegas neighborhood association maps indicate we are within the boundaries of the Scotch 80's Neighborhood Association. The president of the neighborhood and homeowners' associations confirms that neither organization represents our interests. We were unaware that Councilwoman Janet Moncrief was sponsoring this Bill when public hearings were held by the Planning Commission in November and December 2003.

We strongly urge you NOT to recommend passage of Bill 2004-20 without addressing the following issues, which affect the rights of property owners in every established Las Vegas neighborhood.

Approval Criteria The standards for approving the *conversion* of public streets into private streets should be equal to or greater than those applied to the *creation* of private streets in new subdivisions. Because new developments will fail to meet condition 1 of Bill-2004-20, conditions 5 thru 8 will become mandatory under the Special Use Permit. Conditions 5 thru 8 are not mandatory for established neighborhoods unless they fail to meet conditions 1 thru 5.

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Name	Address	Phone	Signature	Date
Alison Rackell	1217 Charmast Ln.		Alison Rackell	4/1/04
SANDRA J VANNESS	1216 CHARMAST LN		Sandra J. Van Ness	4/2/04
JAMES L. SMITH	1216 Charmast Ln.		James L. Smith	4/2/04
LEE T. GONZALES	1205 CHARMAST LN		Lee T. Gonzales	4/5/04

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The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Joseph Connors	1208 Charmast Ln.	480-9961		4-1-04
Michael Hirt	1209 Charmast Ln	636-6227		4-1-04
Deborah Kinney	1524 W. Ellis	385-2847		
Deborah Kinney	1524 W. Ellis	385-2847		
Gillian Lambert				383-0067

cc: City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
DIANE BRONSTEIN	1204 Mercedes	382-5394	Diane Bronstein	4-4-04

cc: City Council

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The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Kathy Morgan	1320 Ormsby 89102	384-1126	Kathy Morgan	4-2-04
Ping Ramos	1308 Charmant Lane 89102	384-3595	[Signature]	4-4-04
Paul Triss	1312 Charmant	590-2007	Paul Triss	4-4-04
Athanasia S. Ashman	1316 Charmant L. 1321 Charmant Ln.			4-2-04
Val Marshall	Las Vegas, NV 89102		Val Marshall	4-4-04
Mary O'Boyle	1324 Ormsby Ave 89102		[Signature]	
DENISE SANTOLI	1324 ORMSBY AVE LV NV 89102			

cc: City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
Captal Johnson	520 S 10th St.	275-8758	Captal Johnson	3/31/04
Reid Yokono	14 White Tail Ct.	263-6401	Reid Yokono	3/31/04
Marty Zep	1225 Richard Ct	584-2157	Marty Zep	3/31/04
Susan O. Zep	1225 Richard Ct	384-2137	Susan O. Zep	3-31-04
Antonio Mace	1500 STARDUST RD #F1111	813-2720	Antonio Mace	3-31-04

cc: City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date
ROBERT J & ELAINE EDWARDS	1213 MERCEDDES Circle	3854598	Robert Edwards	4/1/04
Beatrice Sattler	300 Braxton Lane	878-7859	Beatrice Sattler	4-3-04
Robert Smith	300 Braxton Lane	878-7859	Robert Smith	
WENDY REYNOLDS	1205 MERCEDDES CIRCLE	8689108	W Reynolds	
TOM TISLEY	6373 CARMEN Road	636.0401	T. Tisley	4/3/04
Scott Gatten	2424-435	7260	Scott Gatten	4/3/04
KIM BRICKER	6372 CABRA	258-9017	Kim Bricker	4/3/04
Debbie Coash	2330 Navajo St.	636-2200	Debbie Coash	

cc: City Council

To: The City of Las Vegas Recommending Committee
The Honorable Councilman Weekly
The Honorable Councilwoman Moncrief

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Name	Address	Phone	Signature	Date

Kirsten Spargo	8121 Graceville	313 3303	Kirsten Spargo	4-1-04
Lenny Rachell	2601 Gilmary Ave	364-8896	Lenny Rachell	4/4/04
SALLY RACHILL	2601 GILMARY		Sally Rachill	4-5-04

cc: City Council

#96

We are in support of
revising zoning standards
for converting public
streets into private streets

Mr + Mrs Milton I Schwartz
2120 Silver Ave.
LV NEV 89102

Support

Submitted after final agenda

Date 4/21/04 Item #96

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS 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:

Bill No. 2004-21

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5686
– **UNANIMOUS** with MONCRIEF not voting and Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(12:26 – 12:27)

3-521

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

Bill No. 2004-22

MOTION:

WEEKLY – Second Reading and Bill ADOPTED as recommended as Ordinance No. 5687 – UNANIMOUS with MONCRIEF not voting and Ward 2 seat vacant

Clerk to proceed with second publication

CITY COUNCIL MEETING OF APRIL 21, 2004

Recommending

Item 98 – Bill No. 2004-22

MINUTES:

MARK VINCENT, Director, Finance and Business Services, acknowledged that Bank West of Nevada was the low bidder. He thanked MICHELLE SIMMONS, who was in the audience, from Bank West.

(12:27 – 12:28)

3-535

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

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DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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

Fiscal Impact

☒

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:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

Bill No. 2004-25

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5688 – **UNANIMOUS** with MONCRIEF not voting and Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(12:28)

3-570

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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

☒

No Impact

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

☐

Budget Funds Available

Dept./Division:

☐

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:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

Bill No. 2004-27

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5689 – **UNANIMOUS** with MONCRIEF not voting and Ward 2 seat vacant

Clerk to proceed with second publication

CITY COUNCIL MEETING OF APRIL 21, 2004

Recommending

Item 100 – Bill No. 2004-27

MINUTES:

MARK VINCENT, Director, Finance and Business Services, advised that this refunding will save Summerlin property owners over \$1 million in interest for the remaining term of the bond. The same applies to the bond under Item 102.

(12:28 – 12:30)

3-585

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 4/21/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

Bill No. 2004-28

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as recommended as Ordinance No. 5690
– **UNANIMOUS** with Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(12:30)

3-624

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:

ADOPTION at 4/21/2004 City Council meeting as a First Amendment pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/10/2004

BACKUP DOCUMENTATION:

1. Bill No. 2004-29
2. Submitted after final agenda – 2004-29 (First Amendment)

MOTION:

WEEKLY – Second Reading and Bill **ADOPTED** as a First Amendment as Ordinance No. 5691 – **UNANIMOUS** with Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

See Item 100 for related discussion.

(12:30 – 12:31)

3-642

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

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:

ADOPTION at 5/5/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

5/5/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

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:

ADOPTION at 5/5/2004 City Council meeting as a First Amendment pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

5/5/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

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:

ADOPTION at 5/5/2004 City Council meeting pursuant to the 4/19/2004 Recommending Committee.

First Reading – 4/7/2004; First Publication – 4/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

5/5/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-30 – Requires merchants to make certain disclosures in connection with the sale of motorized scooters and motorized skateboards. Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Motorized scooters and motorized skateboards are subject to State laws that govern operator licensing and minimum vehicle equipment. A significant number of these scooters and skateboards are being operated on City streets in violation of State law, and it appears that many who purchase these items are not made aware of the restrictions. This bill will require merchants to disclose this information in connection with the sale of motorized scooters and motorized skateboards.

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. 2004-30

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

(12:31 – 12:33)

3-675

BILL NO. 2004-30

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE MERCHANTS TO MAKE CERTAIN DISCLOSURES IN CONNECTION WITH THE SALE OF MOTORIZED SCOOTERS AND MOTORIZED SKATEBOARDS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Requires merchants to make certain disclosures in connection with the sale of motorized scooters and motorized skateboards.

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

SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, consisting of the provisions of Sections 2 to 4, inclusive, of this Ordinance.

SECTION 2: For purposes of this Chapter:

"Motorized scooter" means a scooter that is powered by a motor having a maximum piston displacement of less than twenty-five cubic centimeters, or an electric driven motor, and is capable of a maximum speed of no more than twenty-five miles per hour on a flat surface. The term does not include a scooter that is designed or intended by its manufacturer to be used primarily as an assistive device to increase, maintain, or improve the mobility of an individual with a disability or other physical condition that limits or impairs the individual's ability to walk.

"Motorized skateboard" means a self-propelled device that has a motor, a deck on which a person may ride and at least two tandem wheels in contact with the ground.

SECTION 3: It is unlawful for a merchant to sell a motorized skateboard or motorized scooter without making the disclosures required by Section 4 of this Ordinance.

SECTION 4: Any merchant who sells motorized skateboards or motorized scooters within the City shall:

(A) Post, in a prominent place at each location where motorized skateboards or motorized scooters are on display, a notice to the effect that the operation of motorized skateboards and motorized scooters on public streets is subject to State motor vehicle laws that govern the operation of mopeds, including laws pertaining to operator licensing and minimum vehicle equipment;

1 and

2 (B) Provide a copy of such notice to each purchaser of a motorized skateboard or
3 motorized scooter, either before or in connection with the purchase.

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

12 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

19 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,

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

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

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 4-7-04
13 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

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-31 – Prohibits the breeding or training of animals for the purpose of using them in an animal fighting venture. Sponsored by: Councilman Michael Mack

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:

State and local laws currently prohibit certain acts to promote or facilitate fights between animals. This bill will go a step further and prohibit the breeding or training of animals for the purpose of using them in an animal fighting venture.

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. 2004-31

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

(12:31 – 12:33)

3-675

BILL NO. 2004-31

ORDINANCE NO. _____

AN ORDINANCE TO PROHIBIT THE BREEDING OR TRAINING OF ANIMALS FOR THE PURPOSE OF USING THEM IN AN ANIMAL FIGHTING VENTURE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Prohibits the breeding or training of animals for the purpose of using them in an animal fighting venture.

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

SECTION 1: Title 7, Chapter 4, 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 65, reading as follows:

7.04.065: "Animal fighting venture" means any event or activity that involves a fight between at least two animals and is conducted for purposes of sport, wagering, exhibition or entertainment. The term does not include any activity the primary purpose of which involves the use of one or more animals in hunting another animal or animals.

SECTION 2: Title 7, Chapter 32, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.32.110: (A) It [shall be a misdemeanor] is unlawful for any person to:

(1) [own,] Own, keep, or use, or be in any manner connected with or financially interested in the management of, or to receive money or other thing of value for the admission of any person to, a house, apartment, pit or place procured or permitted to be used or occupied for [baiting or fighting of animals; or to instigate,] an animal fighting venture;

(2) Instigate, promote, arrange, or carry on [a fight between animals; or do] an animal fighting venture;

(3) Breed or train any animal for the purpose of using the animal in an animal fighting venture;

(4) Keep or possess any animal under circumstances evincing an intent to use the animal in an animal fighting venture; or

1 (5) Perform any act as assistant, umpire, principal, spectator or otherwise
2 in a fight between animals, or in aid of or calculated to encourage or further any [fight between
3 animals.] animal fighting venture.

4 (B) It [shall be a misdemeanor] is unlawful for any person who is not engaged in
5 training a dog for field trial or hunting, or [for clubs staging] in staging a field trial or training class,
6 to fire upon any animal, including a pigeon or other bird, unless hunting pursuant to authority granting
7 from the U.S. Government, the State, or one of their respective political subdivisions. [; pigeon shoots
8 are henceforth illegal.]

9 SECTION 3: 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 4: Whenever in this ordinance any act is prohibited or is made or declared
18 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
19 required or the failure to do any act is made or declared to be unlawful or an offense or a
20 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
21 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
22 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
23 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

24 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...

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27 ...

28 ...

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

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

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 4-7-04
13 Date

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

12 APPROVED:

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 BARBARA JO RONEMUS, City Clerk
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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-32 – Ordinance Creating Special Improvement District No. 607 - Cliff's Edge.

Sponsored By: Step Requirement

Fiscal Impact

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No Impact

Amount: \$51,187,785.00

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Budget Funds Available

Dept./Division: Public Works/SID

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Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Acquisition, construction and installation of street, sanitary sewer, storm sewer/drainage improvements, and water main projects. Costs will be recovered over a 20 year period through the levy and collection of special assessments.

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. 2004-32

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

CITY ATTORNEY JERBIC indicated that Bills 2004-32, -33, and -35 relate to the Cliff's Edge Special Improvement District and were prepared prior to the name change to Providence. They will be read with the name Cliff's Edge, but CHIEF DEPUTY CITY ATTORNEY VAL STEED will make the necessary amendments at the Recommending Committee meeting.

(12:31 – 12:33)

3-675

Summary – An ordinance creating the City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge), ratifying action taken by City officers toward the creation of such District, providing other matters related thereto, and providing an effective date.

BILL NO. 2004-32

ORDINANCE NO. _____

AN ORDINANCE CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (CLIFF'S EDGE); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council (the "Council") of City of Las Vegas, Nevada (the "City"), deems it necessary to create the City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) (the "District") for the purpose of acquiring and improving a street project, storm sewer project, sanitary sewer project and water project (collectively, the "Project"), and to defray the entire cost and expense of the Project by special assessments, according to benefits levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, pursuant to Chapter 271 of Nevada Revised Statutes ("NRS") and all laws amendatory thereof and supplemental thereto (the "Act"), there has previously been presented to the Council a written petition from Cliffs Edge, LLC, a Nevada limited liability company (the "Developer"), requesting the City to initiate the acquisition and improvement of the Project, to issue bonds and levy assessments and requesting the City to proceed with certain actions required by the Act; and

WHEREAS, the City, the Developer and other owners of assessable property in the District (collectively, with the Developer, the "Owners") have entered into agreements (collectively, the "Financing Agreement") for the acquisition and improvement of the Project which contains the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Owners are collectively the owners of 100% of the assessable property comprising the District; and

WHEREAS, the Council and the officers of the City have done or caused to be done all things necessary and preliminary to the creation of the District, including but not limited to the filing by the City Engineer (the "Engineer") with the City Clerk of an accurate estimate of cost, full and detailed plans and specifications, an assessment plat and map and an assessment roll, and the Council now desires to authorize the Project by this ordinance; and

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

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 607 Creation Ordinance" (this "Ordinance").

Section 2. There shall be, and hereby is, created in the City an improvement district designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge)" for the purpose of acquiring and improving the Project, as more particularly described below. The Council, pursuant to NRS 271.325(1), has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of the District.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 3. The Project, which is hereby ordered to be acquired and improved, shall be located within the boundaries of the District and shall be as shown on the full and detailed plans and specifications for the District filed with the City Clerk. The kind and location of the Project (without mentioning minor details) is as follows:

The Project consists of the acquisition and construction of certain improvements within the District to include streets, sanitary sewers, storm sewers, and water mains, in and along the property described in Section 4, and all appurtenances and incidentals necessary, useful or desirable, including real and other property therefor, which is more particularly described (with all segment lengths to be current approximations subject to minor adjustment) as set forth below. For the purposes of this section, the following terms have the following meanings:

Storm Drain Projects

These projects provide for the safe conveyance of both off-site storm runoff discharged by the Kyle Canyon Detention Basin that is currently conveyed through the project by natural washes and on-site storm water within the District area on alignments that do not follow the on-site roadway project alignments. The projects include 18" to 78" RCP storm drain and all appurtenant facilities.

Sanitary Sewer Projects

These projects provide for the conveyance of sanitary sewer flows within the District to existing and proposed off-site sewer facilities outside of the District area. They include the installation of 8" to 15" sanitary sewer mains, manholes, and all appurtenant facilities.

Roadway Projects – Improvements "A"

These projects provide for the transportation needs within the District area and provide access to the off-site road network. These projects include rough grading, excavation of embankments, sub-grade preparation, curb and gutter, median islands, paving, and temporary striping and signage associated with a roadway segment. The project also includes the cost of on-site storm drain facilities that follow the roadway alignments and all appurtenances.

Roadway Projects – Streetlights "B"

These projects include the cost of trenching, conduit, pull boxes, service points, and transformers for streetlights and streetlight installation for a particular road segment. These improvements also include, where applicable, costs for future traffic signal poles when installed for use as the streetlight pole at applicable intersections, future traffic signal underground improvements, including associated conduit and pull boxes.

Roadway Projects – Final Paving "C"

These projects include the cost of the final paving for a roadway segment, including final striping, valve/manhole adjustments, and signage adjustments.

Potable Water Projects

These projects provide for the distribution of potable water and water for fire protection to residential and commercial sub-developments within the District. These projects include the installation of 10" to 42" water mains, reservoirs, tanks, pumping stations and all appurtenant facilities. There are two (2) pressure zones within the District area.

Project Master Plan

This project provides for the costs associated with master planning the project including traffic and drainage studies, survey, mapping, and engineering which allows for the completion of the development projects.

The District projects are described in the following paragraphs.

Project 1.1 Off-Site Storm Drain: Kyle Canyon Detention Basin to Puli Road

This project consists of approximately 2300 lineal feet of 78" RCP and all appurtenant facilities. This project runs from Kyle Canyon Detention Basin to the intersection of Puli Road and Grand Teton Drive. Projected construction completion date is June 2004.

Project 1.2 On-Site Storm Drain: Alpine Ridge Way and Severance Lane from Farm Road to Egan Crest Way

This project consists of approximately 2350 lineal feet of 48" and 66" RCP and all appurtenant facilities. This project runs from Farm Road to Severance Lane on Alpine Ridge Way. Also runs from Alpine Ridge Way to Egan Crest Way on Severance Lane. Projected construction completion date is June 2005.

Project 1.3 On-Site Storm Drain: The Paseo from Shaumber Road to Egan Crest Way

This project consists of approximately 2640 lineal feet of 48" RCP and all appurtenant facilities. This project runs from Shaumber Road to Egan Crest Way in the Paseo on the Elkhorn Road alignment. Projected construction completion date is April 2005.

Project 2.1 Off-Site Sanitary Sewer: Severance Lane from Hualapai Way to Grand Canyon Drive

This project consists of approximately 2660 lineal feet of 12" and 15" sewer pipeline and all appurtenant facilities. This project runs from Hualapai Way to Grand Canyon Drive on Severance Lane. Projected construction completion date is September 2004.

Project 2.2 Off-Site Sanitary Sewer: Elkhorn Road from Hualapai Way to Grand Canyon Drive

This project consists of approximately 2660 lineal feet of 12" and 15" sewer pipeline and all appurtenant facilities. This project runs from Hualapai Way to Grand Canyon Drive on Elkhorn Road. Projected construction completion date is September 2004.

Project 2.3 Off-Site Sanitary Sewer: Deer Springs Way from Hualapai Way to Tee Pee Lane

This project consists of approximately 3953 lineal feet of 12" sewer pipeline and all appurtenant facilities. This project runs from Hualapai Way to Tee Pee Lane on Deer Springs Way. Projected construction completion date is September 2004.

Project 2.4 Off-Site Sanitary Sewer: Centennial Parkway from Shaumber Road to Park Street

This project consists of approximately 9751 lineal feet of 12" sewer pipeline and all appurtenant facilities. The cost to oversize from a nominal 8" to a 12" sewer pipeline is not included in the District. This project runs from approximately 330' east of Shaumber Road and Centennial Parkway to Michelli Crest Way, south to Reiss Lane, east to Hualapai Way, south to Tropical Parkway, east to Park Street. Projected construction completion date is October 2004.

Project 2.5 Sanitary Sewer: Centennial Parkway from Puli Road to the Western Beltway

This project consists of approximately 1730 lineal feet of 12" sanitary sewer pipeline from Puli Road to the Western Beltway on Centennial Parkway, approximately 800 lineal feet of 8" sanitary sewer pipeline along the right of way of the Western Beltway north of Centennial Parkway, approximately 1730 lineal feet of 8" sanitary sewer pipeline north of Centennial in Shaumber Road, and all associated appurtenant facilities. Projected construction completion date is January 2005.

Project 2.6 Sanitary Sewer: Deer Springs Way from Shaumber Road to Hualapai Way

This project consists of approximately 4160 lineal feet of 8" and 1360 lineal feet of 10" sewer pipeline and all appurtenant facilities from 740' north of Deer Springs on Shaumber Road, along Deer Springs Way from Shaumber Road to Hualapai Way, and from the Western Beltway to Deer Springs Way on Egan Crest Way. Projected construction completion date is July 2005.

Project 2.7 Sanitary Sewer: Dorrell Lane from Shaumber Road to Hualapai Way

This project consists of approximately 5320 lineal feet of 8" sanitary sewer pipeline from 1360' north of Dorrell Lane on Shaumber Road then continuing along Dorrell Lane from Shaumber Road to Hualapai Way, approximately 1360 lineal feet of 10" sanitary sewer pipeline from Dorrell Lane to Elkhorn Road on Hualapai Way, and all appurtenant facilities. The projected construction completion date is February 2005.

Project 2.8 Sanitary Sewer: Elkhorn Road from 1600' West of Egan Crest Way to Hualapai Way

This project consists of approximately 4450 lineal feet of 8" sanitary sewer pipeline and all appurtenant facilities. This project runs from 1600' west of Egan Crest Way to Hualapai Way on the Elkhorn Road alignment and includes 1490' on Egan Crest Way, north of Elkhorn Road. The projected construction completion date is December 2004.

Project 2.9 Sanitary Sewer: Farm Road from Shaumber Road to Hualapai Way

This project consists of approximately 4930 lineal feet of 10" sanitary sewer pipeline on Farm Road from Shaumber Road to Hualapai Way and on Egan Crest Way 930' north of Farm Road, approximately 2260 lineal feet of 8" sanitary sewer pipeline of which 1310' is located on Shaumber Road north of Farm Road and 950' is located on Hualapai Way north of Farm Road, approximately 1380 lineal feet of 12" sanitary sewer pipeline on Hualapai Way south from Farm Road, and all appurtenant facilities. The projected construction completion date is December 2005.

Project 2.10 Sanitary Sewer: Grand Teton Drive from Puli Road to Hualapai Way

This project consists of approximately 5600 lineal feet of 12" sanitary sewer pipeline on Grand Teton Drive from Puli Road to Hualapai Way, approximately 2400 lineal feet of 8" sanitary sewer pipeline located south of Grand Teton Drive of which 700' is on Shaumber Road, 1000' is on Egan Crest Way and 700' is on Hualapai Way, and all associated appurtenant facilities. Projected construction completion date is February 2005.

Project 3.1A Roadway Improvements: Centennial Parkway from Puli Road to the Western Beltway

This project consists of approximately 1730 lineal feet of 48'-wide half-street improvements on Centennial Parkway. This phase includes rough grade, base materials, 30" to 36" storm drain pipelines with all associated appurtenant facilities, curb & gutter, sidewalk, curb inlets, bus turnouts, excavation, 5" thick asphalt paving, temporary striping and signage. This project runs from Puli Road to the Western Beltway on Centennial Parkway. Projected construction completion date is April 2006.

Project 3.1B Streetlights: Centennial Parkway from Puli Road to the Western Beltway

This project consists of approximately 1730 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Puli Road to the Western Beltway on Centennial Parkway. Projected construction completion date is June 2006.

Project 3.2A Roadway Improvements: Dorrell Lane from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of full-street improvements on Dorrell Lane. This phase includes rough grade, base materials, 24" to 54" storm drain pipeline with all appurtenant facilities, curb inlets, curb & gutter, excavation, 14'-wide medians, 66'-wide and 52'-wide 4" thick asphalt paving, temporary striping and signage. This project runs from Puli Road to Hualapai Way on Dorrell Lane. The projected construction completion date is March 2006.

Project 3.2B Streetlights: Dorrell Lane from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Puli Road to Hualapai Way on Dorrell Lane. Projected construction completion date is May 2006.

Project 3.2C Final Paving: Dorrell Lane from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of 52'-wide and 66'-wide open grade pavement, final striping and signage. This project runs from Puli Road to Hualapai Way on Dorrell Lane. Projected construction completion date is July 2006.

Project 3.3A Roadway Improvements: Elkhorn Road from Egan Crest Way to Hualapai Way

This project consists of approximately 1360 lineal feet of full-street improvements on Elkhorn Road. This phase includes rough grade, base materials, 48" and 60" storm drain pipelines with all appurtenant facilities, curb inlets, curb & gutter, excavation, 14'-wide medians, 62'-wide 4" thick asphalt paving, temporary striping and signage. This project runs from Egan Crest Way to Hualapai Way on Elkhorn Road. The projected construction completion date is January 2006.

Project 3.3B Streetlights: Elkhorn Road from Egan Crest Way to Hualapai Way

This project consists of approximately 1360 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Egan Crest Way to Hualapai Way on Elkhorn Road. Projected construction completion date is March 2006

Project 3.3C Final Paving: Elkhorn Road from Egan Crest Way to Hualapai Way

This project consists of approximately 1360 lineal feet of 62'-wide open grade pavement, final striping and signage. This project runs from Egan Crest Way to Hualapai Way on Elkhorn Road. Projected construction completion date is June 2006.

Project 3.4A Roadway Improvements: Farm Road from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of full-street improvements on Farm Road. This phase includes rough grade, base materials, 36" and 60" storm drain pipeline with all appurtenant facilities, curb inlets, curb & gutter, excavation, 14'-wide medians, 66'-wide and 52'-wide 4" thick asphalt paving, temporary striping and signage. This project runs from Puli Road to Hualapai Way on Farm Road. The projected construction completion date is May 2006.

Project 3.4B Streetlights: Farm Road from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Puli Road to Hualapai Way on Farm Road. Projected construction completion date is July 2006.

Project 3.4C Final Paving: Farm Road from Puli Road to Hualapai Way

This project consists of approximately 5450 lineal feet of 66'-wide and 52'-wide open grade pavement, final striping and signage. This project runs from Puli Road to Hualapai Way on Farm Road. Projected construction completion date is September 2006.

Project 3.5A Roadway Improvements: Grand Teton Drive from Puli Road to Hualapai Way

This project consists of approximately 5600 lineal feet of 48'-wide half-street improvements on Grand Teton Drive. This phase includes rough grade, base materials, 66" storm drain pipeline and all associated appurtenant facilities, curb & gutter, curb inlets, bus turnouts, excavation, 5" thick asphalt paving, temporary striping and signage. This project runs from Puli Road to Hualapai Way on Grand Teton Drive. Projected construction completion date is September 2006.

Project 3.5B Streetlights: Grand Teton Drive from Puli Road to Hualapai Way

This project consists of approximately 5600 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Puli Road to Hualapai Way on Grand Teton Drive. Projected construction completion date is November 2006.

Project 3.6A Roadway Improvements: Puli Road from Centennial Parkway to Grand Teton Drive

This project consists of approximately 10600 lineal feet of 38'-wide half-street improvements on Puli Road. This phase includes rough grade, base materials, 18" to 42" storm drain pipeline, curb & gutter, curb inlets, bus turnouts, excavation, 4" thick asphalt paving, temporary striping and signage. This project runs from Centennial Parkway to Grand Teton Drive on Puli Road. Projected construction completion date is October 2006.

Project 3.6B Streetlights: Puli Road from Centennial Parkway to Grand Teton Drive

This project consists of 10600 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. Traffic signal underground improvements will be installed on Puli Road at the intersections of Centennial Parkway, Dorrell Lane, Farm Road, and Grand Teton Drive. This project runs from Centennial Parkway to Grand Teton Drive on Puli Road. Projected construction completion date is December 2006.

Project 3.7A Roadway Improvements: Shaumber Road from Centennial Parkway to Grand Teton Drive

This project consists of approximately 10600 lineal feet of full-street improvements on Shaumber Road. This phase includes rough grade, base materials, 18" to 60" storm drain pipeline with all appurtenant facilities, curb inlets, curb & gutter, excavation, 14'-wide medians, 52'-wide 4" thick asphalt paving, temporary striping and signage. This project runs from Centennial Parkway to Grand Teton Drive on Shaumber Road. The projected construction completion date is April 2006.

Project 3.7B Streetlights: Shaumber Road from Centennial Parkway to Grand Teton Drive

This project consists of approximately 10600 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. This project runs from Centennial Parkway to Grand Teton Drive on Shaumber Road. Projected construction completion date is June 2006.

Project 3.7C Final Paving: Shaumber Road from Centennial Parkway to Grand Teton Drive

This project consists of approximately 10600 lineal feet of 52'-wide open grade pavement, final striping and signage. This project runs from Centennial Parkway to Grand Teton Drive on Shaumber Road. Projected construction completion date is August 2006.

Project 3.8A Roadway Improvements: Egan Crest Way from Dorrell Lane to Grand Teton Drive

This project consists of approximately 6800 lineal feet of full-street improvements on Egan Crest Way. This phase includes rough grade, base materials, 30" to 78" storm drain pipeline with all appurtenant facilities, curb inlets, curb & gutter, excavation, 14'-wide medians, 66'-wide and 52'-wide 4" thick asphalt paving, temporary striping and signage. This project runs from Dorrell Lane to Grand Teton Drive on Egan Crest Way. The projected construction completion date is April 2006.

Project 3.8B Streetlights: Egan Crest Way from Dorrell Lane to Grand Teton Drive

This project consists of 6800 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. Traffic signal underground improvements will be installed on Egan Crest way at the intersections of Dorrell Lane, Elkhorn Road, Farm Road, and Grand Teton Drive. This project runs from Dorrell Lane to Grand Teton Drive on Egan Crest Way. Projected construction completion date is June 2006.

Project 3.8C Final Paving: Egan Crest Way from Dorrell Lane to Grand Teton Drive

This project consists of approximately 6800 lineal feet of 66'-wide and 52'-wide open grade pavement, final striping and signage. This project runs from Dorrell Lane to Grand Teton Drive on Egan Crest Way. Projected construction completion date is September 2006.

Project 3.9A Roadway Improvements: Hualapai Way from the Western Beltway to Grand Teton Drive

This project consists of approximately 8100 lineal feet of full-street and half-street improvements on Hualapai Way. This phase includes rough grade, base materials, 24" to 78" storm drain pipeline with all appurtenant facilities, curb inlets, curb & gutter, bus turnouts, excavation, 14'-wide medians, 72'-wide and 48'-wide 5" thick asphalt paving, temporary striping and signage. This project runs from the Western Beltway to Grand Teton Drive on Hualapai Way. The projected construction completion date is February 2006.

Project 3.9B Streetlights: Hualapai Way from the Western Beltway to Grand Teton Drive

This project consists of 8100 lineal feet of streetlight conduit, streetlights and all appurtenant facilities. Traffic signal underground improvements will be installed on Hualapai Way at the intersections of Dorrell Lane, Elkhorn Road, Farm Road, and Grand Teton Drive with all appurtenant facilities. This project runs from the Western Beltway to Grand Teton Drive on Hualapai Way. Projected construction completion date is April 2006.

Project 3.9C Final Paving: Hualapai Way from the Western Beltway to Grand Teton Drive

This project consists of approximately 8100 lineal feet of 72'-wide and 48'-wide open grade pavement, final striping and signage. This project runs from the Western Beltway to Grand Teton Drive on Hualapai Way. The projected construction completion date is June 2006.

Project 4.1 On-Site 3090 Water Main: Egan Crest Way from Grand Teton Drive to Dorrell Lane

This project consists of approximately 5940 lineal feet of 10" and 12" water pipeline and all appurtenant facilities. This project runs from Grand Teton Drive to Dorrell Lane on Egan Crest Way. Projected construction completion date is July 2005.

Project 4.2 On-Site 3090 Water Main: Grand Teton Drive from Pressure Zone Boundary to 330' west of Hualapai Way

This project consists of approximately 2640 lineal feet of 12" water pipeline and all appurtenant facilities. This project runs from the 3090 and 3205 Pressure Zone Boundary to 330' west of Hualapai Way on Grand Teton Drive. Projected construction completion date is October 2005.

Project 4.3 On-Site 3090 Water Main: Farm Road from Pressure Zone Boundary to Hualapai Way

This project consists of approximately 2600 lineal feet of 10" water pipeline and all appurtenant facilities. This project runs from east of the 3090 and 3205 Pressure Zone Boundary to west of Hualapai Way on Farm Road. Projected construction completion date is August 2005.

Project 4.4 On-Site 3090 Water Main: Elkhorn Road from Pressure Zone Boundary to 660' east of Egan Crest Way

This project consists of approximately 2640 lineal feet of 10" water pipeline and all appurtenant facilities. This project runs from the Pressure Zone Boundary to 660' east of Egan Crest Way on Elkhorn Road. Projected construction completion date is July 2005.

Project 4.5 On-Site 3090 Water Main: Dorrell Lane from Shaumber Road to Egan Crest Way

This project consists of approximately 2730 lineal feet of 10" water pipeline and all appurtenant facilities. This project runs from Shaumber Road to Egan Crest Way on Dorrell Lane. Projected construction completion date is April 2005.

Project 4.6 On-Site 3090 Water Main: Shaumber Road from Dorrell Lane to Centennial Parkway

This project consists of approximately 3960 lineal feet of 12" water pipeline and all appurtenant facilities. This project runs from Dorrell Lane to Centennial Parkway on Shaumber Road. Projected construction completion date is March 2005.

Project 4.7 On-Site 3205 Water Main: Shaumber Road from Grand Teton Drive to Elkhorn Road

This project consists of approximately 5280 lineal feet of 12" and 24" water pipeline and all appurtenant facilities. This project runs from Grand Teton Drive to Elkhorn Road on Shaumber Road, and Shaumber Road to 660' east on Elkhorn Road. Projected construction completion date is August 2005.

Project 4.8 On-Site 3205 Water Main: Puli Road from Centennial Parkway to Dorrell Lane

This project consists of approximately 5210 lineal feet of 24" water pipeline and all appurtenant facilities. This project runs from Centennial Parkway to Dorrell Lane on Puli Road, and Puli Road to Shaumber Road on Dorrell Lane. Projected construction completion date is September 2005.

Project 4.9 On-Site 3205 Water Main: Grand Teton Drive from Puli Road to Pressure Zone Boundary

This project consists of approximately 2310 lineal feet of 12" and 16" water pipeline and all appurtenant facilities. This project runs from Puli Road to the 3090 and 3205 Pressure Zone Boundary on Grand Teton Drive. Projected construction completion date is November 2005.

Project 4.10 On-Site 3090 Water Main: Farm Road from Egan Crest Way to 1320' west of Egan Crest Way

This project consists of approximately 1320 lineal feet of 12" water pipeline and all appurtenant facilities. This project runs on Farm Road from Egan Crest Way 1320' west. Projected construction completion date is August 2005.

Project 4.11 On-Site 3090 Water Main: Centennial Parkway from Puli Road to 1320' east of the Western Beltway

This project consists of approximately 6270 lineal feet of 24" water pipeline and all appurtenant facilities. This project runs from Puli Road to 1320' east of the Western Beltway on Centennial Parkway. Projected construction completion date is July 2005.

Project 4.12 Off-Site Water: Cliff's Edge 2975 Reservoir - (OVA2-109026)

This project consists of a permanent reservoir for the 2975 pressure zone. It will be located on the north side of Elkhorn Road between Shaumber Road and Alpine Ridge Way. The Las Vegas Valley Water District (LVVWD) will fund the construction cost of this project. The District will fund the design and agency review costs. Projected construction completion date is June 2006.

Project 4.13 Off-Site Water: Cliff's Edge 3090/3205 Pumping Station (OVA2-109031)

This project consists of permanent pumping stations on Alpine Ridge Way and Elkhorn Road for pressure zones 3090 and 3205. The LVVWD will fund the construction cost of this project. The District will fund the design and agency review costs. Projected construction completion date is June 2006.

Project 4.14 On-Site Water: Cliff's Edge 2975 Reservoir Inlet/Outlet Pipeline - (OVA2-109330)

This project consists of 2970 lineal feet of 48" water pipeline oversized from a 30" water pipeline. The project runs along the Elkhorn Road alignment from the 2975 Reservoir to Hualapai Way. The LVVWD will pay for the construction cost of this project less the Developer's contribution. The District will fund the design and agency review costs plus the Developer's contribution. Projected construction completion date is December 2005.

Project 4.15 Off-Site Water: Cliff's Edge 3205 North Interim Tank & Inlet/Outlet Pipeline - (OVA2-109154)

This project consists of a 5 million gallon interim tank for the 3205-pressure zone, approximately 4500 lineal feet of 24" inlet/outlet pipeline, an earthen berm for flood protection and an access road. The interim tank is at the intersection of Witch Mountain Street and Centennial Parkway and the inlet outlet/pipeline runs from the tank to Puli Road. Projected construction completion date is March 2006.

Project 4.16 On-Site Egan Crest Way 3090 Zone North Pipeline

This project consists of approximately 14955 lineal feet of 30" and 36" water pipeline and all appurtenant facilities. The waterlines in this project will be oversized from 12", 16", 20", and 24" waterlines. The cost to oversize the waterlines are not included in the District. This project runs from Centennial Parkway to Dorrell Lane on Shaumber Road,

Shaumber Road to Egan Crest Way on Dorrell Lane, Dorrell Lane to Grand Teton Drive on Egan Crest Way and Egan Crest Way to 3090 Zone Pumping Station on Elkhorn Road. Projected construction completion date is July 2005.

Project 4.17 On-Site 3205 Zone North Pipeline

This project consists of approximately 12015 lineal feet of 30" and 42" water pipeline and all appurtenant facilities. The waterlines in this project will be oversized from 12" and 20" waterlines. The cost to oversize the waterlines are not included in the District. This project runs from Dorrell Lane to Grand Teton Drive on Puli Road, Puli Road to Shaumber Road on Farm Road, Farm Road to Elkhorn Road on Shaumber Road and Shaumber Road to the 3205 Zone Pumping Station on Elkhorn Road. Projected construction completion date is July 2005.

Project 4.18 On-Site 2795 Water Main – Elkhorn Road and Dorrell Lane from Hualapai Way to 660' west of Hualapai Way

This project consists of approximately 1320 lineal feet of 10" water pipeline and all appurtenant facilities. This project runs from Hualapai Way to 660' west on both Elkhorn Road and Dorrell Lane. Projected construction completion date is July 2005.

Project 5.1 Project Master Plan

This project includes costs associated with master planning the project including survey, mapping, traffic studies, drainage studies, and master planning engineering.

Section 4. The boundaries of the District, including the parcels to be assessed, are as follows:

**LEGAL DESCRIPTION
CLIFF'S EDGE
S.I.D. NO. 607
ASSESSABLE PROPERTY**

THIS LEGAL DESCRIBES A PARCEL OF LAND GENERALLY LOCATED SOUTHWESTERLY OF GRAND TETON DRIVE AND HUALAPAI WAY FOR SPECIAL IMPROVEMENT DISTRICT DESCRIPTION PURPOSES.

BEING PORTIONS OF SECTION 13 AND PORTIONS OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 13, SAME BEING THE CENTERLINE INTERSECTION OF GRAND TETON DRIVE AND PULI ROAD; THENCE NORTH 87°50'15" EAST, ALONG THE NORTH LINE OF SAID SECTION 13, COINCIDENT WITH THE CENTERLINE OF SAID GRAND TETON DRIVE, 687.41 FEET; THENCE SOUTH 00°49'59" EAST, DEPARTING SAID NORTH LINE AND SAID

CENTERLINE, 659.40 FEET; THENCE NORTH 87°56'49" EAST, 343.30 FEET; THENCE NORTH 00°47'57" WEST, 660.07 FEET TO THE NORTH LINE OF SAID SECTION 13, SAME BEING THE CENTERLINE OF GRAND TETON DRIVE; THENCE NORTH 87°50'15" EAST, ALONG SAID NORTH LINE AND ALONG SAID CENTERLINE, 1718.52 FEET; THENCE NORTH 87°49'54" EAST, CONTINUING ALONG SAID NORTH LINE AND ALONG SAID CENTERLINE, 2063.72 FEET; THENCE SOUTH 00°20'43" EAST, DEPARTING SAID NORTH LINE AND SAID CENTERLINE, 668.87 FEET; THENCE NORTH 87°58'52" EAST, 686.70 FEET TO THE EAST LINE OF SAID SECTION 13, SAME BEING THE CENTERLINE OF HUALAPAI WAY; THENCE SOUTH 00°14'47" EAST, ALONG SAID EAST LINE AND ALONG SAID CENTERLINE, 1006.02 FEET; THENCE SOUTH 88°11'24" WEST, DEPARTING SAID EAST LINE AND SAID CENTERLINE, 684.89 FEET; THENCE SOUTH 00°20'43" EAST, 334.60 FEET; THENCE NORTH 88°14'56" EAST, 342.15 FEET; THENCE SOUTH 00°17'45" EAST, 669.92 FEET; THENCE NORTH 88°22'02" EAST, 341.55 FEET TO THE EAST LINE OF SAID SECTION 13, SAME BEING THE CENTERLINE OF HUALAPAI WAY;

THENCE SOUTH 00°19'04" EAST, ALONG SAID EAST LINE AND ALONG SAID CENTERLINE, 2674.27 FEET TO THE NORTHEAST CORNER OF SECTION 24, SAID TOWNSHIP AND RANGE; THENCE SOUTH 00°08'16" WEST, ALONG THE EAST LINE OF SAID SECTION 24 AND ALONG SAID CENTERLINE, 2010.01 FEET; THENCE DEPARTING SAID EAST LINE AND SAID CENTERLINE, ALONG THE FOLLOWING TWENTY-ONE (21) COURSES: (1) SOUTH 88°49'24" WEST, 340.19 FEET; (2) SOUTH 00°08'25" WEST, 669.93 FEET; (3) SOUTH 88°50'11" WEST, 340.21 FEET; (4) NORTH 00°08'34" EAST, 1339.70 FEET; (5) SOUTH 88°48'37" WEST, 680.32 FEET; (6) SOUTH 00°08'51" WEST, 1339.39 FEET; (7) SOUTH 88°50'46" WEST, 339.29 FEET; (8) SOUTH 00°08'10" WEST, 334.58 FEET; (9) SOUTH 88°51'59" WEST, 339.14 FEET; (10) SOUTH 00°06'42" WEST, 334.46 FEET; (11) SOUTH 88°53'13" WEST, 338.99 FEET; (12) NORTH 00°05'14" EAST, 668.66 FEET; (13) NORTH 00°05'44" EAST, 669.37 FEET; (14) SOUTH 88°49'41" WEST, 339.49 FEET; (15) SOUTH 88°51'15" WEST, 681.95 FEET; (16) NORTH 00°08'09" EAST, 668.77 FEET; (17) SOUTH 88°48'43" WEST, 681.28 FEET; (18) SOUTH 00°11'38" WEST, 1336.56 FEET; (19) SOUTH 00°11'10" EAST, 1335.91 FEET; (20) NORTH 88°55'50" EAST, 339.85 FEET; (21) SOUTH 00°07'16" EAST, 1336.70 FEET TO THE SOUTH LINE OF SAID SECTION 24, SAME BEING THE CENTERLINE OF CENTENNIAL PARKWAY; THENCE SOUTH 89°00'28" WEST, ALONG SAID SOUTH LINE AND ALONG SAID CENTERLINE, 1691.81 FEET TO THE WEST LINE OF SAID SECTION 24, SAME BEING THE CENTERLINE OF PULI ROAD; THENCE NORTH 00°27'06" WEST ALONG SAID WEST LINE AND ALONG SAID CENTERLINE, 2668.61 FEET; THENCE NORTH 00°19'26" EAST, CONTINUING ALONG SAID WEST LINE AND ALONG SAID CENTERLINE, 2670.69 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 13; THENCE NORTH 00°55'58" WEST, ALONG THE WEST LINE OF SAID SECTION 13, AND ALONG THE CENTERLINE OF SAID PULI ROAD, 2635.04 FEET; THENCE NORTH 00°54'05" WEST, CONTINUING ALONG SAID WEST LINE AND ALONG SAID CENTERLINE, 2632.30 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 1013.83 ACRES, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

EXCEPTING THEREFROM THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, SAID TOWNSHIP AND RANGE;

CONTAINING 20.70 ACRES, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

FURTHER EXCEPTING THEREFROM THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) AND THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 13, SAID TOWNSHIP AND RANGE;

CONTAINING 62.44 ACRES, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

CONTAINING A TOTAL AREA OF 930.69 ACRES, MORE OR LESS AS DETERMINED BY COMPUTER METHODS.

BASIS OF BEARINGS:

NORTH 87°50'15" EAST, BEING THE BEARING OF THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, IN FILE 124 OF SURVEYS, PAGE 94.

**LEGAL DESCRIPTION
NON-ASSESSABLE PARCELS**

KYLE CANYON OUTFALL (PROJECT 1.1)

BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14 AND A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 11, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SECTION 14, SAID TOWNSHIP AND RANGE, SAME BEING THE CENTERLINE INTERSECTION OF PULI ROAD AND GRAND TETON DRIVE; THENCE SOUTH 89°08'54" WEST, 57.85 FEET; THENCE SOUTH 28°43'52" WEST, 2026.30 FEET; THENCE SOUTH 02°30'14" WEST, 311.87 FEET; THENCE NORTH 89°22'31" WEST, 242.93 FEET; THENCE NORTH 00°00'00" EAST, 322.76 FEET; THENCE NORTH 90°00'00" EAST, 93.06 FEET; THENCE NORTH 28°43'52" EAST, 2007.59 FEET; THENCE SOUTH 89°08'54" WEST, 19.65 FEET; THENCE NORTH

00°42'00" WEST, 250.92 FEET; THENCE NORTH 89°35'30" EAST, 257.65 FEET; THENCE SOUTH 01°03'45" WEST, 249.06 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 10.24 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

L.V.V.W.D. RESERVOIR SITE (PROJECTS 1.3, 2.5, 2.6, 3.7, 4.4, 4.7, 4.12, 4.13, 4.14, 4.16, 4.17)

BEING THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 20.70 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

SEVERANCE LANE OFF-SITE SEWER ALIGNMENT (PROJECT 2.1)

BEING THE SOUTH 20.00 FEET OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA.

CONTAINING 1.22 ACRES (53,261 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

ELKHORN ROAD OFF-SITE SEWER ALIGNMENT (PROJECT 2.2)

BEING THE NORTH 20.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA.

CONTAINING 1.83 ACRES (79,883 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

DEER SPRINGS WAY OFF-SITE SEWER ALIGNMENT (PROJECT 2.3)

BEING THE SOUTH 20.00 FEET OF THE SOUTH HALF (S 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA.

THE SOUTH 20.00 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 19, SAID TOWNSHIP AND RANGE.

THE NORTH 20.00 FEET OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 30, SAID TOWNSHIP AND RANGE;

THE NORTH 20.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 30, SAID TOWNSHIP AND RANGE, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING A TOTAL AREA OF 5.23 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECT 2.5

BEING A PORTION OF THE SOUTH HALF (S 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST SIXTEENTH CORNER COMMON TO SECTION 24 AND SECTION 25, SAID TOWNSHIP AND RANGE; THENCE NORTH 89°00'28" EAST, ALONG THE SOUTH LINE OF SAID SOUTH HALF (S 1/2), A DISTANCE OF 308.25 FEET; THENCE NORTH 00°59'32" WEST, DEPARTING SAID SOUTH LINE, 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3205.00 FEET, SAME BEING THE POINT OF BEGINNING, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 65°16'28" WEST;

THENCE NORTHEASTERLY, 733.09 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°06'20"; THENCE NORTH 88°58'09" EAST, 38.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3175.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 51°43'53" WEST; THENCE SOUTHWESTERLY, 736.01 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°16'55"; THENCE SOUTH 89°00'28" WEST, 33.33 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 22,036 SQUARE FEET (0.51 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECT 2.6

BEING A PORTION OF THE WEST HALF (W 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WEST HALF (W 1/2); THENCE NORTH 88°50'11" EAST, ALONG THE NORTH LINE OF SAID WEST HALF (W 1/2), A DISTANCE OF 680.41 FEET; THENCE SOUTH 00°11'31" WEST, DEPARTING SAID NORTH LINE, 20.01 FEET; THENCE SOUTH 88°50'11" WEST, 630.39 FEET; THENCE SOUTH 00°09'39" WEST, 793.78 FEET; THENCE SOUTH 71°11'39" WEST, 52.87 FEET; THENCE NORTH 00°09'39" EAST, 829.81 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 53,698 SQUARE FEET (1.23 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECT 2.6

BEING A PORTION OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID WEST HALF (W 1/2); THENCE NORTH 88°50'46" EAST, ALONG THE NORTH LINE OF SAID WEST HALF (W 1/2), A DISTANCE OF 339.29 FEET; THENCE SOUTH 00°05'14" WEST, DEPARTING SAID NORTH LINE, 668.66 FEET; THENCE SOUTH 32°25'37" EAST, 484.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 3175.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 23°27'37" WEST; THENCE SOUTHWESTERLY, 101.00 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°49'22"; THENCE NORTH 32°25'37" WEST, 499.88 FEET; THENCE NORTH 00°05'14" EAST, 645.65 FEET; THENCE SOUTH 88°50'46" WEST, 238.89 FEET; THENCE NORTH 00°20'25" WEST, 50.01 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 2.97 ACRES (129,380 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.6, 2.7, 3.2, 3.7, 4.5, 4.6, 4.16

BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 88°48'43" EAST, ALONG THE NORTH LINE SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 681.28 FEET; THENCE SOUTH 00°08'09" WEST, DEPARTING SAID NORTH LINE, 668.77 FEET; THENCE NORTH 88°51'15" EAST, 681.95 FEET; THENCE SOUTH 00°04'41" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 669.26 FEET; THENCE SOUTH 88°53'47" WEST, DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF

SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 1365.23; THENCE NORTH 00°11'38" EAST, DEPARTING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), A DISTANCE OF 1336.56 FEET TO THE POINT OF BEGINNING;

CONTAINING 31.40 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE NORTH 88°48'43" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), 89.83 FEET; THENCE SOUTH 01°11'17" EAST, DEPARTING SAID NORTH LINE, 70.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 88°48'43" EAST, 527.96 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 44.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 38°12'45" EAST; THENCE SOUTHEASTERLY, 39.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°55'24"; THENCE SOUTH 00°08'09" WEST, 474.56 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 85.00 FEET; THENCE SOUTHWESTERLY, 29.30 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°45'00" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 85.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 70°06'51" WEST; THENCE SOUTHEASTERLY, 194.02 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 130°46'54" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 85.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS NORTH 20°53'45" WEST; THENCE NORTHEASTERLY, 29.30 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°45'00"; THENCE NORTH 88°51'15" EAST, 532.53 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHEASTERLY, 23.88 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°13'26"; THENCE SOUTH 00°04'41" WEST, 549.18 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHWESTERLY, 23.25 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°49'06"; THENCE SOUTH 88°53'47" WEST, 1223.97 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 44.00 FEET; THENCE NORTHWESTERLY, 39.72 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 51°43'24"; THENCE NORTH 00°01'10" EAST, 1156.12 FEET TO THEN BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 90.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 22°51'58" EAST; THENCE NORTHEASTERLY, 71.37 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 45°26'12" TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 25.62 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

CONTAINING A TOTAL AREA OF 5.78 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.6, 3.2

BEING A PORTION OF THE WEST HALF (W 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID WEST HALF (W 1/2); THENCE NORTH 00°08'51" EAST, ALONG THE WEST LINE OF SAID WEST HALF (W 1/2), A DISTANCE OF 1339.39 FEET; THENCE NORTH 88°48'37" EAST, DEPARTING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID WEST HALF (W 1/2), 680.32 FEET; THENCE SOUTH 00°08'34" WEST, DEPARTING SAID NORTH LINE, 65.02 FEET; THENCE SOUTH 88°48'37" WEST, 559.76 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 90.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 71°43'06" EAST; THENCE SOUTHWESTERLY, 97.82 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°16'19"; THENCE SOUTH 00°08'51" WEST, 1195.31 FEET; THENCE NORTH 88°50'11" EAST, 630.41 FEET; THENCE SOUTH 00°08'34" WEST, ALONG THE EAST LINE OF SAID WEST HALF (W 1/2), A DISTANCE OF 20.01 FEET; THENCE SOUTH 88°50'11" WEST, DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID WEST HALF (W 1/2), A DISTANCE OF 680.43 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 2.83 ACRES (123,449 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.6, 3.7, 4.6, 4.16

BEING A PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER (NE 1/4); THENCE NORTH 00°11'10" WEST, ALONG THE WEST LINE SAID NORTHEAST QUARTER (NE 1/4), A DISTANCE OF 1335.91 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE NORTH 88°53'47" EAST, DEPARTING SAID WEST LINE AND ALONG SAID NORTH LINE, 1365.23 FEET; THENCE SOUTH 00°20'25" EAST, DEPARTING SAID NORTH LINE, 50.01 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 85.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 20°51'09" EAST; THENCE WESTERLY, 58.60 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF

39°29'55" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 85.00 FEET, A RADIAL LINE OT SAID BEGINNING BEARS NORTH 18°38'46" EAST; THENCE WESTERLY, 29.30 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°45'00"; THENCE SOUTH 88°53'47" WEST, 1199.40 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 44.00 FEET; THENCE WESTERLY, 38.00 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 49°28'35"; THENCE SOUTH 00°01'10" WEST, 1225.59 FEET; THENCE NORTH 88°55'50" EAST, 687.71 FEET;

THENCE SOUTH 00°03'23" EAST, 50.01 FEET TO THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE 1/4); THENCE SOUTH 88°55'50" WEST, ALONG SAID SOUTH LINE, 729.71 TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 3.53 ACRES (153,627 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.6, 3.9

BEING THE NORTH 20.00 FEET AND THE EAST 80.00 FEET OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 58,832 SQUARE FEET (1.35 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.7, 2.9, 2.10, 3.9

BEING THE WEST 50.00 FEET OF SECTION 18, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA;

THE WEST 50.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 19, SAID TOWNSHIP AND RANGE;

AND THE WEST 50.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 19, SAID TOWNSHIP AND RANGE;

CONTAINING 9.99 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.9, 3.4, 4.10

BEING A PORTION OF THE EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF EAST HALF (E 1/2) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 13, SAID TOWNSHIP AND RANGE; THENCE SOUTH 00°32'25" EAST, ALONG THE EAST LINE OF SAID EAST HALF (E 1/2), A DISTANCE OF 80.02 FEET; THENCE SOUTH 88°20'44" WEST, DEPARTING SAID EAST LINE, 634.00 FEET; THENCE SOUTH 00°38'46" EAST, 1179.38 FEET; THENCE NORTH 88°31'50" EAST, 630.79 FEET; THENCE NORTH 88°34'47" EAST, 1.00 FEET; THENCE SOUTH 00°32'25" EAST, ALONG THE EAST LINE AND SAID EAST HALF (E 1/2), A DISTANCE OF 65.01 FEET; THENCE SOUTH 88°31'50" WEST, DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID EAST HALF (E 1/2), A DISTANCE OF 681.67 FEET; THENCE NORTH 00°38'46" WEST, DEPARTING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID EAST HALF (E 1/2), A DISTANCE OF 1324.23 FEET; THENCE NORTH 88°20'44" EAST, DEPARTING SAID WEST LINE AND ALONG THE NORTH LINE OF SAID EAST HALF (E 1/2), A DISTANCE OF 684.16 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 3.63 ACRES (158,004 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.9, 3.4, 3.8, 4.1, 4.10, 4.16

BEING A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 13, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW 1/4); THENCE NORTH 88°21'18" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 1366.89 FEET; THENCE SOUTH 00°26'16" EAST, DEPARTING SAID NORTH LINE AND ALONG THE EAST LINE OF SAID NORTHWEST QUARTER (NW 1/4), 1331.88 FEET; THENCE SOUTH 88°34'47" WEST, DEPARTING SAID EAST LINE AND ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 1364.42 FEET; THENCE NORTH 00°32'25" WEST, DEPARTING SAID SOUTH LINE AND ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 65.01 FEET; THENCE NORTH 88°34'47" EAST, DEPARTING SAID WEST LINE, 1294.52 FEET; THENCE NORTH 00°26'16" WEST, 1142.37 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 90.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 19°02'00" WEST; THENCE NORTHWESTERLY, 67.44 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 42°56'02"; THENCE SOUTH 88°21'18" WEST, 1245.40 FEET; THENCE SOUTH 88°20'44" WEST, 1.56 FEET; THENCE NORTH 00°32'25" WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER (NW 1/4), A DISTANCE OF 80.02 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 6.48 ACRES (282,483 SQUARE FEET), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECTS 2.10, 3.5, 4.2, 4.9

BEING THE SOUTH 120.00 FEET OF SECTION 12, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 14.54 ACRES, NOMINAL, BASED UPON A STANDARD SECTION.

PROJECT 3.1

BEING THE NORTH 50.00 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4), AND THE NORTH 50.00 FEET OF THE WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 25, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 1.59 ACRES, NOMINAL, BASED UPON A STANDARD SECTION.

PROJECTS 3.6, 4.17

BEING THE EAST 120.00 FEET OF SECTION 14, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 14.54 ACRES, NOMINAL, BASED UPON A STANDARD SECTION.

PROJECTS 3.6, 4.8, 4.17

BEING THE EAST 120.00 FEET OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 14.54 ACRES, NOMINAL, BASED UPON A STANDARD SECTION.

PROJECT 4.11

BEING PORTIONS OF SECTION 24, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 50.00 FEET OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4);

THE SOUTH 50.00 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4); AND

THE SOUTH 50.00 FEET OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4), AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION", ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 67,668 SQUARE FEET (1.55 ACRES), MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

PROJECT 4.15

BEING THE SOUTH 50.00 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 23, TOWNSHIP 19 SOUTH, RANGE 59 EAST, M.D.M., CLARK COUNTY, NEVADA;

EXCEPTING THEREFROM THE EAST 120.00 FEET THEREOF;

THE SOUTH 50.00 FEET OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, SAID TOWNSHIP AND RANGE;

AND THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 18, SAID TOWNSHIP AND RANGE.

CONTAINING 14.53 ACRES, MORE OR LESS, AS DETERMINED BY COMPUTER METHODS.

Section 5. The District shall constitute one construction unit with the projects and subprojects described in Section 3.

Section 6. All of the costs of the Project will be defrayed by assessments. The assessments, levied in the principal amount not to exceed \$51,187,785, plus interest thereon, shall be payable in semiannual installments payable semiannually at the office of the City Treasurer. One assessment principal installment of \$5,000 shall be due from the Developer on April 1, 2005 and shall be credited against the assessment due on such portion of the Property as specified by the Developer. Two semi-annual interest payments shall be due on October 1, 2004 and April 1, 2005 (provided that there shall be credited against such installments of interest the amount of capitalized interest available to pay the next installment of interest on the Bonds). Thirty-eight fully amortized assessment installments of principal and interest will be due semi-annually on April 1 and October 1 of each year, commencing on October 1, 2005 and ending on April 1, 2024. The assessments will be levied on an area basis; except that for property which

has been subdivided for single-family residential purposes the assessments will be levied on a per lot basis, as more fully described in the ordinance levying the assessments.

Section 7. All actions, proceedings and matters previously taken, had and done by the Council and the officers of the City (not inconsistent with the provisions of this Ordinance), concerning the District and the Project, including but not limited to the performing of all prerequisites to the creation of the District, the entering into of the Financing Agreement, the acquisition and improvement of the Project, the determination of the specially benefited property therein, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 8. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds for the Project.

Section 9. Immediately upon the final adoption of this Ordinance, the Council shall, and hereby directs the City Clerk to, file in the office of the County Recorder of Clark County, Nevada, a certified copy of the list of the tracts to be assessed and the amount of maximum benefits estimated to be assessed against each tract in the District, as shown on the final assessment plat and map. Notwithstanding the foregoing, neither the failure to record such list nor any defect or omission in such list regarding any tract to be included in the District shall affect the validity of any assessment, the lien for the payment thereof or the priority of that lien.

Section 10. If bonds are issued for the Project, the Engineer is hereby authorized to approve all requests by the Developer for payment by the City for the acquisition of each subproject described in the Financing Agreement, subject to and in accordance with the applicable provisions of the Financing Agreement. Upon such approval, the City Treasurer is hereby authorized to make such payments to the Developer, without the necessity of any further authorization or approval by the Council.

Section 11. 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, previously repealed.

Section 12. 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 CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (CLIFF'S EDGE); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN 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 April 21, 2004, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on May 5, 2004.

/s/ Barbara Jo Ronemus
City Clerk

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

Section 13. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its 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 CREATING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (CLIFF'S EDGE); ORDERING A STREET PROJECT, STORM SEWER PROJECT, SANITARY SEWER PROJECT AND WATER PROJECT, WITHIN THE CITY OF LAS VEGAS, NEVADA; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that such Ordinance was proposed on April 21, 2004, and was passed at the meeting held on May 5, 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 9th day of May, 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 _____, 2004.

/s/ Oscar B. Goodman
Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 14. 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.

Oscar B. Goodman, Mayor

(SEAL)

Attest:

Barbara Jo Ronemus, City Clerk

Approved as to Form:

4-8-04 Madeline J. Diekmann-DiCicco
Date Deputy City Attorney

This Ordinance shall be in full force and effect from and after May 9, 2004, i.e., the date after the publication of such ordinance by its title.

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 21, 2004 and finally adopted and approved on May 5, 2004.

2. The following members of the Council were present at the April 21, 2004 Council meeting:

Mayor:	Oscar B. Goodman
Council members:	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 21, 2004, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 5, 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 May 5, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Mayor:	Oscar B. Goodman
Council members:	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 the City Clerk, 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 21 and May 5, 2004. Pursuant to Section 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 21, 2004 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on May 5, 2004 is attached to this certificate as Exhibit B.

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. 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.

9. Upon request, the Council, 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 Council 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 _____, 2004.

City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of May 5, 2004 Meeting)

EXHIBIT C

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

EXHIBIT D

(Attach Affidavit of Publication of Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-33 – Levies Assessments for Special Improvement District No. 607 - Cliff's Edge.
Sponsored By: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$51,187,785.00

☒

Budget Funds Available

Dept./Division: Public Works/SID

☐

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Acquisition, construction and installation of street, sanitary sewer, storm sewer/drainage improvements, and water main projects. Costs will be recovered over a 20 year period through the levy and collection of special assessments.

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. 2004-33

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

See Item 108 for related discussion.

(12:31 – 12:33)

3-675

Summary – An ordinance levying assessments in City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge), ratifying action taken by City officers toward the levy of assessments, and providing other matters related thereto.

BILL NO. 2004-33

ORDINANCE NO. _____

(of City of Las Vegas, Nevada)

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 607 AND ASSESSING THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE PROPERTY BENEFITED BY THE LOCAL IMPROVEMENTS; AND PROVIDING OTHER MATTERS RELATED THERETO.

WHEREAS, the City Council (the "Council") of the City of Las Vegas, Nevada (the "City"), has previously, pursuant to the requisite preliminary proceedings, created the City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) (the "District") for the purpose of acquiring and improving streets, sanitary sewers, storm sewers and water mains (the "Project"), and has provided that the entire cost and expense of the Project shall be paid by special assessments, according to benefits received by the benefited lots, tracts and parcels of land in the District; and

WHEREAS, there has previously been presented to the Council a written petition from Cliffs Edge, LLC, a Nevada limited liability company (the "Developer") requesting the City to initiate the acquisition and improvement of the Project, to issue bonds and levy assessments and requesting the City to proceed with certain actions required by Chapter 271 of Nevada Revised Statutes ("NRS") and all laws amendatory thereof and supplemental thereto (the "Act"); and

WHEREAS, the City and the Developer and other owners of assessable property in the District (collectively, with the Developer, the "Owners") have entered into agreements (collectively, the "Financing Agreement") for the acquisition and improvement of the Project, which contain the terms and conditions required by NRS 271.710 and 271.720; and

WHEREAS, the Owners are the owners of 100% of the assessable property comprising the District; and

WHEREAS, the District has been created by an ordinance designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Creation Ordinance" previously approved by the Council under the provisions of the Act; and

WHEREAS, the Council has previously determined that the entire cost and expense to the City of the acquisition and improvement of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, such cost and expense of the Project includes the costs and expenses of the City to be incurred in connection with the issuance of the bonds by the City (the "Bonds") to finance the cost of the acquisition and improvement of the Project and the amount of reserve and other funds for the Bonds; and

WHEREAS, the Council has previously determined and does hereby declare that the net cost to the City of the Project is \$51,187,785, of which \$-0- is available from other sources and \$51,187,785 is to be assessed upon the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Council, by resolution duly adopted, directed the City Engineer, (the "Engineer") to make out a preliminary assessment roll; and

WHEREAS, after determination of the cost and expense of the acquisition and improvement of the Project to be paid by the property specially benefited, the Council, together with the Engineer, made out an assessment roll containing, among other things, the name and address of the last-known owner of the property to be assessed, a description of each lot, tract and parcel of land to be assessed, and the amount of the assessment thereon and has filed the assessment roll with the City Clerk; and

WHEREAS, the Council, by resolution duly adopted and confirmed the assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost and expense of the acquisition and improvement of the Project payable from assessments as previously determined and do not exceed the reasonable market value of the lots, tracts and parcels of land to be assessed; and

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

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

Section 1. This ordinance shall be known as and may be cited by the short title "District No. 607 Assessment Ordinance" (this "Ordinance").

Section 2. All actions, proceedings and matters previously 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 acquisition and improvement of the Project, the levy of assessments for those purposes, and the validation and confirmation of the assessment roll and the assessments therein, are ratified, approved and confirmed.

Section 3. For the purpose of paying the cost and expense of acquisition and improvement of the Project by the City, there are hereby levied and assessed against the lots, tracts and parcels of land in the District specially benefited by the Project and described in the assessment roll for the District in the form on file in the office of the City Clerk on the date of adoption of this Ordinance, the amounts and assessments shown in the assessment roll (as so filed and confirmed). The Council hereby finds and determines that such assessments do not exceed the benefits to the property assessed nor the total cost and expense of the acquisition and improvement of the Project payable from assessments as previously determined and do not exceed the reasonable market value of the lots, tracts and parcels of land to be assessed.

Section 4. The Owners pursuant to the Financing Agreement have elected to pay the assessments in installments, with interest as hereinafter provided, and the Council hereby authorizes such manner of payment. One assessment principal installment of \$5,000 shall be due on April 1, 2005, and two semi-annual interest payments shall be due on October 1, 2004 and April 1, 2005 (provided that there shall be credited against such installments of interest the amount of capitalized interest available to pay the next installment of interest on the Bonds). The balance of the unpaid assessments shall be payable on April 1 and October 1 of each year, commencing on October 1, 2005, in thirty-eight (38) semi-annual substantially equal installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance at a rate or rates, which shall not exceed by more than one percent (1%) the highest rate of interest on the Bonds issued for the District. The principal and interest on such assessments shall be payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year. Before

Bonds are issued, the Council shall by resolution fix the rate or rates of interest on the unpaid and deferred installments of the assessments. The effective interest rate on the Bonds will not exceed the statutory maximum rate (i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" that is most recently published in The Bond Buyer before a negotiated offer for the sale of the Bonds is accepted).

The installments of the assessments shall be payable at the office of the City Treasurer. Pursuant to NRS 271.415(5), the City Treasurer shall notify the owners of real property within the District of the amounts becoming due and each such owner shall be deemed notified and shall be responsible for any penalties or delinquencies regardless of such owner's failure to maintain an accurate mailing address with the County Assessor. Such notice shall state that the assessment installment is payable not later than the April 1 or October 1 next succeeding such notice. Except as herein provided, failure to pay any installment, whether of principal or interest, when due shall cause the whole amount of the unpaid principal of such assessment to become due and payable immediately, at the option of the City, the exercise of said option shall be indicated by the commencement of foreclosure or sale proceedings by the City. The whole amount of the unpaid principal and the interest that has accrued thereon shall, commencing fifteen (15) days after the date on which the delinquent installment became due, whether or not the option to accelerate the due date for the payment of the unpaid principal is exercised, bear a penalty at the rate of 2% (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of the foreclosure sale or until paid; provided, however, that, in the event of the failure on the part of the Developer, or on the part of any merchant builder that has purchased property from the Developer or any of its successors in interest, to pay, on or before the date on which the same becomes due, any installment (either principal or interest) of the assessment against any lot or parcel that is then owned by it, but such delinquency is not cured within such fifteen (15) day period, the Developer or such merchant builder, as the case may be, shall pay, in addition to such delinquent installment, a penalty that is equal to 2% of the whole amount of the unpaid principal and the interest that has accrued thereon, prorated based upon a thirty day month, for the number of days during which such delinquency existed; and provided further that, at any time prior to the day of such sale, the owner of any such lot or parcel, including without

limitation the Developer, may pay the aggregate amount of all of the delinquent installments originally becoming due on or before the date of said payment, with accrued interest thereon and all penalties and costs of collection accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if a default had not been suffered.

The owner of any property assessed and not in default as to any assessment installment or payment may, at any time (at the option of such owner), pay the whole or any portion of the unpaid principal with interest accruing thereon to the next assessment payment date, together with a prepayment premium equal to three percent (3%) of the principal amount so prepaid. If the Bonds (or any bonds issued to refund the Bonds) may then be redeemed without the payment of any premium, the City, in its sole discretion, may waive the requirement of payment of the redemption premium. No waiver for a particular prepayment premium shall be deemed to be a waiver for any other prepayment premium. The owner of any assessed property may, at any time, request the City to provide information as to the total amount which will be due in connection with a proposed prepayment of an assessment by such owner and the City will promptly (but in any event within five (5) business days) provide such information to the owner. After any partial prepayment of an assessment or refunding of the Bonds pursuant to NRS 271.488, the City Treasurer shall reamortize the assessment installments due on the parcel on which the partial prepayment was made or, in the case of a refunding, on all parcels, so that the remaining installments are semiannual substantially level installments of principal and interest with a final due date of April 1, 2024.

Assessment installments or assessment prepayments shall be reduced by the amount of any credits available for such installments or prepayments as provided in the Financing Agreement. This section does not prevent the City from amending this Ordinance, the Financing Agreement or any other documents executed in connection with the Bonds to provide for other uses of the interest earned on Bond proceeds, any excess Bond proceeds or the reserve fund established for the Bonds (the "Reserve Fund") in connection with a refunding of the Bonds; and the owners of the property assessed in the District have no entitlement to payment of any amounts in the interest earned on Bond proceeds, any excess Bond proceeds or the Reserve Fund in the event of such an amendment.

Section 5. The amounts assessed as provided in this Ordinance shall be a lien upon the lots, tracts and parcels of land from the effective date of this Ordinance until paid.

Pursuant to NRS Section 271.420, such lien shall be co-equal with the latest lien upon the lots, tracts and parcels to secure the payment of general taxes, shall not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes, and shall be prior and superior to all liens, claims, encumbrances and titles other than the lien of assessments and general taxes. The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 6. (a) Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, the Council may require the City Treasurer to apportion the uncollected amounts upon the several parts of land so divided on a net assessable area basis unless such land is divided into single-family residential lots, in which case the uncollected amounts will be divided on a per lot basis; provided that the applicant, at the time of such apportionment, may request that the uncollected amounts be apportioned on a net area basis (rather than on a per lot basis). The City may consider such request and, in its sole discretion, apportion the uncollected assessments accordingly. For purposes of such apportionment, the term "net assessable area" shall exclude (i) areas excluded from the definition of "assessable property" pursuant to NRS 271.040, (ii) areas designated on the assessment plat as being areas of non-assessment, and (iii) properties which are conveyed with restrictions limiting the uses of such properties to common areas, parks, landscaped areas and other permanent open space. In the event that any conflict exists between the provisions of the assessment plat and this Ordinance, the terms of this Ordinance shall control. The area of lands not included in the net assessable area may be estimated by the City in the case of any apportionment for which final legal descriptions of the excluded area are not yet available and any such estimate shall be final and conclusive absent fraud.

(b) The City may also reapportion assessments on tracts (whether currently within the District or latter added to the District) with the consent of property owners whose assessment will be increased thereby pursuant to NRS 271.425(3) or NRS 271.710(2) if the Council finds that the proposed action will not:

(i) materially or adversely impair the obligation of the City with respect to the Bonds; or

(ii) increase the principal balance of any assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the assessment.

(c) The report of such an apportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report nor any defect in the report as recorded shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 7. In case any such lot, tract or parcel of land so assessed is delinquent in the payment of such assessment or any installment of principal or interest, the City Treasurer promptly (but in no event later than 60 days after the installment due date) shall mark the assessment installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to the addressee's last-known address. Said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to 271.630, and the assessment roll and certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings. Unless otherwise directed by the Council, in the case of such a collection, the City Treasurer shall determine whether to cause the whole amount of the unpaid assessment with respect to such property to be immediately due and payable. If any such collection is not promptly enforced by the City, any bondholder may file and prosecute a foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the owners of the Bonds under this Ordinance and the Act by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in the Act or in an award of execution of any power herein granted for the enforcement of any proper legal or equitable remedy as such bondholder may deem most effectual to protect and enforce the rights aforesaid. All such proceedings at law or in equity shall be instituted, had and maintained for the equal

benefit of all owners of the Bonds then outstanding. The failure of the bondholders so to foreclose upon the property which is the subject of such delinquent assessments or so to proceed against the City, or both, shall not relieve the City or any of its officers, agents or employees of any duty so to take the actions hereinabove set forth.

Section 8. The City Clerk is hereby directed to deliver to the County Assessor, the County Recorder and the City Treasurer, a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner against whom the assessment was made, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the assessment roll as provided in this Section, nor any defect in the roll as recorded shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien. The City Treasurer is hereby directed to collect the amounts assessed as a tax upon the lots, tracts and parcels of land to which they were assessed.

Section 9. In accordance with NRS 271.390(2), the City Clerk shall give written notice of the levy of assessments by mailing a copy of such notice, postage prepaid, either before or promptly after the effective date of this Ordinance, to the owners of all property upon which the assessment was levied at their last-known addresses. Proof of such mailing shall be made by the affidavit of the City Clerk, provided, however, that failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and all Bonds shall have been paid in full, as to both principal and interest, or until any claim is barred by an appropriate statute of limitations. The Council hereby determines that the manner of giving notice herein provided by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 10. The notice provided for in NRS 271.390(2) and in Section 9 of this Ordinance shall be in substantially the following form:

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN THE CITY OF LAS VEGAS, NEVADA, SPECIAL
IMPROVEMENT
DISTRICT NO. 607 (CLIFF'S EDGE)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied that, by an ordinance duly passed, adopted, signed and approved on May 5, 2004 (the "Ordinance"), there were levied and assessed against the lots, tracts and parcels of land specially benefited by the local improvements in what is designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge)" (said lots, tracts and parcels of land being more specifically described in the assessment roll designated in the Ordinance), the costs and expenses of such improvements.

The assessments are payable at the times and in the amounts specified in the Ordinance. Failure to pay any installment, whether of principal or interest, when due shall cause the whole amount of the unpaid principal of such assessment to become due and payable immediately at the option of the City, the exercise of said option shall be indicated by the commencement of sale proceedings by the City. The whole amount of the unpaid principal and the interest that has accrued thereon shall, commencing fifteen (15) days after the date on which the delinquent installment became due, whether or not the option to accelerate the due date for the payment of the unpaid principal is exercised, bear a penalty at the rate of 2% (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of the sale, or until paid; provided, however, that, in the event of the failure on the part of the Developer (as defined in the Ordinance), or on the part of any merchant builder that has purchased property from the Developer or any of its successors in interest, to pay, on or before the date on which the same becomes due, any installment (either principal or interest) of the assessment against any lot or parcel that is then owned by it, but such delinquency is not cured within such fifteen (15) day period, the Developer or such merchant builder, as the case may be, shall pay, in addition to such delinquent installment, a penalty that is equal to 2% of the whole amount of the unpaid principal and the interest that has accrued thereon, prorated based upon a thirty day month, for the number

of days during which such delinquency existed; and provided further that, at any time prior to the day of such sale, the owner of any such lot or parcel, may pay the aggregate amount of all of the delinquent installments originally becoming due on or before the date of said payment, with accrued interest thereon and all penalties and costs of collection accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered.

Pursuant to NRS 271.395, within 15 days after the effective date of the Ordinance, any person who has filed a complaint, protest or objection in writing may 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 assessment roll, of each assessment contained in the assessment roll, and of the amount of the assessment levied on each lot, tract and parcel of land including without limiting the generality of the foregoing, the defense of confiscation, are perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 9, 2004, which lien shall be coequal with the latest lien thereon to secure the payment of general (ad valorem) taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general (ad valorem) taxes). The sale of any such lot, tract or parcel of land for general (ad valorem) taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

DATED this _____, 2004.

/s/ Barbara Jo Ronemus
City Clerk

Amount of assessment \$ _____

Description of property assessed _____

(End of Form of Notice)

Section 11. 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 all necessary documents, legal proceedings and other items necessary or desirable for the issuance of the Bonds.

Section 12. All ordinances, bylaws, resolutions 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, bylaw, resolution or order, or part thereof, previously repealed.

Section 13. 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 NO. 607 AND ASSESSING THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE PROPERTY BENEFITED BY THE LOCAL IMPROVEMENTS; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN 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 April 21, 2004, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on May 5, 2004.

/s/ Barbara Jo Ronemus
City Clerk

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

Section 14. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its 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 NO. 607 AND ASSESSING THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE PROPERTY BENEFITED BY THE LOCAL IMPROVEMENTS; AND PROVIDING OTHER MATTERS RELATED THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that such Ordinance was proposed on April 21, 2004, and was passed at the meeting held on May 5, 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 9th day of May, 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 _____, 2004.

/s/Oscar B. Goodman

Mayor

Attest:

/s/Barbara Jo Ronemus

City Clerk

(End of Form of Publication)

Section 15. 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.

Oscar B. Goodman, Mayor

(SEAL)

Attest:

Barbara Jo Ronemus, City Clerk

Approved as to Form:

4-8-'04 Madeline J. Diekmann-DiCicco
Date Deputy City Attorney

This Ordinance shall be in full force and effect from and after May 9, 2004, i.e., the date after the publication of such ordinance by its title.

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 21, 2004 and finally adopted and approved on May 5, 2004.

2. The following members of the Council were present at the April 21, 2004 Council meeting:

Mayor:	Oscar B. Goodman
Council members:	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 21, 2004, and referred to a committee composed of _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 5, 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 May 5, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Mayor:	Oscar B. Goodman
Council members:	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 the City Clerk, 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 21 and May 5, 2004. Pursuant to Section 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 21, 2004 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on May 5, 2004 is attached to this certificate as Exhibit B.

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. 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.

9. Upon request, the Council, 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 Council 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 _____, 2004.

City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of May 5, 2004 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 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-34 – Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance FY2005). Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$41,902.50

☒

Budget Funds Available

Dept./Division: Public Works/SID

☐

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Levies the assessment for the annual maintenance costs of street beautification improvements along Alta Drive from Rancho Drive to approximately 275 feet west of Lacy Lane. The fiscal amount reflects the estimated maintenance costs from July, 2004 through June, 2005.

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. 2004-34

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

(12:31 – 12:33)

3-675

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

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

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

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2005 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$41,902.50, of which, \$0.00 is available from other sources and of which \$41,902.50 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

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

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon; and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 7, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Maintenance Project in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, April 7, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on March 3, 2004; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on April 7, 2004, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 (FY2005) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2005) Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Maintenance Project, with funds completely derived from the levy of assessments.

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1485 (FY2005) Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1485 (FY2005) Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2005) including, but not limited to, the creation of the District, the amount of the maintenance contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value

increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 3, 2004, and as modified and confirmed by the District No. 1485 (FY2005) Assessment Protest Resolution duly adopted by the City Council on April 21, 2004.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided that all or any part of such assessments may, at the election of the owner, be paid in installments, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 1, 2004, October 1, 2004, January 3, 2005 and April 1, 2005. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The

owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 23, 2004) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal, penalties, and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

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

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments have been paid in full or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
LANDSCAPE MAINTENANCE IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE
MAINTENANCE FY2005)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2005) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 19, 2004. The Levy Ordinance levied and assessed the cost and expense of landscape maintenance against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before June 22, 2004, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 1, 2004, October 1, 2004, January 3, 2005, and April 1, 2005. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent

installments originally becoming due on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property 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 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

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

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 23, 2004, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this May 19, 2004.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 19, 2004, such publication to be in substantially the following form:

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 21st day of April, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 19th day of May, 2004.

**/s/ Barbara Jo Ronemus
City Clerk**

(End of Form)

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

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2005); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 21, 2004, and was passed at a regular meeting held on May 19, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

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 May 23, 2004, i.e., the day after its publication by title only.

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

This 19th day of May, 2004.

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

(SEAL)

Attest:
/s/ BARBARA JO RONEBUS
City Clerk

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

Introduced April 21, 2004, PASSED, ADOPTED AND APPROVED May 19, 2004.

OSCAR B. GOODMAN, Mayor

Attest

BARBARA JO RONEBUS, City Clerk

Approved as to Form:

4-8-04 Madeline L. Diekmann
Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 21, 2004, and finally adopted and approved on May 19, 2004.

2. The following members of the City Council were present at the April 21, 2004, Council meeting:

Mayor:	Oscar B. 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 21, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on May 19, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the May 19, 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 City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on April 21, and May 19, 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 (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) 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

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

6. A copy of such notice so given of the meeting of the City Council on April 21, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 19, 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 May 19, 2004.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of May 19, 2004 Meeting)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 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. 2004-35 – Authorizing the issuance of Local Improvement Bonds, Series 2004 for the City of Las Vegas, Nevada Special Improvement District No. 607 Cliff's Edge not to exceed \$51,185,000. - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount: \$51,185,000.

☐

Budget Funds Available

Dept./Division: Cliff's Edge Agency Fund

☐

Augmentation Required

Funding Source: SID assessments in district 607

PURPOSE/BACKGROUND:

The bonds are being issued by the City pursuant to the Nevada Consolidated Local Improvement Law (NRS 271) in order to finance the acquisition of certain public improvements for property located in the City's Special Improvement District No. 607 pursuant to the District Financing Agreement between the developer (Cliffs Edge) and the City. The bonds do not constitute a debt of the City.

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. 2004-35

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

5/3/2004 Recommending Committee

5/5/2004 Council Agenda

See Item 108 for related discussion.

(12:31 – 12:33)

3-675

THE MORNING SESSION RECESSED AT 12:33 P.M.

BILL NO. 2004-35

ORDINANCE NO. _____

AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (CLIFF'S EDGE) AND AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT 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 (the "State"); 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. 607 (Cliff's Edge) (the "District") for the purpose of acquiring and improving streets, sanitary sewers, storm sewers, and water mains (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 heretofore provided for the payment of the cost and expense of the Project by assessing the cost of the Project against the assessable lots, tracts and parcels of land benefited by the Project; and

WHEREAS, the Council desires to issue its City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Local Improvement Bonds, Series 2004 in the aggregate principal amount of \$51,185,000 (the "Bonds") to provide funds to pay the cost and expense of the Project; and

WHEREAS, the Bonds are to be payable from the sources permitted by the Consolidated Local Improvements Law, Chapter 271, Nevada Revised Statutes, and all laws amendatory thereof and supplemental thereto (the "Act"), as more fully described herein; and

WHEREAS, the Bonds are to be sold by the City to Stone & Youngberg LLC (the "Purchaser") on the terms set forth in the Bond Purchase Agreement in substantially the

form filed with the City Clerk prior to the date of adoption of this Ordinance (the "Bond Purchase Agreement"); and

WHEREAS, the effective interest rate on the Bonds shall not exceed by more than three percent (3%) the "Index of Twenty Bonds" which was most recently published in The Bond Buyer; and

WHEREAS, the Council has elected, and hereby elects, to have Chapter 348 of Nevada Revised Statutes ("NRS") apply to the Bonds.

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

Section 1. In addition to the terms elsewhere defined in this Special Improvement District No. 607 (Cliff's Edge) Bond Ordinance (the "Ordinance"), the following terms shall have the respective meanings set forth below:

"Administration Fund" means the "City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Administration Fund" established in Section 11 hereof.

"Annual Debt Service" means, for each Bond Year, the sum of the interest falling due on all outstanding Bonds in such Bond Year, assuming that all outstanding Bonds are retired as scheduled and the principal amount of the outstanding Bonds maturing subject to mandatory redemption by their terms in such Bond Year. "Annual Debt Service" shall not include interest on Bonds that is to be paid from amounts constituting capitalized interest.

"Assessment" or "Assessments" means the aggregate special assessment or individual portions thereof, as the case may be, levied by the City constituting a lien and charge upon benefited lots, tracts and parcels of land within the District.

"Assessment Installments" means the installments of principal and interest of the Assessments to be paid by the owners of the benefited lots, tracts and parcels of land within the District.

"Assessment Ordinance" means the assessment ordinance finally adopted by the Council on May 5, 2004 and any ordinance amending such ordinance.

"Average Annual Debt Service" means the average Bond Year Annual Debt Service over all Bond Years.

"Bond Fund" means the **"City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Bond Fund"** established in Section 11 hereof.

"Bond Reserve Fund" means the **"City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Bond Reserve Fund"** established in Section 11 hereof.

"Bond Year" means (i) with respect to the initial Bond Year, the period extending from the date the Bonds are originally delivered to and including June 1, 2005 and (ii) thereafter, each successive twelve month period.

"Certificate of City Finance Director" means a certificate of the City Finance Director dated on or before the date of delivery of the Bonds setting forth the rates of interest on the Bonds, the dates on which and prices at which Bonds may be called for redemption, the price at which the Bonds will be sold, and the amount of principal maturing on each date.

"City Clerk" means the de jure or de facto City Clerk of the City, or his or her successor in functions, if any.

"City Director of Finance" means the de jure or de facto director of finance and business services of the City or his or her successors in function, if any.

"City Treasurer" means the de jure or de facto treasurer of the City, or his or her successors in function, if any.

"Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds.

"Construction Fund" means the **"City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Construction Fund"** established in Section 11 hereof.

"Continuing Disclosure Agreement" means the Continuing Disclosure Agreement between the City and the Developer, in substantially the form now on file with the City Clerk, and any amendments and supplements thereto.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate executed by the Mayor and dated as of the date of delivery of the Bonds, in substantially the form now on file with the City Clerk, and any amendments and supplements thereto.

"County" means Clark County, Nevada.

"Developer" means Cliffs Edge, LLC.

"District Financing Agreement" means the District Financing Agreement, dated as of April 7, 2004, between the City and the Developer, and any amendments and supplements thereto.

"Maximum Annual Debt Service" means the largest Annual Debt Service during the period from the date of such determination through the final maturity date of any outstanding Bonds.

"Mayor" means the duly chosen qualified and acting Mayor of the City, and his or her successor in function.

"Parity Assessments" means other assessments levied on the assessable property within the District or any portion thereof, pursuant to the Act or any similar law, which are on a parity with the lien of the Assessments.

"Parity Value-to-Lien Ratio" means a fraction, (i) the numerator of which is the market value of all or any portion of the assessable property in the District, as set forth in a Qualified Appraisal Report, with respect to which the Parity Value-to-Lien Ratio is being determined, and (ii) the denominator of which is the sum of the principal amount of existing Assessments levied on the assessable property with respect to which the Parity Value-to-Lien Ratio is being determined, plus the principal amount of any Parity Assessments theretofore levied and then proposed to be levied on such property (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction).

"Qualified Appraisal Report" means a real estate appraisal report which (a) has been prepared by a real estate appraiser selected by the City having an "MAI" designation from The Appraisal Institute, (b) at the time of its submittal to the City is not more than six months old, (c) states that it is prepared in accordance with the applicable standards of The Appraisal Institute for such reports, and (d) employs a methodology and provides limiting conditions that are consistent with the initial appraisal prepared at the time of the creation of the District and the levy of the Assessments.

"Qualified Engineer" means an engineer (whether independent of the City or employed by the City) or engineering firm or corporation selected by the City having skill, knowledge and experience in special assessment districts.

"Rebate Fund" means the "City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Rebate Fund" created in Section 11 hereof.

"Record Date" means the fifteenth day of the calendar month preceding the calendar month in which each regularly scheduled interest payment date for the Bonds occurs.

"Refunding Bonds" means bonds issued by the City to refund all or a portion of the Bonds.

"Remaining Assessments" means Assessments which remain part of the Trust Estate after the issuance of any Refunding Bonds.

"Report" means the Engineers Report For Special Improvement District No. 607 (Cliff's Edge) dated April 21, 2004, and any addendum thereto filed with the City Clerk prior to the date of adoption of this ordinance.

"Reserve Requirement" means an amount equal to the lesser of: (i) ten percent (10%) of the original principal amount of the Bonds; (ii) one hundred twenty-five percent (125%) of Average Annual Debt Service on the Bonds; and (iii) Maximum Annual Debt Service on all Bonds Outstanding, less the sum of all downward adjustments to the Reserve Requirement due to the prepayment of Assessments as provided in Section 14E hereof or due to the issuance of Refunding Bonds as provided in Section 41 hereof. The amount of the Reserve Requirement upon initial delivery of the Bonds shall be confirmed in the Certificate of City Finance Director.

"Special Record Date" means a special date fixed by the Trustee to determine the names and addresses of registered owners of Bonds for the purpose of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 3 hereof.

"Trustee" means BNY Western Trust Company, a California banking corporation organized and existing under and by virtue of the laws of the State of California, which is serving as trustee, paying agent and registrar under this Ordinance or any other commercial bank or trust company which is substituted in its place as provided in Section 26 of this Ordinance.

"Trust Estate" means (i) all Assessments except Assessments released pursuant to Section 41 hereof, (ii) all moneys and securities from time to time held by the Trustee in the Bond Reserve Fund and the Bond Fund (including all earnings thereon except to the extent deposited in the Rebate Fund), and (iii) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds.

"Undeveloped Property" means property located within the District on which there is no improvement which requires a City certificate of occupancy.

"Value-to-Lien Ratio" means a fraction, (i) the numerator of which is the most recent market value of the Undeveloped Property subject to the lien of the Remaining Assessments, as certified by the County Assessor of the County or, in the sole discretion of the City, is the market value of the Undeveloped Property subject to the lien of the Remaining Assessments, as set forth in a Qualified Appraisal Report, and (ii) the denominator of which is the sum of the principal amount of the Remaining Assessments (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction). For the purpose of Section 39 only, Value-to-Lien Ratio means a fraction, (i) the numerator of which is the most recent market value of the property which is the subject of the proposed combination or reapportionment of Assessments, as certified by the County Assessor of the County or, in the sole discretion of the City, is the market value of the property which is the subject of the proposed combination or reapportionment of Assessments, as set forth in a Qualified Appraisal Report, and (ii) the denominator of which is the sum of the principal amount of the Assessments which will be levied on such property after the proposed combination or reapportionment (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction).

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 acquisition and improvement of the Project, the levy of Assessments for those purposes, the validation and confirmation of the assessment roll and the Assessments therein and the sale of the Bonds to the Purchaser, are ratified, approved and confirmed, including, without limitation, the execution and delivery of the Bond Purchase Agreement and the distribution of the Preliminary Official Statement for the Bonds.

Section 3. For the purpose of defraying the entire cost and expense to the City of the Project, there shall be issued the City's special assessment bonds designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Local Improvement Bonds, Series 2004" in the aggregate principal amount of \$51,185,000, which Bonds shall be dated as of the date of delivery of the Bonds and shall be in the form of fully registered Bonds in

the denominations of \$5,000 and any integral multiple thereof. The Bonds shall bear interest, at the rates per annum designated in the Certificate of the City Finance Director from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds, payable semiannually on June 1 and December 1 of each year, commencing on December 1, 2004. The Bonds shall mature on each June 1 in the years and amounts as designated in the Certificate of the City Finance Director. The principal of each Bond shall be payable at the principal corporate trust office of the Trustee upon presentation and surrender of the Bond.

Except as provided in Section 8 hereof, payment of interest on any Bond shall be made to the person who is the registered owner thereof at the close of business on the Record Date for such interest payment date by check mailed by the Trustee to such registered owner at his or her address as it appears on the registration records kept by the Trustee, but any such interest not so timely paid shall cease to be payable to the person who is the registered owner thereof at the close of business on the Record Date and shall be payable to the person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than ten days prior thereto by first-class postage prepaid mail to each such registered owner as shown on the registration records, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Trustee may make payments of interest on any Bond by such alternative means as may be mutually agreed to in writing between the registered owner of such Bond and the Trustee. If any Bond is not paid upon its presentation and surrender at or after its maturity or prior redemption, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months. All such payments shall be made in lawful money of the United States of America.

Section 4. The Bonds will be subject to redemption at the option of the City from any legally available funds on any interest payment date in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such manner as the City may determine, (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and

accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Certificate of the City Finance Director. If less than all of the Bonds are to be redeemed, the Bonds to be redeemed shall be selected by the Trustee proportionately from each outstanding maturity of the Bonds (including any mandatory sinking fund installment) unless the City Treasurer determines that the Assessment Installments will be sufficient to pay the principal and interest of the Bonds, which would remain outstanding using a different method of selecting Bonds to be redeemed, on each interest payment date subsequent to the redemption date, in which case, the City Treasurer will provide the Trustee with written instructions as to which Bonds shall be redeemed. The redemption premium, if any, shall be paid from a prepayment penalty for the Assessments provided for in the Assessment Ordinance, provided, however, that nothing herein shall prevent the payment of any such redemption premium from any other funds available for that purpose. Any Assessment which is voluntarily prepaid shall be used to redeem Bonds on the next interest payment date on the Bonds which is at least 60 days after receipt of such prepayment; provided that the amount of any such prepaid Assessment which is less than \$5,000 and can not be used by such interest payment date to redeem Bonds may be used to pay principal of or interest on the Bonds due on such interest payment date; and provided further that all or any portion of such prepaid Assessment may be used to pay principal of or interest on the Bonds if necessary to avoid or cure a default in payment of principal of or interest on the Bonds. The Trustee shall not be required to give notice of any such prior redemption unless it has received written instructions from the City in regard thereto at least 60 days prior to such redemption date.

The Bonds shall be subject to mandatory sinking fund redemption to the extent provided in the Certificate of the City Finance Director. Not more than sixty days nor less than forty-five days prior to each such sinking fund redemption date, the Trustee shall proceed to call the Bonds so designated for mandatory prior redemption from such sinking fund on the next sinking fund redemption date, and shall give notice of such call without further instruction or notice from the City.

At its option, to be exercised on or before the sixtieth day next preceding each sinking fund redemption date, the City may (i) deliver to the Trustee for cancellation, Bonds of the appropriate maturity in an aggregate principal amount desired by the City or (ii) specify a principal amount of Bonds of the appropriate maturity which prior to said date have been

redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Trustee and not theretofore applied as a credit against any sinking fund redemption obligation. Each such Bond or portion thereof so delivered or previously redeemed will be credited by the Trustee at 100% of the principal amount thereof against the obligation of the City on such sinking fund redemption date and any excess over such amount shall be credited against future sinking fund redemption obligations for the Bonds of that maturity in chronological order or any other order specified by the City. 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 Bonds to be cancelled or evidence thereof satisfactory to the Trustee.

In the case of Bonds of 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 Trustee shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

Unless waived by the registered owner of a Bond to be redeemed, notice of redemption shall be given by the Trustee in the name of the City by mailing such notice at least fifteen days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the registered owners (initially Cede & Co.) of the Bonds to be redeemed at their addresses as shown on the registration records. Failure to give such notice to 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. All such notices of redemption shall be dated and shall state: (i) the CUSIP number or numbers of the Bonds to be redeemed; (ii) the redemption date, (iii) the redemption price, (iv) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed, (v) 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 (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Trustee. After such notice has been given in the manner hereinbefore provided, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the City will pay

the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as herein provided for payment of interest. A certificate by the Trustee that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Bondholder of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

Notwithstanding the foregoing provisions, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Trustee 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 canceled by written notice to the registered owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 5. Pursuant to NRS 271.515, the Mayor, the City Clerk and City Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, each of the Bonds shall be signed and executed in the name of the City with the manual or facsimile of the signature of the Mayor, countersigned with the manual or facsimile of the signature of the City Treasurer, shall be attested with the manual or facsimile of the signature of the City Clerk and the seal of the City or a facsimile thereof shall be affixed thereto. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City (subject to the requirement of authentication by the Trustee as hereinafter provided) notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign any Bond at the time of its execution and of the execution of a signature certificate may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the Bond. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the manual signature of the Trustee (or a duly authorized officer thereof), and such certificate of authentication of the Trustee upon any Bond shall be the only competent evidence that such Bond has been duly issued and delivered. If any Bond shall be lost, stolen, destroyed or mutilated, the Trustee shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses

as it may reasonably require, register and deliver to the registered owner thereof a replacement for such Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Trustee shall pay such Bond in lieu of replacement.

Section 6. Records for the registration and transfer of the Bonds shall be kept by the Trustee. A Bond shall be fully transferable by the registered owner thereof in person or by his or her duly authorized attorney on the registration records kept at the office of the Trustee upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Trustee. Upon the surrender for transfer of any Bond at the principal corporate trust office of the Trustee, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Trustee) duly executed by the registered owner or his or her attorney duly authorized in writing, the Trustee shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal corporate trust office of the Trustee for an equal aggregate principal amount of Bonds of other authorized denominations. The Trustee may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from a redemption of a portion of a Bond. The Trustee shall not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Trustee of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall be surrendered to the Trustee upon payment thereof, or to the Trustee for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Trustee, and a certificate of such destruction shall be prepared by the Trustee.

The person in whose name a Bond shall be registered on the registration records kept by the Trustee shall be deemed and regarded as the absolute owner thereof for all purposes and neither the City nor the Trustee shall be affected by any notice to the contrary. Payment of principal of, premium, if any, and interest on any Bond shall be made only to or upon the written

order of the registered owner thereof or his or her legal representative (except as provided above for the payment of interest to the registered owner as of the Record Date or a Special Record Date). 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.

The foregoing provisions of this Section are subject to the provisions of Section 8 hereof.

Section 7. Subject to the registration provisions hereof, the Bonds shall be fully negotiable and shall have all the qualities of negotiable paper, and the registered owner or owners thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code — Investment Securities.

Section 8. Notwithstanding the provisions of Sections 4 through 6 hereof, the Bonds shall initially be evidenced by one Bond for each year in which Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year. Such initially delivered Bonds shall be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), the securities depository for the Bonds. So long as the Bonds are held by DTC, the Trustee and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the registered owners under this Ordinance, registering the transfer of such Bonds, obtaining any consent or other action to be taken by the registered owners and for all other purposes whatsoever, and neither the Trustee nor the City shall be affected by any notice to the contrary. Neither the Trustee nor the City shall have any responsibility or obligation to any DTC participant or indirect participant, any beneficial owner of the Bonds, or any other person which is not shown on the registration records of the Trustee as being a registered owner with respect to the accuracy of any records maintained by DTC or any DTC participant or indirect participant; the payment by DTC or any DTC participant or indirect participant of any amount in respect of the Bonds; any notice which is permitted or required to be given to the registered owners under this Ordinance; the selection by DTC or any DTC participant or indirect participant of any person to receive payment in the event of a partial redemption of the Bonds or any consent given or other action taken by DTC as

owner. After such initial issuance of the Bonds, the Bonds may not thereafter be transferred or exchanged except:

A. to any successor of DTC 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

B. upon the resignation of DTC or a successor or new depository under paragraph A or this paragraph B, or a determination by the City that DTC 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 DTC or such successor or new depository; or

C. upon the resignation of DTC or a successor or new depository under paragraph A or paragraph B, or a determination by the City that DTC or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, within 90 days thereafter to locate another qualified depository institution under paragraph B to carry out such depository functions or upon a determination by the City that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain Bond certificates and the delivery by the City of written notice thereof to the Trustee.

In the case of a transfer to a successor of DTC or its nominee as referred to in paragraph A above or designation of a new depository pursuant to paragraph B above, upon receipt of the Bonds by the Trustee, together with written instructions for transfer satisfactory to the Trustee, a new Bond 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 paragraph C above and, if applicable, the failure after reasonable investigation within 90 days thereafter to locate another qualified depository institution for the Bonds as provided in paragraph C above, and upon receipt of the Bonds by the Trustee, together with written instructions for transfer satisfactory to the Trustee, new Bonds shall be issued in the denominations of \$5,000 and any integral multiple thereof, as provided in Section 3 hereof,

registered in the names of such persons and in such denominations as are requested in such written transfer instructions; provided, however, the Trustee 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.

The City and the Trustee shall endeavor to cooperate with DTC or any successor or new depository named pursuant to paragraph A or B above in effectuating payment of the principal of, premium, if any, and interest on 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.

Upon any partial redemption of any 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 Trustee prior to payment.

Section 9. Pursuant to NRS 271.505, the Bonds shall contain a recital that they are issued pursuant to Chapter 271, Nevada Revised Statutes, which recital shall conclusively impart full compliance with all of the provisions of the Act, and all Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

Section 10. 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 or 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)

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to the City or its agent for registration of transfer, exchange, or payment, and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity 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.

UNITED STATES OF AMERICA

STATE OF NEVADA

CITY OF LAS VEGAS

NO. R-___

\$ _____

CITY OF LAS VEGAS, NEVADA
SPECIAL IMPROVEMENT DISTRICT NO. 607 (CLIFF'S EDGE)
LOCAL IMPROVEMENT BOND
SERIES 2004

Interest Rate
___% per annum

Maturity Date

Dated as of
_____, 2004

CUSIP Number

REGISTERED OWNER

PRINCIPAL AMOUNT

DOLLARS

The City of Las Vegas, Nevada (the "City"), for value received, hereby promises to pay, out of funds available for that purpose as hereinafter set forth, to the registered owner specified above or registered assigns the principal amount specified above on the maturity date specified above (unless this Bond shall have been called for prior redemption, in which case on such redemption date) and to pay solely from such available funds interest hereon at the interest rate per annum specified above, said interest being payable on June 1 and December 1 in each year, commencing December 1, 2004. 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 this Bond. Both principal and interest are payable in lawful money of the United States of America without deduction for exchange or collection charges. The principal of this Bond shall be payable to the person in whose name this Bond is registered (the "registered owner") on the registration records maintained by the Trustee for the Bonds, presently BNY Western Trust

Company in Los Angeles, California (the "Trustee"), upon presentation and surrender of this Bond as it becomes due. The interest hereon shall be paid by check mailed by the Trustee 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 at his or her address as it last appears on the registration records kept for that purpose by the Trustee on the fifteenth day of the calendar month preceding the calendar month in which such interest payment date occurs or on a special record date established by the Trustee for the payment of defaulted interest. Alternative means of payment of interest may be used if mutually agreed to between the registered owner of this Bond and the Trustee. If, upon presentation and surrender to the Trustee at maturity or prior redemption, payment of this Bond is not made as herein provided, interest hereon shall continue at the same rate per annum until the principal hereof is paid in full. Interest on this Bond shall be calculated based on a 360-day year consisting of twelve 30-day months.

This Bond is one of a series of bonds designated as the "City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Local Improvement Bonds, Series 2004" (the "Bonds") issued by the City in the aggregate principal amount of \$51,185,000 for the purpose of providing funds to pay the cost and expenses of acquiring and improving streets, sanitary sewers, storm sewers, and water mains (the "Project") within the City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) (the "District"). The Bonds have been authorized and issued pursuant to an ordinance (the "Ordinance") duly adopted by the City Council and the Consolidated Local Improvements Law, Chapter 271, Nevada Revised Statutes (the "Act").

The Bonds are subject to redemption at the option of the City from any legally available funds on any interest payment date in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such a manner as the City may determine, (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium computed in accordance with the following schedule:

<u>Redemption Period</u>	<u>Redemption Premium</u>
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

The Bonds maturing June 1, _____ are subject to mandatory sinking fund redemption as provided in the Ordinance at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. The Bonds to be so redeemed shall be selected by lot in such manner as the Trustee shall determine (giving proportionate weight to Bonds in denominations larger than \$5,000).

Redemption shall be made upon not less than thirty days' prior notice by mailing to the registered owner of each Bond to be redeemed at the address shown on the registration records in the manner and upon the conditions provided in the Ordinance.

****Upon any partial prior redemption of this Bond, Cede & Co., in its discretion, may request the Trustee 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 Trustee prior to payment.****

Pursuant to the Ordinance, the payment of the principal of, premium, if any, and interest on the Bonds shall be made from and as security for such payment there is pledged, a special fund designated as the "City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Bond Fund" (the "Bond Fund") containing the receipts upon the collection thereof from the special assessments (the "Assessments") levied against and secured by a lien upon the property in the District specially benefited by the Project, which fund shall be used for the full and prompt payment of the Bonds and the interest thereon, and shall be used for no other purpose whatsoever except as permitted by the Ordinance. Whenever there is a deficiency in the Bond Fund, the deficiency must be paid out of the special fund designated as the "City of Las Vegas, Nevada Special Improvement District No. 607 (Cliff's Edge) Bond Reserve Fund" in the priority specified in the Ordinance (the Assessments, the Bond Fund, the Bond Reserve Fund, such other special funds collectively, the "Trust Estate"). The Bonds are not payable from the sources identified in NRS 271.428, 271.495 and 271.500.

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the

Bonds, and for payment of the continuing costs of the Bonds and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

The City Treasurer shall collect, receive and enforce the payment of all Assessments made and levied for the Project, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Ordinance, the District Financing Agreement and the other proceedings of the City relating thereto.

The Bonds are issuable as fully registered Bonds in denominations of \$5,000 and any integral multiple thereof. Upon surrender of any Bond at the principal corporate trust office of the Trustee with a written instrument satisfactory to the Trustee duly executed by the registered owner or his or her duly authorized attorney, and receipt by the Trustee of the fees and charges provided in the Ordinance, such Bond may be exchanged for an equal aggregate principal amount of Bonds of other authorized denominations, subject to the terms and conditions set forth in the Ordinance.

This Bond is fully transferable by the registered owner hereof in person or by his or her duly authorized attorney on the registration records kept by the Trustee upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Trustee, and upon the payment of the fees and charges provided in the Ordinance. Upon such transfer a new fully registered Bond or Bonds of authorized denomination or denominations of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to the terms and conditions set forth in the Ordinance.

The Trustee will not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Trustee of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part.

****The Bonds shall not be transferable or exchangeable, except as set forth in the Ordinance.****

The City and the Trustee may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of making payment (except to the extent otherwise provided hereinabove and in the Ordinance with respect to Record Dates and Special Record Dates for the payment of interest) and for all other purposes, and neither the City nor the Trustee shall be affected by any notice to the contrary.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be modified or amended by action of the City taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of the Project; that this Bond is issued under the authority of the Act and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings with reference to the Project, the levying of the assessments to pay the cost and expense of the Project and the issuance of the Bonds have been regularly had and taken in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefited by the Project and of the liability of the owner or owners of such property therefor have been performed.

This Bond shall not be valid or obligatory for any purpose until the Trustee shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City of Las Vegas, Nevada has caused this Bond to be signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, to be countersigned with the manual or facsimile signature of the City Treasurer, and to be countersigned, subscribed, executed and attested with the manual or facsimile signature of the City Clerk, has caused the seal of the City or a facsimile thereof to be affixed hereon, and has caused this Bond to be dated as of the date specified above.

(For Manual or Facsimile Signature)
Mayor

(For Manual or Facsimile Signature)
City Treasurer

(MANUAL OR FACSIMILE SEAL)

Attested:

(For Manual or Facsimile Signature)
City Clerk

- * _____ Insert only if Bonds are delivered pursuant to paragraph C of Section 8 of this Ordinance.
- ** Insert only if Bonds are initially delivered to The Depository Trust Company pursuant to the first paragraph of Section 8 of this Ordinance.

(Form of Trustee's Certificate of Authentication)

Date of Registration: _____

This is one of the Bonds described in the above mentioned Ordinance and this Bond has been duly registered in the registration records kept by the undersigned as Trustee for the Bonds.

BNY WESTERN TRUST COMPANY,
as Trustee

By (Manual Signature)

(End of Form of Trustee's Certificate of Authentication)

**** (Form of Prepayment Panel)**

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

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

(End of Form of Prepayment Panel)**

(Form of Assignment Provision)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____ to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR § 240.17 Ad-15(a)(2).

Signature Guaranteed:

Address of Transferee:

Social Security or other tax
identification number of
transferee:

(End of Form of Assignment)

Section 11. When the Bonds have been duly executed and authenticated, they shall be delivered to the Purchaser on receipt of the agreed purchase price. The proceeds realized by the City from the sale of the Bonds (net of the Purchaser's discount) shall be applied as follows:

A. An amount equal to the Reserve Requirement shall be deposited in a special fund to be held by the Trustee and hereby created, to be designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Bond Reserve Fund."

B. An amount equal to not more than fourteen months' interest on the Bonds shall be deposited in a special fund to be held by the Trustee and hereby created, to be designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Bond Fund."

C. The remainder of such proceeds shall be deposited in a special account to be held by the City Treasurer hereby created and to be designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Construction Fund."

There are also hereby created the following special funds and accounts designated as:

A. "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Administration Fund," to be held by the City Treasurer.

B. "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Rebate Fund," to be held by the Trustee.

The Purchaser shall in no manner be responsible for the application by the City, or any of its officers, agents or employees, of any of the funds derived from the sale of the Bonds or of any other funds herein designated.

Amounts in all of such funds and accounts may be invested by the City in securities which are permitted investments for City funds under Chapter 355 of NRS. Investment income remains in such funds or account unless otherwise provided herein. All investments of amounts deposited in any fund or account created by or pursuant to this Ordinance shall be valued at fair market value. The Trustee shall value investments on deposit in the Bond Reserve Fund not less often than semiannually for purposes of determining whether the amount on deposit in the Bond Reserve Fund is less than the Reserve Requirement.

Section 12. The Construction Fund shall be a special fund held by the City Treasurer. All money in the Construction Fund shall be applied by the City for the payment of cost (as defined in the Act) of the acquisition and improvement of the Project, which includes the payment of the costs of issuance of the Bonds, all in accordance with the District Financing Agreement. The amount of any income realized from the investment of the money in the Construction Fund shall be retained in the Construction Fund or, at the option of the City, transferred to the Trustee for deposit in the Rebate Fund. When the acquisition and improvement of the Project have been completed, the City shall either (i) transfer any remaining balance of money in the Construction Fund to the Trustee for deposit in the Bond Fund or (ii) retain such balance in the Construction Fund to be applied for the payment of the cost of any additional projects permitted by the Act and agreed to by the City and the Developer pursuant to the District Financing Agreement. Any such moneys transferred to the Trustee for deposit in the Bond Fund shall be credited against the Assessment Installments to become due and payable, with an appropriate payment to the owner of any assessed parcel whose Assessment has been paid in full.

Section 13. The City Treasurer is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments made and levied for the Project, and all installments thereof, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof, the interest thereon, and the penalties thereto, to the person or persons entitled thereto pursuant to the provisions of this Ordinance, the District Financing Agreement and the Act. All moneys received from the Assessments, both principal and interest, shall be transferred to the Trustee for deposit in the Bond Fund (except to the extent required to replenish the Bond Reserve Fund). All moneys deposited in the Bond Fund shall be used as soon as the funds are available for the purpose of paying the principal of and the interest and prior redemption premiums on the Bonds as they become due and payable, and (except as herein and in the District Financing Agreement provided) for no other purpose whatsoever, and the Bond Fund is hereby pledged as security for such purposes. Notwithstanding the foregoing, after June 1 of each fiscal year any amounts in the Bond Fund that are not used to pay the principal and interest on the Bonds shall be transferred from the Bond Fund to the City Treasurer for deposit in the Administration Fund.

The Bonds and the interest thereon shall be payable from the Bond Fund, containing the receipts upon the collection of the Assessments and from the remainder of the Trust Estate. The Bonds are not payable from the sources identified in NRS 271.428, 271.495 and 271.500.

Section 14. A. Whenever there is a deficiency in the Bond Fund, the deficiency shall be paid from amounts in the Bond Reserve Fund. The Bond Reserve Fund shall be a special trust fund held by the Trustee as a continuing reserve to secure the payment of the Bonds by meeting possible deficiencies in the payment of the principal of and the interest on the Bonds resulting from the failure to deposit into the Bond Fund sufficient funds to pay the principal and interest on the Bonds as the same accrue. The City hereby pledges the Bond Reserve Fund for such purpose.

B. An amount equal to the Reserve Requirement shall be deposited to the Bond Reserve Fund from the proceeds of the Bonds. The Bond Reserve Fund will be used as additional security for the Bonds to pay any principal and interest on the Bonds when due, if the payments of the Assessment Installments are insufficient for that purpose.

C. All amounts in the Bond Reserve Fund in excess of the Reserve Requirement, derived from interest earned on amounts in the Bond Reserve Fund or otherwise shall be applied to the following in the following order of priority:

(i) First, when needed to pay the principal of and interest on the Bonds then due to the extent not provided from Bond proceeds including capitalized accrued interest or from the Assessment Installments and interest. Interest used under this clause to pay the principal of and interest on the Bonds shall be applied before a withdrawal is made from the balance in the Bond Reserve Fund.

(ii) Second, when needed for transfer to the City Treasurer for deposit in the Administration Fund to pay all administrative and other expenses of the City associated with the Project, the Bonds or the Assessments.

(iii) Third, prior to the third anniversary of the delivery of the Bonds, or such later date as in the opinion of nationally recognized bond counsel acceptable to the City will not adversely affect the exclusion of the interest on the Bonds from gross income for federal income tax purposes, to be used to pay costs of the Project.

(iv) Fourth, at the time of any prepayment of any Assessment, to provide any refund then owed under paragraph E of this section.

(v) Fifth, at least annually commencing after the October 1, 2005 Assessment payment, used to call Bonds prior to their stated due dates or held in an account for payment of the Bonds at or prior to their due dates, whichever the City Treasurer determines is in the financial best interests of the City. No funds shall be applied as provided in this clause (v) unless they have been held in the Bond Reserve Fund for at least one year.

D. If because of any delinquent Assessment an amount is withdrawn from the Bond Reserve Fund to pay the principal of or interest on the Bonds, and that Assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of the delinquent Assessment), to the extent available from that payment of the delinquent Assessment (including penalty and interest but after payment of costs of collection), an amount equal to the greater of (i) the amount withdrawn plus interest at the Assessment interest rate, or (ii) the amount necessary to restore the Bond Reserve Fund to the Reserve Requirement, shall be paid to the Bond Reserve Fund from the payment of the delinquent Assessment.

E. At the time the Assessment against any parcel of property is voluntarily paid in full or in part, the person who owned the property at the time of such payment shall be entitled to a refund, in cash or by credit against the Assessment, equal to a pro rata share of the balance then in the Bond Reserve Fund, and the Reserve Requirement shall be recalculated to reflect the payment in full of that Assessment. Such refund, in cash or otherwise, shall be made only to the extent the balance in the Bond Reserve Fund after making the refund would not be less than the Reserve Requirement, as recalculated, but if this structure prevents all or a part of such a refund, that refund (or, an additional partial refund, as the case may be) shall be made if and when money is available in the Bond Reserve Fund to make the payment and as otherwise provided in paragraph C of this section. This section does not prevent the City from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of the Bond Reserve Fund in connection with a refunding of the Bonds and the owners of the property assessed in the District have no entitlement to any amounts in the Bond Reserve Fund in the event of such an amendment.

Section 15. BNY Western Trust Company, Los Angeles, California, is hereby appointed as Trustee for the Bonds. The Trustee shall signify its acceptance of the duties and

obligations imposed by this Ordinance by executing and delivering to the City a written acceptance thereof.

Section 16. All moneys and securities held by the Trustee at any time pursuant to the terms of this Ordinance shall be and hereby are assigned, transferred and set over unto the Trustee in trust for the purposes and under the terms and conditions of this Ordinance.

Section 17. The Trustee undertakes to perform such duties and only such duties as are specifically set forth in this Ordinance and to exercise such of the rights and powers vested in it by this Ordinance, and to use the same degree of care and skill in their exercise, as a reasonably prudent person would exercise or use under the circumstances in the conduct of the affairs of others, except as herein otherwise expressly provided. The Trustee, upon receipt of evidence furnished to it by or on behalf of the City pursuant to any provision of this Ordinance, shall examine the same to determine whether or not such evidence conforms to the requirements of this Ordinance.

Section 18. Except as herein otherwise expressly provided, no provision of this Ordinance shall be construed to relieve the Trustee from liability for its own negligent action, its own negligent failure to act or its own willful misconduct, except that:

A. The Trustee shall not be liable except for the performance of such duties as are specifically set out in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Trustee, but the duties and obligations of the Trustee shall be determined solely by the express provisions of this Ordinance;

B. In the absence of bad faith on the part of the Trustee, the Trustee may conclusively rely, as to the truth of the statements and the correctness of the opinions expressed therein, upon certificates, opinions or other instruments conforming to the requirements of this Ordinance;

C. The Trustee shall not be personally liable for any error of judgment made in good faith by a responsible officer or officers of the Trustee, unless it shall be proved that the Trustee was negligent in ascertaining the pertinent facts or in the performance of an express duty;

D. The Trustee shall not be personally liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the registered owners of not less than a majority in aggregate principal amount of the Bonds then Outstanding

relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee, or exercising any trust or power conferred upon the Trustee under this Ordinance, provided that before taking any action hereunder requested by the registered owners of any outstanding Bonds, the Trustee may require that it be furnished indemnity satisfactory to it for extraordinary fees and for the reimbursement of all expenses, including fees and expenses of its counsel, to which it may be put and to protect it against all liability, except liability which results from the negligence or willful misconduct of the Trustee, by reason of any action so taken by the Trustee;

E. The Trustee shall not be required to advance or expend or use its own funds or otherwise incur personal financial liability in the performance of any of its duties or in the exercise of any of its rights or powers, if there is reasonable ground for believing that the repayment of such funds or liability is not assured to it by the security afforded it by the terms of this Ordinance or by other reasonable security or indemnity;

F. The Trustee shall not be under any responsibility or duty with respect to the disposition by the City of the Bonds or the application by the City of the proceeds thereof or of any moneys paid to the City under any of the provisions hereof; and

G. The Trustee shall not be under any obligation to take any action toward the execution or enforcement of the trusts created by this Ordinance which, in the opinion of the Trustee, will likely involve it in expense or liability, unless one or more of the registered owners of Bonds shall, as often as required by the Trustee, furnish to the Trustee security and indemnity satisfactory to the Trustee against such expense or liability.

Section 19. To the extent permitted by Sections 17 and 18 hereof:

A. The Trustee may conclusively rely and shall be protected in acting upon any resolution, ordinance, certificate, opinion, notice, request, consent, order, appraisal, report, bond, other security or other paper or document believed by it to be genuine and to have been signed or presented by the proper party or parties; and

B. The Trustee may consult with counsel and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

Section 20. The Trustee shall not be under any responsibility for the approval of any expert designated by the City or any other person for any of the purposes expressed in this

Ordinance. Any resolution or ordinance of the Council shall be evidenced to the Trustee by a copy thereof certified by the City Clerk to have been duly adopted, and the Trustee may accept such copy as conclusive evidence of the adoption of such resolution or ordinance. No surety bond or other security shall be required of the Trustee unless ordered by a court having jurisdiction and for cause shown.

Section 21. The Trustee and any of its directors, officers, employees and agents may buy, hold, sell or deal in, or be a pledgee of, the Bonds, may join in any action which the registered owner of any Bond may be entitled to take, and may engage or be interested in any financial or other transaction with the City, all as freely and with like effect as if they were not Trustee hereunder.

Section 22. Except as herein otherwise provided, all moneys received by the Trustee until used or applied as herein provided, shall be held in trust for the purposes for which they were paid, but need not be segregated from other moneys except to the extent required by law, unless herein otherwise expressly provided.

The City shall from time to time, subject to any agreement then in effect with the Trustee, pay the Trustee compensation for its services and reimburse the Trustee for all its advances and expenditures hereunder, including but not limited to advances to and fees and expenses of accountants, agents, appraisers, consultants, counsel or other experts employed by it in the observance and performance of its rights and obligations hereunder.

To the extent permitted by law, the City does hereby assume liability for, and agrees to indemnify and hold harmless the Trustee from and against any and all claims, fees, expenses, damages, liabilities and losses (including legal fees and expenses) arising out of (i) the condition, management, maintenance or use of or from any work done in connection with the Project, (ii) any act of negligence of the City or of any of its agents, contractors, employees, invitees, licensees, officers or supervisors in connection with the Project, or (iii) the payment of any costs or expenses of the acquisition and construction of the Project; provided, that no indemnification will be made for willful misconduct or negligence hereunder by the Trustee.

To the extent permitted by law, the City also agrees to indemnify the Trustee for, and to hold it harmless against, any loss, liability or expense incurred without negligence or willful misconduct on the part of the Trustee arising out of or in connection with the acceptance or administration of the trusts hereunder, as well as the costs and expenses of defending itself

against any claim, action, suit or liability in accordance with the exercise or performance of any of its powers or duties hereunder. Notwithstanding the foregoing, unless the action or omission giving rise to such indemnification is caused by the gross negligence or willful misconduct of the City, its officers or employees, the City's obligations in the immediately preceding two paragraphs to indemnify the Trustee shall be limited to amounts collected by the City for such purpose in the Assessment Installments or from amounts paid to the City pursuant to the District Financing Agreement.

Section 23. Whenever in the administration of the trusts of this Ordinance the Trustee shall deem it necessary or desirable that a matter be proved or established before taking or suffering any action hereunder, such matter (unless other evidence in respect thereof is herein specifically prescribed) may, subject to the provisions of Sections 17 and 18 hereof, be deemed to be conclusively proved and established by a certificate signed, manually or by facsimile, by the City Treasurer or the City Finance Director and delivered to the Trustee, and such certificate shall be full warrant to the Trustee for any action taken or suffered by it under the provisions of this Ordinance upon the faith thereof. Likewise, all appraiser's certificates, engineer's certificates, officer's certificates and other certificates or instruments herein provided to be given to the Trustee, shall be full warrant and protection to the Trustee, subject to the provisions of Sections 17 and 18 hereof, for any action or non-action taken or suffered by it under the provisions of this Ordinance upon the faith thereof. Whenever it is provided in this Ordinance that the Trustee shall take any action upon the happening of a specific event or upon the fulfillment of any condition or upon the request of the City or of any registered owner of any Bond, the Trustee shall have full power to give any and all notices and to do any and all acts and things incidental to such action.

Section 24. The Trustee, or any successor thereof, may at any time resign and be discharged of its duties and obligations hereunder by giving not less than 60 days' written notice to the City and by mailing a copy of such notice to the registered owners of the Bonds. The resignation shall take effect upon the day specified in the notice unless previously a successor shall have been appointed by the City or by the registered owners of Bonds, in which event the resignation shall take effect immediately on the appointment of such successor.

Section 25. The Trustee, or any successor thereof, may be removed at any time (1) by resolution of the City, upon not less than 60 days' written notice to the Trustee, or (2) by

the registered owners of not less than a majority in aggregate principal amount of the Bonds then Outstanding, excluding any Bonds held by or for the account of the City, by an instrument or concurrent instruments in writing signed and acknowledged by such registered owners of Bonds or by their attorneys-in-fact duly authorized and delivered to the City. Copies of each such instrument shall be delivered by the City to the Trustee and to any successor thereof.

Section 26. In case the Trustee, or any successor thereof, shall resign or shall be removed or shall become incapable of acting or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator thereof or of its property shall be appointed, or if any public officer shall take charge or control thereof or of its property or affairs, a successor may be appointed by the City or, if the City fails to act, by the registered owners of not less than a majority in aggregate principal amount of the then Outstanding Bonds, excluding any Bonds held by or for the account of the City, by an instrument or concurrent instruments in writing signed and acknowledged by such registered owners of Bonds or by their attorneys-in-fact duly authorized and delivered to the City. Pending such appointment by registered owners of Bonds, the City shall forthwith appoint a successor to act until such appointment is made by the registered owners of Bonds. Copies of each such instrument and of any resolution of the City providing for any such appointment shall be delivered by the City to the successor and to the predecessor Trustee. The City shall mail notice of any such appointment to the registered owners of the Bonds. Any appointment made by the City shall, immediately and without further act, be superseded and revoked by appointment subsequently made by the registered owners of Bonds. If no appointment of a successor shall be made within 30 days after the giving of written notice in accordance with Section 25 hereof or after the occurrence of any other event requiring or authorizing such appointment, the Trustee or any registered owner of Bonds may apply to any court of competent jurisdiction for the appointment of such a successor, and the court thereupon after such notice, if any, as the court may deem proper and may prescribe, may appoint such successor. Any successor appointed under the provisions of this section shall be a bank or a trust company or a national banking association having a shareholders equity (e.g., capital stock, surplus and undivided profits), however denominated, aggregating at least \$75,000,000, if there is such a bank or trust company or national banking association willing and able to accept the appointment on reasonable and customary terms and authorized by law to perform all the duties required by this Ordinance.

Section 27. Any successor appointed under the provisions of Section 26 hereof shall execute, acknowledge and deliver to its predecessor and also to the City an instrument accepting such appointment; and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of its predecessor hereunder, with like effect as if originally appointed herein as Trustee; but the Trustee then ceasing to act shall, nevertheless, on request by the City or by such successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all the right, title and interest of such Trustee in and to any property held by it hereunder and shall pay over, assign and deliver to such successor any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the City be required by such successor for more fully and certainly vesting in and confirming to it any such moneys, estates, properties, rights, powers, duties or obligations, any and all such deeds, conveyances and instruments in writing shall on request and so far as may be authorized by law be executed, acknowledged and delivered to the City by the Trustee originally appointed herein.

Section 28. Any entity in which the Trustee may be converted or merged or with which it may be consolidated or any entity resulting from any conversion, merger or consolidation to which it shall be a party or any entity to which the Trustee may sell or transfer all or substantially all of its corporate trust business, provided such entity shall be a bank or trust company or a national banking association qualified to be a successor to the Trustee under the provisions hereof, shall be the successor to the Trustee without any further act, deed or conveyance.

Section 29. The Trustee shall not be considered in breach of or in default in its obligations under this Ordinance or progress in respect thereto in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not limited to, Acts of God, terrorism, war, riots, strikes, fire, floods, earthquakes, epidemics or other like occurrences beyond the control of the Trustee; it being understood that the Trustee shall use reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as practicable under the circumstances.

Section 30. The Trustee agrees to accept and act upon facsimile transmission of written instructions and/or directions pursuant to this Ordinance provided, however, that: (a) subsequent to such facsimile transmission of written instructions and/or directions the Trustee shall forthwith receive the originally executed instructions and/or directions, (b) such originally executed instructions and/or directions shall be signed by a person as may be designated and authorized to sign for the party signing such instructions and/or directions, and (c) the Trustee shall have received a current incumbency certificate containing the specimen signature of such designated person.

Section 31. The Trust Estate is hereby irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of other costs as set forth herein, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessment Installments shall constitute a first and exclusive lien on the Assessment Installments for the foregoing purposes in accordance with the terms hereof; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

Section 32. There shall be deposited into the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Cliff's Edge) Rebate Fund" any amounts paid by the City for deposit therein. The Rebate Fund shall be held by the Trustee, but shall not constitute part of the Trust Estate. Notwithstanding any other provision of this Ordinance or of the District Financing Agreement, any investment income or other gain on moneys in the Construction Fund, the Bond Fund or the Bond Reserve Fund may, at the City's direction, be transferred to the Rebate Fund to enable the City to satisfy the requirements of Section 148(f) of the Code. Moneys in the Rebate Fund shall be paid to the United States by the Trustee, at the City's direction, in the amounts and at the times required by the Code. Any excess moneys contained in the Rebate Fund shall be transferred, at the City's direction, to the Trustee for deposit to the Bond Fund. Upon payment of all amounts due to the United States pursuant to Section 148 of the Code, any moneys remaining in the Rebate Fund shall be transferred to the City. The Trustee shall have no responsibility with respect to compliance with the provisions of this Section except to comply with the direction of the City.

Section 33. So long as any of the Bonds remain outstanding, the City will keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of the Assessment Installments, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Construction Fund, the Bond Fund, the Bond Reserve Fund and the Rebate Fund, and covering the payment of the principal of, premium, if any, and interest on the Bonds. The City will permit an inspection and examination of all records and accounts at all reasonable times by a representative of the Purchaser.

Section 34. Promptly (but in no event later than sixty days after the due date of the Assessment Installment) upon a default in the due and punctual payment of any Assessment Installment due hereunder and under the Assessment Ordinance, the City Treasurer shall mark the Assessment Installment delinquent on the assessment roll for the District and shall notify the delinquent person of such delinquency in writing. Unless such Assessment Installment plus accrued interest and penalties thereon have been paid in full, within sixty days thereafter the Council shall direct the City Treasurer to give notice of the sale of the property subject to the lien of the delinquent Assessment Installment, or all of the Assessment with respect to such property if the Council has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of Section 35 hereof), and shall sell such property as provided in and pursuant to the Act. In the event that the owner of such property does not prior to the day of sale pay the amount of all delinquent Assessment Installments, with accrued interest thereon and penalties and costs of collection (as further provided in the Assessment Ordinance) and such property is not sold to a third party purchaser at such sale, the property may be stricken off to the City and held in trust for the benefit of the District pursuant to the Act. Alternatively, the City may proceed with the collection or enforcement of any delinquent Assessment Installment, or the whole amount of the unpaid Assessment with respect to such property if the City has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of Section 35 hereof), by a foreclosure action brought in the district court located in and for the City. All proceedings supplemental to the judgment in any such foreclosure action, including appeal, period of redemption, sale and the issuance of a deed, shall be conducted in accordance with the law relating to property sold upon foreclosure of

mortgages or liens upon real property, except that there shall be no personal liability upon the defendants for any deficiency in the proceeds of such sale.

Upon the sale of or foreclosure upon the real property which is the subject of such delinquent Assessment Installment, or upon the owner of such property paying prior to the date of sale the amount of all delinquent Assessment Installments, or after the date of sale all delinquent Assessment Installments or all of the Assessment if the Council has exercised its option referred to above, accrued interest thereon, penalties and costs of collection, the City shall transfer such moneys received to the Trustee for deposit in the Bond Fund or as otherwise required by the District Financing Agreement.

Section 35. Upon a default in the due and punctual payment of an Assessment Installment and if sale or foreclosure proceedings are not promptly filed and diligently prosecuted by the City, then any registered owner may:

- A. file and prosecute a foreclosure action in the name of the City; and
- B. proceed against the City to protect and enforce the rights of the registered owners under the Act or hereunder by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provisions contained in the Act or herein or in an award of execution of any power granted for the enforcement of any proper legal or equitable remedy as such registered owner may deem most effectual to protect and enforce the rights aforesaid.

All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all registered owners of the Bonds then outstanding. The failure of the registered owners so to foreclose upon the property which is the subject of such delinquent Assessment Installment, or so to proceed against the City, or both, shall not relieve the City or any of its officers, agents or employees of its duty so to take the actions set forth in Section 34.

Section 36. The City covenants for the benefit of the registered owners of the Bonds to comply with the provisions of the Continuing Disclosure Certificate with only such changes therein, if any, as are not inconsistent herewith which the Mayor is authorized and directed to execute. The City shall enter into the Continuing Disclosure Agreement with the Developer with only such changes therein, if any, as are not inconsistent herewith. The Mayor is hereby authorized and directed to execute the Continuing Disclosure Agreement and the City

Clerk is hereby authorized and directed to affix the seal of the City to and to attest the Continuing Disclosure Agreement.

Section 37. A. The form, terms and provisions of the Bond Purchase Agreement are approved and the City shall enter into the Bond Purchase Agreement in substantially the form of such document on file with the City Clerk, with only such changes therein, if any, as are approved by the City Finance Director, such approval to be evidenced by the execution of the Bond Purchase Agreement by the City Finance Director; and the City Finance Director is hereby authorized and directed to execute and deliver the Bond Purchase Agreement, provided that the Bond terms and details are consistent with this Ordinance.

B. 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:

(i) The printing of the Bonds, including, without limitation, the printing of such additional blank Bonds as shall be required by the Trustee; and

(ii) The printing and distribution of the final official statement for the Bonds in substantially the form of the Preliminary Official Statement heretofore approved by the Council, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith; and

(iii) The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to the signing and registration of the Bonds, the tenure and identity of the officials of the Council and the City, the delivery of the Bonds, the receipt of the purchase price for the Bonds, the exemption of interest on the Bonds from federal and state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the City to hereafter take all action necessary for the City to comply with the provisions of the Act, as hereafter amended and supplemented from time to time.

Section 38. The City covenants for the benefit of the registered 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 financed 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 Section 103 of the Code, or (ii) would

cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in Section 55(b)(2) of the 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 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 Code have been met.

Section 39. The City covenants for the benefit of the registered owners of the Bonds that it will use its best efforts to apportion the Assessments in accordance with the Report heretofore filed with the City.

The City covenants that it will not reapportion the assessments pursuant to Section 6(b) of the Assessment Ordinance unless it makes the findings required by clause (i) and clause (ii) of such Section. The Council will not make the finding described in clause (i) of Section 6(b) of the Assessment Ordinance unless it first obtains a written report of a Qualified Engineer certifying that, based on a Qualified Appraisal Report, the Value-to-Lien Ratio (including in the calculation thereof any increase in the Assessment on any parcel as a result of such combination or reapportionment) for each parcel of the property, if any, on which Assessments are increased as a result of such reapportionment is at least 3 to 1. The City Council will not make the finding described in clause (ii) of Section 6(b) of the Assessment Ordinance unless it first obtains a written report of a Qualified Engineer stating that the proposed combination or reapportionment of Assessments will not increase the principal balance of any Assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the Assessment. In making either of the findings, the Council will be entitled to rely on the written report of a Qualified Engineer; and such written report shall be conclusive evidence of the conclusions set forth therein. The Council will not make either of the findings described above unless, as of the effective date of the proposed combination or reapportionment, there are no delinquencies in the payment of Assessment Installments on any parcels on which Assessments will be increased as a result of such combination or reapportionment.

The Council's determination that the apportionment is in accordance with the Report shall be conclusive and binding upon the owners of the property and the owners of the

Bonds. The Council's approval of an apportionment report shall be deemed conclusively to constitute a finding that the apportionment is in accordance with the Report.

Section 40. A. This Ordinance may be amended or supplemented by an ordinance or ordinances adopted by the Council, without the receipt by the City of any additional consideration, with the written consent of the owners of not less than sixty-six per cent (66%) of the Bonds outstanding at the time of the adoption of such amendatory or supplemental ordinance, provided, however, that no such ordinance shall have the effect of permitting:

- (i) An extension of the maturity of any Bond authorized by this Ordinance; or
- (ii) A reduction in the principal amount of any Bond or the rate of interest thereon; or
- (iii) The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or
- (iv) A reduction of the principal amount of Bonds required for consent to such amendatory or supplemental ordinance.

B. The City may, without the consent of or notice to the owners, adopt one or more ordinances supplemental hereto, which supplemental ordinances shall thereafter form a part hereof, for any one or more of the following purposes:

- (i) To cure any ambiguity, or to cure, correct or supplement any formal defect or omission or inconsistent provision contained in this ordinance, to make any provision necessary or desirable due to a change in law, to make any provisions with respect to matters arising under this ordinance, or to make any provisions for any other purposes if, in each case, such provisions are necessary or desirable and do not adversely affect the interests of the owners of the Bonds; or
- (ii) To pledge additional revenues, properties or collateral as security for the Bonds; or
- (iii) To grant or confer upon the Trustee for the benefit of the owners of the Bonds any additional rights, remedies, power or authorities that may lawfully be granted to or conferred upon the owners; or
- (iv) for the purpose of providing for the issuance of Refunding Bonds.

Section 41. So long as any of the Bonds are Outstanding, the City may issue Refunding Bonds and may pledge a portion of the Assessments to the payment of such Refunding Bonds if (i) the Value-to-Lien Ratio of all of the Undeveloped Property subject to the lien of the Remaining Assessments will in the aggregate be not less than 3.58:1 and (ii) the principal amount of the Remaining Assessments is not less than the principal amount of the Bonds remaining Outstanding after issuance of the Refunding Bonds. The requirement of NRS 271.488(8)(a) shall be deemed to have been met with respect to the issuance of Refunding Bonds which comply with this section. Upon the issuance of the Refunding Bonds, the Assessments pledged to the payment of the Refunding Bonds shall be released from and shall no longer constitute a part of the Trust Estate. In connection with the issuance of the Refunding Bonds, the City may transfer from the Bond Reserve Fund to any fund or account of the City designated by the Council all or any portion of the amount in the Bond Reserve Fund which will be in excess of the minimum requirement after issuance of the Refunding Bonds.

Section 42. So long as the Bonds or any portion thereof remain Outstanding, the City shall not levy Parity Assessments unless:

A. The Director of Public Works of the City shall have delivered a certificate to the Council at the time of approval of such Parity Assessments to the effect that (i) no portion of the project or projects for which such Parity Assessments are being levied are to be constructed within the exterior boundaries of the District, or if the project or projects for which such Parity Assessments are being levied are to be constructed within the exterior boundaries of the District, that not more than ten percent (10%) of the total amount of assessments being levied for such project or projects will be levied on property within the District, and (ii) the project or projects to be constructed would not have been required as a condition or requirement of development of land within the District based upon the City's development standards in existence as of April 1, 2004; or

B. The Parity Value-to-Lien Ratio of all of the assessable property within the District against which property Parity Assessments are to be levied will in the aggregate, immediately after such levy, be not less than 3:1.

Any certificate delivered by the Director of Public Works of the City pursuant to subsection A above shall be final and conclusive as to the matters contained therein absent fraud.

Section 43. The Administration Fund shall be a special fund held by the City Treasurer, but shall not constitute part of the Trust Estate. All money in the Administration Fund shall be to pay the reasonable administration and other expenses of the City in connection with the Bonds, the Assessments and the Project or principal premium or interest on the Bonds. The amount of any income realized from the investment of the money in the Administration Fund shall be retained in the Administration Fund or, at the option of the City and to the extent permitted by law, transferred to Trustee for deposit in the Rebate Fund.

Section 44. 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 45. 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
NO. 607 (CLIFF'S EDGE) AND AUTHORIZING THE
ISSUANCE OF LOCAL IMPROVEMENT 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 April 21, 2004, and will be considered for adoption at a regular meeting of the City Council of the City of Las Vegas held on May 5, 2004.

/s/ Barbara Jo Ronemus
City Clerk

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

Section 46. 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 Council members 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
NO. 607 (CLIFF'S EDGE) AND AUTHORIZING THE
ISSUANCE OF LOCAL IMPROVEMENT BONDS, SERIES
2004**

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed
on April 21, 2004, and was passed at the meeting held on May 5, 2004, by the following vote of
the City Council:

Those Voting Aye: Oscar B. Goodman
 Gary Reese
 Larry Brown
 Lawrence Weekly
 Michael Mack
 Janet Moncrief

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after May 9, 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 May __, 2004.

/s/ Oscar B. Goodman
Mayor

Attest:

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication)

Section 47. 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.

Proposed on April 21, 2004.

Proposed by Council member _____.

Vote:

Those Voting Aye:

Those Voting Nay:

Those Absent:

Oscar B. Goodman, Mayor

Attest:

Barbara Jo Ronemus, City Clerk

Approved as to Form:

4-8-04 Madeline L. Dickman DiCicco
Date Deputy City Attorney

This Ordinance shall be in full force and effect from and after May 9, 2004, i.e., the day after the publication of such Ordinance by its title only.

STATE OF NEVADA

)

)ss.

CITY OF LAS VEGAS

)

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 Council on April 21, 2004 and finally adopted and approved on May 5, 2004.

2. The following members of the Council were present at the April 21, 2004 Council meeting:

Mayor:
Councilmembers

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 21, 2004, and referred to a committee composed of _____ for recommendation; thereafter said committee reported favorably on said Ordinance on May 5, 2004, which was a regular meeting of said Council; that as 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 May 5, 2004 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
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 21, 2004 and May 5, 2004.

6. All members of the Council were given due and proper notice of the meetings. 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:

- (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-Clark County Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 S. 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 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 May __, 2004.

City Clerk

(SEAL)

EXHIBIT A

(Notice of April 21, 2004 City Council Meeting)

EXHIBIT B

(Notice of May 5, 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 21, 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 HOLD IN ABEYANCE Item 124 [RQR-3930], Item 125 [ROC-4121] and Item 127 [SUP-3394] to 5/19/2004 and Item 133 [ZON-2457], Item 134 [SUP-3896] and Item 135 [SDR-2458] to 5/5/2004 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:

COUNCILMAN BROWN stated the request to abey Items 133, 134 and 135 came from his office, not staff, as had been read. COUNCILMAN BROWN confirmed no one was present for Items 133, 134 or 135.

DEPUTY CITY ATTORNEY BRYAN SCOTT suggested MAYOR GOODMAN disclose his future abstention on Item 127 for the record. DEPUTY CITY ATTORNEY SCOTT advised the Mayor could vote on the abeyance now, but not the actual item when it comes back before Council. MAYOR GOODMAN disclosed that his law office is involved with the billboard business and he would be abstaining on the application when it comes back before Council.

(1:34 – 1:38)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - 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
6. Photos shown but not submitted

MOTION:

REESE – APPROVED with direction to staff to monitor the project and report to Council should work cease or if problems are encountered – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

DAVID SEMENZA, Neighborhood Services, presented pictures of the facility taken on April 20, 2004, and stated work is being done on the site. He introduced **ROBERT NEWHARD**, developer of the property, to report the status to Council on the project.

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services Department
Item 113 – 880 East Sahara Avenue

MINUTES – Continued:

ROBERT NEWHARD, Desert Pines Investment Group, 3609 Alliance, reported that demolition and foundation work has begun. The anticipated completion period is four to six months. MAYOR GOODMAN asked what was being constructed. MR. NEWHARD explained it would be a 13,000 square foot commercial/professional office building. MR. SEMENZA showed roof and interior photos.

COUNCILMAN REESE asked if the Council had to vote to remove the Notice and Order to Abate. DEPUTY CITY ATTORNEY DAN STILL stated the Council could impose a review period, but he would recommend allowing the Notice and Order to stand to insure compliance and advise staff to monitor the situation with any lack of compliance being brought back to Council.

MR. SEMENZA added that the process on this property has been very lengthy and that staff had been lenient due to nine other successful projects the developer purchased and rehabed within the City. Because of these other projects, staff believed the developer to be trustworthy. COUNCILMAN REESE acknowledged the rehab efforts of the developer but stressed that action must be taken once land is purchased. Property can become neglected and hazardous to the neighborhood.

(1:38 – 1:42)

4-81

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 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.

○	○	○	
○	○	○	○
2104	2100	2008	2004

2108	2101	2008	2008
			
			
2104	2100	2008	2004

2108	2108	2101	2008	2003
				

OVER PAGE

J.C. FREMONT JR. HIGH SCHOOL

SAHARA AVE

MARKET ST

ALMOND TREE LN



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

Q

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.

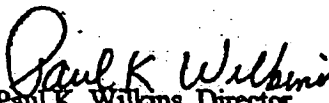
If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the property owner(s), you will be responsible for all costs incurred, including 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 1981

10/13

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
Slon



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B.
McDONALD
LAWRENCE WEEKLY
MICHAEL MACK
ANET 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

April 8, 2004

Case #7766
Certified/Regular Mail
Return Receipt Requested

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 has been rescheduled from April 7, 2004, and will be held before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada, on April 21, 2004, at 1:00 p.m. This hearing is 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 black ink, reading "David Semenza".

David Semenza, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:jg

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 4550 E. Washington Avenue. PROPERTY OWNER: ASSISTED LIVING CENTER ETAL, C/O E COOK – Ward 3 (Reese)

Fiscal Impact☐**No Impact****Amount: \$25,300.00**☒**Budget Funds Available****Dept./Division: Neighborhood Services/Response**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

Immediately after a fire that damaged the building beyond repair, the entire area was a life-safety hazard to the public, and declared such by the Las Vegas Fire Department. The Department of Building and Safety hired Har-Bro Construction to immediately secure the site and remove dangerous debris that could cause bodily harm to passers-by.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$25,300.00 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. Notice of Public Hearing
5. Copy of the Notice and Claim of Lien
6. Photos shown but not submitted

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services Department
Item 114 – 4550 East Washington Avenue

MINUTES – Continued:

DAVID SEMENZA, Neighborhood Services, stated that due to fire damage, the subject property was brought before Council for abatement on January 7th. Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, Har Bro Construction was hired to abate the problem and a lien was placed against the property in the amount of \$43,089.35. After that, Har Bro Construction submitted an additional bill in the amount of \$25,300.00. MR. SEMENZA explained this additional bill was for work that immediately followed the fire, before the abatement began. The arson inspectors would not enter the property due to hazardous conditions. Har Bro was contracted to abate the immediate problem of falling debris. MR. SEMENZA showed photos of the property taken two days after the fire.

COUNCILMAN REESE explained to the Council that the project was a senior convalescent center under construction. However, there were problems before the building burned down. He confirmed with MR. SEMENZA that the property was now clean.

MR. SEMENZA indicated the property is again before Council because of the most recent bill, over \$24,000. The City Attorney's office was able to negotiate the bill down to \$22,000. This amount does not include the 15% administrative lien fee. Staff recommended the City Council approve the report of expenses in the amount of \$25,300.00 and order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office. Staff regretted that this additional bill was received after the original lien was imposed. MAYOR GOODMAN verified with MR. SEMENZA that this request to lien would be in addition to the prior lien of \$43,089.35.

TODD FARLOW, 240 North 19th Street, questioned whether the building was going to be rebuilt. COUNCILMAN REESE stated it would not as the property investors lost approximately 10 million dollars as a result of the fire.

(1:42 – 1:46)

4-206

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

DEPARTMENT: Neighborhood Services

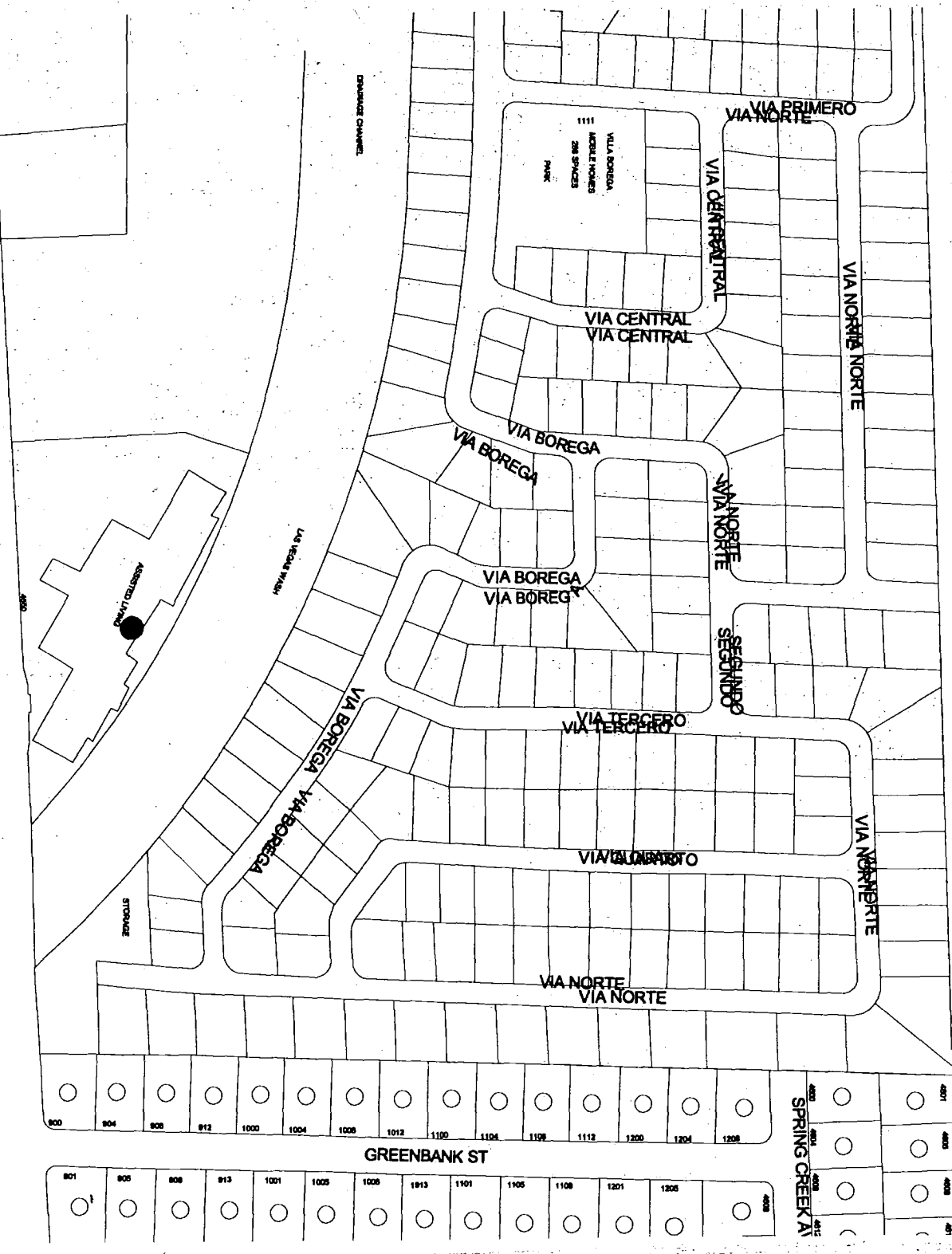
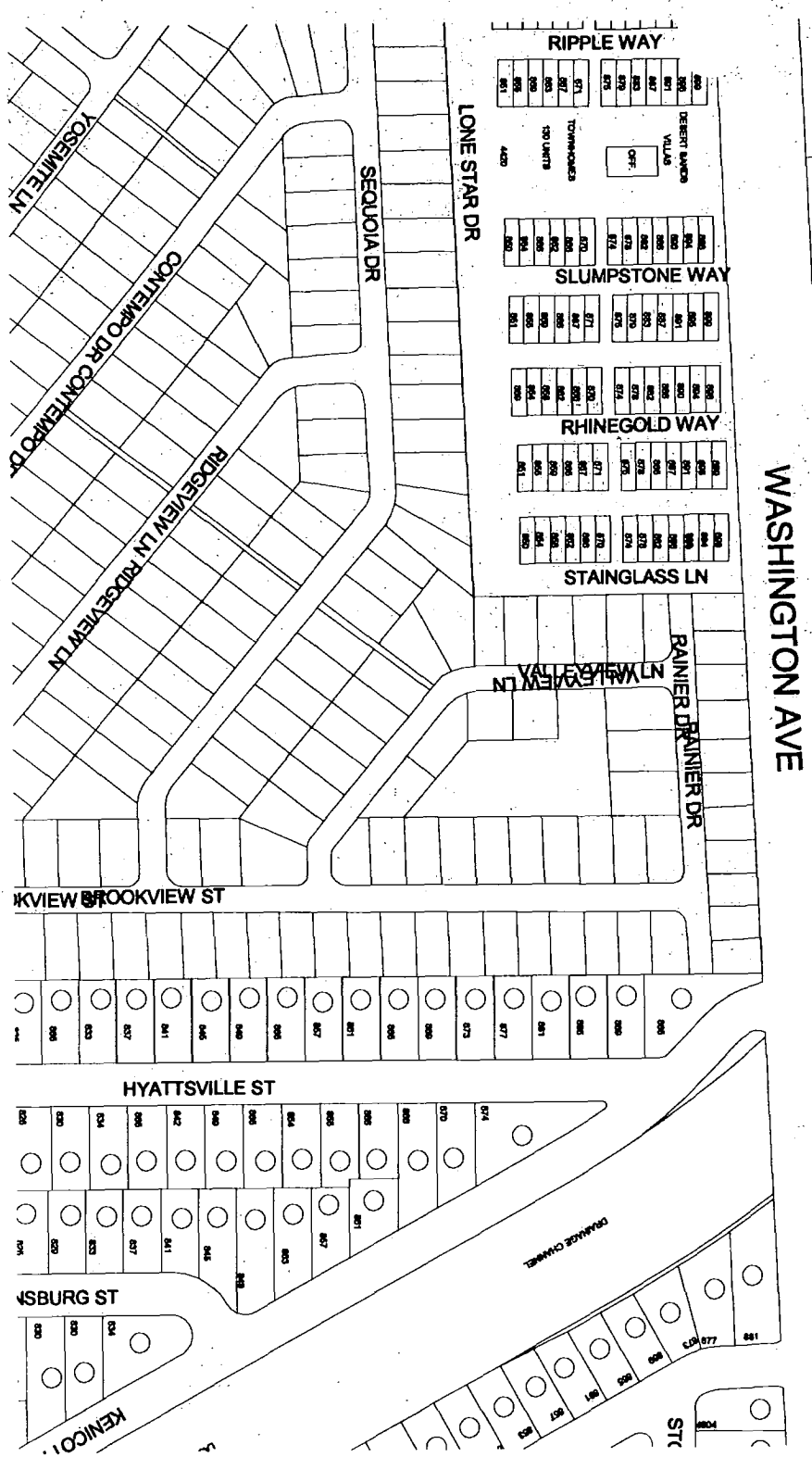
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 4550 E.

Washington Avenue. PROPERTY OWNER: ASSISTED LIVING CENTER ETAL, C/O E COOK – Ward 3 (Reese)

Har-Bro Construction completed work immediately after a fire that damaged the building beyond repair and posed a life-safety hazard to the public, by securing the site and removing dangerous debris that could cause bodily harm to passer-bys at a cost of \$22,000.00, plus a 15% administrative fee, for a total of \$25,300.00.

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", 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.



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: David Semenza, Manager – Neighborhood Response Division
CC: File
Date: April 5, 2004
Re: Report of Expenses for the abatement of Dangerous Building located at 4550 E.
Washington - Ward 3 (Reese)

Immediately after a fire that damaged the building beyond repair, the entire area was a life-safety hazard to the public, and declared such by the Las Vegas Fire Department. The Department of Building and Safety hired Har-Bro Construction to immediately secure the site and remove dangerous debris that could cause bodily harm to passer-bys at a cost of \$22,000.00.

Contract Amount	\$	22,000.00
Administrative Processing fee.....	\$	3,300.00
TOTAL AMOUNT DUE	\$	25,300.00

OWNER OF RECORD: ASSISTED LIVING CENTER ETAL ETAL
C/O E COOK

PROPERTY ABATED: 4550 E. WASHINGTON AVENUE

ASSESSOR'S PARCEL: 140 29 212 005

LEGAL DESCRIPTION: AZRA CENTER
PLAT BOOK 94 PAGE 42
PT LOT 1

DS:jg



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING APRIL 21, 2004

Pursuant to Uniform Code for the Abatement of Dangerous Building, 1994 Edition, Section 302, adopted by the LVMC 16.08. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 21, 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 demolishing the remaining building, securing the area and removing dangerous debris on property located at **4550 EAST WASHINGTON AVENUE** legally described as **AZRA CENTER, PLAT BOOK 94, PAGE 42, PT LOT 1**. Owner of record at time of abatement: **ASSISTED LIVING CENTER ETAL c/o E. COOK - WARD 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$25,300.00 was expended (\$22,000.00 to Har-Bro Construction for cleaning the property, and \$3,300.00 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

NAME: HAR-BRO CONSTRUCTION & CONSULTING, INC.

FILE TYP/NR C 19083-1995 ST NEVADA INC ON NOV 3, 1995 FOR PERPETUAL

STATUS: CURRENT LIST AS OF : 11-18-C3 NUMBER OF PAGES FILED: 5 JAL

TYPE: REGULAR

PURPOSE: ALL LEGAL ACTIVITIES

PAR SHRS: PAR VAL: \$.000 NR NO PAR SHRS: 2,500 CAPITAL:

RA NBR: 18011

LIST OF OFFICERS FOR 03 - 04 FILED ON 11-18-03 ANNUAL LO CEH

RA HOWARD M. MILLER ACCEPTED 110395

7300 WEST SAHARA AVE LAS VEGAS NV 89117

PRES JAMES D FRANKLIN 122695

2750 SIGNAL PARKWAY SIGNAL HILL CA 90755

SECT BURKE W VANDERHOEF 122695

2750 SIGNAL PARKWAY SIGNAL HILL CA 90755

TRES HAROLD R BROWN 122695

2750 SIGNAL PARKWAY SIGNAL HILL CA 90755

MORE OFFICERS ON LIST

CMD?

PA1=MENU PF3=PAGE-> PF2=NEXT CORP PF5=END INQ PF7=LOOKUP

APN 140-29-212-005

Ref # - 5067

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: ASSISTED LIVING CENTER ETAL, c/o E COOK
(Reputed Owner(s)) at time of abatement.

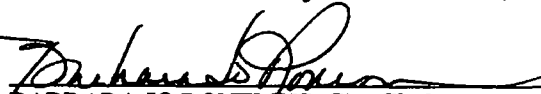
Assessor's Parcel No.: **APN 140-29-212-005**
Commonly known as: **4550 E. WASHINGTON AVENUE**
Legal Description: **AZRA CENTER**
PLAT BOOK 94 PAGE 42
PT LOT 1

In September, 2003, 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 **\$25,300.00** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

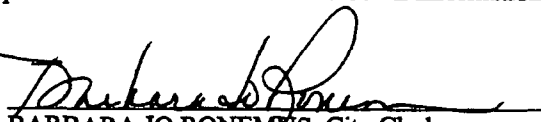
The Las Vegas City Council, at a duly noticed public hearing held on **April 21, 2004**, ordered the above charges in the amount of **\$25,300.00**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

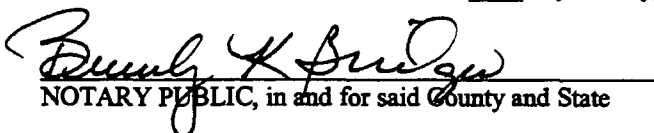

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

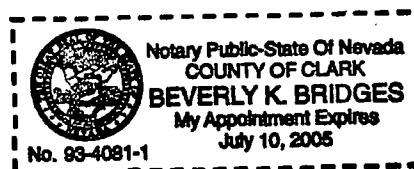
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 12 day of May, 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 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 1611 Euclid Avenue. PROPERTY OWNER: GARY STEPHEN BLAKE – Ward 3 (Reese)

Fiscal Impact☐**No Impact****Amount: \$1,417.50**☒**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 boarding and securing all air conditioning openings, removing all fallen and loose masonry blocks from deteriorated north wall; removing all trash, debris, tree limbs and cuttings; and by posting "No Trespassing" signs on the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$1,417.50 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. Submitted after final agenda – Protest letter by Hazel Blake
9. Video shown but not submitted

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with Ward 2 seat vacant

CITY COUNCIL MEETING OF APRIL 21, 2004

Neighborhood Services Department

Item 115 – 1611 Euclid Avenue

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, stated the condition of the property was a public nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, Weaver Construction was hired to abate the problem. The property was cleaned and secured by boarding all windows and openings. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,417.50 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

HAZEL BLAKE, 212 Desert Inn Road, appeared on behalf of owner, her deceased son. She is currently in the legal process of getting administrative control over the property so she may sell it. She has tried to stay in compliance and invested several thousand dollars into the property. She is unable to live there because of vandalism and robberies.

No one appeared in opposition.

(1:46 – 1:48)

4-328

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

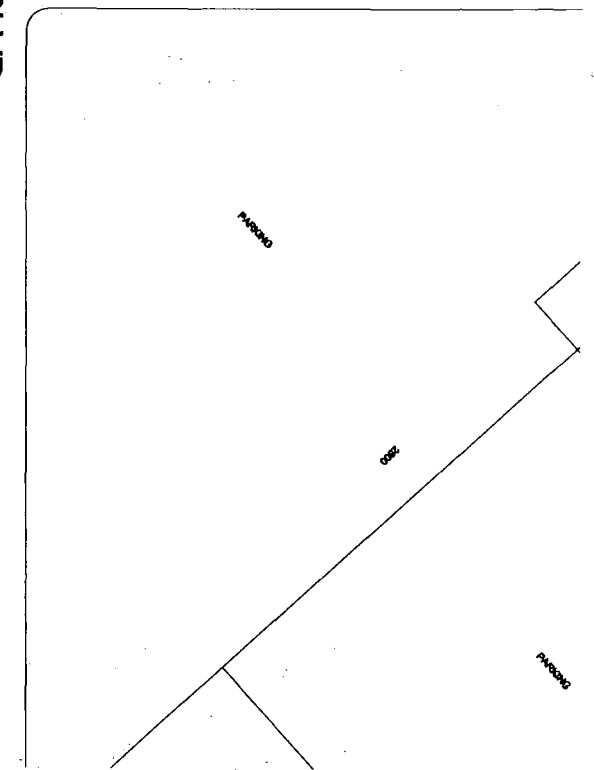
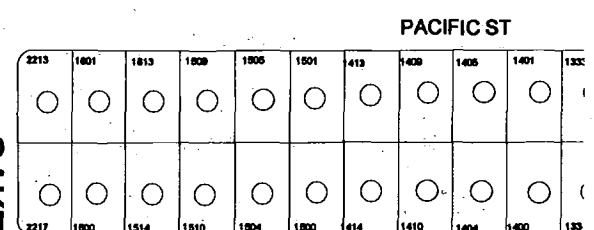
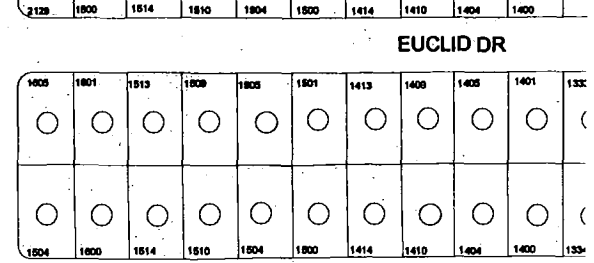
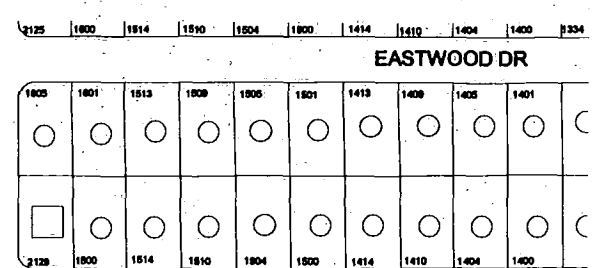
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1611 Euclid Avenue. PROPERTY OWNER: GARY STEPHEN BLAKE – Ward 3 (Reese)

Weaver Construction completed work on March 17, 2004 at a cost of \$950.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$1,417.50.

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.



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: April 5, 2004

Re: Report of Expenses for the abatement of Dangerous Building located at 1611 Euclid Ave. - Ward 3 (Reese)

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 air conditioning openings, removing all fallen and loose masonry blocks from deteriorated north wall; removing all trash, debris, tree limbs and cuttings; and by posting "No Trespassing" signs on the property. Weaver Construction completed work on March 17, 2004 at a cost of \$950.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 950.00
AMOUNT DUE	950.00
Boarding Fee	325.00
Administrative processing fee	142.50
TOTAL AMOUNT DUE	\$ <u>1,417.50</u>

OWNER OF RECORD: GARY STEPHEN BLAKE

PROPERTY ABATED: 1611 EUCLID AVENUE

ASSESSOR'S PARCEL: 162 01 310 068

LEGAL DESCRIPTION: EASTWOOD TRACT #2
PLAT BOOK 3 PAGE 84
LOT 1 BLOCK 4

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

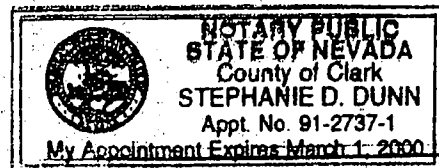
I certify under penalty of perjury, that the foregoing list is full and complete.

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 21, 2004

Pursuant to Uniform Code for the Abatement of Dangerous Building, 1994 Edition, Section 302, adopted by the LVMC 16.08. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 21, 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 air conditioning openings; removing all fallen and loose masonry blocks from deteriorated north wall; removing all trash, debris, tree limbs and cuttings; and by posting "No Trespassing" signs on property located at **1611 EUCLID AVENUE** legally described as **EASTWOOD TRACT #2, PLAT BOOK 3, PAGE 84, LOT 1 BLOCK 4**. Owner of record at time of abatement: **GARY STEPHEN BLAKE - WARD 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,417.50 was expended (\$950.00 to Weaver Construction for cleaning the property; \$325.00 Boarding Fee; and \$142.50 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: 1611 EUCLID AVE

BOARDED

Vacant house, open & accessible, tree limbs in front & side yards

Parcel(s)

Parcel:	Size:	Subdivision Name:
16201310068	0.14 ACRE	EASTWOOD TRACT #2

Owner Information:

10-Aug-02	BLAKE GARY STEPHEN
	1611 EUCLID AVE; LAS VEGAS, NV 89104-4052

Inspection Summary

Inspector:	Status:		Scheduled DT:	Start Dt:	Comp DT:	Min:
870076	Failed		1/13/2004	01/12/2004 14:15	01/12/2004 14:35	20
880076	Passed	Partial	1/26/2004	01/14/2004 13:48	01/14/2004 13:53	5
960392	Passed	Partial	1/26/2004	02/03/2004 11:10	02/03/2004 11:20	10
880076	Passed	Partial	2/13/2004	02/18/2004 12:25	02/18/2004 12:35	10
870076	Passed	Partial	2/25/2004	03/04/2004 12:57	03/04/2004 13:08	11
870076	Closed		3/26/2004	03/21/2004 17:11	03/21/2004 17:20	9
Time in Minuets:						65

Violation Details

Violation	Violation DT	Resolve DT	Location:
A-REFUSE/WST	1/12/2004	3/21/2004	Front & side yards
Remove all tree limbs and trimmings piled and scattered in front & side yards.			
A-PAINTING	1/12/2004	3/21/2004	North wall
Remove all fallen & loose masonry blocks from the deteriorated north wall.			
A-BLD DNGR	1/12/2004	3/21/2004	East side
Secure hole from air conditioning unit removal, allowing accesing to the interior.			

Log

Type:	Date:	Employee:	Min:
MISC	4/5/2004 10:58:00 AM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER. 04-21-04 COUNCIL AGENDA.			
MISC	3/25/2004 7:43:00 AM	LAURA DEARMOND	0
Ld) SENT WEAVER CONSTRUCTION INVOICE \$950.00 TO FINANCE & SENT FILE TO JG			
INSP	3/21/2004 5:11:00 PM	LAURA DEARMOND	9
24) CLEAN, SECURE, ABATED, ALL TREE TRIMS REMOVED, OPENINGS SECURED & PAINTED, MASONRY RUBBLE REMOVED			
RECORD	3/18/2004 1:54:00 PM	JESSICA LARRAMENDY	0
JL) Recorded N&O at Clark County. Book: 20040318 Inst: 02033.			
VIDREQ	3/18/2004 8:32:00 AM	LAURA DEARMOND	0
Ld) WEAVER CONSTRUCTION COMPLETED ABATEMENT, SENT VIDEO REQUEST TO PH			
BIDA	3/15/2004 8:12:00 AM	LAURA DEARMOND	0
Ld) AWARDED TO WEAVER CONSTRUCTION, WILL ABATE PROPERTY 3/16			

DIRECT	3/12/2004 10:23:00 AM	KATHY STEWART	0
Per David Semenza. Award to lowest bidder. Sent file to Laura for award letter.			
BIDR	3/12/2004 8:00:00 AM	KATHY STEWART	0
Received the following bids from contractors (1) Weaver Construction - \$950; (2) CASA Enterprises - \$981; (3) ADS Consulting - \$1,007; (4) K.O. Construction - \$1,369.			
BIDS	3/5/2004 12:30:00 PM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due back Thursday, 3/11/04.			
INSP	3/4/2004 12:57:00 PM	KATHY STEWART	11
24) Pre video completed. Scattered trim's & litter in all yards. The 2 a/c openings need to be re-boarded (they were pulled away from walls). Tape to DS, file to KS for bids.			
INSP	2/18/2004 12:25:00 PM	LAURA DEARMOND	10
23) TOOK PIX, STRUCTURE SECURED, HAVE REMOVED SOME OF BRANCHES, BLOCK WALL STILL DOWN CB 2/25			
MISC	2/4/2004 1:56:00 PM	KATHY STEWART	0
Received Certified letter back Return to Sender, UNCLAIMED. Sent to C/E for filing.			
INSP	2/3/2004 11:10:00 AM	LAURA DEARMOND	10
17) NO IMPROVEMENT A/C HOLD BARELY COVERED, T/D & WALL WORSE THAN LAST PIX CB 2/13 @ 1430 CREW ON SITE WORKING NO FEE			
NOPOST	1/14/2004 1:48:00 PM	LAURA DEARMOND	0
23) POSTED N&O ON WEST SIDE OF STRUCTURE CB 1/26			
INSP	1/14/2004 1:48:00 PM	LAURA DEARMOND	5
23) LIMBS/BRANCHES IN FRONT YARD, WALL STILL DETERIORATED, STRUCTURE OPEN ON E/SIDE			
MISC	1/13/2004 1:58:00 PM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	1/13/2004 1:30:00 PM	KATHY STEWART	27
Sent Notice & Order to Abate Dangerous Building letter to owner, Gary Stephen Blake. Post: 1/14. C/B: 1/26. Sent file to #23.			
NOREQ	1/12/2004 2:35:00 PM	KATHY STEWART	5
Sent N&O to office for processing.			
INSP	1/12/2004 2:15:00 PM	KATHY STEWART	20
24) Verified three recently cut trees (down to the stumps) with limbs left all over front & east side yard. A/C unit pulled off east exterior wall leaving an opening to access building interior. Block wall at north property line has been toppled over			
INSP	1/12/2004 2:15:00 PM	KATHY STEWART	20
CONT'D) with concrete lying in yard. Blocks need to be removed from premises. Refer to office. Please create new CASE & send/post N&O.			
<i>Time in minuets:</i>			117

APN 162-01-310-068
Ref # - 8547

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: GARY STEPHEN BLAKE
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 162-01-310-068
Commonly known as: 1611 EUCLID AVENUE
Legal Description: EASTWOOD TRACT #2
PLAT BOOK 3 PAGE 84
LOT 1 BLOCK 4

On March 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 \$1,417.50 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 21, 2004, ordered the above charges in the amount of \$1,417.50, 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.

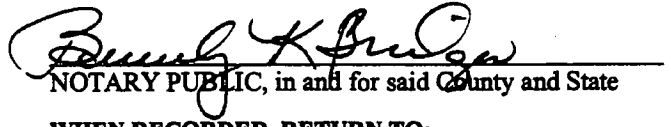

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

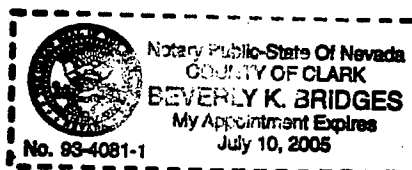
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 14 day of May, 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



RECEIVED
CITY CLERK

4-19-04

2004 APR 19 AM 11:31

I am Hazel Blake
Mother of Deceased
Darryl Blake.

I would like to
attend the City Council
meeting April 21, 2004.
I would like to know
why the city has
against me. I've done
every thing they have
asked me to. Everyone
I talk to said they would
help me. and no one
would even talk to me.

Hazel Blake

Protest

Submitted after final agenda

Date 4/19/2004 Item #15

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 3224 Brady Avenue. **PROPERTY OWNER: SECRETARY VETERANS AFFAIRS – Ward 3 (Reese)**

Fiscal Impact☐**No Impact****Amount: \$2,863.05**☒**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, ADS Consulting, Inc. was hired to abate the problem by boarding and securing all doors, windows and openings; removing all litter, trash, debris, refuse, waste, overgrown/dead/dry vegetation, the green tarp, and the illegal carport enclosure; pruning overgrown trees obstructing the right-of-way; and by posting "No Trespassing" signs on the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of \$2,863.05 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

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with Ward 2 seat vacant

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services Department
Item 116 – 3224 Brady Avenue

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Services, stated the vacant property was a public hazard and attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, ADS Consulting, Inc. was hired to abate the problem. The property was nicely cleaned and secured. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$2,863.05 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(1:48 – 1:50)

4-416

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

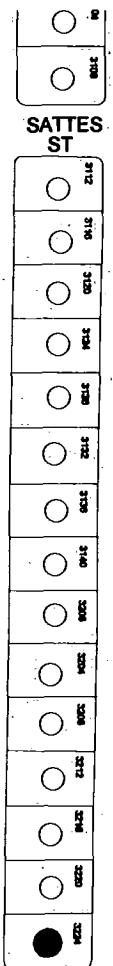
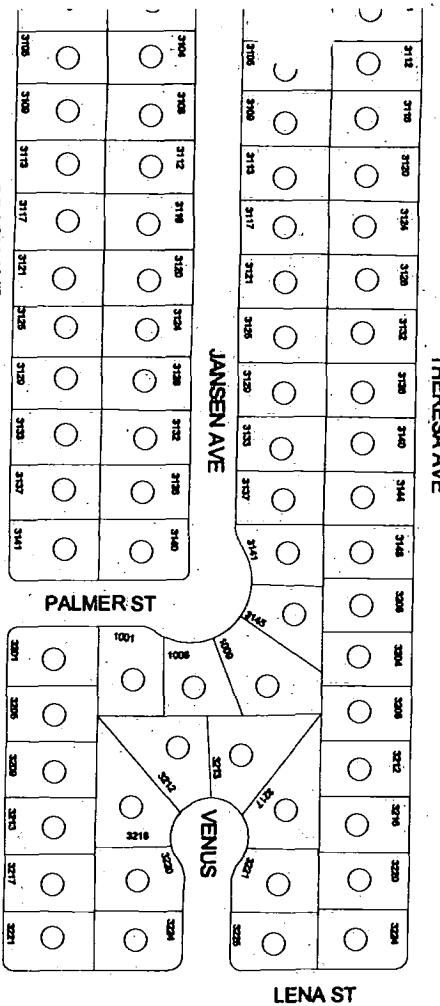
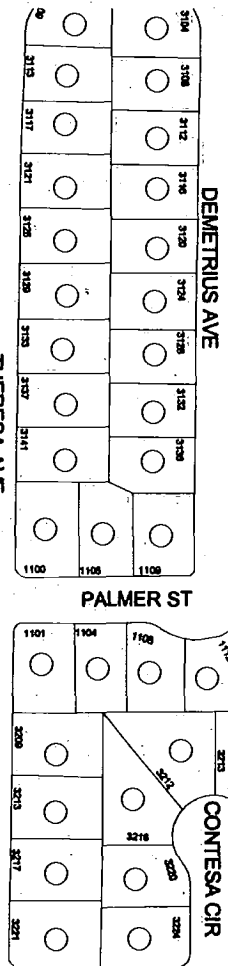
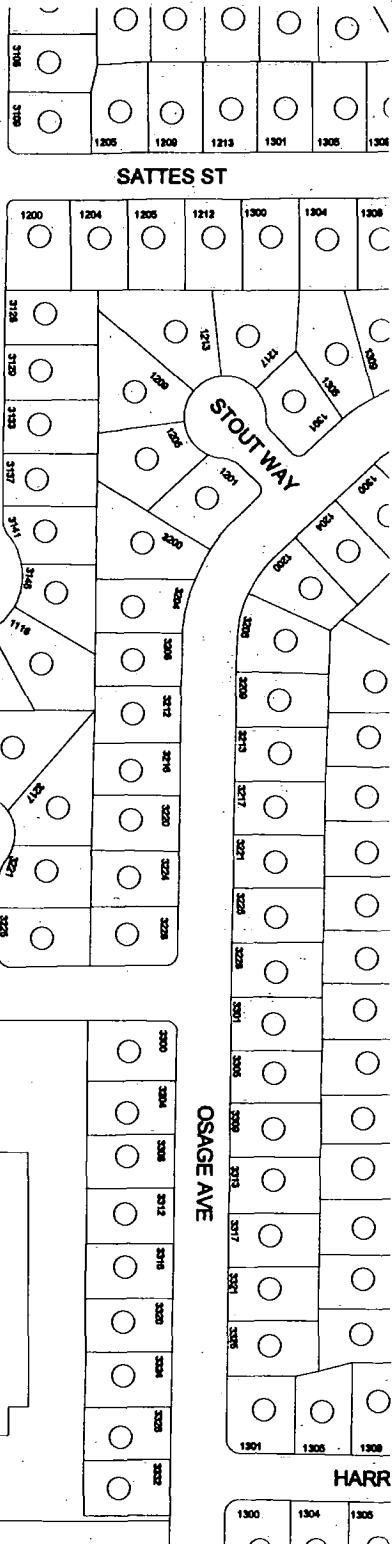
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 3224 Brady Avenue. PROPERTY OWNER: SECRETARY VETERANS AFFAIRS – Ward 3 (Reese)

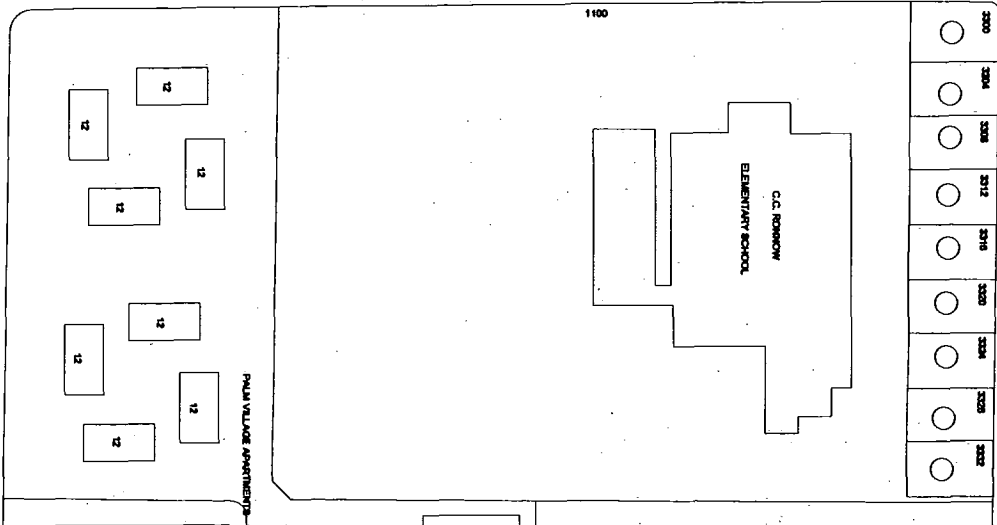
ADS Consulting, Inc. completed work on February 13, 2004 at a cost of \$2,207.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,863.05.

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.



WASHINGTON AVE



BALDFIELDS

FREEDOM PARK

SOFTBALL FIELDS

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: April 5, 2004

Re: Report of Expenses for the abatement of Dangerous Building located at 3224 Brady Ave. - Ward 3 (Reese)

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 the illegal, partially dismantled carport enclosure; removing all litter, trash, debris, refuse, waste, overgrown/dead/dry vegetation, and the green tarp; pruning overgrown trees obstructing the right-of-way; and by posting "No Trespassing" signs on the property. ADS Consulting, Inc. completed work on February 13, 2004 at a cost of \$2,207.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	\$ 2,207.00
AMOUNT DUE	2,207.00
Boarding Fee	325.00
Administrative processing fee	331.05
TOTAL AMOUNT DUE	\$ 2,863.05

OWNER OF RECORD: SECRETARY VETERANS AFFAIRS

PROPERTY ABATED: 3224 BRADY AVE.

ASSESSOR'S PARCEL: 139 25 611 031

LEGAL DESCRIPTION: COLLEGE PARK #24
PLAT BOOK 9 PAGE 25
LOT 4 BLOCK 9

DS:jg

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

Full Name	Business Address	Business Phone
1. <u>Nelson Qurzada</u>	<u>1801 S. Eastern Avenue</u>	<u>(702) 531 3336</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____

Continue list until full and complete disclosure is made.

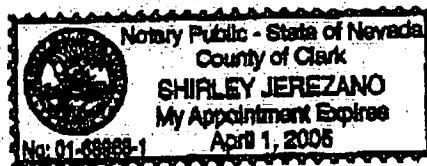
I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: _____

STATE OF NEVADA)
 COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
 on this 24th day of April, 2002.



 NOTARY PUBLIC in and for said
 County and State



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 21, 2004

Pursuant to Uniform Code for the Abatement of Dangerous Building, 1994 Edition, Section 302, adopted by the LVMC 16.08. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, April 21, 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 the illegal, partially dismantled carport enclosure; removing all litter, trash, debris, refuse, waste, overgrown/dead/dry vegetation, and the green tarp; pruning overgrown trees obstructing the right-of-way; and by posting "No Trespassing" signs on property located at **3224 BRADY AVENUE** legally described as **COLLEGE PARK #24, PLAT BOOK 9, PAGE 25, LOT 4 BLOCK 9**. Owner of record at time of abatement: **SECRETARY VETERANS AFFAIRS - WARD 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,863.05 was expended (\$2,207.00 to ADS Consulting, Inc. for cleaning the property; \$325.00 Boarding Fee; and \$331.05 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.

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

BARBARA JO RONEMUS
CITY CLERK

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

Complaint 041603-141 3224 BRADY AVE

CARS ON YARD, & TAR PAPER SHACK FRONT YARD

Other: Miscellaneous

Taken By:

>> 1 Open This is 16 of 16.

Call Back: 12-15-03

Ward 3 1- 2327-57

Parcel: 139 25 611 031

SECRETARY VETERANS AFFAIRS
3225 N CENTRAL AVE
PHOENIX AZ 85012-2405
COLLEGE PARK #24
AT BOOK 9 PAGE 25
4 BLOCK 9

Complainant:
Respond To:
Phone:
Owner: DOUGLAS CARTER R ETAL

Spl. Project: 17

01-05-03 17) PROP BOARDED AND SECURED, NOT CLEANED, EMAIL TO DS
04-16-03 17) 1300) ISSUED CN TO OWNER: PALAFOX FOR POSSIBLE INOP ON
DIRT, T/D, H/WEEDS, AND O/S IN SIDE YD. ALSO FINAL
INSPECTION REQUIRED FOR EXPIRED PERMIT # 20007902 WHICH WAS
NEVER APPROVED, C/B 4/26
04-26-03 17) VEH IS MOVED TO APPROVED SURFACE, HOWEVER OWNER STATED
ON INITIAL CHECK THAT HE WAS BEING EVICTED BY MTG LENDER AND
WOULD BE OUT BY MAY 1ST. C/B 5/1
05-14-03 17) NEW OWNER CARTER CONTACT TEL IS 909-540-0383, LEFT MSG
AT 1725 HRS FOR FAX #, C/N TO BE FAXED TOMORROW
15-03 17) no response FROM NEW OWNERS, ONE NEW PERM REQ C/N MAILED
TO: DOUGLAS CARTER AT SVC ADDRESS AND MARVIN YOUNG/DOUGLAS
CARTER AT: 236 S RAINBOW, PMB 275, LVN 89145 (PER TENANT
PAPERWORK), C/B 5/28
06-04-03 17) 1340) NO CHANGE, NO PERMIT, FEE \$75. LEFT MSG THAT NEXT
INSPECT. C/B 6/12 (LM)
06-09-03 JL) FORWARDED \$75 INVOICE #501692 TO FINANCE FOR INSPECTION
ON 6/4
06-13-03 17) 1045) NO CHANGE. LEFT ANOTHER
MSG W/OWNERS, SWITCHING TO N&O. FEE \$45. (LM)
06-19-03 17) per sewer TENANT IS PIERRE WERNER, TEL 328-4420 (SAME AS
I CONTACTED LAST MONTH)
06-20-03 JL) FORWARDED \$45 INVOICE #501715 TO FINANCE FOR INSPECTION
ON 6/13
06-23-03 JC) SENT N&O HC-VIOLS TO MAKE REPAIRS TO PROPERTY OWNER
CARTER R DOUGLAS ETAL & POSTING TO PROPERTY
06-25-03 17) 1205) POSTED N&O ON SITE (LM)
06-26-03 JC) REC'D CERT CARD SIGNED 6/23 BY J COFFIN CB 7/5
07-02-03 24) C/B 7/9 AS THE 5TH FALLS ON A SATURDAY & 17 IS OFF TIL
7/9
07-09-03 17) 1130) PER NV POWER, HOUSE IS OCCUPIED BY MR WARNER
(328-4420). SPOKE W/ TENANT - HE SAYS PER OWNER, "TELL CLV
TO DO IT AND LIEN PROPERTY". NO RETURN CALL FROM REPEATED

07-23-03 MESSAGES. FEE \$45.00 AND CONTINUE WITH N&O. (LN)
JL) FORWARDED \$45 INVOICE #501773 TO FINANCE FOR INSPECTION ON 7/9.

08-26-03 24) UNFINISHED STRUCTURE REMAINS NON-PERMITTED. RESEARCH REVEALS ANOTHER ADDR FOR DOUGLAS CARTER; 2409 GRAND PRIZE AVE, NLV 89032-3598. IT WILL NOT DO ANY GOOD TO CITE TENANT, OLD OR NEW. RESPONSIBILITY LIES ON THE OWNER, EVEN THOUGH HE WAS NOT OWNER OF PROPERTY WHEN ORIGINAL PERMIT WAS TAKEN OUT. HE OBVIOUSLY KNEW CONSTRUCTION WAS NOT COMPLETED AT TIME OF PURCHASE. PLEASE SEND A REVISED COPY OF THE N & O & FINAL NOTICE TO THE ADDR IN NLV, THEN, AFTER DEADLINE, IF HE DOES NOT COMPLY, CITE HIM AND CONTINUE TO RE-FEE. ALSO, TRY D R CARTER LISTING OF 565-6508 IN SPRINT BOOK. THANKS.

09-04-03 Ld) SENT N&O TO MAKE REPAIRS-FINAL NOTICE TO OWNER, POST @ SITE & 2409 GRAND PRIZE AVE NLV, CB 9-15

09-05-03 17) 1110: POSTED N&O ON SITE AND ALSO WNET TO NLV (2409 GIRARD PRIZE) THIS PROP IS TENANT OCCUPIED, HOWEVER, LEFT MSG W/TENANT TO FURNISH ADD'L CONTACT INFO FOR CARTER.

09-05-03 17) 1510) PER DS, OWNER HAS FILED APPEAL. ORIG FILE SENT TO DS AT THIS REQUEST. ALSO EMAILED TO DS TO GET CONTACT INFO FOR FUTURE TIME

09-16-03 17) 1050) PER CONVERSATION FROM THIS SITE W/DS, I RELATED TENANT NOW HAS COMM VEH ON PROP... DOES HE WANT REVISION TO N&O. HE STATED "NO" BECAUSE HE SAYS OWNERSHIP HAS CHANGED BUT HE DOES NOT KNOW IF DOUGLAS CARTER IS PART OF THE NEW "ET AL" GROUP. IF VEH IS STILL THERE TOMORROW WILL ISSUE C/N TO TENANT

09-17-03 Ld) SENT N&O TO MAKE REPAIRS TO OWNER: LORRAINE SABBATH, CB 9-30

10-06-03 Ld) FAXED BID TO CONTRACTORS, DUE BACK 10-9

10-10-03 Ld) REC'D BIDS (1) CASA ENTERPRISES \$658
(2) ADS \$770 (3) WEAVER \$850 (4) K O CONST \$1129
Ld) SENT 10 DAY BEFORE ABATEMENT LETTER TO OWNER LORRAINE SABBATH, CB 10-28

10-16-03 16) TELECON W/ CHASITY CONNISH & EMIKO JACKSON- TENANTS (642-1687) REGARDING VIOLATIONS OF SEMI TRUCK IN DW AND ILLEGAL BLDG STRUCTURE. ADVISED TENANT THAT THEY MUST REMOVE SEMI TRUCK FROM R ZONE AND WE WOULD PURSUE ILLEGAL BLDG STRUCTURE WITH PROPERTY OWNER.

10-24-03 17) NO PERMIT ON FILE

11-18-03 17) ADDITION IN PROCESS OF BEING REMOVED CB 11/25

11-25-03 17) MORE REMOVED, LEFT MSG W/TENANT CHARITY AT 642-1687 TO CALL ME W/STATUS

12-02-03 17) ALT ADDRESS FOUND FOR "NEW" OWNER OF RECORD: ROBERT STUBBS 7073 ACORN CT LVN 89147 (NOTE: WHITE PAGES TEL OF 258-4549 IS A DIFFERENT ROBERT STUBBS). ALSO NOTE PER CONSTABLE PAPERWORK, EVICTION INITIATED BY MARVIN YOUNG 284-5160. ALSO ASSESSED FEE
JL) FORWARDED \$75 INVOICE #501876 TO FINANCE FOR INSPECTION ON 12/1

12-04-03 ks) Sent Notice & Order to Abate Dangerous Building letter to owner, Robert L. Stubbs, @ 3224 Brady Avenue & 7370 Acorn Court. Post: 12/5. C/B: 12/15. Sent file to #17

12-05-03 17) POSTED ON SITE, NO CHANGE

12-11-03 KS) RECEIVED CERTIFIED & REGULAR BACK FROM 3224 BRADY, RETURN TO SENDER, VACANT. SENT LETTERS TO C/E FOR FILING.

12-15-03 21) 1205 HRS. DOESN'T APPEAR TO BE ANY IMPROVEMENT,

Complaint 041603-141 continued

Page 3

CARPORT-EXPOSED FRAMING, T/D, LITTER ALL YARDS. SHED & REAR DOORS OPEN/ACCESSIBLE, CONTINUE ABATEMENT FEE OWNER ROBERT STUBBS

12-19-03 JL) FORWARDED \$45 INVOICE #501895 TO FINANCE FOR INSPECTION ON 12/1

12-23-03 17) SPOKE AT LENGTH W/KIM AT REPUBLIC. THIS OWNER KEEPS JUMPING OWNERSHIP ON SEVERAL HOMES AND IT IS IMPOSSIBLE TO ASCERTAIN WHERE ANY OF THE OWNERSHIP TRULY LIVE. RESIDENCE REMAINS HAZARD AND ACCESSIBLE. EMAIL TO DS TO FAST TRACK ABATEMENT

12-24-03 16) 1225) PER DS, Please put to bid for cleaning and boarding. SENT FILE TO CITY HALL, ATTN: KS.

12-29-03 ks) RECEIVED CERTIFIED LETTER BACK RETURN TO SENDER, UNCLAIMED. FILED IN FOLDER.

01-06-04 ks) PER DAVID SEMENZA, FAXED INVITATION TO BID TO CONTRACTORS. BIDS DUE BACK TUESDAY, 1/6/04.

01-06-04 JL) RECORDED N&O AT CLARK COUNTY TODAY. BOOK: 20040106 INST: 00920.

01-07-04 ks) RECEIVED BIDS FROM CONTRACTORS (1) ADS CONSULTING - \$2,207; (2) CASA ENTERPRISES - \$2,639; (3) WEAVER CONSTRUCTION - \$2,727; (4) C&W ENTERPRISES - \$3,500.

01-12-04 ks) 1112 hrs. Received LATE BID from K.O. Construction - \$3,869.

01-12-04 24) 1345-1400 hrs. Pre Video Completed. Partially dismantled carport, scrap wood & paper debris in yard. Dead/dry foliage in all yards, overgrown oleanders need to be cut back (all yards). Entire rear & west side yards covered with plywood/debris. Rear is haphazard by boarded, not even close to specs. Rear patio cover is dilapidated and wouldn't take much of a wind to blow material off posts. Accessory structure has a pad-lock on the door. Green cloth screen needs to be removed also. Tape to DS.

01-14-04 ks) PER DAVID SEMENZA, OKAY TO AWARD TO LOWEST BIDDER, ADS CONSULTING, INC. FAXED AWARD LETTER TO ADS CONSULTING, INC. ADS TO CALL WITH A START DATE FOR ABATEMENT.

01-19-04 ks) CELIA WITH ADS CONSULTING CALLED - START DATE TO ABATE THE PROPERTY WILL BE 1/15/04.

02-02-04 ks) RECEIVED INVOICE (\$2,207) FROM ADS CONSULTING FOR COMPLETION OF ABATEMENT (BOARDING & CLEANING). SENT REQUEST FOR AFTER ABATEMENT VIDEO TO PAM HINES.

02-20-04 24) 10:51-10:58 Hrs) CLEAN, SECURE. SIGNS POSTED. BOARDS PAINTED, EXTERIOR QUALITY. SECURITY WINDOWS & DOORS SECURE. OLEANDERS CUT BACK. REFUSE & WASTE REMOVED. LOOSE BOARDS OVER REAR PATIO REMOVED. LOOKS GOOD.

02-24-04 ks) SENT INVOICE (\$2,207) FROM ADS CONSULTING, INC. TO FINANCE FOR PAYMENT. GAVE FILE TO JACKIE GORDON FOR COUNCIL.

04-05-04 JG) MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER - 3/21 COUNCIL AGENDA

APN 139-25-611-031
Ref # - 041603-141

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: SECRETARY VETERANS AFFAIRS
(Reputed Owner(s)) at time of abatement.

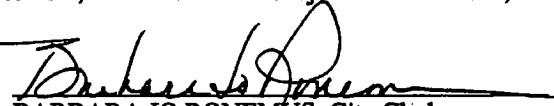
Assessor's Parcel No.: 139-25-611-031
Commonly known as: 3224 BRADY AVENUE
Legal Description: COLLEGE PARK #24
PLAT BOOK 9 PAGE 25
LOT 4 BLOCK 9

On February 13, 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 \$2,863.05 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

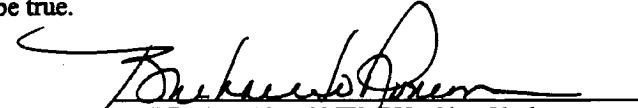
The Las Vegas City Council, at a duly noticed public hearing held on April 21, 2004, ordered the above charges in the amount of \$2,863.05, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for 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.

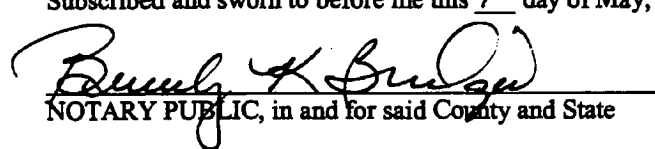

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

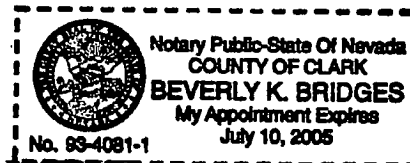
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 14th day of May, 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 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

NO ITEMS

DISCUSSION/ACTION ITEMS

REVIEW OF CONDITION

- 117 **ROC-3901** - Applicant/Owner: Perma-Built Homes

REVIEW OF CONDITION - PUBLIC HEARING

- 118 **ROC-4119** - Applicant/Owner: Concordia Homes of Nevada

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING

- 119 **SDR-3817** - Applicant: Advanced House Calls – Owner: Gregory and Mary Bryan
120 **SDR-3853** - Applicant: Arlt Corporation – Owner: Arlt Family Trust
121 **SDR-3923** - Applicant/Owner: Santa Fe Station, Inc.

VARIANCE - PUBLIC HEARING

- 122 **ABEYANCE ITEM - VAR-3288** - Applicant: Paul and Sandy Brosseau
123 **VAR-3762** - Applicant: Sterling S. Development – Owner: Quarterhorse Falls Estates, Limited Liability Company

REQUIRED SIX MONTH REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

- 124 **RQR-3930** - Applicant: Neissan Koroghli – Owner: Fremont Place, Limited Liability Company

REVIEW OF CONDITION RELATED TO RQR-3930 - PUBLIC HEARING

- 125 **ROC-4121** - Applicant: Neissan Koroghli – Owner: Fremont Place, Limited Liability Company

REQUIRED FOUR YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

- 126 **RQR-3732** - Applicant: Clear Channel Outdoor – Owner: Storage Equities

SPECIAL USE PERMIT - PUBLIC HEARING

- 127 **ABEYANCE ITEM - SUP-3394** - Las Vegas Billboards on behalf of West Sahara Associated, Limited Partnership

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two

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City Council Meeting of April 21, 2004

SPECIAL USE PERMIT - PUBLIC HEARING

- 128 **ABEYANCE ITEM - SUP-3716** - Applicant: Aurelio's - Owner: Cheyenne Investments, Limited Liability Company
- 129 **ABEYANCE ITEM - SUP-3747** - Applicant: Express Cash & Loan - Owner: Nerces Himidian Living Trust
- 130 **SUP-3844** - Applicant: Jose and Eliza Diaz - Owner: Miguel Family Trust 1993, et al
- 131 **SUP-3748** - Applicant: Continental Currency of Nevada, Inc. - Owner: Tonopah-Craig Road Company, Limited Partnership
- 132 **SUP-3875** - Applicant: Hugh Canady - Owner: CDS Member, Limited Liability Company

REZONING - PUBLIC HEARING

- 133 **ABEYANCE ITEM - ZON-2457** - Donna F. Beam Revocable Trust

SPECIAL USE PERMIT RELATED TO ZON-2457 - PUBLIC HEARING

- 134 **SUP-3896** - Applicant: Investment Equity Builders - Owner: Donna F. Beam Revocable Trust

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-2457 AND SUP-3896 - PUBLIC HEARING

- 135 **ABEYANCE ITEM - SDR-2458** - Donna F. Beam Revocable Trust

REZONING - PUBLIC HEARING

- 136 **ABEYANCE ITEM - ZON-3665** - Applicant/Owner: Donna J. Capri

REZONING - PUBLIC HEARING

- 137 **ZON-3825** - Applicant/Owner: Jan Paul Koch

VARIANCE RELATED TO ZON-3825 - PUBLIC HEARING

- 138 **VAR-3826** - Applicant/Owner: Jan Paul Koch

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3825 AND VAR-3826 - PUBLIC HEARING

- 139 **SDR-3824** - Applicant/Owner: Jan Paul Koch

REZONING - PUBLIC HEARING

- 140 **ZON-3888** - Applicant: City of Las Vegas
- 141 **ZON-3909** - Applicant/Owner: Leonard Kryk

City of Las Vegas

PLANNING & DEVELOPMENT - Page Three

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City Council Meeting of April 21, 2004

SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-3909 - PUBLIC
HEARING

142 **SDR-3911** - Applicant/Owner: Leonard Kryk

REZONING - PUBLIC HEARING

143 **ZON-3910** - Applicant/Owner: City of Las Vegas

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: APRIL 21, 2004**DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: ROBERT S. GENZER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

REVIEW OF CONDITION - ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Review of Condition NO. 7 OF AN APPROVED TENTATIVE MAP FOR ELKHORN/GRAND CANYON UNIT TWO (TM-0034-02), WHICH REQUIRED PEDESTRIAN ACCESS AT THE END OF TWO CUL-DE-SACS adjacent to the southeast corner of Grand Canyon Drive and Severance Lane (APN 125-18-897-004), R-1 (Single Family Residential) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:**Planning Commission Mtg.****0****City Council Meeting****APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.****0****City Council Meeting****RECOMMENDATION:**

The Planning Commission (7-0 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Appeal letter filed by VTN Nevada

MOTION:

MACK - APPROVED subject to amending the condition to read: Condition Number 7 of the Tentative Map shall be deleted - UNANIMOUS with Ward 2 seat vacant

MINUTES:

ATTORNEY ROBERT GRONAUER, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and explained the appeal related to the condition regarding access onto Grand Canyon Drive. The developer originally intended to have access onto Grand Canyon Drive; however, it was discovered, during the finalization of plans that the grade in the area would have to be lowered 10 to 11 feet due to water pressurization issues. As a result of this grade difference, in order to allow pedestrian access at the Grand Canyon driveway, steps would have to be installed. The applicant feels installation of these steps would place an undue burden of liability on the Homeowners Association for accidents occurring on or around the steps. ATTORNEY GRONAUER informed Council that access is provided at both Severance and Elkhorn. The applicant believes those would be the two main pedestrian access areas. He asked the condition be removed from the Tentative Map because of the liability and water pressure issues.

CITY COUNCIL MEETING OF APRIL 21, 2004
Planning and Development Department
Item 117 – ROC-3901

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, stated he remembered an issue relating to this item regarding fenced off sidewalk. He questioned whether that was going to be removed and opened up. ATTORNEY GRONAUER said the applicant would work with City staff and the builder to see if it can be done. MAYOR GOODMAN opposed fencing off the sidewalk.

BART ANDERSON, Public Works, explained the area is currently fenced until the access issue is resolved. The developer will have to either put in the access, resulting in the removal of the fence, or the block wall will be sealed if access is not installed. Either decision will result in the situation being remedied. MR. ANDERSON also pointed out that the sidewalk has not been installed at this time and that staff had not yet accepted those improvements.

COUNCILMAN MACK stated he viewed the installation of access as a safety factor. Requiring the developer to put in access with the 11-foot grade difference would be a nuisance. He agreed the two other entrances would be sufficient. Further, the area should be gated off where the sidewalk is.

(1:50 – 1:54)

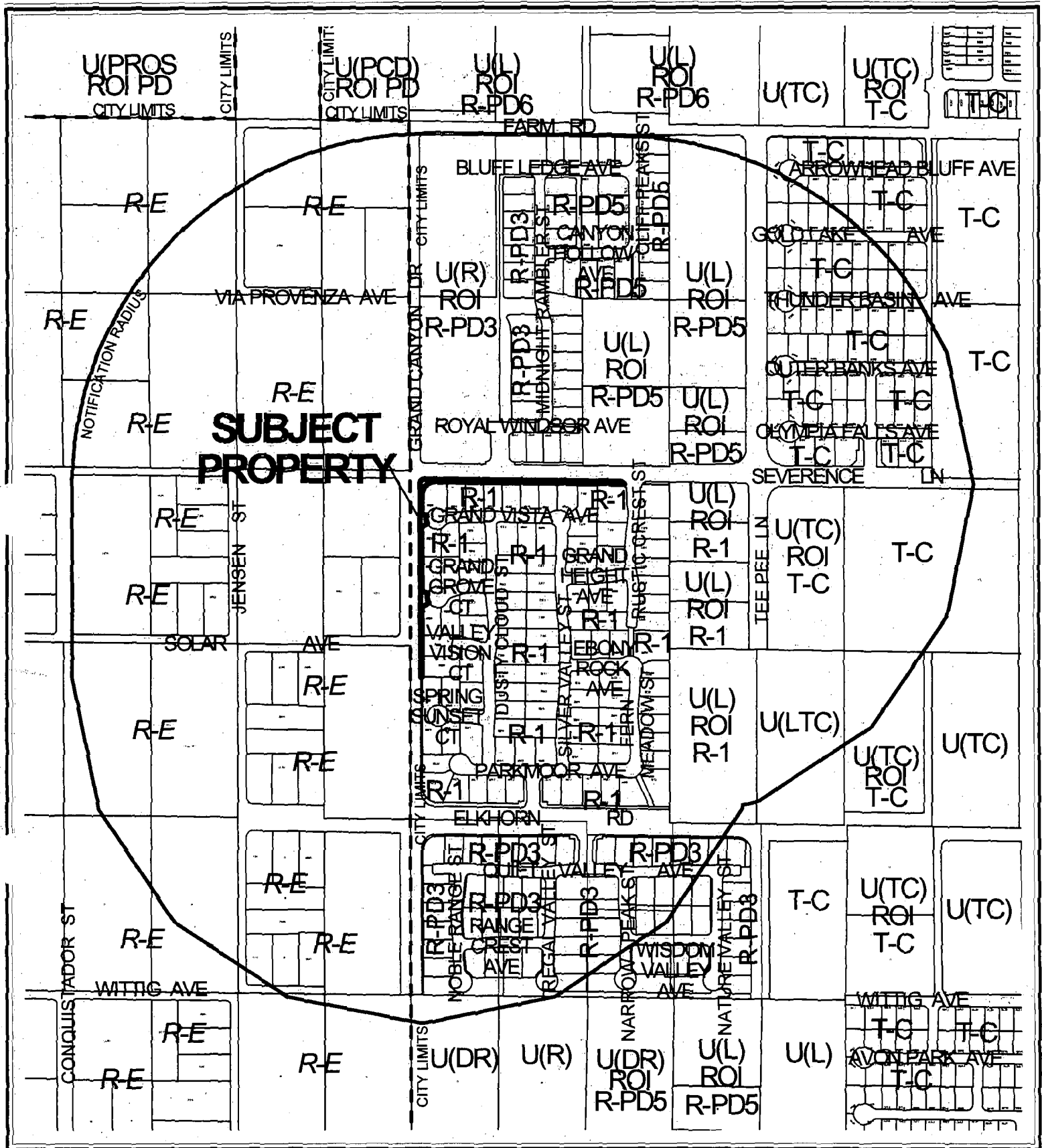
4-466

CONDITIONS:

Planning and Development

1. Condition Number 7 of Tentative Map (TM-0034-02) shall be amended to read as follows:

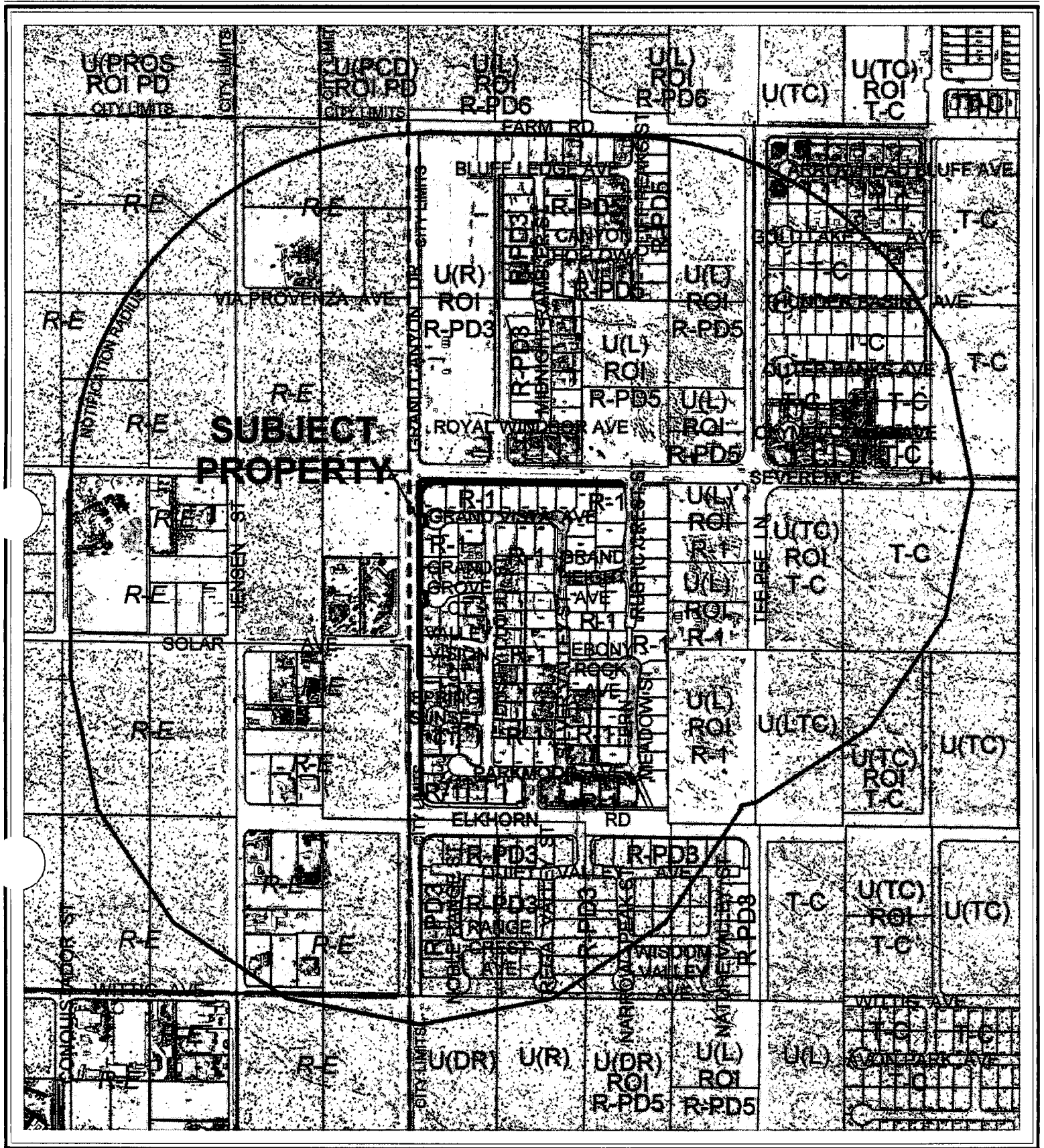
Provide a gated pedestrian access to Grand Canyon Drive at the terminus of Grand Grove Court.



CASE: ROC-3901

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)



CASE: ROC-3901

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY: R-1 (SINGLE FAMILY RESIDENTIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ROC-3901 – APPLICANT/OWNER: PERMA-BUILT HOMES

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 7 of Tentative Map (TM-0034-02) shall be amended to read as follows:

Provide a gated pedestrian access to Grand Canyon Drive at the terminus of Grand Grove Court.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is an Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Review of Condition Number 7 of the approved Tentative Map titled Elkhorn/Grand Canyon Unit 2, consisting of 60 lots on 16.94 acres, located adjacent to the southeast corner of Grand Canyon Drive and Severence Lane. Condition Number 7 required a pedestrian access point to Grand Canyon Drive from one of two cul-de-sacs within the subdivision.

B) Applicant's Justification

The applicant's justification letter states that due to the severity of elevation differences between Grand Canyon Drive and the cul-de-sacs where pedestrian gates are required, a connection of these points would facilitate a pedestrian safety hazard. They are requesting that the condition be deleted in its entirety.

BACKGROUND INFORMATION

A) Previous Actions

- 04/04/01 The City Council approved a General Plan Amendment (GPA-0039-00), changing the General Plan Land Use category from DR (Desert Rural) to R (Rural) on a portion this site as part of a larger request. The Planning Commission and staff recommended approval.
- 03/20/02 The City Council approved the following in regard to this site: a Rezoning (Z-0004-02) from U (Undeveloped) to R-1 (Single Family Residential); a Variance (V-0002-02) to allow front setbacks of 18 feet where 20 feet is the minimum setback required, and to allow corner-side setbacks of 10 feet where 15 feet is the minimum required; a Special Use Permit (U-0005-02) for private streets in this development; and a Petition for Vacation (VAC-0005-02) of U.S. Government Patent Easements generally located adjacent to the northeast corner of Elkhorn Road and Grand Canyon Drive. The Planning Commission and staff recommended approval.
- 06/13/02 The Planning Commission approved a Tentative Map (TM-0034-02) titled Elkhorn/Grand Canyon Unit 2 consisting of 60 lots on the subject site. Staff recommended approval.

- 09/30/02 The Planning and Development Department administratively approved a Final Map (FM-0108-02) titled Elkhorn/Grand Canyon Unit 2 consisting of 60 lots on the subject site.
- 01/23/03 The Final Map for Elkhorn/Grand Canyon Unit 2 was recorded on book 108 page 70.
- 12/02/02 A revision to the approved Civil Improvement Plans indicated a single pedestrian access in the form of an eleven-step stairway connecting Grand Canyon with the cul-de-sac of Grand Vista Avenue.
- 03/25/04 The Planning Commission voted 7-0 to recommend DENIAL (PC Agenda Item #40/pb).

B) Pre-Application Meeting

A pre-application meeting is not required prior to the submittal of a Review of Condition application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 16.94

B) Existing Land Use

Subject Property: Vacant (Elkhorn/ Grand Canyon Unit 2)
North: Vacant, Single Family Residential (under construction)
South: Vacant (Elkhorn/ Grand Canyon Unit 1)
East: Vacant (Elkhorn/ Grand Canyon Unit 4)
West: Vacant, Single Family Residential

C) Existing Zoning

Subject Property: R-1 (Single Family Residential)
North: U (Undeveloped) under R.O.I. to R-PD3 (Residential Planned Development – 3 Units Per Acre)
R-PD3 (Residential Planned Development – 3 Units Per Acre)
U (Undeveloped) under R.O.I. to R-PD5 (Residential Planned Development – 5 Units Per Acre)
South: R-1 (Single Family Residential)
East: U (Undeveloped) under R.O.I. to R-1 (Single Family Residential)
West: Clark County

D) General Plan Compliance

The subject site is designated as R (Rural Density Residential) by the Centennial Hills Sector of the General Plan, amended from DR (Desert Rural Density Residential) by General Plan Amendment (GPA-0039-00) as approved by the City Council. The approved R-1 (Single Family Residential) zoning is compatible with the R (Rural Density Residential) General Plan Designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is not a part of any special districts for zones.

ANALYSIS

A) *Zoning Code Compliance*

A1) Development Standards

The subject subdivision has been reviewed and approved by the Planning Commission at the tentative map stage; reviewed and approved by planning department staff at the final map stage; and has been found to comply with all of the development standards of Title 19.08.040.

B) *General Analysis Discussion*

- General information (Residential/Commercial)

To rectify the lack of pedestrian access from the approved subdivision to the perimeter streets and beyond, the following condition was added by planning and development staff to the tentative map (TM-0034-02):

7. Provide pedestrian access to Grand Canyon Drive at the terminus of either Spring Valle Avenue or Highgate Court; for gated subdivisions, a pedestrian access gate may be included.

The names of the two streets mentioned in the condition above have since been changed to Grand Vista Avenue and Grand Grove Court respectively. The approved civil improvement plans indicate the following details:

The grade of the Grand Vista Avenue cul-de-sac is 11 feet below that of Grand Canyon Drive (measured from top of curb). This grade difference is taken over 24 feet measured from the back of sidewalk on Grand Canyon Drive to the back of curb on Grand Vista Avenue. As was noted above, a revision to the approved civil plans indicated a stairway leading from the perimeter of the site along Grand Canyon Drive, to the back of curb on Grand Vista Avenue.

In the case of the Grand Grove Court cul-de-sac, the approved civil improvement plans indicate it is 10 feet below that of Grand Canyon Drive (measured from top of curb). This grade difference is taken over 26 feet measured from the back of sidewalk on Grand Canyon Drive to the back of curb on Grand Grove Court. Unlike Grand Vista Avenue, this area has never been indicated as having a pedestrian access as a part of the submitted civil improvement plans.

However, since the grade differential is slightly less and the distance to handle the grade differential is greater, this point should accommodate a pedestrian access stairway more effectively than Grand Vista Avenue.

As noted above, the applicant revised the civil improvement plans for this site on December 2, 2002 to add a pedestrian access stairway connecting Grand Canyon Drive to Grand Vista Avenue. The Flood Control Section of Public Works has indicated that drainage issues would not impede the ability to install the required pedestrian access point. Planning and Development staff finds no justification behind the applicant's request to eliminate the pedestrian access other than the expense of construction and some possible liability the stairway might add to the homeowner's association. As such, staff recommends denial of the request, but would support the relocation of the stairway to Grand Grove Court, as it would be more accommodating and would provide access in a more centralized location for the entire subdivision.

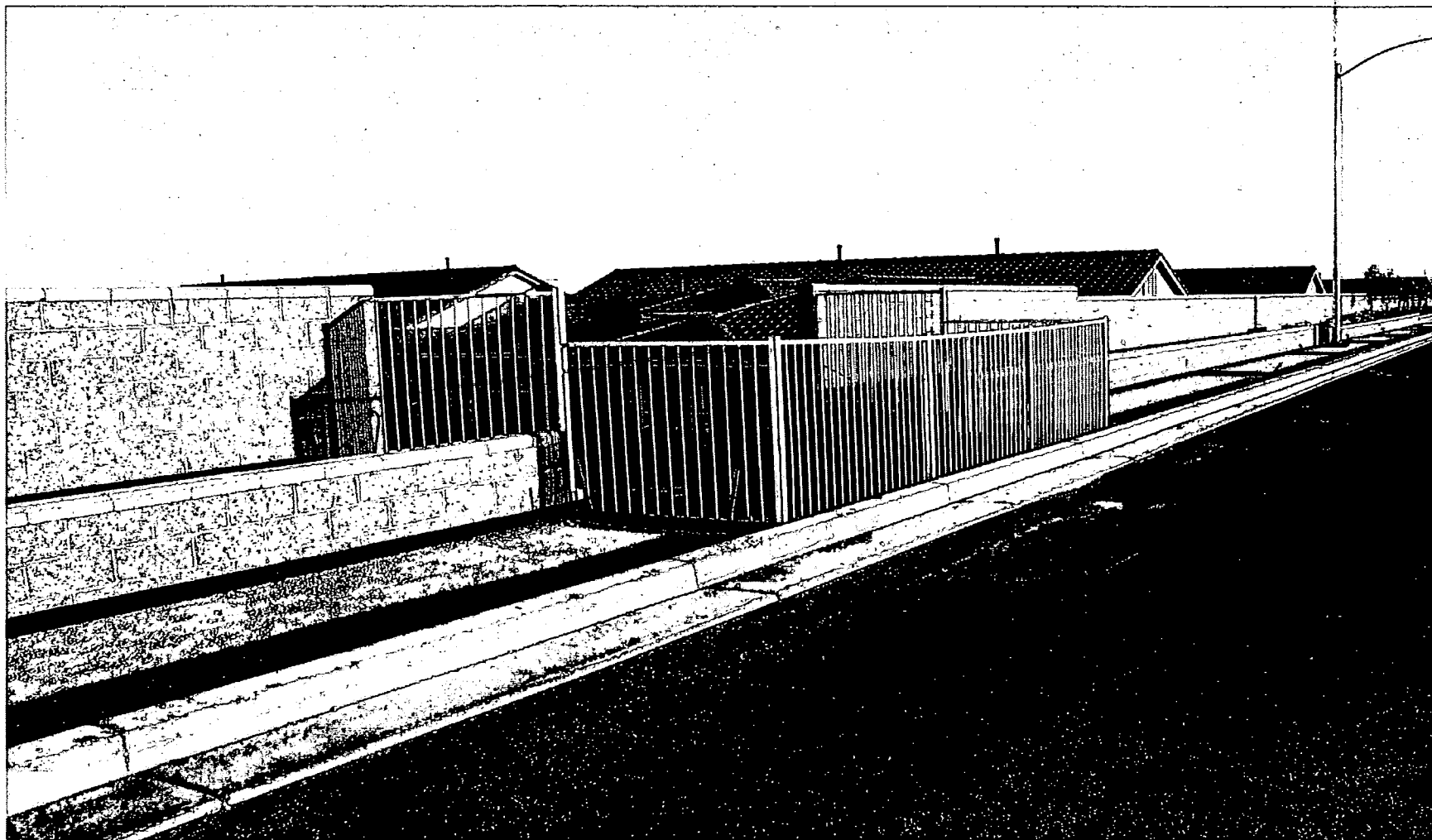
NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



Case Number: **ROC-3901** APN: 125-18-897-004



ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES
SOUTHEAST CORNER OF GRAND CANYON DRIVE AND SEVERANCE LANE
MARCH 25, 2004 PLANNING COMMISSION

3/4/04



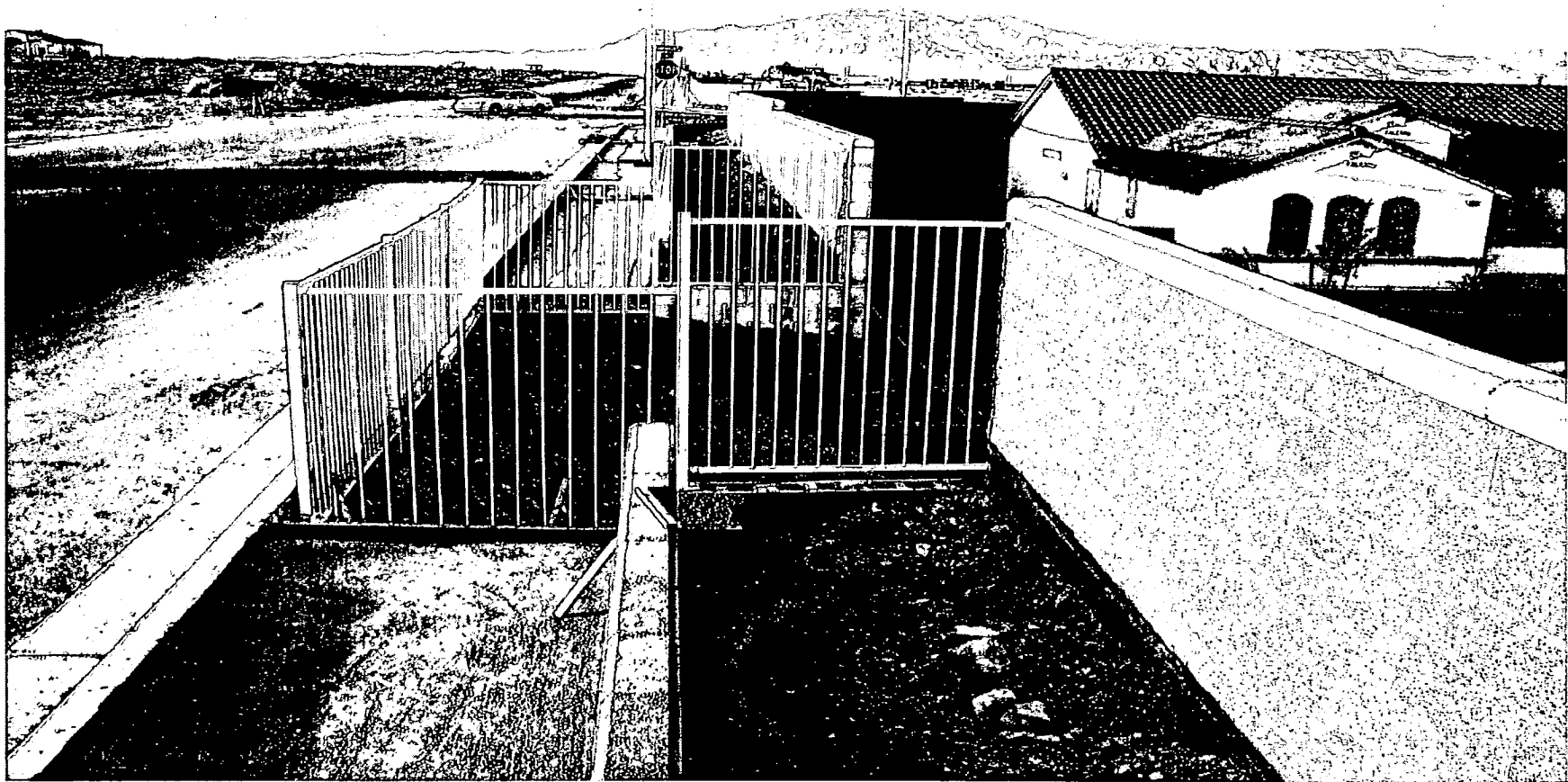
ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES
SOUTHEAST CORNER OF GRAND CANYON DRIVE AND SEVERANCE LANE
MARCH 25, 2004 PLANNING COMMISSION

3/4/04



ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES
SOUTHEAST CORNER OF GRAND CANYON DRIVE AND SEVERANCE LANE
MARCH 25, 2004 PLANNING COMMISSION

3/4/04



ROC-3901 - APPLICANT/OWNER: PERMA-BUILT HOMES
SOUTHEAST CORNER OF GRAND CANYON DRIVE AND SEVERANCE LANE
MARCH 25, 2004 PLANNING COMMISSION

3/4/04



CONSULTING ENGINEERS • PLANNERS • SURVEYORS
PROVIDING QUALITY PROFESSIONAL
SERVICES SINCE 1960

March 31, 2004

VIA FACSIMILE: 382-4803

W.O. 5987-2

City of Las Vegas
City Clerk's Office
400 East Stewart Avenue
Las Vegas, NV 89101

**RE: ROC-3901 – Perma-Bilt Homes
Elkhorn/Grand Canyon, Unit II**

On behalf of our client, Perma-Bilt Homes, VTN Nevada is appealing the City of Las Vegas Planning Commission's denial of ROC-3901. This item was heard at the Planning Commission's March 25, 2004 hearing (Item #40). The applicant wishes to file this appeal so that ROC-3901 is forwarded to the April 21, 2004 City Council meeting. Should you have any questions, please call me at 253-2476.

Thank you for your consideration in this matter.

Sincerely,

VTN Nevada

A handwritten signature in black ink, appearing to read "Brent Wilson", written over a light background.

Brent Wilson
Planning Department

CC: Robb BeVillie, Perma-Bilt Homes
Dan Hood, VTN
Jim Thomas, VTN

2004 MAR 31 A 10:10

RECEIVED
CITY CLERK

2004 MAR 31 A 10:31

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CITY CLERK