

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Report on the status of the Department of Public Works Accreditation with the American Public Works Association (APWA)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

At the May 15, 2002 City Council Meeting, the Mayor and Director of Public Works signed an agreement to start the accreditation process through APWA. The Director of Public Works would like to update the Mayor and City Council on the status of the process so that a request for a site visit by the APWA evaluation team can be made.

RECOMMENDATION:

Report only; No action required

BACKUP DOCUMENTATION:

Submitted at meeting: APWA Accreditation Supplemental Information

MOTION:

None required. A report was given.

MINUTES:

RICHARD GOECKE, Director, Public Works, indicated that this program is administered by a group of private and public professionals that have experience in delivering government services. His staff has identified over 100 practices in which they need to become proficient. The improvement phase will require his staff to go through those practices to meet enhancement in order to meet the national standard. There will be an evaluation process. He thanked MARYANN SOSA, Management Analyst, for her countless hours on this process. MS. SOSA thanked the other departments that assisted Public Works. MS. SOSA answered for the Mayor that MR. GOECKE was very supportive of staff's efforts to get this accreditation.

(10:20 – 10:24)

1-2771

APWA Accreditation Supplemental Information

Since 1996, the American Public Works Association (APWA) has offered an accreditation process to Public Works agencies. This is a voluntary process available to any governmental agency responsible for the management of public works infrastructure and/or services. The process is administered by a council of professional managers with public and private sector experience in the delivery of governmental services.

The APWA Accreditation is the mark of professionalism that indicates a Public Works Agency has made the commitment to continuous improvement on the delivery of public works operations and services to the community it serves. It recognizes that the Department's policies, procedures, and practices have been evaluated against nationally recognized management practices.

The accreditation process is important to agencies that are seeking a method of demonstrating that the Agency is well managed, in compliance with recommended practices, and is dedicated to continuous improvement of public works management practices.

The accreditation process is a five-step process. The first phase consist of an *application*. The department submits a formal application for accreditation which defines the terms and condition required for the accreditation. The second phase is the *self assessment*. During this phase the department performs an analysis of its practices using the criteria contained in the 4th Edition of the APWA Public Works Management Practices Manual. The third phase is the *Improvement* phase where the department uses the results of the self assessment phase, makes improvements to practices or processes that have been identified as needing enhancement in order to be considered substantial or fully compliant. The fourth phase is the *Evaluation* phase. Once the department believes it complies with applicable practices, and APWA Evaluation Team performs a "site visit" to affirm compliance. Once the Team determines the department complies with all applicable practices it is then that the department receives the *Accreditation*.

This Accreditation will provide the Public Works Department with international recognition for the commitment to our processes, policies and procedures that promote good government and delivery of projects and services. It is a visible form of recognition that will help us gain community support improvement of public works facilities and services. It is a tool that will enhance our process for establishing and setting improvement goals, performance measurements, performance standards for operations, enhanced management and administrative functions. It is a motivational tool for improving the morale of our employees and our department as whole.

APWA provides 518 practices in 33 functional areas that are reviewed. Of the 518 practices, the City of Las Vegas Public Works Department has identified 319 that are applicable to our department. The internal self-assessment of these 319 practices took approximately 24 months, and showed that we are in our opinion fully or substantially compliant in all but three areas. These areas have been addressed and are a targeted improvement effort that we have began to tackle.

Submitted at City Council

Date 9/1/04 Item 64

These areas consist of:

1. Implementation of Electronic Document Management (EDM)
2. On going training of Field Operations areas
3. Documentation of department's Policies and Procedures.

We anticipate our improvement phase should go rapidly and plan to have the evaluation team on site by February of 2005.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: BUSINESS DEVELOPMENT

DIRECTOR: SCOTT D. ADAMS

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-146-2004 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency in connection with the Ownership Participation Agreement (OPA) between the City of Las Vegas Redevelopment Agency and Bridger Associates, LLC, and determining certain findings concerning the OPA - Ward 5 (Weekly) [NOTE: This item is a companion to Redevelopment Agency Item #2]

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This is a related to Redevelopment Agency Item #2 for discussion and possible action regarding a Resolution finding the project of assisting Bridger Associates, LLC with the cost of on-site and off-site improvements at 300 South Fourth Street to be in compliance with and furtherance of the Redevelopment Plan and approving the OPA. Approval of this Resolution will adopt findings that the development in connection with the OPA is of benefit to the Redevelopment Area and there are no reasonable means of financing the development. Approval also consents to the undertakings of the Agency in connection with the OPA.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Site Map
3. Disclosure of Principals
4. Resolution No. R-146-2004
5. Owner's Participation Agreement with Attachments
6. Submitted at meeting: Affidavit of Irwin Molasky

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS

MINUTES:

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

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004

Resolutions

Item 65 – R-146-2004

MINUTES – Continued:

APPEARANCES:

OSCAR GOODMAN, Mayor

SCOTT ADAMS, Director, Office of Business Development

GARY REESE, Councilman

JENNIFER LAZOVICH, Attorney, representing Bridger Associates, LLC

JOHN REDLEIN, Assistant City Attorney

LAWRENCE WEEKLY, Councilman

BARBARA JO RONEMUS, City Clerk

SUZANNE SANDERS, Bridger Associates, LLC

(10:24 – 10:36)

1-2971

AGENDA MEMO

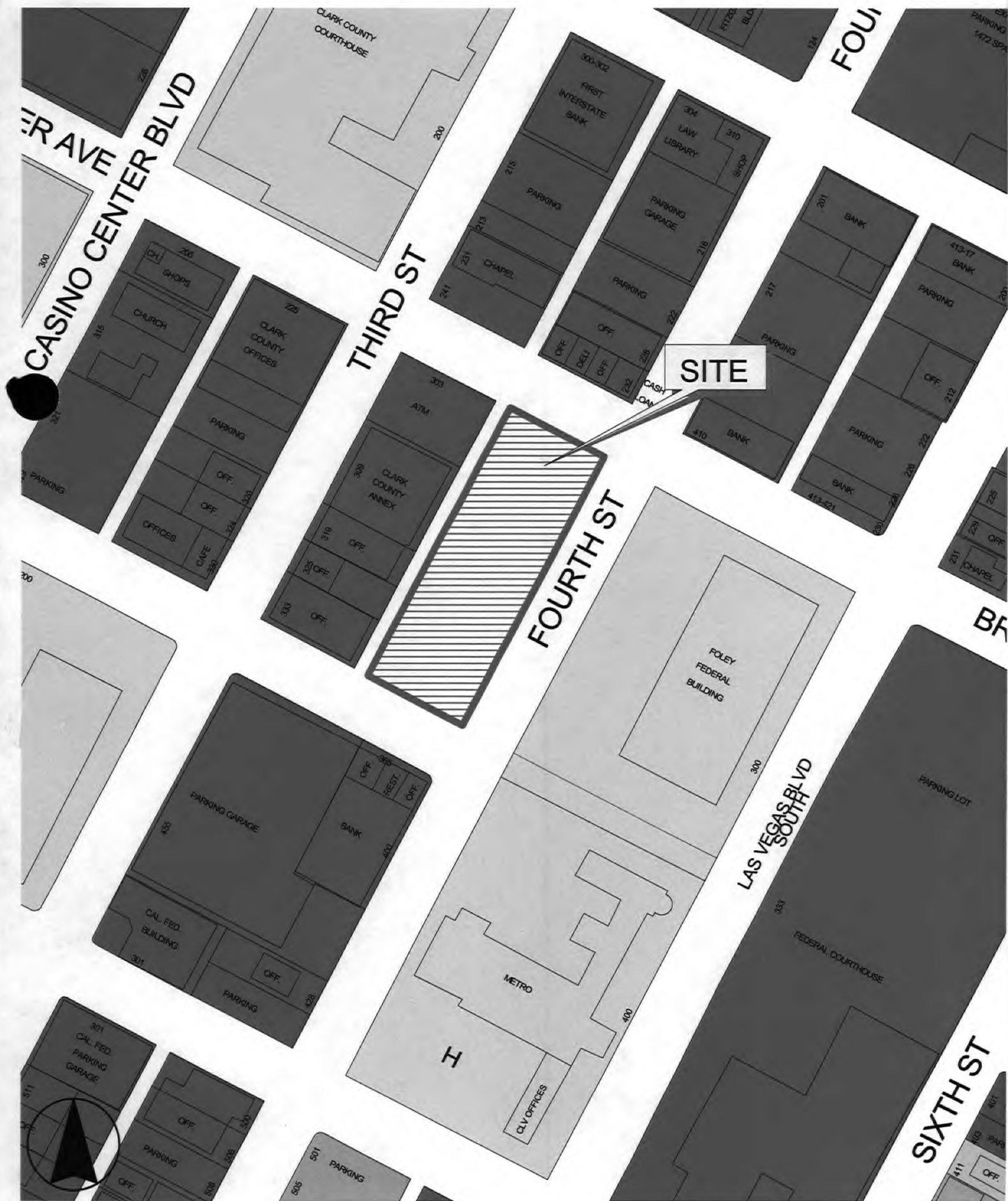
CITY COUNCIL MEETING DATE: September 1, 2004

DEPARTMENT: Office of Business Development

ITEM DESCRIPTION: Discussion and possible action regarding a resolution finding the project proposed by the Owner Participation Agreement ("OPA") between the City of Las Vegas RDA and Bridger Associates, LLC to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 5 (Weekly)

1. Bridger Associates, LLC, the owner of the property at 300 South Fourth Street, has requested financial assistance from the Redevelopment Agency for building façade and related improvements to be made to the property.
2. The building on the property was originally constructed in 1975, and needs some façade and streetscape improvements in order to modernize the building and make it more competitive in the Class "A" office market.
3. By increasing the building's competitiveness, the Agency will help the owner retain the office tenants for downtown Las Vegas. Currently, approximately 600 full-time employees work in the building, and an additional 300 persons visit the building and downtown Las Vegas.
4. The owner has estimated the total cost of necessary improvements to be \$1,313,508. The improvements shall include: new facade on the low-rise portion of the building, new landscaping and architectural pots, street and sidewalk improvements along Fourth Street, architectural shade elements, railings, updated and refurbished parking garage, site furnishings, public art, and revised signage.
5. The Agency's contribution of \$94,400 would amount of to 7% of the total project cost. Pursuant to the Agreement, the Agency's funds shall be used: to remove existing concrete and replace with new aggregate concrete; to remove concrete from back of curb to wall; to install a metal screen for relocated newspaper stand; to complete excavation of existing dirt, as may be required per City ordinance; to remove existing dirt, haul off, finish Type II and compacted per City of Las Vegas standard; to install irrigation and three trees along Fourth Street; and to install sewer grates at Fourth Street and Lewis Street.
6. The owner shall be responsible for selecting the contractor. The Agency shall pay the owner on a reimbursement basis upon completion of all work payable by the Agency.
7. The Agency has concluded that no other reasonable means of financing exist, due to the current market conditions for the Las Vegas Class "A" office market. Other means of financing would reduce the competitiveness of the owner's property with similar properties in the Las Vegas valley, thereby risking the property's job base for the Redevelopment Area.

SITE MAP



CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

Policy

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

3. Instructions

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

4. Incorporation

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

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

Block 1	Contracting Entity BRIDGER ASSOCIATES LLC
Name	3111 S. Maryland Parkway Las Vegas, NV 89109
Address	(702) 735-0155
Telephone	88-6020453
EIN or DUNS	

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

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

Block 4			
Disclosure of Ownership and Principals			
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.			
	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Irwin A. Molasky	Paradise Development Ltd. 3111 S. Maryland Parkway Las Vegas, NV 89109	(702) 735-0155
2.	Samuel S. Lionel	Lionel, Sawyer & Collins 200 S. Maryland Pkwy, LV NV 89101	(702) 383-8888
	The Sawyer Family Trust dtd 7/13/094, Gail Sawyer, Trustee	35 Brandermill Drive Henderson, NV 89052	(702) 383-8888
4.	The Molasky Family 1998 Irrevocable Trust <u>Beneficiaries:</u> Alan Molasky, Andrew Molasky, Beth Molasky & Steven Molasky	3111 S. Maryland Parkway Las Vegas, NV 89109	(702) 735-0155
5.			
6.			
7.			
8.			

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

Block 3 Disclosure of Ownership and Principals - Alternate

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

Name of Attached Document:

N/A

Date of Attached Document:

Number of Pages:

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate.

Irwin A. Molasky

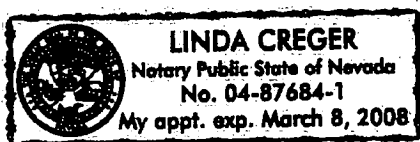
Irwin A. Molasky, Manager

Subscribed and sworn to before me this 9TH
day of

8/9/04

AUGUST, 2004.

Linda Greger
Notary Public



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

2
3
4
5

6
7
8
9
10
11
12

13
14
15
16
17

18
19
20
21

22
23
24
25
26

27

28

1 other improvements on the Site are available; and

2 WHEREAS, the City Council of the City of Las Vegas has considered the
3 undertakings of the Agency in connection with the Owner Participation Agreement (the
4 "Agreement"), which provides for the contribution of funds to Participant for the rehabilitation
5 and construction of certain on-site and off-site improvements, all as more fully set forth in the
6 Agreement ("Project").
7

8 NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council of
9 the City of Las Vegas hereby finds and determines that the development of facilities, structures
10 or other improvements on the Site are of benefit to the Redevelopment Area or the immediate
11 neighborhood in which the Redevelopment Area is located; and
12

13 RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby
14 finds and determines there are no reasonable means of financing those facilities, structures or
15 other improvements on the Site; and
16

17 RESOLVED FURTHER, that the City Council of the City of Las Vegas hereby
18 consents to the undertakings of the Agency in connection with the Agreement with Participant
19 for the Project concerning the development on the Site.
20

21 THE FOREGOING RESOLUTION was passed, adopted and approved this
22 1st day of September, 2004.

23 CITY OF LAS VEGAS

24 By: Oscar B. Goodman
25 OSCAR B. GOODMAN, Mayor

26 ATTEST:

27 Barbara Jo Ronemus
28 BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

J. P. [Signature] 8/20/04
Date

OWNER PARTICIPATION AGREEMENT

BY AND BETWEEN

THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY

AND

**BRIDGER ASSOCIATES, LLC
A NEVADA LIMITED LIABILITY COMPANY**

TABLE OF CONTENTS

I. [§100] SUBJECT OF AGREEMENT	1
A. [§101] Purpose of this Agreement	1
B. [§102] The Redevelopment Plan	1
C. [§103] The Redevelopment Area	1
D. [§104] The Site	1
E. [§105] Parties to this Agreement	2
1. [§106] The Agency	2
2. [§107] The Participant	2
II. [§200] IMPROVEMENT OF THE SITE	3
A. [§201] Improvement of the Site by the Participant	3
1. [§202] Scope of Development	3
2. [§203] Cost of Construction	3
3. [§204] Bodily Injury and Property Damage Insurance; Indemnification	3
4. [§205] City and Other Governmental Agency Permits	4
5. [§206] Rights of Access During Construction	4
6. [§207] Anti-Discrimination During Construction	4
7. [§208] Schedule of Site Improvements	4
B. [§209] Prohibition Against Transfer and Assignment of Agreement	5
C. [§210] Notice of Completion	6
D. [§211] Agreement to be Recorded Affecting Property	6
E. [§212] Employment Plan	6
III. [§300] USE AND MAINTENANCE OF THE SOTE	
A. [§301] Use of the Site	6
B. [§302] Maintenance of the Site	7
C. [§303] Obligation to Refrain from Discrimination	7
D. [§304] Rights of Access	7
E. [§305] Effect and Duration of Covenants.....	7
IV. [§400] DEFAULTS AND REMEDIES	
A. [§401] Defaults	7
B. [§402] Legal Actions	8
C. [§403] Applicable Law	8
D. [§404] Remedies of the Parties	8
1. [§405] Mutual Remedy of Specific Performance.....	8
2. [§406] Intentionally Omitted	8
3. [§407] Remedies of the Agency	8
a. [§408] In General	8
i. [§409] Termination	8
ii. [§410] Return of Agency Funds	9

V. [§500] GENERAL PROVISIONS	9
A. [§501] Conflicts of Interest	9
B. [§502] Nonliability of Agency Officials and Employees	9
C. [§503] Disclosure of Principals	9
VI. [§600] ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS	9
VII. [§700] TIME FOR ACCEPTANCE OF AGREEMENT BY AGENCY	10
ACKNOWLEDGMENTS	11
TABLE OF ATTACHMENTS	12

OWNER PARTICIPATION AGREEMENT

THIS AGREEMENT is entered into as of the _____ day of _____, 2004, by and between the CITY OF LAS VEGAS REDEVELOPMENT AGENCY (hereinafter referred to as the "Agency") and Bridger Associates, LLC, a Nevada Limited Liability Company, (hereinafter referred to as the "Participant"). The Agency and the Participant agree as follows:

I. [§100] SUBJECT OF AGREEMENT

[§101] A. Purpose of this Agreement

The purpose of this Agreement is to effectuate the Redevelopment Plan (the "Redevelopment Plan") for the Bridger Associates Capital Improvement Project (the "Project") by providing for the improvement of certain real property (the "Site") included within the boundaries of the Project (the "Project Area"). The improvement of the Site pursuant to this Agreement and the fulfillment generally of this Agreement are in the vital and best interests of the City of Las Vegas (the "City") and the health, safety, morals and welfare of its residents and in accordance with the public purposes and provisions of applicable federal, state and local laws and requirements. Implementation of this Agreement will further the goals and objectives of the Redevelopment Plan.

[§102] B. The Redevelopment Plan

This Agreement is subject to the provisions of the Redevelopment Plan which was approved and adopted by the City Council of the City of Las Vegas on March 5, 1986, by Ordinance No. 3218, as amended. Said Redevelopment Plan, as it now exists and as it may be subsequently amended, is incorporated herein by reference and made a part hereof as though fully set forth herein.

[§103] C. The Redevelopment Area

The Redevelopment Area is located in the City of Las Vegas, Nevada, and the exact boundaries of the Redevelopment Area are specifically described in the Redevelopment Plan, as amended.

[§104] D. The Site

The Site is that portion of the Redevelopment Area shown on the "Site Map," attached to this Agreement as Attachment "1" and incorporated herein by reference, and as more particularly described in the "Legal Description of the Site," attached hereto as Attachment "2" and incorporated herein by reference. The Site is composed of real property presently owned by the Participant.

[§105] **E. Parties to this Agreement**

[§106] **1. The Agency**

The Agency is a public body, corporate and politic, exercising governmental functions and powers, and organized and existing under the Community Redevelopment Law of the State of Nevada (NRS 279.382, et seq.).

The principal office of the Agency is located at 400 Stewart Avenue, Las Vegas, Nevada, 89101.

"Agency," as used in this Agreement, includes the City of Las Vegas Redevelopment Agency and any assignee of or successor to its rights, powers and responsibilities.

[§107] **2. The Participant**

The Participant is Bridger Associates, LLC, a Nevada Limited Liability Company, whose sole manager is Irwin Molasky. The principal address of the Participant is 3111 South Maryland Parkway, Las Vegas, Nevada, 89109.

Whenever the term "Participant" is used herein, such term shall include any permitted nominee, assignee or successor in interest as herein provided.

The Participant qualifies as an "owner participant" as that term is used in the Redevelopment Plan and the Community Redevelopment Law.

The qualifications and the identity of the Participant are of particular concern to the Agency, and it is because of such qualifications and identity that the Agency has entered into this Agreement with the Participant. No voluntary or involuntary successor in interest of the Participant shall acquire any rights or powers under this Agreement except as expressly set forth herein. This Agreement may be terminated by the Agency pursuant to Section 409 hereof if there is any significant change (voluntary or involuntary) in the ownership, management or control of the Participant.

The Participant shall not assign all or any part of this Agreement without the prior written approval of the Agency.

II. [§200] IMPROVEMENT OF THE SITE

[§201] A. Improvement of the Site by the Participant

[§202] 1. Scope of Development

The Participant represents that it shall develop the Site as provided in the "Scope of Development," attached hereto as Attachment "3" and incorporated herein by reference, within the deadlines as set forth in the "Schedule of Performance," attached hereto as Attachment "4" and incorporated herein by reference.

[§203] 2. Cost of Construction

Except as specified in this section, the cost of developing the Site and rehabilitating and/or constructing all improvements thereon shall be borne solely by the Participant. The Agency shall pay to Participant, or to a Nevada licensed contractor under contract with the Participant, the amount not to exceed Ninety-Four Thousand, Four Hundred and Zero Hundredths Dollars (\$94,400.00) ("Agency Funds") as the Agency's contribution towards permanent sidewalk improvement costs incurred by the Participant in rehabilitating and constructing all improvements. Payment of the Agency Funds shall be subject to the Participant's submittal to the Agency of the costs incurred by the Participant for making improvements to the Site at the Participant's costs, inspection of the improvements by the Agency and verification of such costs by the Agency. The Agency shall have the right to pay the contractor or subcontractor directly for work performed for the Project. Any costs in excess of the Agency Funds shall be borne solely by the Participant.

[§204] 3. Bodily Injury and Property Damage Insurance; Indemnification

Prior to the commencement of construction (or any work related thereto) upon the Site, the Participant shall cause to be furnished, to the Agency duplicate originals or appropriate certificates of bodily injury and property damage insurance policies in the general aggregate amount of at least Two Million Dollars (\$2,000,000), One Million Dollars (\$1,000,000) for any person, \$1,000,000 for any occurrence and Five Hundred Thousand Dollars (\$500,000) property damage, and \$10,000 for medical expense (any one person). The policy limits of such policies may be in lesser amounts if the Participant shall provide the Agency with duplicate originals or appropriate certificates of a binder (approved by the Agency) which indemnifies and holds the Agency and the City harmless from and against all liability, loss, damage, costs or expenses (including reasonable attorneys' fees and court costs) arising from or as a result of the death of any person or any accident, injury, loss or damage whatsoever caused to any person, or to the property of any person, which shall occur on or adjacent to the Site and which shall be directly or indirectly caused by any acts done thereon, or by any errors or omissions, of the Participant and its agents, servants, employees and contractors, and which provides for the defense of the Agency and the City against all claims or causes of actions arising therefrom. Such insurance policies shall be maintained and kept in force, and such obligation to indemnify shall continue, during periods of construction upon the Site and until the Agency has issued a Notice of Completion for the Site.

[§205] **4. City and Other Governmental Agency Permits**

Prior to the commencement of construction (or any work related thereto) upon the Site, Participant shall secure, or cause to be secured, any and all permits which were required by the City or any other governmental agency affected by such construction.

[§206] **5. Rights of Access During Construction**

Representatives of the Agency and the City shall have the reasonable right of access to the Site without charges or fees, at normal business hours for the purposes of this Agreement, including, but not limited to, the inspection of the work performed in rehabilitating and/or constructing the improvements.

[§207] **6. Anti-discrimination During Construction**

The Participant, for itself and its successors and assigns, represents that in the construction of improvements on the Site provided for in this Agreement, the Participant shall not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, marital status, ancestry or national origin.

[§208] **7. Schedule of Site Improvements**

The Participant shall submit to the Agency a Schedule of Improvements, Attachment No. 4. The Agency shall have the sole reasonable discretion to approve the Schedule of Site Improvements in accordance with the Scope of Development, Attachment No. 3.

In evaluating the sufficiency of the Schedule of Improvements for the Project, the Agency shall consider whether the Schedule of Improvements provides permanent improvements to the buildings, equipment, and appurtenances on the Site, which are needed for sustaining and maintaining competitiveness of the Participant's Class "A" office building. As such, the Agency will require the following information for each physical improvement to the Site:

1. Detailed description of the work to be performed or which has been performed to date; and
2. The cost of the work to be performed, as evidenced by two or more bids from Nevada licensed contractors, or as evidenced by prior payment of work performed; and
3. The source of the Participant's funds to be used, or used for the work to be performed or performed; and
4. The debt incurred, if any, by the Participant, for the performance of work to be performed or performed; and
5. A description of all required property, liability and title insurance, payment bonds,

performance bonds, and any security interest or collateral required for the work to be performed or performed; and

6. Copies of proposed material loan documents, if any, demonstrating any and all encumbrances against the Site; and
7. Other related information or documents that Agency may reasonably request.

The Schedule of Improvements shall be submitted to the Agency by the date set forth in Attachment No. 4.

[§209] **B. Prohibition Against Transfer and Assignment of Agreement**

Prior to the issuance of a Notice of Completion with respect to the construction of the improvements on the Site, the Participant shall not, except as permitted by this Agreement, assign or attempt to assign this Agreement or any rights herein, nor make any total or partial sale, transfer, conveyance, assignment or lease of the whole or any part of the Site or the improvements thereon, without the prior written approval of the Agency (which approval shall not be unreasonably withheld). This prohibition shall not apply subsequent to the issuance of the Notice of Completion. This prohibition shall not be deemed to prevent the granting of easements or permits to facilitate the development of the Site or to prohibit or restrict the leasing or rental of all or any portion of the improvements on the Site for the uses specified herein and in the Redevelopment Plan. This prohibition shall also not be deemed to prohibit the granting of any security interests in the Site for the purpose of securing loans or funds to be used for financing the construction of the improvements on the Site.

Any proposed buyer, transferee, conveyee, assignee or lessee shall have the qualifications and financial responsibility necessary and adequate, as may be reasonably determined by the Agency, to fulfill the obligations undertaken in this Agreement by the Participant. Any such proposed buyer, transferee, conveyee, assignee or lessee, by instrument in writing satisfactory to the Agency and in form recordable among the land records, for itself and its successors and assigns, and for the benefit of the Agency, shall expressly assume all of the obligations of the Participant under this Agreement and agree to be subject to all conditions and restrictions to which the Participant is subject. There shall be submitted to the Agency for review all instruments and other legal documents proposed to effect any such sale, transfer, conveyance, assignment or lease, and, if approved by the Agency, such approval shall be indicated to the Participant in writing.

In the absence of specific written agreement by the Agency, no such sale, transfer, conveyance, assignment or lease, or the approval thereof by the Agency, shall be deemed to relieve the Participant or any other party from any obligations under this Agreement.

[§210] **C. Notice of Completion**

After the completion of all work set forth in this Agreement on the Site and payment of the Agency funds to Participant, and upon the written request by the Participant, the Agency shall furnish the Participant with a Notice of Completion, in the form attached hereto as Attachment No. 5 and incorporated herein by reference, which evidences and determines the satisfactory completion of such work. Such Notice of Completion shall be in such form to permit it to be recorded in the Office of the County Recorder of Clark County. The Notice of Completion shall not be withheld or delayed by the Agency unless the Participant shall have failed to satisfactorily complete the construction required by this Agreement in substantial compliance with the terms and provisions hereof. Upon issuance of such Notice of Completion, the respective rights and obligations of the parties with reference to the Site shall be limited to those set forth in the Agreement to be Recorded Affecting Real Property as described in Section 210 of this Agreement.

Such Notice of Completion shall not be deemed or construed to constitute evidence of compliance with or satisfaction of any obligation of the Participant to any holder of a mortgage or any insurer of a mortgage securing money loaned to finance the construction of the improvements on the Site, or any portion thereof.

[§211] **D. Agreement to be Recorded Affecting Real Property**

Concurrent with this Agreement, the Participant and the Agency have executed an "Agreement to be Recorded Affecting Real Property," attached hereto as Attachment No. 6 and incorporated herein by reference, which provides for certain covenants and agreements on the part of the Participant consistent with the terms and purpose of this Agreement and by which the Agency agrees to waive its legal right to acquire the Site by eminent domain. The Agency is authorized to, and shall, record the Agreement to be Recorded Affecting Real Property after issuance of the Notice of Completion pertaining to the Site.

[§212] **E. Employment Plan**

Participant has submitted an Employment Plan, attached hereto as Attachment No. 7, which provides the Participant's plans for addressing employment issues and items as outlined in the Agency's Employment Plan Policy Guidelines.

III.[§300] USE AND MAINTENANCE OF THE SITE

[§301] **A. Use of the Site**

The Participant covenants and agrees for itself, its successors, its assigns and every successor in interest, to devote the Site to the uses specified in the Redevelopment Plan and to comply with all other provisions and conditions of the Redevelopment Plan for the period of time the Plan is in force and effect. The foregoing covenants shall run with the land.

[§302] **B. Maintenance of the Site**

The Participant agrees to maintain the improvements and landscaping on the Site in a clean and orderly condition and in good condition and repair and keep the Site free from any accumulation of debris and waste materials for the period of time the Redevelopment Plan is in force and effect.

[§303] **C. Obligation to Refrain from Discrimination**

The Participant covenants and agrees for itself, its successors, its assigns and every successor in interest to the Site or any part thereof, that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, ancestry or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site, nor shall the Participant itself or any person claiming under or through it establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the Site. The foregoing covenants shall run with the land and shall remain in effect in perpetuity.

[§304] **E. Rights of Access**

For the purposes of assuring compliance with this Agreement, representatives of the Agency and the City shall have the reasonable right of access to the Site without charges or fees for the purpose of inspection of the Site as to maintenance of the improvements thereon. Such representatives of the Agency or the City shall be those who are so identified in writing by the Executive Director of the Agency.

[§305] **F. Effect and Duration of Covenants**

The covenants contained in Sections 301 and 302 of this Agreement shall remain in effect until March 5, 2031 (the termination date of the Redevelopment Plan). The covenants against discrimination contained in Section 303 of this Agreement shall remain in effect in perpetuity. The covenants established in this Agreement shall, without regard to technical classification and designation, be binding on the part of the Participant and any successors and assigns to the Site or any part thereof, and the tenants, lessees, sublessees and occupants of the Site, for the benefit of and in favor of the Agency, its successors and assigns, the City and any successor in interest thereto.

IV. [§400] DEFAULTS AND REMEDIES

[§401] **A. Defaults**

Failure or delay by either party to perform any term or provision of this Agreement constitutes a default under this Agreement. The nondefaulting party shall notify the defaulting

party that a default exists and that the defaulting party must cure same within thirty (30) days of receipt of the notice of default, or within sixty (60) days provided that the defaulting party is diligently pursuing a cure. The party who so fails or delays must immediately commence to cure, correct or remedy such failure or delay, and shall complete such cure, correction or remedy with reasonable diligence and during any period of curing shall not be in default.

[§402] **B. Legal Actions**

In addition to any other rights or remedies, either party may institute legal action to cure, correct or remedy any default, to recover damages for any default or to obtain any other remedy consistent with the purpose of this Agreement. Such legal actions must be instituted in the District Court, County of Clark State of Nevada, in any other appropriate court in that county, or in the Federal District Court in the appropriate district of Nevada.

The nondefaulting party may also, at its option, cure the breach and sue in any court of proper jurisdiction to collect the reasonable costs incurred by virtue of curing or correcting the defaulting party's breach. Further, the nondefaulting party may file legal action to require the defaulting party to specifically perform the terms and conditions of this Agreement.

[§403] **C. Applicable Law**

The laws of the State of Nevada shall govern the interpretation and enforcement of this Agreement.

[§404] **D. Remedies of the Parties**

[§405] **1. Mutual Remedy of Specific Performance**

Upon occurrence of an Event of Default by either the Participant or the Agency during the existence of this Agreement, the non-defaulting party, at its option, may institute an action for specific performance of the terms and obligations (including the payment of any monetary obligation) of this Agreement.

[§406] **2. Intentionally Omitted**

[§407] **3. Remedies of the Agency**

[§408] **a. In General**

[§409] **i. Termination**

During the existence of this Agreement and upon the occurrence of a Participant Event of Default, the Agency shall have the right to terminate, and this Agreement shall so terminate, the date that the written notice of termination is received by the Participant or such other date as may be specified in the written notice.

[§410]

ii. Return of Agency Funds

In the event of termination of this Agreement by the Agency, the Participant agrees to return any and all Agency Funds paid to the Participant pursuant to the provisions of this Agreement within ten (10) calendar days after the termination date. Failure to return any and all Agency Funds paid to the Participant shall entitle the Agency to sue the Participant for specific performance as provided in Section 405 and to pursue the Agency's remedies, legal and equitable, for such damages as permitted by law.

V. [§500] GENERAL PROVISIONS

[§501]

A. Conflicts of Interest

No member, official or employee of the Agency shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his personal interests or the interests of any corporation, partnership or association in which he is directly or indirectly interested.

The Participant warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration for obtaining this Agreement.

[§502]

B. Nonliability of Agency Officials and Employees

No member, official or employee of the Agency shall be personally liable to the Participant in the event of any default or breach by the Agency or for any amount which may become due to the Participant or on any obligations under the terms of this Agreement.

[§503]

C. Disclosure of Principals

Pursuant to Resolution RA-4-99 adopted by the governing board of the Agency effective October 1, 1999, Participant warrants that it has disclosed, on the form attached hereto as Attachment "8", all members of Participant as well as all persons and entities holding more than 1% (one percent) interest in Participant or any principal member of Participant. Throughout the term hereof, Participant shall notify City in writing of any material change in the above disclosure within 15 (fifteen) days of any such change.

VI. [§600] ENTIRE AGREEMENT, WAIVERS AND AMENDMENTS

This Agreement is executed in two (2) duplicate originals each of which is deemed to be an original. This Agreement comprises pages 1 through 13, inclusive, and Attachment Nos. 1 through 8, which constitute the entire understanding and agreement of the parties.

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

All waivers of the provisions of this Agreement must be in writing and signed by the appropriate authorities of the Agency and the Participant, and all amendments hereto must be in writing and signed by the appropriate authorities of the Agency and the Participant.

VII. [§700] TIME FOR ACCEPTANCE OF AGREEMENT BY AGENCY

This Agreement, when executed by the Participant and delivered to the Agency, must be authorized, executed and delivered by the Agency within forty-five (45) days after the date of signature by the Participant or this Agreement shall be void, except to the extent that the Participant may consent in writing to further extensions of time for the authorization, execution and delivery of this Agreement. The effective date of this Agreement shall be the date when this Agreement has been signed by the Agency.

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

By: _____

OSCAR B. GOODMAN, Chairperson

"AGENCY"

ATTEST:

BARBARA JO RONEMUS, Secretary

APPROVED AS TO FORM:

J. P. [Signature] 8/20/04
Date

BRIDGER ASSOCIATES, LLC
A Nevada Limited Liability Company

By: _____

Irwin Molasky, Manager

"PARTICIPANT"

ACKNOWLEDGMENTS

STATE OF NEVADA

ss.

COUNTY OF CLARK

This instrument was acknowledged before me, a notary public, on this _____ day of _____, 2004, by OSCAR B. GOODMAN, Chairperson of the City of Las Vegas Redevelopment Agency.

NOTARY PUBLIC, in and for said County and State

STATE OF NEVADA

ss.

COUNTY OF CLARK

This instrument was acknowledged before me, a notary public, on this _____ day of _____, 2004, by IRWIN MOLASKY, Manager of BRIDGER ASSOCIATES, LLC a Nevada Limited Liability Company.

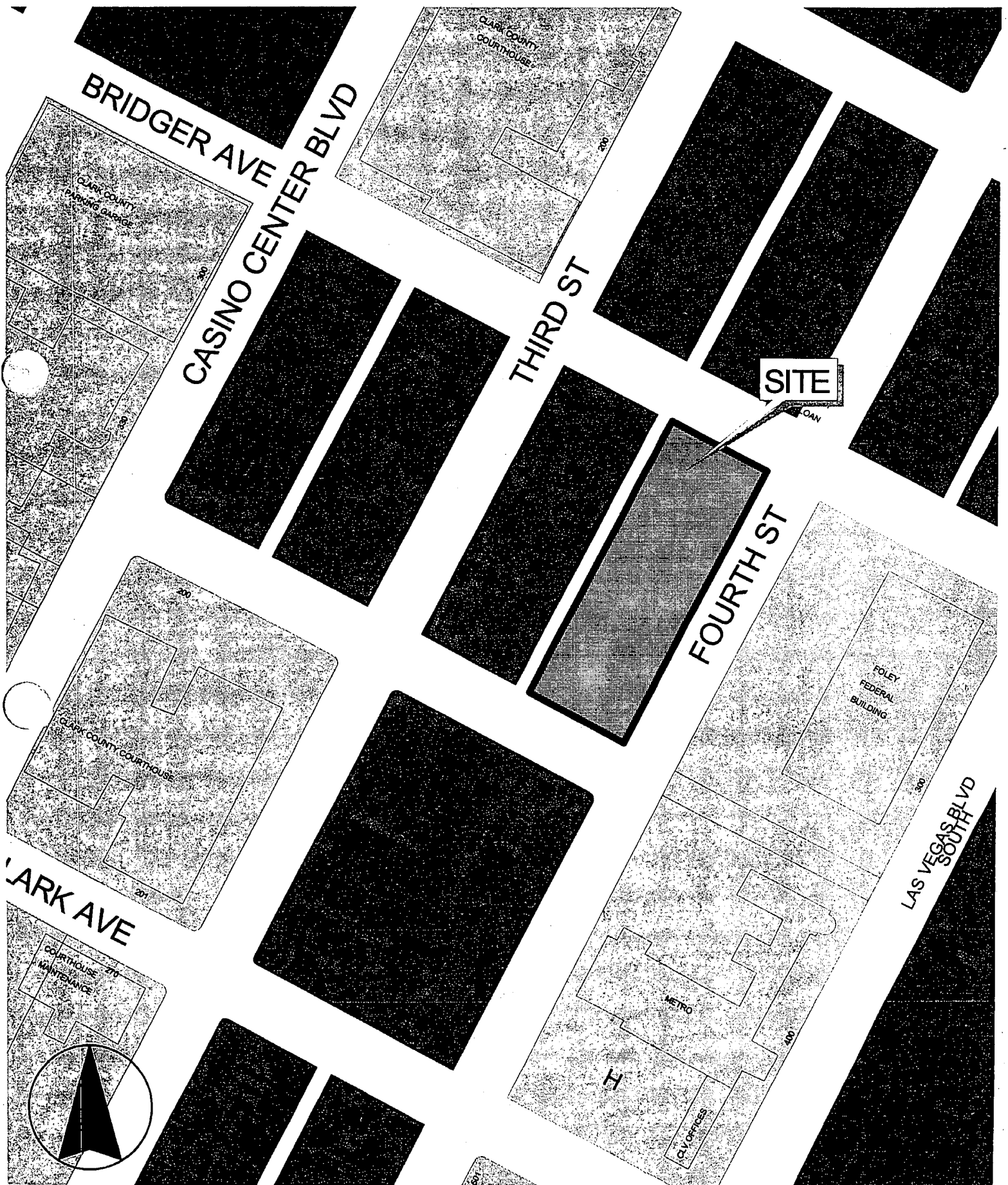
NOTARY PUBLIC, in and for said County and State

TABLE OF ATTACHMENTS

ATTACHMENT "1"	SITE MAP
ATTACHMENT "2"	LEGAL DESCRIPTION
ATTACHMENT "3"	SCOPE OF DEVELOPMENT
ATTACHMENT "4"	SCHEDULE OF PERFORMANCE
ATTACHMENT "5"	NOTICE OF COMPLETION
ATTACHMENT "6"	AGREEMENT TO BE RECORDED AFFECTING REAL PROPERTY
ATTACHMENT "7"	EMPLOYMENT PLAN
ATTACHMENT "8"	DISCLOSURE OF PRINCIPALS

Attachment "1"

Site Map



ATTACHMENT "2"

Exhibit ____

**Legal Description of Property
Bank of America Plaza**

Lots Seventeen (17) through Thirty-Two (32) in Block Twenty-Eight (28) of Clark's Las Vegas Townsite, as shown by Map thereof on file in Book 1 of Plats, Page 37, in the Office of the County Recorder of Clark County, Nevada.

ATTACHMENT "3"

SCOPE OF DEVELOPMENT BRIDGER ASSOCIATES, LLC

The Participant agrees to acquire two or more written estimates from Nevada Licensed Contractors for the following work to be performed:

1. Remove existing concrete and replace with new aggregate concrete (Bus Turnout to stay per City of Las Vegas), removing concrete from back of curb to wall
2. Install metal screen for relocated newspaper stand.
3. Complete excavation of existing dirt if required by City of Las Vegas, \$19,899.48.
4. Remove existing dirt, haul off, finish Type II and compacted per City of Las Vegas standard.
5. Install irrigation and three trees along Fourth Street frontage.
6. Install sewer grates at Fourth Street and Lewis Street.

ATTACHMENT "4"
SCHEDULE OF PERFORMANCE

1. **Execution of Agreement by Participant.** The Participant shall execute and deliver the Agreement to the Agency. Not later than September 1, 2004.
2. **Execution of Agreement by Agency.** The Agency shall consider the Agreement at a duly held public meeting and vote to authorize execution of the Agreement. If so authorized, Agency shall execute and deliver the Agreement to the Participant. Within thirty (30) calendar days after approval of the Agreement, or no later than October 15, 2004, whichever occurs first.
3. **Submission of Participant's Schedule of Improvements.** The Participant shall submit for the Agency's review a Schedule of Improvements to be made to the Site, and to the buildings, fixtures, equipment, and appurtenances thereon, together with documentation indicating the source of Participant funds to be used for such improvements, pursuant to §208 of the Agreement. Within thirty (30) calendar days after approval of the Agreement, or no later than October 15, 2004, whichever occurs first.
4. **City and Governmental Permits.** The Agency shall assist in obtaining all necessary permits and in meeting all regulatory requirements associated with the development of the Site. Not later than December 31, 2004.
5. **Submission – Certificates of Insurance.** The Participant shall submit certificates of bodily injury and property damage insurance and other such insurances as required pursuant to §204 of the Agreement. Not later than December 31, 2004.
6. **Completion of Improvements.** The Participant shall complete the improvements to the Site, and receive a Certificate of Occupancy for the building on the Site, in order to commence operations. No later than one hundred twenty days following execution of the Agreement, or April 15, 2005, whichever occurs first.
7. **Payment Schedule.** The Agency will issue payments for this project based on receipt of invoices from the Paving Contractor, inspection of improvements, and verification of costs pursuant to §203 of the Agreement. As invoices are submitted.

ATTACHMENT "5"
NOTICE OF COMPLETION

Recording Requested by:
City of Las Vegas Redevelopment Agency

After Recording, Mail to:

Executive Director
City of Las Vegas Redevelopment Agency
400 Stewart Avenue
Las Vegas, NV 89101

NOTICE OF COMPLETION OF CONSTRUCTION AND DEVELOPMENT

WHEREAS, by Owner Participation Agreement ("OPA") dated _____, the City of Las Vegas Redevelopment Agency, a public body, corporate and politic, hereinafter referred to as the "Agency" provided funds to Bridger Associates, LLC, a Nevada Limited Liability Company ("Participant") for the purpose of making improvements to the Site, which is situated in the city of Las Vegas, Nevada, and described on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, as set forth in the OPA, the Agency shall furnish the Participant with a Notice of Completion upon completion of all construction and development upon the Site, which certificate shall be in such form as to permit it to be recorded in the Recorder's Office of Clark County; and

WHEREAS, such certificate shall be conclusive determination of satisfactory completion of the construction and development on the Site required by the OPA; and

WHEREAS, the Agency has conclusively determined that the construction and development on the Site has been satisfactorily completed;

...
...
...

NOW THEREFORE, the Agency agrees:

1. The Agency does hereby certify that the construction and development of the Site have been fully and satisfactorily performed and completed.

IN WITNESS WHEREOF, the Agency has executed this Certificate.

CITY OF LAS VEGAS REDEVELOPMENT AGENCY

By: _____
OSCAR B. GOODMAN, Chairman

ATTEST:

BARBARA JO RONEMUS, Secretary

Exhibit "A"
Legal Description of Property
Bank of America Plaza

Lots Seventeen (17) through Thirty-Two (32) in Block Twenty-Eight (28) of Clark's Las Vegas Townsite, as shown by Map thereof on file in Book 1 of Plats, Page 37, in the Office of the County Recorder of Clark County, Nevada.

ATTACHMENT 6

Form of Agreement to be Recorded Affecting Real Property

Recording Requested by:
City of Las Vegas
Redevelopment Agency

After Recordation, Mail to:
Executive Director
City of Las Vegas Redevelopment Agency
400 Stewart Avenue
Las Vegas, Nevada 89101

AGREEMENT TO BE RECORDED AFFECTING REAL PROPERTY

THIS AGREEMENT is entered into this ____ day of _____, 2004, by and between the CITY OF LAS VEGAS REDEVELOPMENT AGENCY, a public body, corporate and politic (hereinafter referred to as the "Agency") and BRIDGER ASSOCIATES, LLC, (hereinafter referred to as the "Participant") with reference to the following:

A. The Participant is the present owner of certain real property (the "Site") located in the City of Las Vegas, County of Clark, State of Nevada, legally described in the attached Exhibit "A".

B. The Site is within the Downtown Las Vegas Redevelopment Area (the "Redevelopment Area") and is subject to the provisions of the Redevelopment Plan for the Redevelopment Area which was approved and adopted on March 5, 1986, by the City Council of the City of Las Vegas by Ordinance No. 3218. Redevelopment Plan, as it now exists and as it may be, is incorporated herein by reference and made a part hereof as though fully set forth herein.

C. Recordation of this Agreement at the Agency's request is conclusive evidence that the Participant has rehabilitated and/or constructed the improvements on the Site and has otherwise developed the Site in accordance with the Redevelopment Plan and pursuant to the terms and provisions of that certain Owner Participation Agreement entered into between the Agency and the Participant on _____ (the "OPA").

**NOW, THEREFORE, THE AGENCY AND THE PARTICIPANT HEREBY
AGREE AS FOLLOWS:**

1. By its recordation of this Agreement, the Agency acknowledges that the Participant has constructed the improvements on the Site and has otherwise developed the Site in accordance with the Redevelopment Plan and pursuant to the terms and provisions of the OPA, that the terms and provisions of the OPA have been fully and satisfactorily performed by the Participant and that the OPA shall be of no further force or effect.

2. The Participant, on behalf of itself and its successors, assigns and each successor in interest to the Site, or any part thereof, hereby covenants and agrees:

a. To use, devote and maintain the Site, and each part thereof, for the uses specified in the Redevelopment Plan.

b. To maintain the improvements on the Site, keep the Site free from any accumulation of debris or waste material and maintain the landscaping planted on the Site in a healthy condition. All such maintenance shall be at the sole expense of the Participant; provided, however, that if the Participant shall fail to so maintain the Site, the Agency may perform such maintenance for the Participant and in such event shall be entitled to be reimbursed by the Participant for the actual cost thereof.

c. That there shall be no unlawful discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, or ancestry or national origin in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the Site.

3. The Participant further covenants and agrees that prior to the issuance date in the Notice of Completion, the Participant shall not sell, transfer, convey, assign or lease the whole or any part of the Site or the buildings or improvements thereon without the prior written approval of the Agency, which approval shall not be unreasonably withheld.

4. The covenants and agreements established in this Agreement shall, without regard to technical classification and designation, be binding on the Participant and any successor in interest to the Site, or any part thereof, for the benefit and in favor of the Agency, its successors and assigns, and the City of Las Vegas. The covenants contained in Sections 2.a. and 2.b. of this Agreement shall remain in effect until March 5, 2031 (the termination date of the Redevelopment Plan). The covenants against discrimination (contained in Section 2.c.) shall remain in effect in perpetuity. The covenants contained in Section 3 shall remain in effect until the issuance date in the Notice of Completion. The Agency shall have the right, if this Agreement or the covenants are breached, to exercise all rights and remedies and to maintain any actions or suits at law or in equity or other proper proceedings to enforce the curing of such breaches to which it or any other beneficiaries of this Agreement and the covenants may be entitled.

...

...

IN WITNESS WHEREOF, the Agency and the Participant have executed this Agreement as of the date first above written.

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

By: _____
OSCAR B. GOODMAN, Chairman

"Agency"

ATTEST:

BARBARA JO RONEMUS, Secretary

APPROVED AS TO FORM:

Date

By: _____

"Participant"

Exhibit "A"
Legal Description of Property
Bank of America Plaza

Lots Seventeen (17) through Thirty-Two (32) in Block Twenty-Eight (28) of Clark's Las Vegas Townsite, as shown by Map thereof on file in Book 1 of Plats, Page 37, in the Office of the County Recorder of Clark County, Nevada.

ATTACHMENT "7"

EMPLOYMENT PLAN

The Participant intends to make significant improvements to the building, and to on-site and off-site improvements at the Project Site.

These improvements shall include, but are not limited to, replacing existing concrete with new aggregate concrete for sidewalks and entrance, painting of existing garage, new exterior benches, new railings, new landscaping to feature xeriscape methods, updated signage and lighting, new signage for all tenants, modernization of the storefront on the South elevation, new patio furniture for the retail business affronting Fourth Street, brownstone steps replaced with granite or comparable material, and public art on the exterior of the building.

The existing building, a Class "A" office building contains approximately 600 professional office and service employees. These employees will be retained as a result of the Project.

The Participant has estimated that 60 construction jobs will be created during the duration of construction of the Project.

The Participant has estimated that more than 300 visitors per day visit the building.

ATTACHMENT "8"
CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

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

Block 1	Contracting Entity BRIDGER ASSOCIATES LLC
Name	3111 S. Maryland Parkway Las Vegas, NV 89109
Address	
Telephone	(702) 735-0155
TELEPHONE	88-6020453
FIN or DUNS	

Block 2	Description
	3111 S. Maryland Parkway Las Vegas, NV 89109
REP	N/A

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

Block 4 Disclosure of Ownership and Principals			
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.			
	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Irwin A. Molasky	Paradise Development Ltd. 3111 S. Maryland Parkway Las Vegas, NV 89109	(702) 735-0155
2.	Samuel S. Lionel	Lionel, Sawyer & Collins 200 S. Maryland Pkwy, LV NV 89101	(702) 383-8888
	The Sawyer Family Trust dtd 7/13/094, Gail Sawyer, Trustee	35 Brandermill Drive Henderson, NV 89052	(702) 383-8888
4.	The Molasky Family 1998 Irrevocable Trust <u>Beneficiaries:</u> Alan Molasky, Andrew Molasky, Beth Molasky & Steven Molasky	3111 S. Maryland Parkway Las Vegas, NV 89109	(702) 735-0155
5.			
6.			
7.			
8.			

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

Disclosure of Ownership and Principals - Alternate

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

Name of Attached Document: N/A

Date of Attached Document: _____ Number of Pages: _____

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate.

Irwin A. Molasky

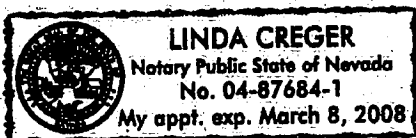
Irwin A. Molasky, Manager

Subscribed and sworn to before me this 9TH
day of

8/9/04

AUGUST, 2004.

Linda Greger
Notary Public



AFFIDAVIT OF IRWIN MOLASKY

STATE OF NEVADA }
 } ss:
COUNTY OF CLARK }

I, Irwin Molasky, being first duly sworn, depose and state under penalty of perjury as follows:

1. I am a Manager of Bridger Associates, LLC, a Nevada Limited Liability Company. Bridger Associates, LLC ("Participant") is seeking the assistance of the City of Las Vegas Redevelopment Agency ("Agency") for making public improvements to the City of Las Vegas right-of-way located in front of the property at 300 South Fourth Street ("Site"), as more particularly described by the Ownership Participation Agreement ("Agreement") being contemplated by the City of Las Vegas Redevelopment Agency at its public hearing to be held on September 1, 2004.

2. The building on the Site was originally constructed in 1975. Substantial improvements were needed to make the building more competitive in the downtown Las Vegas Class "A" office sub-market. During the past five years, Participant has made substantial interior improvements including the lobby and public areas, new elevators, tenant improvements and updated the fire, life, safety systems at their own expense of approximately eight million dollars. Because the city has asked individual property owners to upgrade the exterior of their properties as part of the redevelopment and revitalization of the downtown area, Participant has agreed to do substantial improvements to the garage and office building. These improvements include replacement of sod with drought tolerant landscaping, addition of benches and seating areas, public art sculpture, shade structures, renovation of the existing facade, new contemporary

Submitted at City Council

Date 9/1/04 Item #65

signage and renovation of the garage level at a cost to the Participant of an additional \$1.2 million. This project will be complete by year end.

3. Assistance from the Agency, in the amount of \$94,400 will allow the Participant to make additional off-site improvements to the public sidewalk and curb area on the Fourth Street frontage as an extension of the recently improved Lewis Corridor and result in a substantial benefit to the surrounding area and more generally, to the Redevelopment Area.

4. As specified in the Agreement, the contribution of the Agency is needed in order to make the project economically viable.

5. No other means of financing, traditional or otherwise, is available to allow the Participant to improve publicly owned areas.

DATED this 31 day of August, 2004.

Irwin Molasky
IRWIN MOLASKY, MANAGER
"PARTICIPANT"

SIGNED AND SWORN TO before

me this 31st day of August, 2004,

by Linda Creger

NOTARY PUBLIC

My Commission Expires:



CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

**R-146-2004 – Resolution consenting to the undertakings of the City of Las Vegas
Redevelopment Agency in connection with the Ownership Participation Agreement (OPA)
between the City of Las Vegas Redevelopment Agency and Bridger Associates, LLC, and
determining certain findings concerning the OPA – Ward 5 (Weekly)**

Appearance List:

OSCAR GOODMAN, Mayor

SCOTT ADAMS, Director, Office of Business Development

GARY REESE, Councilman

JENNIFER LAZOVICH, Attorney, representing Bridger Associates, LLC

JOHN REDLEIN, Assistant City Attorney

LAWRENCE WEEKLY, Councilman

BARBARA JO RONEMUS, City Clerk

SUZANNE SANDERS, Bridger Associates, LLC

(10:24 – 10:36)

1-2971

12 minutes

Typed by: Gabriela S. Portillo-Brenner

Proofed by: Stacey Campbell

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

23 **MAYOR GOODMAN**

24 All right. Item 65 is R-146-2004. Discussion and possible action regarding a resolution
25 consenting to the undertakings of the City of Las Vegas Redevelopment Agency in connection
26 with the Ownership Participation Agreement between the City of Las Vegas Redevelopment
27 Agency and Bridger Associates, LLC, and determining certain findings concerning the OPA.
28 This is in Ward 5. The recommendation is for approval. Mr. Adams?

29

30 **SCOTT ADAMS**

31 Good morning, Councilmembers. Scott Adams with the Office of Business Development. This is
32 an action approving the resolution, which consents to several undertakings regarding an Owner
33 Participation Agreement between the Redevelopment Agency and Bridger Associates, the owner
34 of the Bank – of America building downtown. The Bank of America building owner is planning
35 to make about a million three in ground level and façade improvements around the base of that
36 building. They're gonna be doing very pedestrian friendly streetscape improvements, façade
37 improvements, and then wrap the Lewis Avenue improvements around down Fourth Street.
38 They've asked the City for participation in the amount of \$94,400 on this. And the one of the
39 things that you'll do in the resolution, should you approve this, is make a finding that there is no
40 other reasonable means of funding available. It was suggested by the City Attorney's office that
41 we offer to the owner an affidavit where they could attest to that fact. If, that affidavit was
42 offered to the owner, they have considered and signed that affidavit, and there are representatives
43 here of the building owner who can offer that affidavit to be placed in the record and answer any
44 questions you might have about their portion of the project.

45

46 **MAYOR GOODMAN**

47 All right. That would be helpful. What does the affidavit attest to?

48

49 **SCOTT ADAMS**

50 What it does is simply describes the scope of improvements and attests to the fact that, in their
51 opinion, there is no other reasonable means of funding available to them for the portion of the
52 project they're requesting City funding.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

53 **COUNCILMAN REESE**

54 Why – are we making them do that? I mean we've never done that before have we.

55

56 **MAYOR GOODMAN**

57 Not that I know of. I know that, excuse me, I know that (inaudible).

58

59 **COUNCILMAN REESE**

60 (inaudible)

61

62 **MAYOR GOODMAN**

63 (inaudible)

64

65 **COUNCILMAN REESE**

66 What do you think?

67

68 **MAYOR GOODMAN**

69 There is some precedent here that I – recall, where the City does in fact participate in these
70 redevelopment projects. The most recent example, of course, is Peppe's, which is a great little
71 Mexican restaurant down on Fremont near Eastern, where, I think, the owner put in about
72 \$700,000, or committed himself to \$700,000 in redevelopment, and the City came up with, I
73 think, about 22,000, or something like that. And I recall that we, with the Manor and Harris Law
74 Firm, I recall that, I think, we gave them \$300,000, if my recollection serves me right, towards
75 landscaping in order to improve the area there. I – think that Mr. Molasky has done a
76 phenomenal job, to be quite frank with you, on refurbishing the – bank building. I had offices
77 there 25, 30 years ago and I think the building looks better today than it did then. The elevators,
78 put a fortune into those. They, they're fail-safe. I mean, they're great elevators. He put a
79 Starbuck's, basically as a loss leader in order to attract people. The lobby's beautiful. I'm – not
80 here to tout the – building, but what bothers me a little bit is to have an affidavit. I wish nobody
81 asked for the affidavit where the Molasky Company says that they can't afford \$94,000; it can't
82 come from other sources. I find that hard to bite.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

83 **JENNIFER LAZOVICH**

84 Mr. Mayor, if I could just respond. We had been asked yesterday to look into doing something
85 like that. And, when we looked at the affidavit, specifically, and I can actually quote a sentence
86 in here, its says, no other means of financing, traditional or otherwise, is available to allow the
87 participant – to improve publicly owned areas, that being the distinction. We have the money,
88 obviously, to improve all of our private areas. We're doing, and Mr. Adams explained it,
89 basically, our lobby and out, out to what we own. The 94,000, approximately, is used for the
90 improvement of the sidewalk area, the publicly owned areas, the areas that basically the City
91 controls and maintains. That's what we're using that money for, and, therefore, we don't feel
92 we're in a position to improve that area, that it's, you know, up to the City to tell us if they want
93 it improved and that's what we're –

94

95 **MAYOR GOODMAN**

96 And I don't disagree with that. That's what redevelopment is all about, to make the area
97 beautiful, and I have no problem with that. But, the way it was presented to me, it was as though
98 Mr. Molasky, or the Molasky Company was saying they couldn't afford \$94,000. He's maybe
99 the only person in town who's richer than I am. So, I would find that very hard to believe. But –

100

101 **COUNCILMAN REESE**

102 Councilman Weekly.

103

104 **JENNIFER LAZOVICH**

105 And, so, just to be clear, Mr. Mayor –

106

107 **MAYOR GOODMAN**

108 Yes?

109

110 **JENNIFER LAZOVICH**

111 the affidavit does not say that.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

112 **MAYOR GOODMAN**

113 Okay. Could we see the affidavit? I – wanna feel comfortable with this.

114

115 **COUNCILMAN REESE**

116 Councilman Weekly, if I could?

117

118 **MAYOR GOODMAN**

119 (inaudible)

120

121 **COUNCILMAN WEEKLY**

122 Yes.

123

124 **COUNCILMAN REESE**

125 I would just ask, where did this affidavit come from? Whose idea was this? I mean I've been up
126 here nine years, we've never done this before.

127

128 **SCOTT ADAMS**

129 This was a – recommendation of the City Attorney's Office. It was brought up yesterday, and we
130 reviewed it, sent it to the property owner, they made some modifications to it, and then signed it.

131

132 **COUNCILMAN REESE**

133 That's fine. If I could, I'd ask the City Attorney, what – made us do something like this?

134

135 **JOHN REDLEIN**

136 Councilman Reese, I've, have to confess I was kind of pleased to hear the Mayor ask the
137 question he did about Mr. Molasky's capabilities, because, although I think Ms. LAZOVICH
138 addressed this correctly, it was perhaps incompletely. The fundamental premise of
139 redevelopment assistance from the government is not that we give money to somebody because
140 it would be useful to them, or they would like to, us to give money to them to help get their
141 project up. There should be a finding that the project will not happen unless our assistance is

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

142 there. And, for Mr. Molasky to sign an affidavit that says I am not gonna spiff up the sidewalks
143 unless you all help out, is the fundamentally correct way for redevelopment assistance to be
144 given.

145

146 **MAYOR GOODMAN**

147 Yeah, when I see, Mr. Redlein, when I see the affidavit, I don't have a problem with it now.
148 Basically, the last paragraph says, no other means of financing, traditional or otherwise, is
149 available to allow the participant to improve publicly owned areas. This is not improving his
150 bank building. These are public streets and public —

151

152 **COUNCILMAN WEEKLY**

153 City owned streets.

154

155 **MAYOR GOODMAN**

156 You're right. Public improvements. So, I don't have any problem with that. The City would do it
157 anyway in order to have the beautification. We've done it on Lewis Avenue —

158

159 **COUNCILMAN WEEKLY**

160 And what we're trying to do, Your Honor, is just try and be consistent —

161

162 **MAYOR GOODMAN**

163 Right. No problem —

164

165 **COUNCILMAN WEEKLY**

166 — with what's already being enhanced.

167

168 **MAYOR GOODMAN**

169 Right. When you read — the language here, he's talking about improvements, basically what he
170 plans to do with the building, where he's gonna be putting in \$8 million, and then the
171 improvements that they're asking the City to assist them with for redevelopment include

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

172 replacement of sod, with drought-tolerant landscaping, which this Council's in favor of, addition
173 of benches and seating areas, public art sculpture, shade structures, renovation of the existing
174 façade, new contemporary signage, renovation of the garage levels. So, these are all the things
175 that we want in order to keep this area going in the direction that it's going.

176

177 **COUNCILMAN WEEKLY**

178 Your Honor?

179

80 **MAYOR GOODMAN**

181 Councilman.

182

183 **COUNCILMAN WEEKLY**

184 And, Scott, I'd like to ask, Jennifer, I know when we saw the presentation, has – everyone had an
185 opportunity to see what the enhancements would look like?

186

187 **MAYOR GOODMAN**

188 I have not.

189

90 **COUNCILMAN REESE**

191 No.

192

193 **COUNCILMAN WEEKLY**

194 No. And – I think that would be very helpful and would have been really helpful in helping
195 everybody to understand the direction in which we were trying to go. And I believe that, with
196 what they're trying to do, will only help enhance the vision of what we're trying to do in this
197 downtown area.

198

199 **MAYOR GOODMAN**

200 Thank you.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

201 **BARBARA JO RONEMUS**

202 Your Honor?

203

204 **MAYOR GOODMAN**

205 Yes?

206

207 **BARBARA JO RONEMUS**

208 (inaudible)

09

210 **MAYOR GOODMAN**

211 That's for the record. Yes.

212

213 **COUNCILMAN WEEKLY**

214 And, Jennifer, you all have the before and the after?

215

216 **SUZANNE SANDERS**

217 I have before and after.

218

219 **COUNCILMAN WEEKLY**

220 Okay. If you could explain that to everybody please, I'd appreciate that.

221

222 **SUZANNE SANDERS**

223 Good morning, Mayor and Council. Susan Sanders, representing Bridger Associates. Just for the
224 record, I'd like to correct one thing the Mayor stated. The \$8 million has already been spent. In
225 the last five years, there's another million going into it right now.

226

227 **MAYOR GOODMAN**

228 Okay. Very good. I, as I said, I noted the improvements, and I'm surprised he could have got
229 them done for 8 million.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

230 **SUZANNE SANDERS**

231 Can you see this on camera?

232

233 **MAYOR GOODMAN**

234 Yes.

235

236 **SUZANNE SANDERS**

237 Above is the existing view. You can see the signage, the copper roof that belonged to an old
238 restaurant in town, some of the awnings, different things. Below is the new view. There will be a
239 new colonnade built at the low-level façade area. In addition to that, structure, all the signage
240 will be redone. We are refurbishing all of the walls across the front, which have aged a bit, and
241 will be updated, sandblasted, and restored. All of the landscaping will be pulled. It's all sod right
242 now, and that will be replaced with drought tolerant landscaping.

243 Here's where we're headed. There will be more sight furniture up in the top area. There's a –
244 large area that's underutilized at this point. We're gonna re-fence and reorganize where
245 Starbuck's is so they can move out into this area. The, there's a giant light out there that, on the
246 ATM machine, that is kind of annoying, that'll be worked out so it's better in front of the bank.
247 It'll all be the drought-tolerant.

248 We're also putting in some new shade structures, architectural elements, and the front steps are
249 gonna be completely redone, all new railings, its steps and railings. This is the plant material
250 showing. The sculpture will actually be right in here. Unfortunately it's not shown here because
251 of the time these exhibits were developed, they, it had not been determined, but we have, are
252 doing a piece of public sculpture. It's the same artist that did the, all the work in the federal
253 building. Sculpture in the front and in the parking garage. We're refurbishing the lower level of
254 the parking garage. We have a whole new signage package coming in. It's all, as you know, right
255 now it's, there's signage everywhere and it's not all consistent. We've lost a number of our big
256 trees in the last years. They're root bound and they're dying one at a time, so those will be
257 replaced with new ones. It gives us more shade. That building gets an awful lot of sun first thing
258 in the morning. And here are just existing pictures of the building. And then with the City's help,

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

259 if the City does sponsor this resolution, we'll bring the landscaping in from the Lewis Corridor
260 around the corner, and that's what's showing here on this exhibit.

261 So, it'll all be updated, cleaned up, replanted. We're gonna move some of the newspaper boxes
262 and Fed-Ex boxes and things, all consolidated in one area. We're putting another access in in the
263 back for our freight and deliveries, which are now coming up the front steps and tearing the steps
264 out.

265 And, generally, that's where it's headed. Plans are just about finished and we should be working
266 on it very soon. The contractor's online, and we expect to have it all finished by yearend.

267

268 **COUNCILMAN WEEKLY**

269 Yeah. And, Your Honor, I had this briefing about three, what was it, Jennifer, about three weeks
270 ago, if that long? Maybe longer.

271

272 **JENNIFER LAZOVICH**

273 Perhaps.

274

275 **COUNCILMAN WEEKLY**

276 And, Scott, this is, these are things that I was talking about in our briefing, that I think it's
277 important, especially when there are monies that are being requested, that everybody on the
278 Council is thoroughly briefed and pictures like this, I mean everybody needs to this, so that,
279 when we get to Council meetings like this, everybody's up to speed and thoroughly briefed on
280 what we're talking about so that we don't have to spend this amount of time going through this
281 when we could have taken care of this prior to this Council meeting. I, I've seen this presentation
282 over three weeks ago.

283 So Your Honor, if, Councilman, Mayor Pro Tem, if you have anymore questions, I'd like to
284 follow staff's recommendation for approval, please.

285

286 **MAYOR GOODMAN**

287 All right, let's vote please.

CITY COUNCIL MEETING OF
September 1, 2004

VERBATIM TRANSCRIPT — ITEM 65

288 **COUNCILMAN REESE**

289 I think it's great.

290

291 **MAYOR GOODMAN**

292 Post. (inaudible) not on mine. All right, motion carries. **(Motion carried unanimously.)** Fine.

293 Thank you.

294

295 **JENNIFER LAZOVICH**

296 Thank you.

297

298 **MAYOR GOODMAN**

299 Motion carries. Thank you. Thank you.

300

301 **(END OF DISCUSSION)**

302 /gpb;sc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-52 – Revises the licensing and zoning standards applicable to hotel lounge bars.
Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will revise the licensing and zoning standards applicable to hotel lounge bars, allowing greater flexibility by increasing the number of locations within a hotel in which alcoholic beverages from the bar may be served.

RECOMMENDATION:

ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-52

MOTION:

MONCRIEF – Second Reading and **BILL ADOPTED** as recommended as Ordinance No. 5720 – **UNANIMOUS**

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:36 – 10:37)

2-33

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-53 – Updates the Town Center Development Standards Manual regarding the means of allowing certain finance-related uses. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will update the Town Center Development Standards Manual to 1) allow financial institutions with drive-through facilities as a conditional use in the Urban Center Mixed Use (Town Center) District, and 2) allow auto title loan uses and other similar financial institutions by means of special use permit in the General Commercial and Service Commercial (Town Center) Districts.

RECOMMENDATION:

ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-53

MOTION:

MONCRIEF – Second Reading and **BILL ADOPTED** as recommended as Ordinance No. 5721 – **UNANIMOUS** with **MACK** abstaining to avoid any conflict because he does consulting for SuperPawn, which is owned by his brother, **STEVEN MACK**, and is classified as a financial institution

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:37 – 10:38)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-54 – Allows private horse corrals or stables in the R-D Zoning District under certain circumstances. Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Private horse corrals and stables are currently permitted as conditional uses in the U, R-A and R-E Zoning Districts. This bill will allow the use as a conditional use in the R-D Zoning District as well, but with additional standards and limitations designed to ensure compatibility.

RECOMMENDATION:

ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-54

MOTION:

MONCRIEF – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5722 – UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:38)

2-78

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-55 – Revises the Municipal Code provisions that govern City employees in seeking and holding political office. 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 amend the Municipal Code provisions regarding political activity by City employees. The amendment reflects the policy recently adopted by the Council that addresses the conditions under which employees may run for and hold political office.

RECOMMENDATION:

ADOPTION at 9/1/2004 City Council meeting as a First Amendment pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-55 - First Amendment

MOTION:

MONCRIEF – Second Reading and **BILL ADOPTED** as a First Amendment as Ordinance No. 5723 – **UNANIMOUS** with **MACK** not voting

NOTE: A previous motion for reconsideration, which carried unanimously with **MACK** not voting, rescinded the initial motion for adoption, which carried unanimously.

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:38 – 10:39)

2-94

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-57 - Levies Assessment for Special Improvement District No. 1499 – Alexander Road (US-95 - Rancho Drive). Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$78,002.48

☒

Budget Funds Available

Dept./Division: Public Works/SID

☐

Augmentation Required

Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Construction and installation of pavement, "L" type curb and gutter, sidewalk, water laterals, and streetlights.

RECOMMENDATION:

ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-57

MOTION:

MONCRIEF – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5724 – UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:39 – 10:42)

2-110

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-59 – Annexation No. ANX-4440 – Property location: On the north side of Regena Avenue, 170 feet east of Riley Street; Petitioned by: Mona Agamez; Acreage: 0.62 acres; Zoned: R-E (County zoning), 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 north side of Regena Avenue, 170 feet east of Riley 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 (September 24, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 9/15/2004 City Council meeting pursuant to the 8/31/2004 Recommending Committee.

First Reading – 8/18/2004; First Publication – 9/4/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

9/15/2004 Council agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-60 – Ordinance Creating Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights. Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$72,000.00

☐

Budget Funds Available

Dept./Division: Public Works/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

The installation of streetlights. The project is located within the Sierra Oeste subdivision south of Lake Mead Boulevard between Jones Boulevard and Torrey Pines Drive.

RECOMMENDATION:

ADOPTION at 9/15/2004 City Council meeting pursuant to the 8/31/2004 Recommending Committee.

First Reading – 8/18/2004; First Publication – 9/4/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

9/15/2004 Council agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-61 – Ordinance authorizing the issuance by the City of Las Vegas, Nevada, of General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C in the aggregate principal amount not to exceed \$20,000,000 - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

Amount: \$20,000,000

☒

Budget Funds Available

Dept./Division: Finance and Business Service

☐

Augmentation Required

Funding Source: General Obligation Bonds

PURPOSE/BACKGROUND:

Pursuant to NRS 268.672 through 268.740 and NRS 350.087 through 350.095, the City is authorized to issue medium-term obligations to finance recreational projects as defined in NRS 268.710. The City intends to use the proceeds of this bond issue to finance Centennial Hills Park.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

1. Bill No. 2004-61
2. Letter from State of Nevada Department of Taxation

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

9/14/2004 Recommending Committee

9/15/2004 Council agenda

(10:42 – 10:44)

2-192

Summary - An ordinance authorizing the issuance by the City of Las Vegas, Nevada, of its General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C in the aggregate principal amount of not to exceed \$20,000,000 and providing other matters relating thereto.

BILL NO. 2004-61
ORDINANCE NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2004C MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS (CENTENNIAL HILLS PROJECT), SERIES 2004C IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

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

WHEREAS, pursuant to Section 7.020 of the Charter, the City, acting through the City Council (the "Council" or the "Governing Body") is authorized to borrow money for any municipal purpose and for such purpose may issue bonds or other securities, and pursuant to Nevada Revised Statutes ("NRS") Sections 268.672 to 268.740 (the "City Bond Law"), the City is authorized to issue bonds to finance recreational projects as defined in NRS Section 268.710 for the City (the "Project"); and

WHEREAS, pursuant to Nevada Revised Statutes ("NRS") Sections 350.087 through 350.095, inclusive (the "Act"), the City is authorized to enter into medium-term obligations to finance the Project and to issue, as evidence thereof, negotiable medium-term notes or bonds which shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but which shall be paid from other legally available funds of the County (subject to certain Constitutional and statutory tax limitations), which must mature not later than 10 years after the date of issuance and must bear interest at a rate or rates which do not exceed by more than 3 percent the "Index of Twenty Bonds" which was most recently published before bids for their purchase are received; and

WHEREAS, pursuant to NRS Section 350.087 and pursuant to a resolution adopted by the Council (the "Authorizing Resolution"), the Council determined to publish a notice (the "Notice") of its intention to authorize and to issue medium-term bonds in the maximum principal amount of \$20,000,000 in a newspaper of general circulation in the City and an affidavit of such publication is on file in the office of the City Clerk; and

WHEREAS, the Council adopted by at least a two-thirds majority a resolution authorizing medium-term obligations in the maximum principal amount of \$20,000,000 to finance the Project (the "Authorizing Resolution") which contained a finding by the Council that the public interest requires medium-term obligations and a statement of the facts upon which the finding was based, which vote was taken at least 10 days after the publication of the Notice; and

WHEREAS, pursuant to NRS Section 350.089 and relevant provisions of the Nevada Administrative Code, the Council caused a certified copy of the Authorizing Resolution and supporting documents to be submitted to the Executive Director of the Department of Taxation of the State of Nevada (the "Department of Taxation") for his approval; and

WHEREAS, the City received the approval of the Executive Director of the Department of Taxation for such medium-term obligations, a copy of such approval being attached to the following page as follows:

(Attach Approval of Department of Taxation)

WHEREAS, the approval of the Department of Taxation as set forth in the preambles hereof is hereby recorded in the minutes of the Council as required by NRS Section 350.089; and

WHEREAS, the City has not previously utilized any of the authority so approved by the Department of Taxation; and

WHEREAS, pursuant to the Authorizing Resolution, the Council ordered the medium-term obligations to be publicly offered for sale in the form of medium-term bonds and authorized the City's Director of Finance and Business Services (the "Finance Director") to arrange for the sale of such medium-term bonds; and

WHEREAS, the Council hereby determines that the bonds herein authorized to be issued shall be designated the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C" in the aggregate principal amount of not to exceed \$20,000,000 (the "Bonds"); and

WHEREAS, the Council has determined and hereby declares and determines that legally available funds of the City will at least equal the amount required in each year for the payment of interest on and the principal of the Bonds; and

WHEREAS, pursuant to NRS Section 350.091, the Council has determined and hereby determines that the maximum term of the Bonds does not exceed the estimated useful life of the Project financed with the proceeds of the Bonds; and

WHEREAS, the Council elects to and hereby determines to issue the Bonds in accordance with the provisions of NRS Sections 350.500 through 350.720, and all laws amendatory thereof, designated in Section 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

WHEREAS, the Council is not authorized to levy general ad valorem taxes (the "General Taxes") to pay the principal of or interest on the Bonds exempt from the limitations of any statutes of the State; any General Taxes levied for the purpose of paying principal or interest on the Bonds will be subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS Sections 354.59811, 354.59813, 354.59815, 354.5982 and 361.453; and

WHEREAS, the Council is therefore authorized and empowered by the Charter, the City Bond Law, the Act, the approval of the Executive Director of the Department of Taxation, and the Bond Act, without any further preliminaries:

- A. To issue and sell the City's Bonds; and
- B. To exercise the incidental powers provided in the Bond Act in connection with the powers authorized therein or as otherwise expressly provided therein; and

WHEREAS, the Council in the Authorizing Resolution authorized the Finance Director or his designee to arrange for the issuance and sale of the Bonds, subject to, among other conditions, adoption by the City of this Ordinance specifying the Bond terms and details and approving their sale; and

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

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

WHEREAS, the Council has determined and hereby declares that each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, the Act, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to Section 350.708, Bond Act, this

determination of the Council that the limitations in the Bond Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion.

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2004C Medium-Term Recreation Bond Ordinance" (this "Ordinance").

SECTION 2. Acceptance of Purchase Proposal. The City Manager or the Finance Director is hereby authorized to accept the Purchase Proposal submitted by the Purchaser for the purchase of the Bonds as set forth in the preambles hereof.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers and employees of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds is ratified, approved and confirmed including, without limitation, the Official Notice of Bond Sale, and the distribution of the preliminary and final official statements for the Bonds.

SECTION 4. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 5. Authorization of Project. The Council hereby authorizes the Project.

SECTION 6. Authorization of Bonds. For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C" in the aggregate principal amount set forth in the Certificate of the Finance Director (not to exceed \$20,000,000). The Bonds shall be in the form substantially as set forth in Section 24 of this Ordinance.

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

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

SECTION 9. General Obligations. All of the Bonds, as to the principal thereof and the interest thereon (the "Bond Requirements") shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment.

SECTION 10. Payment of the Bonds. The Bond Requirements of the Bonds shall be payable from any monies legally available therefor, and provision for the payment of the Bond Requirements of the Bonds shall be made as provided in the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of or interest on the Bonds shall be subject to the limitations contained in the Constitution and statutes of the State, including, without limitation, the limitations on the levy of ad valorem taxes imposed by NRS Sections 354.59811, 354.59813, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes exempt from the limitations of any of said statutes to pay the Bond Requirements of the Bonds. The City hereby irrevocably covenants with the registered owners of the Bonds from time to time that it will make sufficient provisions annually in its budget to pay the Bond Requirements of the Bonds, when due.

SECTION 11. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 12. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of

any penalty or otherwise, all such liability, if any, being by the acceptance of the Bond and as a part of the consideration of its issuance specially waived and released.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form. The Bonds shall be dated as of the date of their delivery, and except as otherwise provided in Section 17 hereof, shall be issued in denominations of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on the maturity date, and no individual Bond will be issued with more than one maturity). The Bonds shall bear interest from their date until their maturity date at the rates set forth in the Certificate of the Finance Director, payable on April 1 and October 1 of each year commencing on April 1, 2005; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth in the Certificate of the Finance Director from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the designated dates (not to exceed ten years from the date of the Bonds) and in the amounts of principal as designated in the Certificate of the Finance Director. The principal of any Bond shall be payable to the owner thereof as shown on the registration records kept by the City Treasurer in Las Vegas, Nevada, as registrar for the Bonds (the "Registrar"), upon maturity and upon presentation and surrender at the office of the City Treasurer, in Las Vegas, Nevada, as paying agent for the Bonds (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full.

SECTION 14. A. Payment of Interest. Except as otherwise provided in Section 17 hereof, payment of interest on any Bond shall be made to the owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the fifteenth day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable to the owner thereof as shown on the registration records of the Registrar as of the close

of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration records of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments of principal and interest shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

B. Redemption. The Bonds will not be subject to redemption prior to maturity.

SECTION 15. Negotiability. Subject to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 16. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 17 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same

maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond.

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

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

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

SECTION 17. Book Entry.

A. Notwithstanding the foregoing provisions of Sections 13 to 16 hereof, the Bonds shall initially be evidenced by one Bond for the year in which the 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, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

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

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

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

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

the bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the outstanding bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in any subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

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

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

SECTION 18. Execution and Authentication.

A. Prior to the execution of any Bonds by facsimile signature and pursuant to Section 350.638, Bond Act, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer of the City (the "Treasurer") and the City Clerk of the City (the "Clerk") shall have each filed with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

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

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

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

SECTION 19. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the Treasurer, and the Clerk, at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature, the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

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

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

SECTION 22. Initial Registration. The Registrar shall maintain separate registration records of the City for the Bonds, showing the name and address of the owner of each Bond authenticated and delivered, the date of authentication, the maturity of the Bond, and its interest rate, principal amount, and bond number.

SECTION 23. Bond Delivery. After such registration by the Registrar and after their execution and authentication as provided herein, the Treasurer shall cause the Bonds to be delivered to the Purchaser, upon payment being made in accordance with the terms of their sale.

SECTION 24. Bond Form. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

**CITY OF LAS VEGAS, NEVADA
GENERAL OBLIGATION (LIMITED TAX)
MEDIUM-TERM RECREATION BONDS
(CENTENNIAL HILLS PROJECT)
SERIES 2004C**

No. _____ \$ _____

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Dated As of</u>	<u>CUSIP</u>
_____ %	October 1, _____	_____, 2004	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Las Vegas, Clark County, in the State of Nevada (the "City", the "County" and the "State", respectively) for value received, hereby acknowledges itself to be indebted and promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above, and to pay interest thereon on April 1 and October 1 of each year, commencing on April 1, 2005, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for. 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. The principal of this Bond is payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds (the "Paying Agent"), presently the City Treasurer in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed by first class mail to the person in whose name this Bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the fifteenth day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date and the date for payment of defaulted interest shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date and the date for payment of defaulted interest shall be given to

the registered owner not less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the ordinance of the City Council of the City of Las Vegas (the "Council") authorizing the issuance of the Bonds (the "Bonds") and designated in Section 1 thereof as the "2004C Medium-Term Recreation Bond Ordinance" (the "Ordinance"), duly adopted by the Council on September 15, 2004. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

The Bonds are issuable solely as fully registered Bonds in denominations of \$5,000 each or (subject to certain conditions) any integral multiple thereof, and are exchangeable for fully registered Bonds of the same maturity in equivalent aggregate principal amounts and in authorized denominations at the aforesaid office of the Registrar but only in the manner, subject to the limitations, and on payment of charges provided in the Ordinance.

This Bond is fully transferable by the registered owner in person or by his or her duly authorized attorney on the registration records kept by the Registrar upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Registrar. Upon such transfer a new fully registered Bond of authorized denomination or denominations of the same aggregate principal amount and maturity will be issued to the transferee in exchange for this Bond, on payment of the charges and subject to the terms and conditions as set forth in the Ordinance.

Unless this Bond 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 Bond 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.

This Bond must be registered in the name of the owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

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

** The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance.**

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of acquiring, constructing, improving and equipping a recreation project in the City, under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter") pursuant to Nevada Revised Statutes ("NRS") Sections 268.672 to 268.740, inclusive (the "City Bond Law"), pursuant to NRS Sections 350.087 to 350.095, inclusive (the "Act"), pursuant to NRS Sections 350.500 through 350.720, and all laws amendatory thereof, designated in Section 350.500 thereof as the "Local Government Securities Law" (the "Bond Act"), and pursuant to the Ordinance; pursuant to Section 350.628 of the Bond Act, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to Section 350.710 of the Bond Act, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof, except for the tax on estates imposed pursuant to Chapter 375A of NRS and the tax on generation-skipping transfers imposed pursuant to Chapter 375B of NRS.

The Bonds, as to all Bond Requirements, shall be payable from any moneys of the City legally available for the purpose of making such payment and the full faith and credit of the City are hereby irrevocably pledged for making such payment. Provision for the payment of the Bonds shall be made as provided in Sections 350.093 and 350.095 of the Act, provided, however, that ad valorem taxes levied for the purpose of paying the principal of and interest on the Bonds are subject to the limitations contained in the Constitution and the statutes of the State, including, without limitation, the limitations on ad valorem taxes contained in NRS Sections 354.59811, 354.5913, 354.59815, 354.5982 and 361.453. The City is not authorized to levy ad valorem taxes to pay the principal of or interest on the Bonds exempt from the limitations of any such statutes, but the City has covenanted in the Ordinance to make sufficient provision annually in its budget to pay the Bond Requirements of the Bonds, when due.

The Bonds are not subject to redemption prior to maturity.

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

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

It is hereby certified, recited, declared and warranted that all actions required to be taken prior to the issuance hereof have been had and taken by the City; that the issuance of the Bonds has been approved by the Executive Director of the Department of Taxation of the State

of Nevada as required by the Act, and that the principal of the Bonds, when added to other City indebtedness, does not exceed the limits on indebtedness of the City provided in the Constitution and statutes of the State.

This Bond shall not be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

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

(MANUAL OR FACSIMILE
CITY SEAL)

CITY OF LAS VEGAS, NEVADA

Attest:

(Manual or Facsimile Signature)
Mayor

(Manual or Facsimile Signature)
City Clerk

(Manual or Facsimile Signature)
City Treasurer

* Insert only if Bonds are delivered pursuant to Section 16(A)(3) of this Ordinance.

** Insert only if Bonds are delivered pursuant to Section 16(A) of this Ordinance.

(End of Form of Bond)

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

Date of authentication
and registration _____

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

CITY OF LAS VEGAS TREASURER
as Registrar

By _____ Manual Signature
Authorized Officer or Employee

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

[STATEMENT OF INSURANCE]
add statement of insurance, if applicable

(Form of Assignment for Bonds)

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

Dated: _____

Signature Guaranteed:

Name of Transferee:

Address of Transferee:

Social Security or other tax
identification number of
Transferee:

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

NOTICE: TRANSFER FEES MUST BE PAID TO THE REGISTRAR IN ORDER TO TRANSFER OR EXCHANGE THIS BOND AS PROVIDED IN THE WITHIN-MENTIONED ORDINANCE.

(End of Form of Assignment for Bonds)

SECTION 25. Use of Bond Proceeds. Upon the issuance of the Bonds, the Treasurer shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to Section 350.648, Bond Act, any proceeds received from the sale of the Bonds as accrued interest on the Bonds, if not needed to defray the cost of the Project, shall be deposited into the Medium-Term Debt Service Fund, hereinafter created.

B. The balance of the proceeds received from the sale of the Bonds shall be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C, Construction Account" (the "Construction Account") to be held by the City. Moneys in the Construction Account shall be used solely to defray wholly or in part the cost of the Project including, without limitation, as provided in Section 350.516, Bond Act, all costs of issuing the Bonds, and the costs of rebates to the United States under Section 148 of the Internal Revenue Code of 1986, as amended (the "Tax Code"), which the Council hereby determines are necessary and desirable and pertain to the Project. After the Project is complete and after all expenses have been paid or adequate provision therefor is made, pursuant to Section 350.650 Bond Act, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Construction Account shall be deposited into the Medium-Term Debt Service Fund hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 26. Use of Investment Gain. Pursuant to Section 350.658, any gain from any investment and any reinvestment of any proceeds of the Bonds, if needed to defray the cost of the Project, shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Construction Account, and if not needed to defray the cost of the Project, shall be deposited promptly into the Medium-Term Debt Service Fund, for the respective payment of the principal of or interest on the Bonds, or any combination thereof. As provided in Section 35 hereof, any annual General Taxes for the payment of the principal of or interest on the Bonds levied after such deposits of any such investment or reinvestment gain, may be diminished to the extent of the availability of such deposit for the payment of such principal or interest.

SECTION 27. Completion of Project. The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project without delay and with due diligence to the best of the City's ability, as hereinabove provided.

SECTION 28. Prevention of Bond Default. Subject to the provisions of Sections 31 and 35 hereof, the Treasurer shall use any Bond proceeds credited to the Construction Account, without further order or warrant, to pay the Bond Requirements of the Bonds as the same become due whenever and to the extent moneys otherwise available therefor are insufficient for that purpose, unless such Bond proceeds shall be needed to defray obligations accrued and to accrue under any contracts then existing and relating to the Project. The Treasurer shall promptly notify the Council of any such use.

SECTION 29. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. The Purchaser, any associate thereof, and any subsequent owner of any Bond shall in no manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys herein designated.

SECTION 30. General Tax Levies. Pursuant to Section 350.596 of the Bond Act, any sums coming due on the Bonds at any time when there are not on hand in the Medium-Term Debt Service Fund sufficient funds to pay same shall be promptly paid when due out of the Construction Account or out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes legally available therefor. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there is hereby created a separate account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Medium-Term Recreation Bonds (Centennial Hills Project), Series 2004C, Medium-Term Debt Service Fund" (the "Medium-Term Debt Service Fund"). Pursuant to Sections 350.592 and 350.594, Bond Act, and Sections 350.093 and 350.095 of the Act, except to the extent other funds are legally available therefor, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter,

until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installment of interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay and retire the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to the Medium-Term Debt Service Fund for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS Sections 354.59811, 354.59813, 354.59815, 354.5982 and 361.453, and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all such revenues received by the City.

SECTION 31. Priorities for Bonds. In any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS Section 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitations of NRS Section 361.453, 354.59811, 354.59813 and 354.5982.

SECTION 32. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Medium-Term Debt Service

Fund, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 33. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other legally available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to Section 350.596, Bond Act.

SECTION 34. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, mature, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to Section 350.598, Bond Act.

SECTION 35. Legislative Duties. In accordance with Section 350.592, Bond Act, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes, when collected, shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 36. Appropriation of General Taxes. In accordance with Section 350.602, Bond Act, there are hereby specially appropriated the proceeds of such General Taxes to the payment of such principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements the Bonds have been wholly paid or provided for.

SECTION 37. Protective Covenants. The City covenants and agrees with each and every owner from time to time of the Bonds, that:

- A. The Project shall be completed without delay; and
- B. The City will make the principal and interest payments on the Bonds at the place, on the date, and in the manner specified according to the true intent and meaning hereof.

SECTION 38. Tax Covenant. The City covenants for the benefit of the owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities 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 Tax 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 Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under Section 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 39. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder shall thereby be discharged as to that Bond and the Bond shall no longer be deemed to be outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by, the United States ("Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this

section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their maturities except at the option of the owner thereof.

SECTION 40. Continuing Disclosure Undertaking. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the Clerk and is hereby authorized to be executed by the Treasurer and delivered in connection with the delivery of the Bonds.

SECTION 41. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent initially appointed hereunder shall resign, or if the Council shall reasonably determine that it is in the best interests of the City to replace said Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent, or both. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent.

SECTION 42. Delegated Powers. The officers and employees of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

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

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

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

(5) the exclusion from gross income for federal income tax purposes of interest on the Bonds,

(6) the delivery of the Bonds and the receipt of the Bond purchase price,

(7) the accuracy and completeness of any information provided in connection with the Bonds, including information contained in the preliminary and final official statements for the Bonds,

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

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

SECTION 43. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds; and this Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 44. Implied Repealer. All ordinances, resolution bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolutions, bylaw or order, or part hereof, heretofore repealed.

SECTION 45. Publication. When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper, printed, published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

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

BILL NO. _____
ORDINANCE NO. _____

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2004C MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS (CENTENNIAL HILLS PROJECT), SERIES 2004C IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING AND IMPROVING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on the September 1, 2004, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on September 15, 2004.

/s/ Barbara Jo Ronemus
City Clerk

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

SECTION 46. Publication After Adoption. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published once by its title only, together with the names of the Councilmembers voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper printed, published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

ORDINANCE NO. ____
(of Las Vegas, Nevada)

AN ORDINANCE DESIGNATED BY THE SHORT TITLE "2004C MEDIUM-TERM RECREATION BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE BY THE CITY OF LAS VEGAS OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) MEDIUM-TERM RECREATION BONDS, SERIES 2004C IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000, FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING EQUIPPING AND IMPROVING RECREATION PROJECTS FOR THE CITY; PROVIDING COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS, THE PROJECT AND GENERAL TAX PROCEEDS; RATIFYING ACTION PREVIOUSLY TAKEN AND PERTAINING TO THE FOREGOING BY THE CITY AND ITS OFFICERS AND EMPLOYEES; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on September 1, 2004, and was passed at the meeting held on September 15, 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
	Steve Wolfson

Those Voting Nay: _____

Those Absent: _____

This Ordinance shall be in full force and effect from and after the 18th day of September, 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 15th day of September, 2004.

Attest:

/s/ Oscar B. Goodman

Mayor

/s/ Barbara Jo Ronemus

City Clerk

(End of Form of Publication)

SECTION 47. Severability. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

Adopted September 15, 2004.

Oscar B. Goodman, Mayor

Attest:

Barbara Jo Ronemus, City Clerk

The ordinance has been reviewed by the Deputy City Attorney:

Deputy City Attorney

This Ordinance shall be in full force and effect from and after September 18, 2004, i.e., the day after the publication of such Ordinance by its title only.

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced on September 1, 2004 and finally adopted and approved on September 15, 2004.

2. The following members of the Council were present at the September 1, 2004 Council meeting:

Mayor:
Councilmembers:

Oscar Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

Those Absent:

3. The foregoing Ordinance was first proposed and read by title to the City Council on September 1, 2004, and referred to a committee for recommendation; thereafter said committee reported favorably on said Ordinance on September 15, 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 September 15, 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
Steve Wolfson

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 September 1, 2004 and September 15, 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, on the City's website, 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
City Clerk's Bulletin Board, 2nd Floor Skybridge
Las Vegas, Nevada;

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada;

(iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada; and

(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 meeting 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 September 1, 2004 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on September 15, 2004 is attached to this certificate as Exhibit B.

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

8. A copy of the affidavit of publication of the notice of deposit of ordinance is attached to this certificate as Exhibit C. A copy of the affidavit of publication of the adoption of the ordinance is attached to this certificate as Exhibit D.

9. 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 September __, 2004.

(SEAL)

City Clerk

EXHIBIT A

(Attach Copy of Notice of September 1, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 15, 2004 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Deposit of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)



KENNY C. GUINN
Governor

BARBARA SMITH CAMPBELL
Chair, Nevada Tax Commission

CHARLES E. CHINNOCK
Executive Director

STATE OF NEVADA
DEPARTMENT OF TAXATION

1550 E. College Parkway
Suite 115
Carson City, Nevada 89706-7937

Phone: (775) 687-4820 • Fax: (775) 687-8302

In-State Toll Free: 800-992-0900

Web Site: <http://tax.state.nv.us>

LAS VEGAS OFFICE

Grant Sawyer Office Building
Suite 1300
555 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 466-2300
Fax: (702) 466-2373

RENO OFFICE

4800 Kietzke Lane
Building L, Suite 206
Reno, Nevada 89502
Phone: (775) 688-1295
Fax: (775) 688-1308

August 11, 2004

Michael K. Olson, City Treasurer
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Re: Medium-Term Obligation Request

Dear Mr. Olson:

The Department of Taxation has received the request from the City Council of the City of Las Vegas for approval of a medium-term obligation in an amount not to exceed \$20,000,000. Proceeds from the financing will be used to acquire, improve and equip a recreational project. The request has been reviewed as required by NRS 350.089 and is approved.

Pursuant to NRS 350.089, the approval must be recorded in the minutes of the governing board, and the financing must be secured within eighteen months of the receipt of this approval.

If you have any questions regarding this matter, please do not hesitate to call Warner Ambrose in the Local Government Finance Section at (775) 684-2077.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charles E. Chinnock".

Charles E. Chinnock, Executive Director
Department of Taxation

CEC:ph

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-62 – Makes adjustments to the types of zoning approval necessary for various land uses. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Planning staff and the Planning Commission have determined that a number of uses currently requiring a special use permit in specified zoning districts would more properly be allowable as conditional uses or as a matter of right. This bill will make the necessary adjustments to the provisions of the Zoning Code, which will reduce the number of special use permit applications required to be processed.

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. 2004-62

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

9/14/2004 Recommending Committee

9/15/2004 Council agenda

(10:42 – 10:44)

2-192

BILL NO. 2004-62

ORDINANCE NO. _____

AN ORDINANCE TO MAKE ADJUSTMENTS TO THE TYPES OF ZONING APPROVAL NECESSARY FOR VARIOUS LAND USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Makes adjustments to the types of zoning approval necessary for various land uses.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Animal Hospital, Clinic, or Shelter with Outside Pens" is a permitted use in the C-2, C-M and M Zoning Districts. In order to reflect the amendment, the "Rural & Animal-Related" element of the Land Use Tables is amended so that the row pertaining to the use "Animal Hospital, Clinic, or Shelter with Outside Pens" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL-RELATED
S	S	S										Animal Hospital, Clinic, or Shelter with Outside Pens

RURAL & ANIMAL-RELATED	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Animal Hospital, Clinic, or Shelter with Outside Pens					S	[S] P		[C] P	[C] P

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Animal Keeping, Wild or Exotic" is a conditional use in the U, R-A and M Zoning Districts. In order to reflect the amendment, the "Rural & Animal-Related" element of the Land Use Tables is amended so that the row pertaining to the use "Animal Keeping, Wild or Exotic" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL-RELATED
[S] C	[S] C											Animal Keeping, Wild or Exotic[*]

RURAL & ANIMAL-RELATED	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Animal Keeping, Wild or Exotic[*]									[S] C

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Livestock Farming (Bovines/Horses)" is a conditional use in the U, R-A and R-E Zoning Districts. In order to reflect the amendment, the "Rural & Animal-Related" element of the Land Use Tables is amended so that the row pertaining to the use "Livestock Farming (Bovines/Horses)" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL-RELATED
[S] C	[S] C	[S] C										Livestock Farming (Bovines/Horses)[*]

SECTION 4: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Assisted Living Apartments" is a permitted use in the C-2 Zoning District. In order to reflect the amendment, the "Residential & Lodging" element of the Land Use Tables is amended so that the row pertaining to the use "Assisted Living Apartments" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RESIDENTIAL & LODGING
						S	P	P	P			Assisted Living Apartments

RESIDENTIAL & LODGING	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Assisted Living Apartments					S	[S] P			

SECTION 5: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Condominium" is a conditional use in the P-R, N-S, O, C-D, C-1 and C-2 Zoning Districts. In order to reflect the amendment, the "Residential & Lodging" element of the Land Use Tables is amended so that the row pertaining to the use "Condominium" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RESIDENTIAL & LODGING
						P	P	P	P			Condominium

RESIDENTIAL & LODGING	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Condominium	[S] C	[S] C	[S] C	[S] C	[S] C	[S] C			

SECTION 6: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Time Share Development" is a conditional use in the C-2 Zoning District. In order to reflect the amendment, the "Residential & Lodging" element of the Land Use Tables is amended so that the row pertaining to the use "Time Share Development" reads as follows:

RESIDENTIAL & LODGING	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Time Share Development						[S] C			

SECTION 7: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Cemetery/Mausoleum" is a conditional use in the U, R-A and R-E Zoning Districts. In order to reflect the amendment, the "Institutional & Community Service" element of the Land Use Tables is amended so that the row pertaining to the use "Cemetery/Mausoleum" reads as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	INSTITUTIONAL & COMMUNITY SERVICE
[S] C	[S] C	[S] C										Cemetery/Mausoleum

INSTITUTIONAL & COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Cemetery/Mausoleum						C		C	C

SECTION 8: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Public or Private School, Primary" is a conditional use in the C-2, C-PB, C-M and M Zoning Districts. In order to reflect the amendment, the "Institutional & Community Service" element of the Land Use Tables is amended so that the row pertaining to the use "Public or Private School, Primary" reads as follows:

...

...

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	INSTITUTIONAL & COMMUNITY SERVICE
C	C	C	C	C	C	C	C	C	C	C	C	Public or Private School, Primary

INSTITUTIONAL & COMMUNITY SERVICE	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Public or Private School, Primary	C	C	S	S	S	[S] C	[S] C	[S] C	[S] C

SECTION 9: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Banquet Facility" is a permitted use in the C-1 Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Banquet Facility" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Banquet Facility					[S] P	P	A	P	

SECTION 10: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Business School" is a permitted use in the O Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Business School" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Business School			[S] P		P	P	P	P	P

SECTION 11: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Catering Service" is a permitted use in the C-M Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Catering Service" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Catering Service	C	C		C	P	P	P	[S] P	P

SECTION 12: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to

provide that the use "Open Air Vending/Transient Sales Lot" is a conditional use in the C-1, C-2, C-M and M Zoning Districts. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Open Air Vending/Transient Sales Lot" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Open Air Vending/Transient Sales Lot					[S] C	[S] C		[S] C	[S] C

SECTION 13: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Secondhand Dealer" is a conditional use in the C-M Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Secondhand Dealer" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Secondhand Dealer					S	S		[S] C	C

SECTION 14: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Thriftshop" is a conditional use in the C-M Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Thriftshop" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Thriftshop					S	S		[S] C	C

SECTION 15: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Wedding Chapel" is a permitted use in the C-1 Zoning District. In order to reflect the amendment, the "Retail & Personal Services" element of the Land Use Tables is amended so that the row pertaining to the use "Wedding Chapel" reads as follows:

RETAIL & PERSONAL SERVICES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Wedding Chapel					[S] P	P		P	P

...

SECTION 16: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to provide that the use "Automobile Rental" is a conditional use in the C-2 and C-M Zoning Districts. In order to reflect the amendment, the "Auto & Marine-Related" element of the Land Use Tables is amended so that the row pertaining to the use "Automobile Rental" reads as follows:

AUTO & MARINE-RELATED	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Automobile Rental*					S	[S] C		[S] C	C

SECTION 17: 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 deleting in its entirety the subdivision pertaining to the use "Animal Hospital, Clinic, or Shelter with Outside Pens."

SECTION 18: 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 subdivisions entitled "AUTOMOBILE RENTAL," "PUBLIC OR PRIVATE SCHOOL, PRIMARY," "SECONDHAND DEALER, PRIVATE," and "THRIFTSHOP" to read, respectively, as follows, with the brackets ([]) in this Section being part of the ordinance text and the braces ({ }) indicating deleted material:

AUTOMOBILE RENTAL [C-2, C-M, M]

- (1) The minimum site area shall be twenty five thousand square feet.
- (2) The installation and use of an outside public address or bell system is prohibited.
- (3) No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.
- (4) All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
- (5) Service bays for repairs, installations, cleaning or gas dispensing services facing a public street or a residential zoning district shall be screened to a height of at least eight feet.

PUBLIC OR PRIVATE SCHOOL, PRIMARY [ALL RESIDENTIAL DISTRICTS, P-R, N-S, C-PB, C-M, M]

Adequate pick-up and drop-off areas shall be provided on-site.

1 {SECONDHAND DEALER, PRIVATE [M]} SECONDHAND DEALER [C-M, M]

2 (1) No outdoor display, sales or storage of any merchandise shall be permitted.

3 (2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal
4 Code.

5 (3) No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas
6 Boulevard South, between Charleston Boulevard and Sahara Avenue.

7 THRIFTSHOP [C-M, M]

8 (1) No outdoor display, sales or storage of any merchandise shall be permitted.

9 (2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal
10 Code.

11 SECTION 19: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
12 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adopting or readopting, as part
13 thereof, a subdivision pertaining to the use "Animal Keeping, Wild or Exotic," reading as follows:

14 ANIMAL KEEPING--WILD OR EXOTIC [U, R-A, M]

15 (1) Animals shall be confined at all times within a secured, enclosed or fenced area.

16 (2) Animals which are kept outdoors must be located at least one thousand five hundred feet from
17 any residential dwelling, school, child care facility or public park.

18 (3) The site must have a minimum area of two acres.

19 (4) All operations and activities shall be in accordance with LVMC Title 7.

20 SECTION 20: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code
21 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the
22 appropriate locations, four new subdivisions, respectively entitled "CONDOMINIUM,"
23 "LIVESTOCK FARMING (BOVINES/HORSES)," "OPEN AIR VENDING/TRANSIENT SALES
24 LOT," and "TIME SHARE DEVELOPMENT," reading as follows:

25 CONDOMINIUM (RESIDENTIAL) [P-R, N-S, O, C-D, C-1, C-2] (Limited Area)

26 (1) The condominium use is limited to the following area: The Downtown Las Vegas
27 Redevelopment Area, as established by Ordinance Nos. 3218, 3339, 3637, and 4036.

28 (2) The condominium use shall be developed only in connection with ground-level nonresidential

development, and, in the case of a multi-floor structure, shall not itself be permitted on the ground floor, except for access and entryways.

(3) Structures associated with the use shall comply with the following design criteria:

(a) The primary resident/guest entryway to the condominium use shall be independent of ground floor commercial uses, and shall be directly from and oriented to a street.

(b) The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

LIVESTOCK FARMING (BOVINES/HORSES) [U, R-A, R-E]

(1) The minimum allowable parcel size is one and one quarter acres.

(2) A maximum of twenty five animals (bovines or horses) is allowed per parcel.

(3) No more than one bovine or horse is allowed per seven thousand five hundred square feet of lot area.

(4) The parcel must also be occupied by a habitable dwelling.

(5) Bovines may not be kept at any location south of Cheyenne Avenue.

OPEN AIR VENDING/TRANSIENT SALES LOT [C-1, C-2, C-M, M]

(1) No signage, including temporary signage, is allowed.

(2) The site must be kept free of any litter or debris at all times.

(3) No structures shall be allowed within the public right of way.

TIME-SHARE DEVELOPMENT [C-2]

(1) No individual time-share unit may serve as a person's primary residence.

(2) No access to any accessory use (gift shop, restaurant, beauty shop, etc.) shall be permitted other than from within a time-share development.

(3) No exterior advertising or lighting is permitted in excess of that allowed for residential developments.

SECTION 21: 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 deleting in their entirety the subdivisions pertaining to the uses "ANIMAL KEEPING, WILD OR EXOTIC,"

1 “CEMETERY/MAUSOLEUM,” “CONDOMINIUM,” “LIVESTOCK FARMING
2 (BOVINES/HORSES),” and “TIME SHARE DEVELOPMENT.”

3 SECTION 22: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivisions
5 entitled “AUTOMOBILE RENTAL,” “SECONDHAND DEALER, PRIVATE,” and “THRIFTSHOP”
6 to read, respectively, as follows, with the brackets ([]) in this Section being part of the ordinance text
7 and the braces ({ }) indicating deleted material:

8 AUTOMOBILE RENTAL {[C-1, C-2, C-M]} [C-1]

9 (1) The minimum site area shall be twenty five thousand square feet.

10 (2) The installation and use of an outside public address or bell system is prohibited.

11 (3) No used or discarded automotive parts or equipment shall be located or stored in any open area
12 outside of an enclosed building.

13 (4) All exterior lighting shall be screened or otherwise designed so as not to shine directly onto
14 any adjacent parcel of land.

15 (5) Service bays for repairs, installations, cleaning or gas dispensing services facing a public street
16 or a residential zoning district shall be screened to a height of at least eight feet.

17 SECONDHAND DEALER {[C-1, C-2, C-M]} [C-1, C-2]

18 (1) No outdoor display, sales or storage of any merchandise shall be permitted.

19 (2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal
20 Code.

21 (3) No secondhand dealer shall be located on either side of Fremont Street or on Las Vegas
22 Boulevard South, between Charleston Boulevard and Sahara Avenue.

23 THRIFTSHOP {[C-1, C-2, C-M]} [C-1, C-2]

24 (1) No outdoor display, sales or storage of any merchandise shall be permitted.

25 (2) The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal
26 Code.

27 SECTION 23: In Sections 19 and 20 of this Ordinance, the brackets that follow the
28 titles of the subdivisions being added or amended are not intended to indicate deleted matter, but

1 instead are used as the means of indicating the applicable districts.

2 SECTION 24: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010,
3 19.04.040, and 19.04.050 are deemed to be subchapters rather than sections.

4 SECTION 25: 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 26: All ordinances or parts of ordinances or sections, subsections, phrases,
13 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, in conflict herewith are hereby repealed.

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

16 APPROVED:

17
18 By _____
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

21 BARBARA JO RONEMUS, City Clerk

22 APPROVED AS TO FORM:

23 Val Steed 8-18-04
24 Date

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

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-63 – Provides that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council, and modifies certain provisions regarding related hearings and appeals so as to conform to State law.

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

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Special use permit applications currently require final action by the City Council. This bill is intended to reduce the special use permit "caseload" of the Council by providing that Planning Commission action on most applications is final action. Planning Commission decisions will continue to be appealable to the Council, and members of the Council may request review of Planning Commission decisions. The bill will also incorporate State law requirements concerning zoning-related hearings and appeals.

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. 2004-63

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

9/14/2004 Recommending Committee

9/15/2004 Council agenda

(10:42 – 10:44)

2-192

1 **BILL NO. 2004-63**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO PROVIDE THAT PLANNING COMMISSION ACTION ON MOST
4 SPECIAL USE PERMITS IS FINAL, UNLESS APPEALED OR REQUESTED FOR REVIEW BY
5 A MEMBER OF THE CITY COUNCIL; TO MODIFY CERTAIN PROVISIONS REGARDING
RELATED HEARINGS AND APPEALS SO AS TO CONFORM TO STATE LAW; AND TO
PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Provides that Planning Commission
action on most special use permits is final,
unless appealed or requested for review by a
member of the City Council, and modifies
certain provisions regarding related hearings and
appeals so as to conform to State law.

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

12 SECTION 1: Title 19, Chapter 18, Section 60, Subsection (B), of the Municipal Code
13 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 (B) Authority. Except as otherwise provided in this Subsection (B), [The City Council, upon
15 recommendation by] the Planning Commission[,] shall have the authority to approve, approve with
16 conditions, or deny an application for a Special Use Permit[.], and the decision of the Planning
17 Commission is final. If the decision of the Planning Commission is appealed or forwarded to the City
18 Council in accordance with this Section 19.18.060, the City Council may affirm, modify or reverse
19 the decision of the Planning Commission. The decision of the City Council is final for purposes of
20 judicial review.

21 SECTION 2: Title 19, Chapter 18, Section 60, Subsection (G), of the Municipal Code
22 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 (G) Planning Commission Public Hearing and Action.

24 (1) Hearing. The Planning Commission shall hold a public hearing on each application
25 for a Special Use Permit within sixty-five days after the application is properly filed.

26 (2) Notice.

27 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
28 given at least ten days before the hearing by:

1 (i) Publishing the notice in a newspaper of general circulation within the
2 City;

3 (ii) Mailing a copy of the notice to:

4 A. The applicant;

5 B. Each owner of real property located within a minimum of five
6 hundred feet of the property described in the application, or in the case of an application to authorize
7 the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

8 C. Each tenant of any mobile home park that is located within three
9 hundred feet of the property described in the application, or in the case of an application to authorize
10 the sale of alcoholic beverages, a minimum of one thousand five hundred feet;

11 D. The owner of each of the thirty separately-owned parcels nearest
12 to the property described in the application to the extent this notice does not duplicate the notice
13 otherwise required by this Section;

14 E. Any advisory board which has been established for the affected
15 area by the City Council; and

16 [1.] F. The president or head of any registered local neighborhood
17 organization whose organization boundaries are located within a minimum of one mile of the property
18 described in the application.

19 [2.] (b) Names Provided. The Department of Planning and Development shall provide
20 at the request of the applicant, the name, address and phone number of any person notified pursuant
21 to Subparagraph F above.

22 [3.] (c) Additional Notice. The Secretary may give additional notice of the hearing by
23 expanding the area of notification or using other means of notification or both. The Director shall
24 endeavor to provide any additional notice at least ten days before the date of the hearing.

25 [4.] (d) Signs. Notification signs shall be posted in conformance with Section
26 19.18.010(D) and NRS Chapter 278.

27 (3) Hearing. The Planning Commission shall conduct a public hearing on the application.
28 In its discretion and for good cause, the Planning Commission may hold the application in abeyance

1 for further study. However, the Commission may not grant to an applicant more than two
2 continuances on the same matter, unless the Commission determines, upon good cause shown, that
3 the granting of additional continuances is warranted. Following the hearing or hearings, the Planning
4 Commission shall [make its recommendation to] approve, approve with conditions, or deny the
5 application for Special Use Permit. The [recommendation] decision shall be based upon evidence that
6 makes the grant or denial of the Special Use Permit appropriate.

7 (4) Conditions of Approval. [Recommendation.] In [recommending] connection with the
8 approval of a Special Use Permit, the Planning Commission may impose any conditions, restrictions
9 or limitations as the Commission may determine to be necessary to meet to the general purpose and
10 intent of this Title and to ensure that the public health, safety and welfare are being maintained.

11 (5) Notice of Planning Commission Decision. Written notice of the Planning
12 Commission's decision shall be provided to the applicant, agent, or both.

13 SECTION 3: Title 19, Chapter 18, Section 60, Subsection (J), of the Municipal Code
14 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 (J) Appeals and City Council Review.

16 [(1) Appeal of Denial. A decision by the Planning Commission to deny a Special Use
17 Permit application becomes final and effective at the expiration of ten days after the date of the
18 decision unless, within that period, the applicant appeals the decision by written request filed with the
19 City Clerk.

20 (2) Final Action by City Council Concerning Approval. A decision by the Planning
21 Commission to approve a Special Use Permit application constitutes a recommendation to the City
22 Council. The City Council shall make the final decision concerning the application.]

23 (1) Except as otherwise provided in Paragraph (2) below, a decision by the Planning
24 Commission becomes final and effective at the expiration of ten days after the date of the decision
25 unless, within that period, a written appeal or written request to review is filed with the City Clerk.
26 An appeal may be filed by the applicant or other aggrieved person. The City Council may establish
27 a fee for the filing of an appeal, and the amount of any fee so established shall be as set forth in the
28 fee schedule. A request to review may be filed by a member of the City Council.

1 (2) Any Special Use Permit application, whether approved or denied by the Planning
2 Commission, that is related to and was filed in connection with an application for any of the following
3 shall be forwarded automatically to the City Council for final decision:

4 (a) A General Plan Amendment;

5 (b) A Rezoning; or

6 (c) A Site Development Plan Review that, pursuant to Section 19.18.050(G),
7 requires final action by the City Council.

8 SECTION 4: Title 19, Chapter 18, Section 60, Subsection (K), of the Municipal Code
9 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10 (K) City Council Public Hearing.

11 (1) Notice and Hearing. The City Council shall conduct a public hearing on all Special
12 Use Permit applications which are appealed or are forwarded to the Council [for final action.] pursuant
13 to a request for review. The City Clerk is authorized to consolidate all appeals or requests for review
14 that have been filed regarding a particular application, or to schedule them in sequence or otherwise,
15 in which case the City Council may hear the items separately or consolidate them for purposes of
16 hearing, as the Council deems appropriate. Public notice of [the] any hearing shall be mailed at least
17 ten days before the hearing to the property owners who were notified by mail of the Planning
18 Commission hearing.

19 (2) City Council Decision. [The City Council may approve, approve with conditions, or
20 deny a Special Use Permit application.] In [so doing,] considering whether to affirm, modify, or
21 reverse the decision of the Planning Commission, the City Council shall consider the
22 [recommendation] decision of the Planning Commission and the evidence presented at the public
23 hearing, [. Action by the City Council is final.] and shall be guided by the statement of purpose
24 underlying the regulation of the improvement of land expressed in NRS 278.020. The City Council
25 may not grant to an aggrieved person more than two continuances on the same matter, unless the
26 Council determines, upon good cause shown, that the granting of additional continuances is warranted.
27 Except as otherwise agreed to by the person filing the appeal, the City Council must render its decision
28 on an appeal within forty-five days.

1 (3) Notice of [the] City Council Decision. The City Council shall provide written notice
2 of its decision, which shall include the reasons for the decision, and if the decision is to approve the
3 Special Use Permit, any modifications, conditions or limitations that the City Council may impose.
4 The notice shall be provided to the owner, developer or agent. A copy of the notice shall also be filed
5 with the City Clerk, and the date of the notice shall be deemed to be the date notice of the decision is
6 filed with the City Clerk.

7 SECTION 5: Title 19, Chapter 18, Section 60, Subsection (M), of the Municipal Code
8 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 (M) Amendments to an Approved Special Use Permit. A Special Use Permit is limited to the uses
10 and structures which are shown on the approved site development plan and are consistent with any
11 conditions of approval. Any request to amend or modify an approved Special Use Permit shall be
12 submitted to the Department of Planning and Development. Upon receipt of such a request, the
13 Director shall determine if the request constitutes a minor amendment or a major amendment. Minor
14 amendments may be approved administratively. A major amendment requires approval by the
15 Planning Commission or City Council, [after a recommendation by the Planning Commission.]
16 whichever body took final action to approve the Special Use Permit. Minor and major amendments
17 are categorized as follows:

18 (1) Minor [Amendments.] Amendment. A minor amendment includes a:

19 (a) Relocation or reorientation of buildings which does not alter the basic
20 relationship to adjacent property;

21 (b) Minor adjustment in lot lines and/or easements;

22 (c) Minor rearrangement of internal access and circulation;

23 (d) Relocation or rearrangement of parking areas;

24 (e) Change in the approved square footage or density that does not represent an
25 increase of more than ten percent; and

26 (f) Change in landscaping or building setbacks that does not represent a significant
27 decrease.

28 (2) Major Amendment. A major amendment includes any change which does not qualify

1 as a minor amendment.

2
3 SECTION 6: Title 19, Chapter 18, Section 60, Subsection (O), of the Municipal Code
4 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 (O) Revocation.

6 (1) Notice. [The City Council may hold a hearing to revoke or modify a Special Use
7 Permit. At least ten days prior to any hearing, written notice of the hearing shall be delivered to the
8 owner, developer, or both.] A Special Use Permit may be revoked or modified by the Planning
9 Commission or the City Council, whichever body took final action to approve the Special Use Permit.
10 Such action must be preceded by a hearing, written notice of which must be delivered to the owner,
11 developer, or both, at least ten days before the hearing. Notice may be delivered in person or by
12 certified mail, return receipt requested, mailed to the address shown in the records of the Clark County
13 Assessor.

14 (2) Findings. A Special Use Permit may be revoked or modified for cause, including a
15 finding of one or more of the following:

- 16 (a) That the Special Use Permit was obtained by misrepresentation or fraud;
17 (b) That conditions have changed and the use or development is no longer
18 compatible with surrounding land uses or the General Plan;
19 (c) That the use or development is not in compliance with one or more of the
20 conditions of approval; and
21 (d) That the use permitted by the Special Use Permit is in violation of any statute,
22 ordinance, law or regulation.

23 (3) Notice of Decision. Written notice of [the] a decision regarding the revocation or
24 modification of a Special Use Permit shall be provided to the owner, developer or agent.

25 (4) Appeal. In the case of a decision by the Planning Commission to revoke or modify a
26 Special Use Permit that was approved as final action by the Commission, the appeal provisions of
27 Subsections (J) and (K) of this Section shall apply.

28 SECTION 7: Title 19, Chapter 18, Section 60, Subsection (P), of the Municipal Code

1 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 (P) Termination.

3 (1) A Special Use Permit which cannot be exercised except upon construction of a new
4 building, and which is not exercised within two years after approval, shall be void, unless the [City
5 Council grants] the applicant obtains an extension of time upon a showing of good cause. Application
6 for an extension shall be made to the Planning Commission or City Council, whichever body took
7 final action to approve the Special Use Permit.

8 (2) A Special Use Permit which does not require the construction of a new building in
9 order to be exercised, and which is not exercised within one year after approval shall be void, unless
10 the [City Council grants] the applicant obtains an extension of time upon a showing of good cause.
11 Application for an extension shall be made to the Planning Commission or City Council, whichever
12 body took final action to approve the Special Use Permit.

13 (3) For any Special Use Permit approved before January 1, 2000, which expires before an
14 extension is granted, the City Council may reinstate the approval within the six-month period
15 following the expiration date and grant an extension of time if the Council is satisfied that there has
16 not been a material change of circumstances such that the Special Use Permit is no longer warranted.

17 (4) A Special Use Permit shall be void without further action if:

18 (a) The Special Use Permit was issued for alcoholic beverage use and such use
19 ceases for one hundred and eighty days or more; or

20 (b) The Special Use Permit was issued for a use other than alcoholic beverage use
21 and such use ceases for twelve months or more.

22 (5) For purposes of this Subsection (P), a Special Use Permit is exercised upon approval
23 of a business license to conduct the activity, if one is required, or, otherwise, upon the issuance of a
24 certificate of occupancy or approval of a final inspection.

25 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
26 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
27 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
28 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the

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

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

9 APPROVED:

10
11 By _____
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 _____
15 BARBARA JO RONEMUS, City Clerk

16 APPROVED AS TO FORM:

17 Valsted 8-18-04
18 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-64 – Modifies the standards for granting a variance application, and modifies certain provisions regarding variance hearings and appeals so as to conform to State law.

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

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will modify the standards for granting a variance application, and modify certain provisions regarding variance hearings and appeals so as to conform to State law.

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. 2004-64

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

9/14/2004 Recommending Committee

9/15/2004 Council agenda

(10:42 – 10:44)

2-192

THE MORNING SESSION RECESSED AT 10:44 A.M.

1 BILL NO. 2004-64

2 ORDINANCE NO. _____

3 AN ORDINANCE TO MODIFY THE STANDARDS FOR GRANTING A VARIANCE
4 APPLICATION, MODIFY CERTAIN PROVISIONS REGARDING VARIANCE HEARINGS AND
5 APPEALS SO AS TO CONFORM TO STATE LAW, AND PROVIDE FOR OTHER RELATED
6 MATTERS.

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

Summary: Modifies the standards for granting
a variance application, and modifies certain
provisions regarding variance hearings and
appeals so as to conform to State law.

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

11 SECTION 1: Title 19, Chapter 18, Section 70, Subsection (B), of the Municipal Code
12 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 (B) Scope and Limitations. Pursuant to NRS Chapter 278 and this Section, the Planning
14 Commission and the City Council have the authority to act upon Variance applications as set forth in
15 this Section and as they deem appropriate. Variance applications shall initially be heard by the
16 Planning Commission. Where a Variance application is proposed in connection with another
17 application to be heard by the Planning Commission, including an application for Special Use Permit,
18 an application for Rezoning, or an Application for Site Development Plan Review, the Variance
19 application shall be considered by the Planning Commission, as a separate application, in conjunction
20 with the associated application. A Variance; [shall not be granted in order to:

21 (1) Permit a use in a zoning district in which the use is not allowed;

22 (2) Vary any minimum spacing requirement between uses; and

23 (3) Relieve a hardship which is solely personal, self-created or financial in nature.]

24 (1) Is not available to permit a use in a zoning district in which the use is not allowed, or
25 to vary any minimum spacing requirement between uses; and

26 (2) Shall not be granted in order to relieve a hardship which is solely personal, self-created
27 or financial in nature.

28 SECTION 2: Title 19, Chapter 18, Section 70, Subsection (E), of the Municipal Code

1 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 (E) Request for Abeyance. An applicant who wishes to have an application held in abeyance
3 following the notice and posting of a hearing before the Planning Commission or the City Council
4 shall state good cause for the request. Good cause shall be more than mere inconvenience to the
5 applicant or lack of preparation. The Planning Commission may not grant to an applicant, and the
6 City Council may not grant to an aggrieved person, more than two continuances on the same matter,
7 unless the Commission or Council determines, upon good cause shown, that the granting of additional
8 continuances is warranted.

9 SECTION 3: Title 19, Chapter 18, Section 70, Subsection (G), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (G) Public Hearing and Action.

12 (1) Hearing. The Planning Commission shall hold a public hearing upon each application
13 for a Variance within sixty-five days after the application is properly filed.

14 (2) Notice.

15 (a) Notice Provided. Notice of the time, place and purpose of the hearing must be
16 given [a] at least ten days before the hearing by:

17 (i) Publishing the notice in a newspaper of general circulation within the
18 City; and

19 (ii) Mailing a copy of the notice to:

20 A. The applicant;

21 B. Each owner of real property located within a minimum of five
22 hundred feet of the property described in the application;

23 C. Each tenant of any mobile home park that is located within five
24 hundred feet of the property described in the application;

25 D. The owner of each of the separately-owned parcels nearest to
26 the property described in the application to the extent this notice does not duplicate the notice
27 otherwise required by this Section;

28 E. Any advisory board which has been established for the affected

1 area by the City Council; and

2 F. The president or head of any registered local neighborhood
3 organization whose organization boundaries are located within a minimum of one mile of the property
4 described in the application.

5 (b) Names Provided. The Department of Planning and Development shall provide,
6 at the request of the applicant, the name, address and phone number of any person notified pursuant
7 to [Subsection] Paragraph (2) above.

8 (c) Additional Notice. The Department may give additional notice of the hearing
9 by expanding the area of notification or using other means of notification or both. The Department
10 shall endeavor to provide any additional notice at least ten days before the date of the hearing.

11 (3) Hearing. The Planning Commission shall conduct a public hearing on the application.
12 As a matter of discretion and for good cause, the Planning Commission may hold the application in
13 abeyance for further study. Following the hearing or hearings, the Planning Commission shall make
14 a decision to approve, approve with conditions, or deny the Variance application. The decision shall
15 be based upon evidence that makes the grant or denial of the Variance appropriate. The decision shall
16 either be a final decision or a recommendation, as determined in accordance with Section
17 19.18.070(J).

18 (4) Conditions of Approval Recommendation. In approving or recommending the
19 approval of a Variance, the Planning Commission may impose any conditions, restrictions or
20 limitations as deemed necessary to meet the general purpose and intent of this Title and to ensure that
21 the public health, safety and general welfare are being maintained.

22 (5) Notice of Decision. The Planning Commission shall provide written notice of each
23 decision on a Variance application, which shall include the reasons for the decision and, if the decision
24 is to recommend approval of the Variance, any modifications, conditions or limitations that the
25 Planning Commission may impose or recommend to be imposed in connection with the approval. The
26 notice shall be provided to the owner, developer or agent.

27 SECTION 4: Title 19, Chapter 18, Section 70, Subsection (J), of the Municipal Code
28 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 (J) Appeals.

2 (1) Denials Generally. Except as otherwise provided in [Subsection] Paragraph (3), a
3 decision by the Planning Commission to deny a Variance application becomes final and effective at
4 the expiration of ten days after the date of the decision unless, within that period, the applicant appeals
5 the decision by written request filed with the City Clerk. The City Council may establish a fee for the
6 filing of an appeal, and the amount of any fee so established shall be as set forth in the fee schedule.

7 (2) Approvals Generally. Except as otherwise provided in [Subsection] Paragraph (3), a
8 decision by the Planning Commission to approve a Variance application becomes final and effective
9 at the expiration of ten days after the date of the decision unless, within that period, a member of the
10 City Council requests that the item be [forwarded to] reviewed by the Council, or an aggrieved person
11 appeals the decision by written request filed with the City Clerk. The City Council may establish a
12 fee for the filing of an appeal, and the amount of any fee so established shall be as set forth in the fee
13 schedule.

14 (3) Automatic Review by City Council. In each of the following cases, the decision by the
15 Planning Commission on a Variance application constitutes a recommendation to the City Council,
16 and the City Council shall make the final decision concerning the application:

17 (a) A Variance application that has been approved by the Planning Commission
18 regarding a reduction in required parking or regarding an existing structure; or

19 (b) A Variance application, whether approved or denied by the Planning
20 Commission, that is related to and [has been] was filed in connection with an application for a General
21 Plan Amendment, an application for rezoning, [an application for a Special Use Permit,] or an
22 application for Site Development Plan Review [which required] that requires final action by the City
23 Council.

24 SECTION 5: Title 19, Chapter 18, Section 70, Subsection (K), of the Municipal Code
25 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 (K) City Council Public Hearing and Action.

27 (1) Notice. The City Council shall conduct a public hearing on any Variance application
28 which is appealed or forwarded to the Council for final action. The City Clerk is authorized to

1 consolidate all appeals or requests for review that have been filed regarding a particular application,
2 or to schedule them in sequence or otherwise, in which case the City Council may hear the items
3 separately or consolidate them for purposes of hearing, as the Council deems appropriate. At least ten
4 days' written notice of the hearing shall be sent to property owners who were sent notice of the public
5 hearing conducted by the Planning Commission.

6 (2) Penalty. If a structure which is the subject of a Variance application has been or is
7 being constructed without a building permit and is in violation of any of the provisions of this Title,
8 the City Council, in granting the Variance, may impose a penalty in an amount that does not exceed
9 ten percent of the value of the structure as determined in accordance with the City's Administrative
10 Code.

11 (3) City Council Decision. The City Council may review the Variance application de
12 novo, and has the authority to reverse, modify, or confirm any action of the Planning Commission.
13 In making a decision [to approve the proposed Variance,] regarding a Variance application, the City
14 Council shall consider the decision of the Planning Commission and the evidence presented at the
15 public hearing[.] and shall be guided by the statement of purpose underlying the regulation of the
16 improvement of land expressed in NRS 278.020. Action by the City Council is final[.] for purposes
17 of judicial review. Except as otherwise agreed to by the person filing the appeal, the City Council
18 must render its decision on an appeal within forty-five days.

19 (4) Notice of City Council Decision. The City Council shall provide written notice of its
20 decision, which shall include the reasons for the decision and, if the decision is to approve the
21 Variance, any modifications, conditions or limitations that the Council may impose. The notice shall
22 be provided to the owner, developer or agent. A copy of the notice shall also be filed with the City
23 Clerk, and the date of the notice shall be deemed to be the date notice of the decision is filed with the
24 City Clerk.

25 SECTION 6: Title 19, Chapter 18, Section 70, Subsection (N), of the Municipal Code
26 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

27 (N) Revocation.

28 (1) Notice. [The City Council may hold a hearing to revoke or modify a Variance. At least

1 ten days prior to any hearing, written notice of the hearing shall be delivered to the owner, developer,
2 or both.] A Variance may be revoked or modified by the Planning Commission or the City Council,
3 whichever body took final action to approve the Variance. Such action must be preceded by a hearing,
4 written notice of which must be delivered to the owner, developer, or both, at least ten days before the
5 hearing. Notice may be delivered in person or by certified mail, return receipt requested, mailed to
6 the address shown in the records of the Clark County Assessor.

7 (2) Grounds. A Variance may be revoked or modified for cause, including a finding of one
8 or more of the following:

- 9 (a) That the Variance was obtained by misrepresentation or fraud;
10 (b) That the development or structure is not in compliance with one or more of the
11 conditions of approval; or
12 (c) That the development or structure permitted by the Variance is in violation of
13 any statute, ordinance, law or regulation.

14 (3) Notice of Decision. Written notice of [the] a decision regarding the revocation or
15 modification of a Variance shall be provided to the owner, developer or agent. A copy of the notice
16 shall also be filed with the City Clerk and the date of the notice shall be deemed to be the date notice
17 of the decision is filed with the City Clerk.

18 (4) Appeal. In the case of a decision by the Planning Commission to revoke or modify a
19 Variance that was approved as final action by the Commission, the appeal provisions of Subsections
20 (J) and (K) of this Section shall apply.

21 SECTION 7: Title 19, Chapter 18, Section 70, Subsection (O), of the Municipal Code
22 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 (O) Termination.

24 (1) A Variance which will require the construction of a new building and which is not
25 exercised within two years after approval shall be void, unless the [City Council grants] the applicant
26 obtains an extension of time upon a showing of good cause. Application for an extension shall be
27 made to the Planning Commission or City Council, whichever body took final action to approve the
28 Variance.

1 (2) A Variance which will not require the construction of a new building and which is not
2 exercised within one year after approval shall be void, unless the [City Council grants] the applicant
3 obtains an extension of time upon a showing of good cause. Application for an extension shall be
4 made to the Planning Commission or City Council, whichever body took final action to approve the
5 Variance.

6 (3) For any Variance approved before January 1, 2000. which expires before an extension
7 is granted, the Planning Commission or City Council, as the case may be, may reinstate the approval
8 within the six-month period following the expiration date and grant an extension of time if the
9 Commission or Council is satisfied that there has not been a material change of circumstances such
10 that the Variance is no longer warranted.

11 (4) A Variance to allow a use is not permitted in a particular zone shall be void without
12 further action if the use approved by the Variance ceases for a period of twelve months or more.

13 (5) For purposes of this Section (O), a Variance is exercised upon approval of a business
14 license to conduct the activity, if one is required, or, otherwise, upon the issuance of a certificate of
15 occupancy or approval of a final inspection.

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

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

25 ...

26 ...

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 _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 8-12-04
12 Date

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 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 83 [DIR-4797], Item 90 [SUP-2848], Item 91 [SUP-3394], Item 92 [SUP-4172], Item 93 [SUP-4532], Item 94 [GPA-4542], Item 95 [ZON-4543], Item 96 [VAR-4547], Item 97 [VAR-4572], Item 98 [SDR-4545], Item 99 [ZON-4368], Item 100 [VAC-4420] and Item 101 [SDR-4370] to 9/15/2004 – UNANIMOUS

MINUTES:

MAYOR GOODMAN disclosed that Item 91[SUP-3394], Item 92[SUP-4172], and Item 93[SUP-4532] pertain to billboards, and although his law firm has had some discussions regarding participation in the billboard industry, he felt it did not have an impact on his voting capabilities and therefore, would vote.

BRYAN SCOTT, Deputy City Attorney, reminded MAYOR GOODMAN to disclose his abstention on Item 83[DIR-4797], and Item 90[SUP-2848]. MAYOR GOODMAN acknowledged that ATTORNEY JAY BROWN is his partner in the VA Clinic on West Charleston Boulevard and he would be abstaining on Item 83[DIR-4797], and Item 90[SUP-2848].

(1:00 – 1:04)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public hearing to consider the report of expenses to recover costs for the abatement of zoning violations at 609 N 11th Street. PROPERTY OWNER: HARVEY L. CARMICHAEL – Ward 5 (Weekly)

Fiscal Impact

☐

No Impact

Amount: \$1,689.35

☒

Budget Funds Available

Dept./Division: Neighborhood Services/Response

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

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 nor an appeal filed the Department of Neighborhood Services hired K O Construction, Inc to clean the property and post "No Trespassing/Dumping" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of \$1,689.35 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 Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

WEEKLY – APPROVED the action of Neighborhood Services – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

COUNCIL MEETING OF SEPTEMBER 1, 2004
Neighborhood Services Department
Item 78 – 609 N. 11TH Street

MINUTES – Continued:

ORLANDO SANCHEZ, Director Neighborhood Services Department, informed Council that DAVID SEMENZA, Neighborhood Services, is retiring and this would be his last Council presentation. MAYOR GOODMAN thanked MR. SEMENZA on behalf of the Council for his services and wished him well. MR. SEMENZA appreciated the support and went on to report about the property.

MR. SEMENZA 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 nor appeal filed, KO Construction was hired to abate the problem. The property was cleaned and posted with "No Trespassing" signs. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,689.35 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.

The property owner was not present.

MAYOR GOODMAN closed the public hearing.

(1:04 – 1:07)

3-123

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of zoning violations at 609 N 11th Street. PROPERTY OWNER: HARVEY L. CARMICHAEL - Ward 5 (Weekly)

K O Construction completed work on June 9, 2004 at a cost of \$1,469.00 plus a 15% administrative fee, for a total of \$1,689.35

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 Las Vegas Municipal Code dealing with nuisances, 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.

A street map of Linden Avenue. The map is oriented with North at the top. A north arrow is located in the top right corner. The street is labeled "LINDEN AVE" in the center. The map shows two rows of house numbers. The top row includes 408, 410, 436, 509, 504, 508, 512, 516, 520, 524, 528, and 532. The bottom row includes 425, 429, 433, 437, 501, 505, 511, 515, 517, 521, 525, 529, and 533. Various symbols are placed on the map: a circle at 408, 410, 436, 509, 512, 516, 520, 524, 528, 532, 425, 429, 437, 501, 511, 515, 517, 521, 525, 529, and 533; a square at 512, 516, and 433; and a triangle at 433. The map is divided into two rows of house numbers by a horizontal line.

House Number	Symbol
408	Circle
410	Circle
425	Circle
429	Circle
433	Square
436	Circle
437	Circle
501	Circle
504	Circle
505	Circle
508	Circle
509	Circle
511	Circle
512	Square
515	Circle
516	Square
517	Square
520	Circle
521	Circle
524	Circle
525	Circle
528	Circle
529	Circle
532	Square
533	Circle

	N	N	N				E	E						
2	O	O	O	O	O	O			O	O				
5	409	413	417-	425	433	437	441-447		501		513			
	NORTH RUE 13TH													
				432	436	440	444		608	604	606	512	516	609
				A	A	A	A		A	G	G	G	G	G

[illegible][illegible]

1011		610 7-11 4	614 ○	618 4	622 4	624 ○○ ○○	630 5 5	640 2 4 641	700 4	704 4	708	712 4	716 4	720 4	725 4	730 4
------	--	------------------	----------	----------	----------	-----------------	---------------	----------------------	----------	----------	-----	----------	----------	----------	----------	----------

601 605 609 613 617 621 625 628 633 637 641

TWELFTH ST

600 604 608 612 616 620 624 628

THIRTEENTH ST

WESTFIELD VILLAGE APARTMENTS

601

701

[illegible]

BONANZA RD

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: David Semenza, Manager – Neighborhood Response Division
CC: File
Date: August 16, 2004
Re: Report of Expenses for the abatement of zoning violations located at 609 N 11th Street - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for zoning violations the Department of Neighborhood Services caused the above referenced property to be corrected by cleaning the property and posting "No Trespassing/Dumping" signs on the property. K O Construction, Inc completed work on June 9, 2004 at a cost of \$1,469.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	\$1,469.00
AMOUNT DUE	\$1,469.00
Administrative Processing Fee	<u>\$ 220.35</u>
TOTAL AMOUNT DUE	\$1,689.35

OWNER OF RECORD: HARVEY L. CARMICHAEL
PROPERTY ABATED: 609 N 11th STREET
ASSESSOR'S PARCEL: 139 26 410 060
LEGAL DESCRIPTION: STEWART ADD
PLAT BOOK 1 PAGE 57
PT LOT 14 BLOCK 4

DS:LD

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
 more than a 1% interest in [Contracting Entity] and all persons and entities holding
 the following: K.O. CONST INC or any principal of [Contracting Entity] are K.O. CONSTRUCTION INC

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

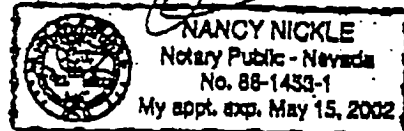
Continue list until full and complete disclosure is made.

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

[Contracting Entity] K.O. CONSTRUCTION INC
 By: [Signature]

Subscribed and sworn to before me this
29 Day of October, 1999.

Nancy Nickle
 Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

JANET MONCRIEF

STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
SEPTEMBER 1, 2004**

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, September 1, 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 cleaning the property and by posting "No Trespassing" signs on property located at **609 NORTH 11TH STREET** legally described as **STEWART ADD, PLAT BOOK 1 PAGE 57 PT LOT 14 BLOCK 4**
Owner of record at time of abatement: **HARVEY L. CARMICHAEL – WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,689.35 was expended (\$1,469.00 to KO Construction, Inc. for cleaning the property; and \$220.35 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
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-8/04

RECORD 6/15/2004 2:19:00 PM JESSICA LARRAMENDY
 JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040615 INST: 02947.

INSP 6/12/2004 5:50:00 PM LAURA DEARMOND
 24) LOT IS CLEAN/SCRAPED. LOOKS GREAT. DUMPING/TRESPASSING SIGNS POSTED. REP
 SERV DUMPSTER STILL ON SITE.

VIDREQ 6/11/2004 8:45:00 AM LAURA DEARMOND
 Ld) SENT VIDEO REQUEST TO P.H.

AWARD 6/7/2004 8:37:00 AM LAURA DEARMOND
 Ld) AWARDED TO K O CONSTRUCTION

MISC 6/3/2004 10:40:00 AM LAURA DEARMOND
 Ld) SENT EMAIL TO D.S FOR APPROVAL TO AWARD

BIDR 6/3/2004 10:33:00 AM LAURA DEARMOND
 Ld) REC'D BIDS (1) K O CONSTRUCTION \$1,469.00 (2) C&W ENTERPRISES \$1,800.00

BIDS 5/27/2004 11:46:00 AM LAURA DEARMOND
 Ld) FAXED BID TO CONTRACTORS; DUE BACK 6/2

INSP 5/24/2004 10:30:00 AM LAURA DEARMOND
 24) PRE VIDEO, SCAT DEBRIS, REFUSE & WASTE, LANDSCAPE DEBRIS, LITTER @ BOTH ENDS
 OF LOT, SOME VEG AROUND THE PERIMETER, WE'VE CLEANED THIS LOT 2X THAT I KNOW OF, WE
 SHOULD HAVE CONTRACTOR EITHER PLACE A BERM @ ALLEY END OR PUT UP A CHAIN LINK
 (CONT...)

INSP 5/24/2004 10:30:00 AM LAURA DEARMOND
 24) ...FENCE. REFER TO DS & LD

INSP 5/16/2004 9:15:00 AM LAURA DEARMOND
 26) NO IMPROVEMENT, EVEN MORE T/D & RW DUPED ON PROPERTY, TOOK PIX, CONTINUE
 ABATEMENT

MISC 5/12/2004 11:01:00 AM LAURA DEARMOND
 Ld) REC'D CERT CARD FROM 4848 HIGHLAND DR #402 SALT LAKE CITY UT 84121 SIGNED BY
 KAREN WILK

MISC 4/27/2004 2:48:00 PM VICTORIA ROSEMORE
 JG) RECEIVED ANOTHER COMPLAINT THAT THERE IS NOW A 4D BURGUNDY VEHICLE, HOOD
 UP, NO LICENSE, STORED ON VACANT LOT.

MISC 4/26/2004 10:05:00 AM LAURA DEARMOND
 Ld) SENT N&O TO 4848 HIGHLAND DR, #402 SALT LAKE CITY UT 84117

PHONE 4/23/2004 1:00:00 PM LAURA DEARMOND
 26) CALLED CONNIE @ CLARK CO ACCESSORS OFFICE, PROPERTY WAS TAKEN OUT OF
 AUCTION & TAXES PAID UP TO DATE, THEY HAVE ADDRESS OF 4848 HIGHLAND DR, #402, SIC, UT
 84117, NO PHONE #, TOOK PIX CONTINUE

INSP 4/23/2004 11:30:00 AM LAURA DEARMOND
 26) NO CHANGE IN STATUS WILL CONTACT TRUSTEE TO SEE IF AUCTIONED YET

EMAIL 4/15/2004 3:02:00 PM VICTORIA ROSEMORE
 16) EMAIL FROM DS: AUCTION IS TODAY AND TOMORROW. CHECK STATUS END OF NEXT WK.
 CB 4/23.

EMAIL 4/15/2004 2:54:00 PM VICTORIA ROSEMORE
 16) EMAILED DS REQUESTING ADVISEMENT FOR NEXT CALL BACK DATE AFTER AUCTION.

CHECK 4/5/2004 3:55:00 PM DAVID SEMENZA
 ds property up for auction

MISC 4/2/2004 2:22:00 PM LAURA DEARMOND
 Ld) REC'D CERT CARD FROM OWNER: TRUSTEE CC TREASURER C/O HARVEY CARMICHAEL

NOPOST 3/26/2004 2:12:00 PM LYNN NIHIPALI
 26)POSTED N&O

INSP 3/26/2004 2:12:00 PM LYNN NIHIPALI
 26)NO CHANGE IN STATUS OF PROPERTY., TTOK PIX CB 4/4

MISC 3/25/2004 3:33:00 PM LAURA DEARMOND

Ld) N&O LETTER ATTACHED IN OLE.

NOTICE 3/25/2004 3:27:00 PM LAURA DEARMOND

Ld) SENT N&O TO OWNER: TRUSTEE CLARK COUNTY TREASURER, C/O HARVEY CARMICHAEL;
POST 3/26; CB 4/9

INSP 3/19/2004 9:35:00 AM LAURA DEARMOND

26) V/L HAS R/W DUMPED ON IT, TOOK PIX, CALLED # LISTED ON SIGN ON PROPERTY
(DISCONNECTED) WILL CHECK
PRIOR COMPLAINT FOR SAME THING

APN 139-26-410-060
Ref # - 11182

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: HARVEY L. CARMICHAEL
(Reputed Owner(s)) at time of abatement.

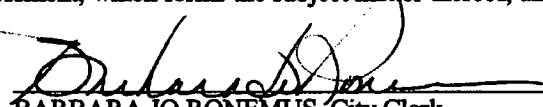
Assessor's Parcel No.: 139-26-410-060
Commonly known as: 609 NORTH 11TH STREET
Legal Description: STEWART ADD
PLAT BOOK 1 PAGE 57
LOT 14 BLOCK 4

On June 9, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$1,689.35 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

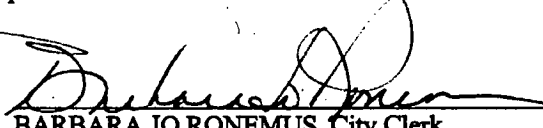
The Las Vegas City Council, at a duly noticed public hearing held on September 1, 2004, ordered the above charges in the amount of \$1,689.35, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

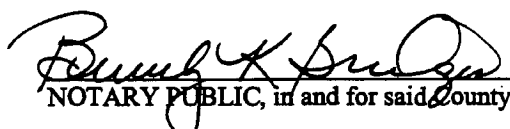

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

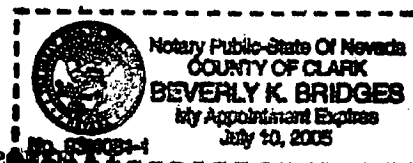
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 17th day of September, 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: SEPTEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public hearing to consider the report of expenses to recover costs for the abatement of zoning violations at 7505 Barkentine Street. PROPERTY OWNER: BENERITO VELAZQUEZ – Ward 2 (Wolfson)

Fiscal Impact

☐

No Impact

Amount: \$1,344.35

☒

Budget Funds Available

Dept./Division: Neighborhood Services/Response

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

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 nor an appeal filed the Department of Neighborhood Services hired K O Construction, Inc to clean the property and post "No Trespassing/Dumping" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of \$1,344.35 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 Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

WOLFSON – APPROVED the action of Neighborhood Services – UNANIMOUS

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Neighborhood Services
Item 79 – 7505 Barkentine Street

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, explained that the condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, KO Construction was hired to abate the property by boarding and securing all doors, windows, and openings; removing all refuse, miscellaneous junk and graffiti and by posting "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,344.35 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer's Office.

The property owner was not present.

MAYOR GOODMAN declared the Public Hearing closed.

(1:07 – 1:08)

3-206

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: Neighborhood Services

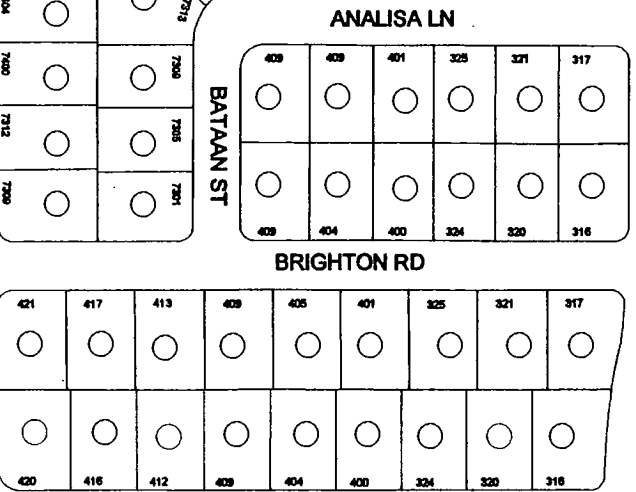
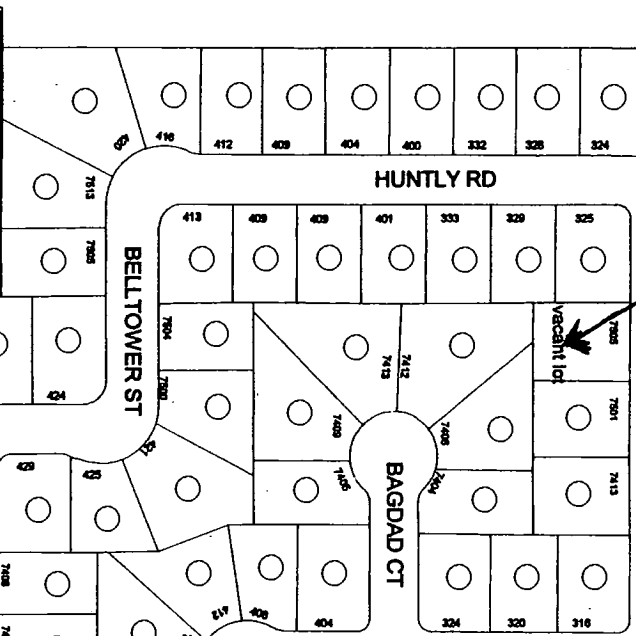
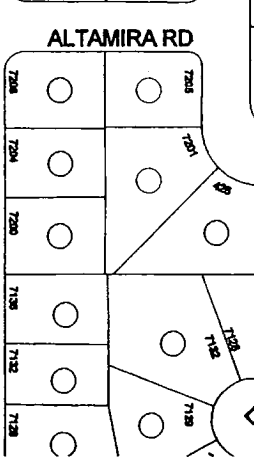
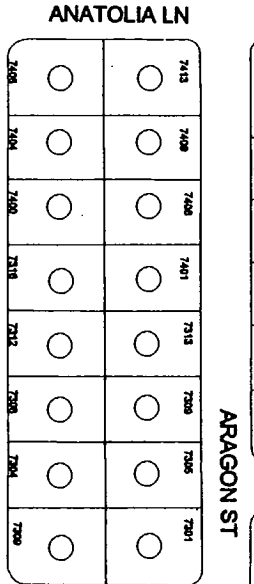
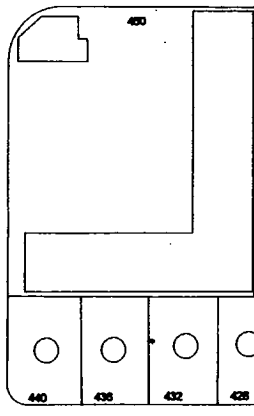
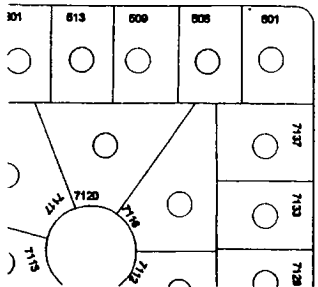
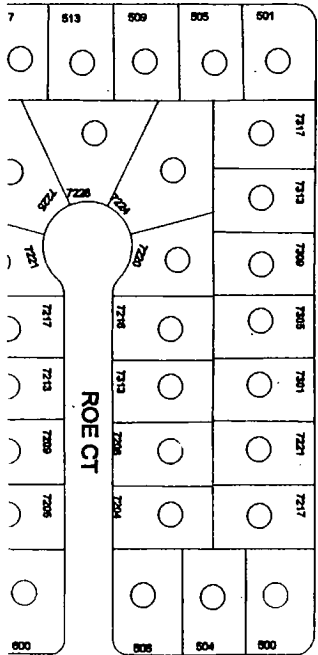
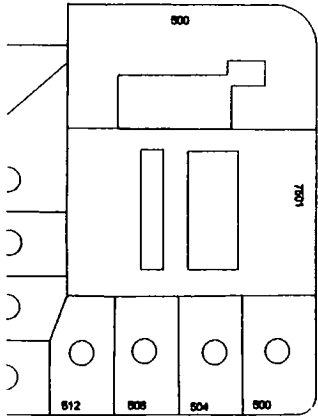
ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of zoning violations located at 7505 Barkentine Street. PROPERTY OWNER: BENERITO VELAZQUEZ - Ward 2 (Wolfson)

K O Construction completed work on June 3, 2004 at a cost of \$1,169.00 plus a 15% administrative fee, for a total of \$1,344.35

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 Las Vegas Municipal Code dealing with nuisances, 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.

BUFFALO DR



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: August 16, 2004

Re: Report of Expenses for the abatement of zoning violations located at 7505 Barkentine Street
- Ward 2 (Wolfson)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for zoning violations the Department of Neighborhood Services caused the above referenced property to be corrected by cleaning the property and posting "No Trespassing/Dumping" signs on the property. Work was completed on June 3, 2004 by K O Construction, Inc at a cost of \$1,169.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	\$1,169.00
AMOUNT DUE	\$1,169.00
Administrative Processing Fee	<u>\$ 175.35</u>
TOTAL AMOUNT DUE	\$1,344.35

OWNER OF RECORD: BENERITO VELAZQUEZ

PROPERTY ABATED: 7505 BARKENTINE STREET

ASSESSOR'S PARCEL: 138 34 210 033

LEGAL DESCRIPTION: CHARLESTON RAINBOW UNIT #13C
PLAT BOOK 15 PAGE 72
LOT 36 BLOCK 8

DS:LD

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC
 more than a 1% interest in [Contracting Entity] or any principal of [Contracting Entity] are
 the following: K.O. CONST INC K.O. CONSTRUCTION INC

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPE	LAS VEGAS, NV 89139	
3. ROSE KOPE		
4.		
5.		
6.		

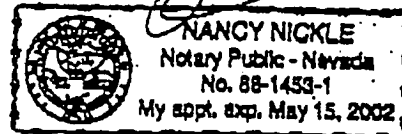
Continue list until full and complete disclosure is made.

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

By: [Signature] K.O. CONSTRUCTION INC
[Contracting Entity]

Subscribed and sworn to before me this
29 Day of October 1999.

Nancy Nickle
 Notary Public





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARING
SEPTEMBER 1, 2004**

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, September 1, 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 clening the property; and by posting "No Trespassing/Dumping " signs on property located at **7505 B ARKENTINE S STREET** legally described as **CHARLESTON RAINBOW UNIT #13C, PLAT BOOK 15 PAGE 72 LOT 36 BLOCK 8** Owner of record at time of abatement: **BENERITO VELAZQUEZ - WARD 2 (WOLFSON)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,344.35 was expended (\$1,169.00 to KO Construction, Inc. for cleaning the property; and \$175.35 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
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

MISC 6/21/2004 3:28:00 PM LAURA DEARMOND
 Ld) SENT KO CONSTRUCTION INVOICE \$1,169.00 TO FINANCE

RECORD 6/15/2004 2:21:00 PM JESSICA LARRAMENDY
 JL) RECORDED N&O AT CLARK COUNTY: BOOK: 20040615 INST: 02950

INSP 6/10/2004 5:19:00 PM LAURA DEARMOND
 24) LOT CLEAN. FALLEN TREE REMOVED. THERE IS GRAFFITI ON BACK WALL, WILL HAVE RRT PAINT OVER. THE NO DUMPING SIGN HAS BEEN KICKED DOWN, WILL HAVE RRT HAMMER IT BACK UP. POST VIDEO COMPLETED.

VIDREQ 6/3/2004 7:29:00 AM LAURA DEARMOND
 Ld) REC'D INVOICE & FAXED VIDEO REQUEST TO 24

BIDA 5/28/2004 12:08:00 PM LAURA DEARMOND
 Ld) AWARDED TO K O CONSTRUCTION; WILL CALL BACK W/START DATE

BIDR 5/28/2004 7:27:00 AM LAURA DEARMOND
 Ld) REC'D BIDS (1) K O CONSTRUCTION \$1,169.00 (2) WEAVER INC \$1,460.00 (3) C&W \$2,700.00

BIDS 5/24/2004 11:16:00 AM LAURA DEARMOND
 Ld) FAXED BID TO CONTRACTORS, DUE BACK 5/27

INSP 5/22/2004 3:49:00 PM LAURA DEARMOND
 24) PRE-VIDEO & PRE PICS TAKEN, HI, DRY WEEDS, VEG, TREE TRIMS, FALLEN TREE, CAR PARTS, GARBAGE BAGS, OVER THIS V/L, GRAFFITI ON REAR BLOCK WALL, REFER FILE TO LD FOR BIDS, REFER TAPE TO D.S.

INSP 5/20/2004 10:30:00 AM FABIANA AXELROD
 22)NO CHANGES/IMPROVEMENT SINCE LAST INSPECTION.IN ADDITION,A DEAD/DRY TREE IN THE W'SIDE YARD THAT HAS FALLEN INTO THE GROUND. PIX. WILL REFER CASE TO 24 FOR REVIEW.

MISC 5/19/2004 7:17:00 AM LAURA DEARMOND
 Ld) REC'D CERT CARD FROM OWNER: BENERITO VELAZQUEZ

INSP 5/11/2004 9:30:00 AM LYNN NIHIPALI
 22)PER TEL CON WITH BENENITO VELAZQUEZ 210-1660, PRPPERTY WILL BE CLEANED UP IN A WEEK.

INSP 5/10/2004 11:01:00 AM LYNN NIHIPALI
 22)NO CHANGES, IMPROVEMENTS SINCE LAST INSPECTION 4/19/04 PIX CB 5/20/04

PHONE 4/26/2004 1:09:00 PM ERIN HERNANDEZ
 received phone call regarding vacant lot infested with bugs and going onto neighbors property. Please have lot sprayed if infact infested. Thank you.

NOPOST 4/26/2004 12:00:00 PM FABIANA AXELROD
 22)N&O POSTED ON-SITE.

MISC 4/23/2004 8:49:00 AM LAURA DEARMOND
 Ld) N&O IN OLE

NOTICE 4/23/2004 8:43:00 AM LAURA DEARMOND
 Ld) SENT N&O TO OWNER: BENERITO VELAZQUEZ; POST 4/26; CB 5/10

NOREQ 4/19/2004 6:14:00 PM FABIANA AXELROD
 22) N&O PREPARED AND FORWARDED TO 24 FOR REVIEW.

INSP 4/19/2004 11:32:00 AM FABIANA AXELROD
 22)OBSERVED VACANT LOT WITH CEMENT FOUNDATION,GARBAGE BAGS,AUTO PARTS IN W'SIDE YARD,GRAFFITI IN SOUTH AND EAST BLOCK WALLS,DISCARDED TREE BRUNCHES,OVERGROWN VEGETATION THROUGHOUT LOT. PIX. WILL START N&O.

APN 138-34-210-033
Ref # - 12939

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: BENERITO VELAZQUEZ
(Reputed Owner(s)) at time of abatement.

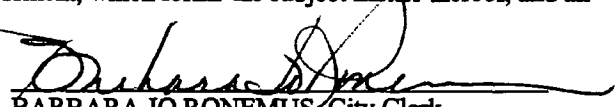
Assessor's Parcel No.: 138-34-210-033
Commonly known as: 7505 BARKENTINE STREET
Legal Description: CHARLESTON RAINBOW UNIT #13C
PLAT BOOK 15 PAGE 72
LOT 36 BLOCK 8

On June 3, 2004, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of \$1,344.35 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

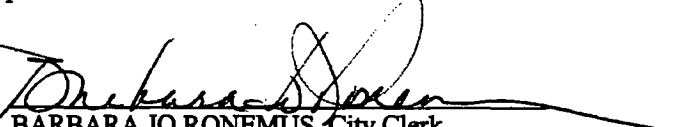
The Las Vegas City Council, at a duly noticed public hearing held on September 1, 2004, ordered the above charges in the amount of \$1,344.35, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

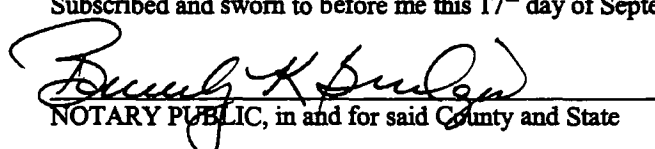

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

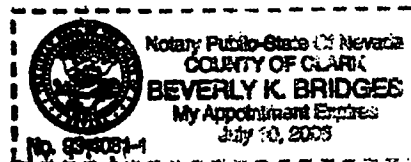
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 17th day of September, 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: SEPTEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 1013 Ingraham Street. PROPERTY OWNER: R B M G, INC – Ward 3 (Reese)

Fiscal Impact☐**No Impact****Amount: \$1,391.05**☒**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 the Department of Neighborhood Services hired ADS Consulting, Inc to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of \$1,391.05 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 Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Neighborhood Services
Item 80 – 1013 Ingraham Street

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, explained that the condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, KO Construction was hired to abate the property by boarding and securing all doors, windows, and openings; removing all refuse, miscellaneous junk and graffiti and by posting "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$1,391.05 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer's Office.

The property owner was not present.

MAYOR GOODMAN declared the Public Hearing closed.

(1:08 – 1:09)

3-248

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

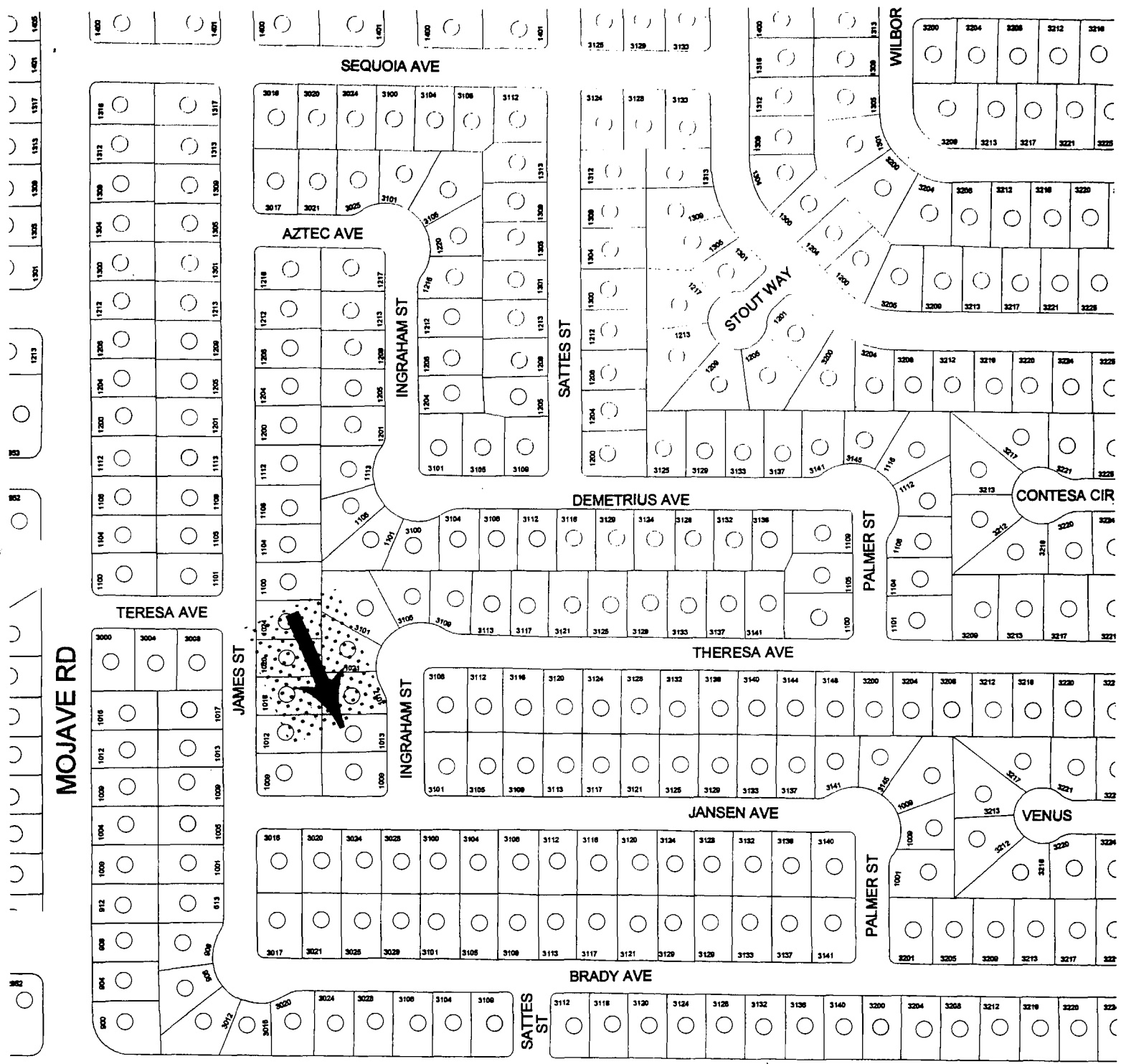
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1013 Ingraham Street. PROPERTY OWNER: R B M G, INC - Ward 3 (Reese)

ADS Consulting, Inc completed work on June 3, 2004 at a cost of \$927.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$1,391.05

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 Buildings", 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

Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: David Semenza, Manager – Neighborhood Response Division
CC: File
Date: August 16, 2004
Re: Report of Expenses for the abatement of dangerous building located at 1013 Ingraham Street - 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 the structures and posting "No Trespassing" signs on the property. Work was completed on June 3, 2004 by ADS Consulting, Inc at a cost of \$927.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	\$927.00
AMOUNT DUE	\$927.00
Boarding Fee	\$325.00
Administrative Processing Fee	<u>\$139.05</u>
TOTAL AMOUNT DUE	\$1,391.05

OWNER OF RECORD: R B M G INC
PROPERTY ABATED: 1013 INGRAHAM STREET
ASSESSOR'S PARCEL: 139 25 612 079
LEGAL DESCRIPTION: COLLEGE PARK #23 AMD
PLAT BOOK 8 PAGE 50
LOT 3 BLOCK 5

DS:LD

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 Quezada</u>	<u>1801 S. Eastern Avenue</u>	<u>(702) 531-3330</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Continue list until full and complete disclosure is made.

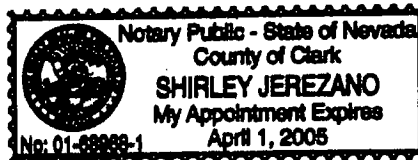
I certify under penalty of perjury, that the foregoing list is full and complete.

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.



Shirley Jerezano
NOTARY PUBLIC in and for said
County and State



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
ANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARINGS
SEPTEMBER 1, 2004**

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, September 1, 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 cleaning; and by posting "No Trespassing" signs on property located at **1013 INGRAHAM STREET** legally described as **COLLEGE PARK #23 AMD, PLAT BOOK 8 PAGE 50, LOT 3 BLOCK 5**. Owner of record at time of abatement: **R B M G, INC. – WARD 3 (REESE)**

The Director of Neighborhood Services certifies in the report that the sum of \$1,391.05 was expended (\$927.00 to ADS Consulting, Inc. for cleaning the property; \$325.00 Boarding Fee and \$139.05 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.

**BARBARA JO RONEMUS
CITY CLERK**

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-604

PHONE 7/12/2004 KATHY STEWART

24) Per telcon with Lena, she will ask crew to secure the fence & then call me.

INSP 7/10/2004 10:07:00 AM KATHY STEWART

CONT'D)24) prevent entry to rear yard. Will call ADS again.

INSP 7/10/2004 10:07:00 AM KATHY STEWART

24) The house is still secure & filler boards were put in south side fence to prevent leaning. The chain link gate has been pushed open & kids have been in rear yard area as there are remains of fire works on rear patio. The gate needs to be secured to

MISC 6/22/2004 9:06:00 AM LAURA DEARMOND

Ld) "REPAIR FENCE" ON BID INSTRUCTIONS

INSP 6/21/2004 1:55:00 PM LAURA DEARMOND

24) POST VIDEO COMPLETED. FRONT CLEAN, BOARDED, SECURE. BOTH GATES SECURE (ONE IS WOOD, THE OTHER IS CHAIN LINK) UNABLE TO ACCESS REAR FOR FILMING. NEIGHBOR @ (1009) IS STILL COMPLAINING AS WOODEN SIDE FENCE IS STILL LEANING ONTO HIS SIDE. (CONT...)

INSP 6/21/2004 1:55:00 PM LAURA DEARMOND

24) ...BOARDS PAINTED. W/C ADS TO ACCESS REAR. WAS FENCE PART OF BID OR JUST GATES TO BE SECURED

PHONE 6/21/2004 4:15:00 AM LAURA DEARMOND

24) L/M W/ADS SEC'Y FOR SUPR TO CALL ME

VIDREQ 6/9/2004 7:48:00 AM LAURA DEARMOND

Ld) FAXED VIDEO REQUEST TO P.H.

PHONE 5/21/2004 1:51:00 PM PAMELA HINES

24) ADVISED JUDY (COMPLAINANT), THAT WORK IS SET TO BEGIN 5/24 & YES, FENCE REPAIR IS PART OF THE BID REQUEST. HER # IS 642-2108.

MISC 5/21/2004 11:06:00 AM LAURA DEARMOND

Ld) REC'D VOICEMAIL MESSAGE FROM LENA OF ADS, THEY ARE GOING TO ABATE THE PROPERTY TOMORROW 5/22 & FINISH BY MONDAY 5/24

VOICE 5/20/2004 9:00:00 AM MARIA VIGIL

Judy (no last name given) left message requesting a c/b from Pam. She did not say what is was regarding. I emailed Pam info (add, ph#).

PHONE 5/19/2004 10:52:00 AM PAMELA HINES

24) ATTEMPTED RETURN A CALL TO "JUDY" @ 642-2108, LINE IS BUSY. WILL ATTEMPT LATER, ONE MORE TIME. I HAVE NO IDEA WHO SHE IS, JUST LEFT A MESSAGE FOR ME TO CALL HER REGARDING THE PROPERTY.

RECORD 5/17/2004 1:31:00 PM JESSICA LARRAMENDY

JL) Recorded N&O at Clark County. Book: 20040517 Inst 002081.

BIDA 5/14/2004 10:54:00 AM LAURA DEARMOND

Ld) AWARDED TO ADS, WCB W/START DATE

BIDR 5/12/2004 11:15:00 AM LAURA DEARMOND

Ld) REC'D BIDS (1) ADS CONSULTING \$927.00 (2) K O CONSTRUCTION \$1,569.00 (3) WEAVER CONSTRUCTION \$1,950.00 (4) C&W ENTERPRISES \$2,800.00

BIDS 5/7/2004 7:32:00 AM LAURA DEARMOND

Ld) FAXED BID TO CONTRACTORS, DUE BACK 5/11

INSP 5/6/2004 2:30:00 PM LAURA DEARMOND

24) ...DS, FILE TO LD FOR BIDS

INSP 5/6/2004 2:30:00 PM LAURA DEARMOND

24) OPEN & TRASHED, HI WEEDS FRONT & REAR, OPEN SHED IN REAR, GATES OPEN TO ACCESS REAR, WE ABATED THIS VACANT BLDG LAST YEAR, CAN WE GET A REAL MITIGATION PLAN FROM NEW OWNER THIS TIME? PRE-VIDEO & DIGITAL PICS, DISK W/FILE & TAPE TO (CONT...)

PHONE 5/6/2004 7:06:00 AM STEPHANIE DEMOLEAS

17) MSG RCVD FROM COMPLAINANT JUDY THAT SHE IS DISPLEASED WITH SPEED OF CITY'S ABATEMENT ON THIS CASE, CALLED HER BACK AND EXPLAINED IT WAS IN BID PROCESS, EMAILED 24 THAT JUDY WOULD CALL HER

INSP 5/3/2004 1:10:00 PM LAURA DEARMOND
17) NO CHANGE, ASSESS FEE, NO ANSWER ON MSG MACHINE AT MORTGAGE COMPANY,
CONTINUE W/ABATEMENT

MISC 4/28/2004 7:46:00 AM LAURA DEARMOND
Ld) REC'D CERT CARD FROM OWNER: RBMG INC

CONTCT 4/20/2004 9:37:00 AM ERIN HERNANDEZ
ROBERT ROMBERGER 642-2108 PLEASE UPDATE

DIRECT 4/20/2004 9:37:00 AM ERIN HERNANDEZ
THIS IS NOW A CAR WARD 3

MISC 4/20/2004 8:55:00 AM LAURA DEARMOND
Ld) N&O IN OLE

NOTICE 4/20/2004 8:54:00 AM LAURA DEARMOND
Ld) SENT N&O TO PROPERTY OWNER: RBMG INC; POST 4/21; CB 5/3

INSP 4/14/2004 10:30:00 AM LAURA DEARMOND
17) NO CHANGE, PROPERTY NOW OPEN & ACCESSIBLE, CHANGE TO N&O, ADD
FOLLOWING VIOLATIONS: T/D, LITTER, GRAFFITI, ACCESSIBLE SHED IN REAR, DANG BLDG,
DETERIORATED/UNPAINTED FENCE

MISC 4/5/2004 3:25:00 PM STEPHANIE DEMOLEAS
17) EXTEND ONE WEEK DUE TO IST, CB 4/13

PHONE 4/5/2004 12:48:00 PM L. GORDON
COMPLAINANT, MR. ROMBERGER, 642-2108, REQUESTS INSPECTOR CONTACT HIM. TOLD
HIM REINSPECTION WILL BE ON 4/13 AND INSPECTOR WILL CALL BEFORE INSPECTION.

INSP 3/24/2004 8:50:00 AM LYNN NIHIPALI
17) VERIFIED, POSTED, CB 4/5

APN 139-25-612-079
Ref # - 11593

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: R B M G, INC.
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.: APN 139-25-612-079
Commonly known as: 1013 INGRAHAM STREET
Legal Description: COLLEGE PARK #23 AMD
PLAT BOOK 8 PAGE 50
LOT 3 BLOCK 5

On June 3, 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 \$1,391.05 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 September 1, 2004, ordered the above charges in the amount of \$1,391.05, 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.

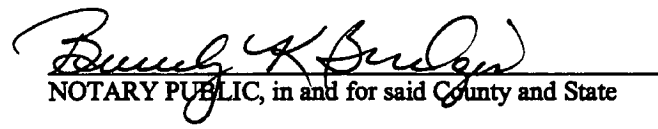

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

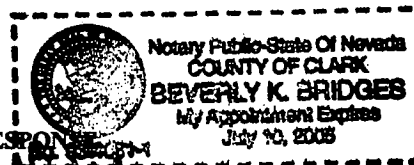
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 17th day of September, 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: SEPTEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 2321 N Michael Way. PROPERTY OWNER: DAVID R. & BETTY MIRICH – Ward 5 (Weekly)

Fiscal Impact☐**No Impact****Amount: \$2,625.00**☒**Budget Funds Available****Dept./Division: Neighborhood Services/Response**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired C & W Enterprises to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of \$2,625.00 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 Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

WEEKLY – APPROVED the action of Neighborhood Services – UNANIMOUS

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004

Neighborhood Services

Item 81 – 2321 N. Michael Way

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, explained that the condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, SNW Enterprises was hired to abate the property by boarding and securing all doors, windows, and openings; removing all refuse, miscellaneous junk and graffiti and by posting "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of \$2,625 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer's Office.

The property owner was not present.

MAYOR GOODMAN declared the Public Hearing closed.

(1:09 – 1:11)

3-290

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

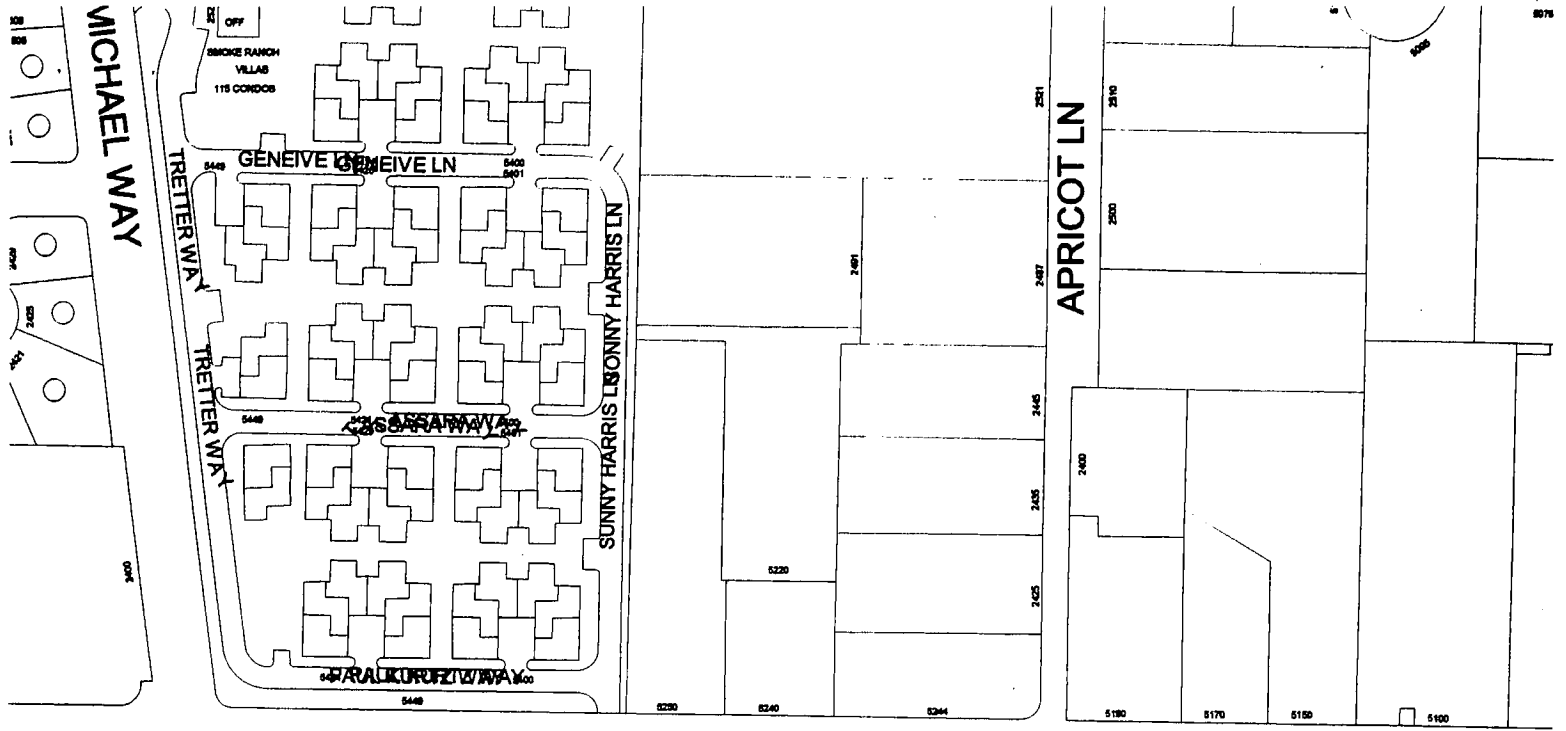
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 2321 N Michael Way. PROPERTY OWNER: DAVID R. & BETTY MIRICH - Ward 5 (Weekly)

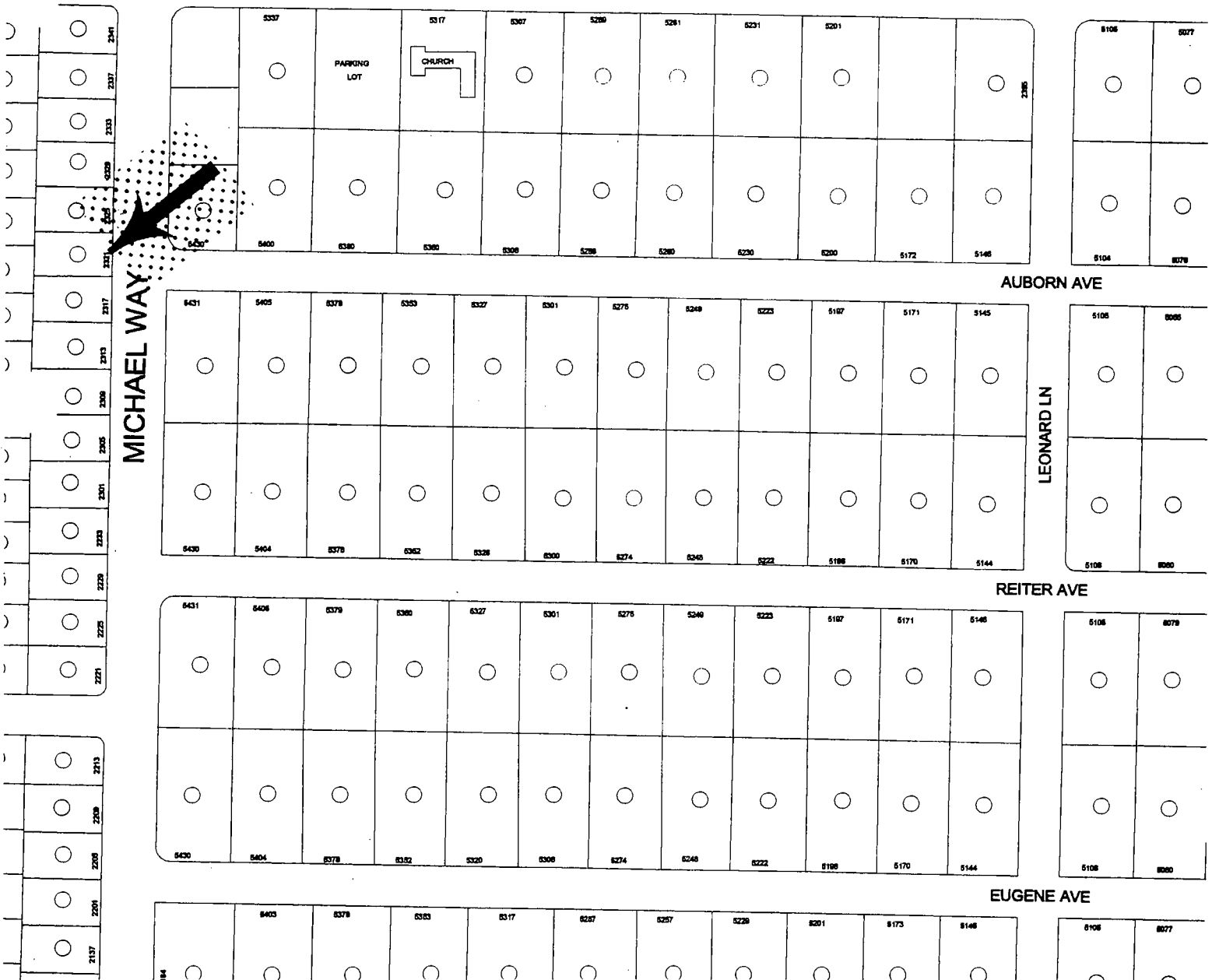
C & W Enterprises completed work on May 18, 2004 at a cost of \$2,000.00, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,625.00

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 Buildings", 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.



SMOKE RANCH RD



Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk
From: David Semenza, Manager – Neighborhood Response Division
CC: File
Date: August 16, 2004
Re: Report of Expenses for the abatement of dangerous building located at 2321 N Michael Way - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above referenced property to be corrected by boarding the structures and posting "No Trespassing" signs on the property. C & W Enterprises completed work on May 18, 2004 at a cost of \$2,000.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	\$2,000.00
AMOUNT DUE	\$2,000.00
Boarding Fee	\$ 325.00
Administrative Processing Fee	\$ <u>300.00</u>
TOTAL AMOUNT DUE	\$2,625.00

OWNER OF RECORD: DAVID R. & BETTY MIRICH
PROPERTY ABATED: 2321 N MICHAEL WAY
ASSESSOR'S PARCEL: 138 24 120 006
LEGAL DESCRIPTION: CHARLESTON HGTS 50B
PLAT BOOK 9 PAGE 96
LOT 91 BLOCK 5

DS:LD

C & W Enterprises, Inc.
3160 S. Valley View Blvd, Suite 204
Las Vegas, NV 89102

Disclosure of Principals

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

	Full Name	Business Address	Business Phone
1.	<u>TONY MORENO</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
2.	<u>JOSE MORENO</u>	<u>3160 S. Valley View #204</u>	<u>732-8961</u>
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.

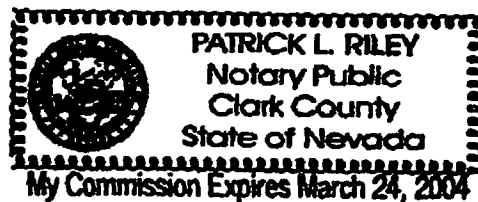
C & W Enterprises, Inc.

By: *Jose Moreno*
Print Name

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 17th day of AUGUST, 2000.

Patrick L. Riley
NOTARY PUBLIC in and for said
County and State





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

**NOTICE OF PUBLIC HEARINGS
SEPTEMBER 1, 2004**

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, September 1, 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 cleaning; and by posting "No Trespassing" signs on property located at **2321 NORTH MICHAEL WAY** legally described as **CHARLESTON HGTS 50B, PLAT BOOK 9 PAGE 96, LOT 91 BLOCK 5**. Owner of record at time of abatement: **DAVID R. & BETTY MIRICH - WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,625.00 was expended (\$2,000.00 to C & W Enterprises for cleaning the property; \$325.00 Boarding Fee and \$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
TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-6/04

MISC 8/3/2004 2:00:00 PM KATHY STEWART
Sent Invoice (\$2,000) from C&W Enterprises to Finance for payment. Sent file to Laura deArmond for Council.

MISC 8/2/2004 10:50:00 AM KATHY STEWART
Received Invoice (\$2,000) from C&W Enterprises for clean-up.

INSP 6/12/2004 5:15:00 PM LAURA DEARMOND
24) ...IN & GIVE ME KEY!

INSP 6/12/2004 5:15:00 PM LAURA DEARMOND
24) FRONT AREA, SIDE AREA CLEAN SECURE, BOARDS PAINTED, VEG REMOVED, THERE IS ONE OPENING THAT WAS BOARDED BUT NOT WITH 3/4 IN BOARD, SIZE = 3X4. UNABLE TO ACCESS REAR AS IRON GATES ARE PADLOCKED. W/C CONTRACTOR THAT PERFORMED THE WORK TO LET ME (CONT.)

RECORD 5/7/2004 1:37:00 PM JESSICA LARRAMENDY
JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040507 INST: 002190.

BIDA 5/3/2004 3:57:00 PM LAURA DEARMOND
Ld) AWARDED TO C&W; WCB W/START DATE

BIDR 5/3/2004 7:12:00 AM LAURA DEARMOND
Ld) REC'D BIDS (1) C&W ENTERPRISES \$2,000.00 (2) WEAVER CONSTRUCTION \$2,791.00 (3) K O CONSTRUCTION \$3,469.00; SENT EMAIL TO D.S. FOR APPROVAL TO PROCEED W/ABATEMENT

BIDS 4/27/2004 7:41:00 AM LAURA DEARMOND
Ld) FAXED BID TO CONTRACTORS, DUE BACK 4/29

INSP 4/26/2004 12:21:00 PM LAURA DEARMOND
24) HOUSE IS OPEN/ACCESSIBLE THRU MOST ENTRANCES, BUT NOT TRASHED, VEG IN FRONT & REAR YARDS, ABOUT A FOOT OF BLACK WATER IN POOL, DETACHED GARAGE IS SECURE PRE-VIDEO & PICS DONE TO LD

INSP 4/20/2004 2:05:00 PM VICKI OZUNA
19) NO CHANGE TO PROPERTY, HAVE HAD NO CONTACT FROM PROPERTY OWNERS. FRONT ENTRY IS STILL OPEN AND ACCESSIBLE. TRASH/DEBRIS STILL ON PROPERTY. REFER TO 24 FOR ABATEMENT.

MISC 4/19/2004 8:01:00 AM LAURA DEARMOND
Ld) REC'D CERT CARD FROM FIRST AMERICAN (PER CC PAY TAXES) MORTGAGE

NOPOST 4/9/2004 10:30:00 AM VICKI OZUNA
19) POSTED NOTICE AND ORDER, NO CHANGE ON PROPERTY

MISC 4/8/2004 11:38:00 AM LAURA DEARMOND
Ld) N&O LETTER ATTACHED IN OLE.

NOTICE 4/8/2004 11:17:00 AM LAURA DEARMOND
Ld) SENT N&O TO OWNERS: DAVID & BETTY MIRICH & 1ST AMERICAN MORTGAGE; POST 4/9; CB 4/20

NOREQ 4/7/2004 9:50:00 AM FABIANA AXELROD
22) N&O REQUESTED AND FORWARDED TO 24 FOR REVIEW.

INSP 4/6/2004 11:40:00 AM FABIANA AXELROD
22) OBSERVED VACANT HOME, FRONT DOOR IS OPEN AND ACCESSIBLE; OVERGROWN VEGETATION IN ALL YARDS, T/D IN FRONT YARD, ENTRY AREA AND SIDE YARDS. PALM TREES IN FRONT YARDS NEED PRUNING. PIX WILL REQUEST N&O. CALLED COMPLAINANT DONALD HUNTLY TO INFORM HIM CLV PROCED.

CONTCT 4/5/2004 11:20:00 AM ERIN HERNANDEZ
CAR COMPLAINANT INFO
DONALD HUNTLY 647-6371

APN 138-24-120-006
Ref # - 12226

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: DAVID R. & BETTY MIRICH
(Reputed Owner(s)) at time of abatement.

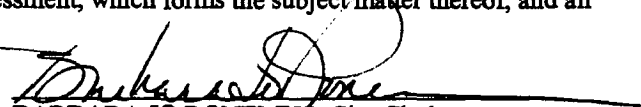
Assessor's Parcel No.: **APN 138-24-120-006**
Commonly known as: **2321 N. MICHAEL WAY**
Legal Description: **CHARLESTON HGTS 50B**
PLAT BOOK 9 PAGE 96
LOT 91 BLOCK 5

On May 18, 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 \$2,625.00 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

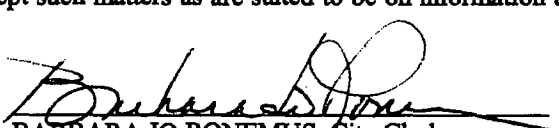
The Las Vegas City Council, at a duly noticed public hearing held on September 1, 2004, ordered the above charges in the amount of \$2,625.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

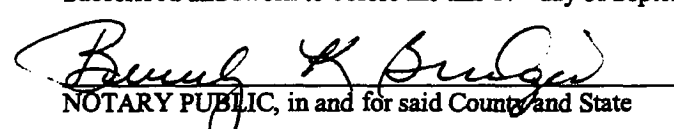

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

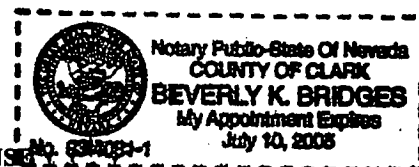
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 17th day of September, 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: SEPTEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W Van Buren Avenue. **PROPERTY OWNER:** JOANNA SMITH - Ward 5 (Weekly)

Fiscal Impact

☐

No Impact

Amount: \$2,475.50

☒

Budget Funds Available

Dept./Division: Neigh. Svcs./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 the Department of Neighborhood Services hired ADS Consulting to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of \$2,475.50 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 Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearings
6. Letters of Abeyance to Property Owners
7. Chronological List of Events
8. Copy of the Notice and Claim of Lien
9. Protest letter and documentation from current owner Jan Lindsey
10. Video shown but not submitted

MOTION:

WEEKLY – APPROVED the expense of a \$500 boarding fee to be paid by new property owner with the City to address the balance with ADS Consulting – **UNANIMOUS**

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Neighborhood Services
Item 82 – 221 W. Van Buren Avenue

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Services, summarized for the Council the reason this Item was brought back. He said the ownership of the property had not been previously determined since it was recorded incorrectly; however, the new owner took the responsibility to attempt to have the property cleaned. JAN LINDSEY, appeared to dispute the charges because he claimed to have hired a group who cleaned the property prior to ADS Consulting, hired by the City of Las Vegas.

MAYOR GOODMAN acknowledged the root of the problem was because of the seller who left the new owner responsible for these expenses and expressed it was unfair. DAN STILL, Deputy City Attorney, confirmed that if remedy wasn't disclosed, the seller was at fault. MAYOR GOODMAN then requested MR. LINDSEY to come forward and present his witnesses in order to dispute his claim. MR. LINDSEY stated that, unfortunately, his witnesses were not available to attend but his representative, CHARLENE ROGERS, could testify to the finished work.

MR. SEMENZA called upon LINA ACOSTA from ADS Consulting, 3320 Sunrise #2, to present her documentation of their work performed. MS. ACOSTA acknowledged that a dumpster had been there prior to their work and stated because additional properties in the area had been cleaned during that time, all trash collected was transported to the next site and ultimately removed.

MAYOR GOODMAN requested clarification on, exactly, what the City was being billed for by ADS Consulting. MR. SEMENZA confirmed a price of \$1,870, and then outlined additional charges incurred by the City. CHARLENE ROGERS, on behalf of the owner, stated they are willing to cover the costs of the boarding fees, but not the cleaning portion of the expense report. MS. ACOSTA said she did have to go back and cut a tree back in order to receive payment. COUNCILMAN WEEKLY expressed knowledge of the tree but said he did go out and speak to neighbors who confirmed the cleaning was done by the owner's crew. He then turned to DEPUTY CITY ATTORNEY DAN STILL to request advice of possible options for the owner.

DEPUTY CITY ATTORNEY DAN STILL advised COUNCILMAN WEEKLY that it was his discretion. He informed COUNCILMAN WEEKLY that he had the authority to modify or correct the report in any reasonable way he sees fit. COUNCILMAN BROWN questioned whether or not it's a flat fee the City is charged, and whether or not the company used must specify exactly what is done that is requested and then charge accordingly. MR. SEMENZA then informed COUNCILMAN BROWN that it is not requested of the company used to break down specific clean-up costs. DEPUTY CITY ATTORNEY DAN STILL said they should disclose and represent exact work performed.

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004

Neighborhood Services

Item 82 – 221 W. Van Buren Avenue

MINUTES - CONTINUED:

MAYOR GOODMAN explained his idea would be to allow the owner to be responsible for the charges to board the property but nothing else. Again, MR. SEMENZA said the fee of \$350 to board the property is charged by the City but the actual cost of the materials and labor was said to total about \$500, which the new owner agreed to pay.

MAYOR GOODMAN declared the Public Hearing closed.

(1:11 – 1:22)

3-331

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: ABEYANCE ITEM - Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W Van Buren Avenue. PROPERTY OWNER: JOANNA SMITH - Ward 5 (Weekly)

ADS Consulting, Inc completed work on June 3, 2004 at a cost of \$1,870, a boarding fee of \$325.00, plus a 15% administrative fee, for a total of \$2,475.50.

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 Buildings," 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.



INTERSTATE ROUTE 15

INTERSTATE RT
NO 15

Memorandum

City of Las Vegas Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 23, 2003

Re: Report of Expenses for the abatement of Dangerous Building located at 221 W Van Buren Avenue - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above referenced property to be corrected by boarding the structure, removing all trash and debris, and by posting "No Trespassing" signs on the property. Work was completed on June 3, 2004 by ADS Consulting Inc at a cost of \$1,870.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	\$	1,870.00
AMOUNT DUE		1,870.00
Boarding Fee		325.00
Administrative processing fee		<u>280.50</u>
TOTAL AMOUNT DUE	\$	2,475.50

OWNER OF RECORD: JOANNA SMITH

PROPERTY ABATED: 221 W VAN BUREN AVENUE

ASSESSOR'S PARCEL: 139 27 111 030

LEGAL DESCRIPTION: VALLEY VIEW ADD
PLAT BOOK 1 PAGE 50
LOT 7 BLOCK 20

DS:LD

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 Quezada</u>	<u>1801 S. Eastern Avenue</u>	<u>(702) 531-3330</u>
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____

Continue list until full and complete disclosure is made.

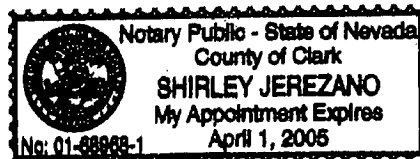
I certify under penalty of perjury, that the foregoing list is full and complete.

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.



Shirley Jerezano
NOTARY PUBLIC in and for said
County and State



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VANCE WEEKLY

MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING AUGUST 18, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 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 the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **221 W. VAN BUREN AVENUE** legally described as **VALLEY VIEW ADD, PLAT BOOK 1 PAGE 50, LOT 7 BLOCK 20**. Owner of record at time of abatement: **JOANNA SMITH - WARD 5 (WEEKLY)**

The Director of Neighborhood Services certifies in the report that the sum of \$2,475.50 was expended (\$1,870.00 to ADS Consulting, Inc. for cleaning the property; \$325.00 Boarding Fee and \$280.50 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

TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-804



August 24, 2004

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

JANET MONCRIEF

STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Mr. Jan Lindsey
1627 Clarksville Court
Henderson, Nevada 89052

Re: Notice of Public Hearing – 221 West Van Buren Avenue

Dear Property Owner:

The Las Vegas City Council, at their regular meeting of August 18, 2004, held the public hearing for the aforementioned property in ABEYANCE to the September 1, 2004 City Council meeting. This item will appear on the afternoon session, which begins at 1 pm.

Sincerely,


Barbara Jo Ronemus, CMC
City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response Division
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Building & Safety
Kelly Benavidez, Ward 5 Liaison

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-8/04



August 23, 2004

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Ms. Joanna Smith
1229 Anacapa Avenue
Hanford, California 93230-5808

Re: Notice of Public Hearing – 221 West Van Buren Avenue

Dear Property Owner:

The Las Vegas City Council, at their regular meeting of August 18, 2004, held the public hearing for the aforementioned property in ABEYANCE to the September 1, 2004 City Council meeting. This item will appear on the afternoon session, which begins at 1 pm.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Jo Ronemus".

Barbara Jo Ronemus, CMC
City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response Division
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Building & Safety
Kelly Benavidez, Ward 5 Liaison

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

PHONE 7/20/2004 8:55:00 AM JESSICA LARRAMENDY
 JL) Lena, ADS, called regarding status of payment. The abatement was completed. Referred to DS to get with Laura.

INSP 6/21/2004 2:21:00 PM LAURA DEARMOND
 24) PROPERTY IS BOARDED/SECURED, BOARDS PAINTED, SIGNS POSTED. 90% OF LITTER REMOVED BUT 10% REMAINS ON E/SIDE OF BLDG. THE LARGE TREE ON W/SIDE STILL OVERHANGS S/W AREA W/C ADS.

PHONE 6/21/2004 4:15:00 AM LAURA DEARMOND
 24) L/M W/ADS SEC'Y FOR SUPR TO CALL ME

BIDA 5/21/2004 10:25:00 AM
 Ld) AWARDED TO ADS, WCB W/START DATE

BIDR 5/20/2004 2:56:00 PM LAURA DEARMOND
 Ld) REC'D A BID FROM ADS \$1,870.00

RECORD 5/19/2004 1:41:00 PM JESSICA LARRAMENDY
 JL) Recorded N&O at Clark County today. Book: 20040519 Inst: 02421.

BIDS 5/14/2004 8:25:00 AM LAURA DEARMOND
 Ld) FAXED BID TO CONTRACTORS; DUE BACK 5/19

INSP 5/9/2004 3:01:00 PM LAURA DEARMOND
 24) HOUSE VACANT-ALL WINDOWS OUT, LITTER IN ALL YARDS, LARGE OVERGROWN TREE IN SIDEWALK AREA, HI VEG
 IN TRANSITION AREA, REFER TO LD FOR BIDS, PRE PICS & VIDEO TAKEN, DISK IN FILE, VIDEO TO D.S.

INSP 4/19/2004 9:24:00 AM ERIN HERNANDEZ
 27 no improvements house remains open, trash, debris, weeds, on all yards. Proceed with abatement refer to 24 assess fee

INSP 4/12/2004 2:50:00 PM LYNN NIHIPALI
 27) SITUATION REMAINS THE SAME, NO IMPROVEMENT, ASSESS FEE, CONTINUE WITH ABATEMENT. CB 4/19

MISC 4/1/2004 7:48:00 AM LAURA DEARMOND
 Ld) REC'D CERT CARD FROM OWNER: JOANNA SMITH

NOPOST 3/25/2004 8:00:00 AM LYNN NIHIPALI
 19)POSTED

INSP 3/25/2004 8:00:00 AM LYNN NIHIPALI
 19)NO CHANGE

MISC 3/23/2004 3:42:00 PM LAURA DEARMOND
 Ld) N&O LETTER ATTACHED IN OLE.

NOTICE 3/23/2004 3:40:00 PM LAURA DEARMOND
 Ld) SENT DANG BLDG N&O TO OWNER: JOANNA SMITH; POST 3/24; CB 4/5

PHONE 3/22/2004 8:00:00 AM LAURA DEARMOND
 19) FOUND # ON SEWER, L/M FOR OWNER

INSP 3/19/2004 12:30:00 PM
 19) VERIFIED HOUSE IS VACANT & UNSECURED, EVERY WINDOW & DOOR ARE BROKEN & OPEN, YARDS HAVE HIGH WEEDS, T/D, CLOTHING, JUNK FURNITURE, PIX TAKEN, REFER TO 24/16 FOR N&O APPROVAL

Time in

APN 139-27-111-030
Ref # - 11383

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: JAN LINDSEY
(Reputed Owner(s)) at time of abatement.

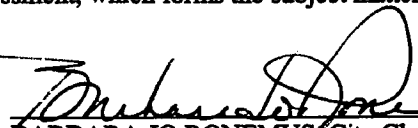
Assessor's Parcel No.: APN 139-27-111-030
Commonly known as: 221 WEST VAN BUREN AVENUE
Legal Description: VALLEY VIEW ADD
PLAT BOOK 1 PAGE 50
LOT 7 BLOCK 20

On June 3, 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 \$500.00 were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

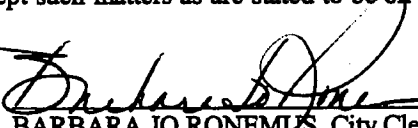
The Las Vegas City Council, at a duly noticed public hearing held on September 1, 2004, ordered the above charges in the amount of \$500.00, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer 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.

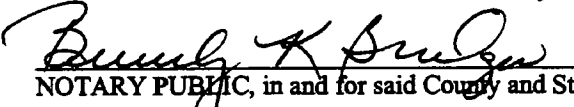

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
COUNTY OF CLARK)

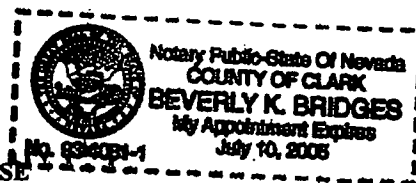
BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are 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 17th day of September, 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



PROTESTS and OBJECTIONS
August 13, 2003

RECEIVED
CITY CLERK

To the abatement expenses and proposed order of lien recommended by the Neighborhood Services Director (NSD) against the private property known as 221 W. Van Buren Avenue, legally described as Valley View Add, Plat Book 1, Page 50, Lot 7 Block 20:

Facts provided by NSD supporting Grounds for Protest:

- A. I only learned of the fact that there had been a notice for clean up and boarding of my property on August 8, 2004 when I found posted on the front of the house, the *attached Notice of Public Hearing for August 18, 2004*. I immediately contacted the NSD, DAVID SEMENZA and met with him at his office on *August 11, 2004*.
- B. Mr. SEMENZA advised the he had provided written notice and order to JOANNA SMITH via RRR mail on or about March 23, 2004 and that he had received the return receipt proof of delivery on or about April 1, 2004. He stated he did not receive any response from SMITH. He thereafter ordered the abatement of SMITH'S property, supra, on or about May 19, 2004. During this meeting, Mr. SEMENZA again checked the Clark county property records on his computer and exclaimed that the owner was still listed
- C. Mr. SEMENZA exhibited VHS video tape recordings, a *before (clean up)* video done on May 10, 2004 and an *after (board up)* video done on June 21, 2004. He could not provide the date of completion of the abatement work by ADS Consulting Inc.

Facts submitted by current owner supporting Grounds for Protest:

- A. I purchased captioned property from JOANNE SMITH of CA for cash on or about May 13, 2004; *see Land Title of NV Settlement Statement showing that escrow was closed on May 13, 2004*. An error occurred in recording the documents with the Clark county Assessor, who noticed me by letter dated May 25, 2004 (attached). I immediately contacted the escrow officer, JUDY CABELLERO, who instructed me to forward the assessors' letter and she would correct immediately and re-record the documents. She told me not to worry about the error, that she would immediately correct the error with the assessor
- B. On May 14, 2004, I enlisted the aid of an associate, CHARLENE RODGERS, to clean out the house, pick up all the trash outside and get bids from her handyman JESUS, to board up the windows and doors after clean up. RODGERS obtained a large dumpster on May 19, 2004 from J and B Hauling (*see receipt of payment attached*) and hired JOSE JESUS VASQUEZ for two days, May 19 and 20, 2004 to clean out all trash from inside the house and pick up all trash outside. Ms. RODGERS inspected the property both days and attests the clean up was completed on May 20, 2004. ROSIE RODRIGUEZ, who resides next door and is

Protest

home most days, also attests that JESUS and a nearby resident known as PABLO conducted the two-day clean up.

- C. On May 28th or shortly thereafter, I notified RODGERS of the error in recording and that Land Title was correcting. I told her to wait on the boarding up until I was certain that I was the owner. I called Land Title and KELLY HOUSE assured me that I was THE owner of captioned property and that all prior year taxes, sewer and other liens have been satisfied as of the closing date, supra. I then told RODGERS to go forward with renovation and find an AC contractor to replace the roof mounted water cooler with a new heat pump AC unit before we closed up the doors and windows.
- D. On or about June 2, 2004, I received word that my mother-in-law had been the victim of a stroke. My wife and I immediately booked air transport and traveled to Paragould, Arkansas where we stayed for about 3 weeks. We returned June 21, 2004. RODGERS advised the AC unit would be installed June 27-28, and that the ductwork had been completed prior to that date. She advised I would need to come on site to inspect and pay the contractor. I did so on June 28, 2004. This was the first date that I noticed the windows were boarded up.

Objection to proposed lien of \$2,475.50 on captioned property:

I object to the charges for clean up (\$1870) based on the facts cited above, that I received no prior notice giving me the opportunity to conduct the necessary clean up prior to the order issued by NSD, the fact that I have already had the property cleaned up, trash removed and hauled off and the fact that I **PAID \$ 450.00** for the clean up (receipts attached).

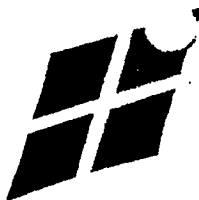
I object to the charges of \$325 boarding fee because I did not receive the proper legal notice from NSD and was in the process of getting bids to do the boarding up myself.

Finally, and I hope that the City Council and NSD will take no offense but will be advised and properly informed, that neighbors and others in the area have confessed that this property has been abandoned for over two years without being noticed that it was an endangerment to the neighborhood. Property taxes, water and sewer liens were in arrears for 18 or more months; all of which have been paid and brought current from my purchase funds. An amount totaling about \$4,500 was withheld by the escrow officer and paid to the appropriate taxing and sewer service agencies to bring those accounts up to date.

Submitted to Las Vegas City Council on August 16, 2004, to BARBARA JO RONEMUS, City Clerk, per request of DAVID SEMENZA and per the Notice of Public Hearing posting I found pinned to my property on or about August 8, 2004, my first notice that NSD was involved in creating expenses on my property.

JAN LINDSEY
C/o Liberty Home Buyers
2500 Anthem Village Drive E-406
Henderson, NV 89052

Telephone (702) 241-0900



LandTitle OF NEVADA, INC.

2775 S. RAINBOW BLVD., SUITE 201 • LAS VEGAS, NEVADA 89146
Phone: (702) 474-3300 • Fax (702) 364-5567

June 2, 2004

Liberty Homebuyers, Inc.
2500 Anthem Village Ste. E-400
Henderson, NV 89052

RE: ESCROW NO.: 14040420-JC
PROPERTY: 221 W. Van Buren Avenue, Las Vegas, NV

The above referenced escrow closed on May 13, 2004. The following items are enclosed for your records.

- Check in the amount of \$ 73.71
- HUD Settlement Statement

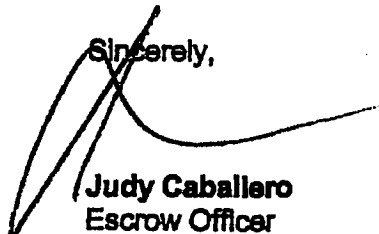
*- Re deposit 6/8/04
See Paul Spitz*

County Taxes on your property have been paid to 07/01/04. If taxes are included in your monthly mortgage payment, the Lender typically pays future taxes; otherwise, please be aware that taxes are payable as follows: Quarterly installments are due the first Monday in July, October, January, and March and become delinquent ten days thereafter. If you do not receive a tax bill one month prior to the delinquency date, please contact the Clark County Tax Collector. Your parcel number is: 139-27-111-030

Please do not hesitate to contact our office if you have any questions regarding this matter.

It has been a pleasure handling this transaction for you, and we hope we may serve you again in the future.

Sincerely,


Judy Caballero
Escrow Officer

SETTLEMENT STATEMENT

Borrow
08/02/2004 11:58:29

A. U.S. DEPARTMENT OF HOUSING & URBAN DEVELOPMENT OMB No. 2502-0285 B.

Type of Loan: Sale Escrow

File Number: 14040420

Loan Number:

Mortgage Insurance Case No.:

C. NOTE: The items indicated by "P.O.C." or "M" on this Settlement Statement have been included at the direction of the lender for disclosure purposes only. The settlement agent has no direct information concerning these expenditures, other than what has been provided by lender, nor any obligation to authenticate "P.O.C.".

D. NAME OF BORROWER: Liberty Homebuyers, Inc.
ADDRESS OF BORROWER: 2500 Anthem Village Ste. E-400 Henderson, NV 89052

E. NAME OF SELLER: Joanna Smith
ADDRESS OF SELLER: 1229 Anacapa Avenue Hanford, CA 93230

F. NAME OF LENDER:
ADDRESS OF LENDER:

G. PROPERTY LOCATION: 221 W. Van Buren Avenue Las Vegas, NV

H. SETTLEMENT AGENT: Land Title of Nevada, Inc. I. SETTLEMENT DATE: 05/13/2004
PLACE OF SETTLEMENT: 2775 S. Rainbow Blvd., Suite 201 Las Vegas, Nevada 89146

J. SUMMARY OF BORROWER'S TRANSACTION

K. SUMMARY OF SELLER'S TRANSACTION

100	GROSS AMOUNT DUE FROM BORROWER		
101	Contract Sales Price	53,000.00	
102	Misc Adjustments		
103	Settlement charges to borrower (line 1400)	1,147.30	
104	Payoff Principal		
105			
	Adjustments for items paid by seller in advance		
106	County taxes 05/13/2004 to 07/01/2004	69.09	
107	City/town taxes		
108	Assessments		
109	Rents		
110	Homeowners Association		
111	Interest		
112	Insurance		
113			
114			
115			
120	Gross Amount Due From Borrower	54,216.39	
200	AMOUNTS PAID BY OR IN BEHALF OF BORROWER:		
201	Deposit of Money	54,290.10	
202	Principal Amount of New Loan		
203	Existing loan(s) taken subject to		
204			
205			
206	Adjustments		
207			
208			
209	Loan by Seller		
	Adjustments for items unpaid by seller		
210	County taxes		
211	City/town taxes		
212	Assessments		
213			
214			
215			
216			
217			
218			
219	Paid Outside Escrow		
220	Total Paid By/For Borrower	54,290.10	
300	CASH AT SETTLEMENT FROM/TO BORROWER		

File Number	14040430	[Settlement Charges]		[Borrower's]	
700	TOTAL SALLERBORNERS COMMISSION based on price \$93,000.00			PAID FROM	
	Division of Commission (line 700) as follows:			BORROWER'S	
701	\$			FUNDS AT	
702	\$			SETTLEMENT	
703	Commission Paid at Settlement				
704					
800	ITEMS PAYABLE IN CONNECTION WITH LOAN				
801	Loan Origination fee				
802	Loan Discount				
803	Appraisal fee				
804	Credit report				
805	Lenders Inspection Fee				
806	Mortgage Insurance Application Fee				
807	Assumption fee				
808	Tax Service Contract				
809	Lender's Document Preparation Fee				
810	ALTA Binddown Fee				
811	Wirehouse Fee				
900	ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE				
901	Interest in Advance				
902	Mortgage Insurance Premium for				
903	Fire Insurance Premium				
904	Flood Insurance Premium for				
1000	RESERVES DEPOSITED WITH LENDER				
1001	Hazard Insurance Impounds				
1002	Mortgage Insurance				
1003	City Property taxes				
1004	County property taxes				
1005	Annual assessments				
1006					
1100	TITLE AND SETTLEMENT SERVICE CHARGES				
1101	Settlement Service/Service Fee to Land Title of Nevada, Inc.			338.00	
1102	Document Preparation to Land Title of Nevada, Inc.			80.00	
1103	Loan Tie-In				
1104	ISA Set-Up Fee				
1105					
1106	***Title Insurance Premium*** Lines 1108, 1110 and 1111				
1108	Owner's Policy of Title Insurance to Land Title of Nevada, Inc.			477.00	
1110	Lender's Policy of Title Insurance				
1200	GOVERNMENT RECORDING & TREASURER CHARGES				
1201	POOR Penalty				
1202	County Transfer Tax to Land Title of Nevada			270.50	
1203	City/County Tax				
1204	Recording Grant Deed to Land Title of Nevada, Inc.			16.00	
1205	Recording Release to Land Title of Nevada, Inc.				
1300	ADDITIONAL SETTLEMENT CHARGES				
1301	County Taxes to Clark County Tax Collector				
1302	Judgment Lien/Individual to Goddard & Gayman				
1303	Judgment Lien/Individual to Goddard & Gayman				
1304	Banker Lien to Republic Services of Southern Nevada				
1305	Banker Lien to Republic Services of Southern Nevada				
1306	Banker Lien to City of Las Vegas				
1400	TOTAL SETTLEMENT CHARGES entered on lines 103, Section J and 803, Section K			1,467.50	

* REFER TO ATTACHED DETAILED STATEMENT

ALIGN TYPE DIRECTLY ON THIS LINE

to fit 771 or 5036-1 Envelopes

INVOICE

J.B.B. HAULING
3200 N. Linn Boulevard #36
Las Vegas, Nevada 89110

8/2/04

(702) 451-9114

TO

1. Homebought Inc
2311 Van Buren Ave
LV NV 89121

PERSON DATE SHIPPED SHIPPED VIA F.O.B. POINT TERMS

QUANTITY

DESCRIPTION

UNIT PRICE

TOTAL

1 20 Yard Roll OFF Box

250.00

221 Van Buren

pd cash

THANK YOU

00662

CUSTOMER'S ORDER NO.		DATE	
		5-20-04	
NAME			
Liberty Home Bakery Inc			
ADDRESS			
221 Van Buren			
CITY, STATE, ZIP			
Las Vegas, NV 89106			
QUANTITY			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5			
6			
7			
8			
9			
0			
1			
2			
3			
4			
5</			

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

NO ITEMS

DISCUSSION/ACTION ITEMS

- APPEAL OF DIRECTOR'S DECISION
83 **ABEYANCE ITEM - DIR-4797** - Applicant: Orion Outdoor Media – Owner: Lapour Grand Central, Limited Liability Company

- WATER FEATURE EXEMPTION
84 **DIR-4870** - Applicant/Owner: Cheyenne Investments, Limited Liability Company
85 **DIR-4890** - Applicant/Owner: Northbrook, Limited Liability Company

- REVIEW OF CONDITION - PUBLIC HEARING
86 **ROC-4886** - Applicant: MNSNV, Limited Liability Company – Owner: SMK, Inc.

- SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING
87 **ABEYANCE ITEM - SDR-4630** - Applicant: State of Nevada Public Works Board – Owner: State of Nevada Buildings and Grounds

- MAJOR MODIFICATION - PUBLIC HEARING
88 **ABEYANCE ITEM - MOD-4633** - Applicant: KB Home – Owner: National Group #1, Limited Liability Corporation, et al

- SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4663 - PUBLIC HEARING
89 **ABEYANCE ITEM - SDR-4636** - Applicant: KB Home – Owner: National Group #1, Limited Liability Corporation, et al

- SPECIAL USE PERMIT - PUBLIC HEARING
90 **ABEYANCE ITEM - SUP-2848** - Reagan National Advertising on behalf of C O G III, Limited
91 **ABEYANCE ITEM - SUP-3394** Las Vegas Billboards on behalf of West Sahara Associated, Limited Partnership
92 **ABEYANCE ITEM - SUP-4172** - Applicant: Las Vegas Billboards – Owner: Shahram and Tawnya Sheikhan

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two

INDEX

City Council Meeting of September 1, 2004

- SPECIAL USE PERMIT - PUBLIC HEARING
- 93 **ABEYANCE ITEM - SUP-4532** - Applicant: Las Vegas Billboards – Owner: Sahara Mohawk, Limited Liability Company
- GENERAL PLAN AMENDMENT - PUBLIC HEARING
- 94 **ABEYANCE ITEM - GPA-4542** - Applicant: Joel Armstrong – Owner: Clark County
- REZONING RELATED TO GPA-4542 - PUBLIC HEARING
- 95 **ABEYANCE ITEM - ZON-4543** - Applicant: Joel Armstrong – Owner: Clark County
- VARIANCE RELATED TO GPA-4542 AND ZON-4543 - PUBLIC HEARING
- 96 **ABEYANCE ITEM - VAR-4547** - Applicant: Joel Armstrong – Owner: Clark County
- 97 **ABEYANCE ITEM - VAR-4572** - Applicant: Joel Armstrong – Owner: Clark County
- SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4542, VAR-4547, ZON-4543 AND VAR-4572 - PUBLIC HEARING
- 98 **ABEYANCE ITEM - SDR-4545** - Applicant: Joel Armstrong – Owner: Clark County
- REZONING - PUBLIC HEARING
- 99 **ABEYANCE ITEM - ZON-4368** - Applicant: Carina Homes – Owners: Ronald and Carolyn Mich'l
- VACATION RELATED TO ZON-4368 - PUBLIC HEARING
- 100 **ABEYANCE ITEM - VAC-4420** - Applicant: Carina Homes – Owners: Ronald and Carolyn Mich'l
- SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4368 AND VAC-4420 - PUBLIC HEARING
- 101 **ABEYANCE ITEM - SDR-4370** - Applicant: Carina Homes – Owners: Ronald and Carolyn Mich'l
- GENERAL PLAN AMENDMENT - PUBLIC HEARING
- 102 **ABEYANCE ITEM - GPA-4634** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company
- REZONING RELATED TO GPA-4634 - PUBLIC HEARING
- 103 **ABEYANCE ITEM - ZON-4640** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Three

INDEX

City Council Meeting of September 1, 2004

VARIANCE RELATED TO GPA-4634 AND ZON-4640 - PUBLIC HEARING

- 104 **ABEYANCE ITEM - VAR-4642** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4634, ZON-4640 AND VAR-4642 - PUBLIC HEARING

- 105 **ABEYANCE ITEM - SDR-4641** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - APPEAL OF DIRECTOR'S DECISION - DIR-4797 -
APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 211 West Charleston Boulevard (APN: 162-04-504-009) for failure to comply with Title 19.14.100, Ward 1 (Moncrief). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Abeyance request by Applicant
5. Submitted after final agenda – Abeyance request by Singer & Brown

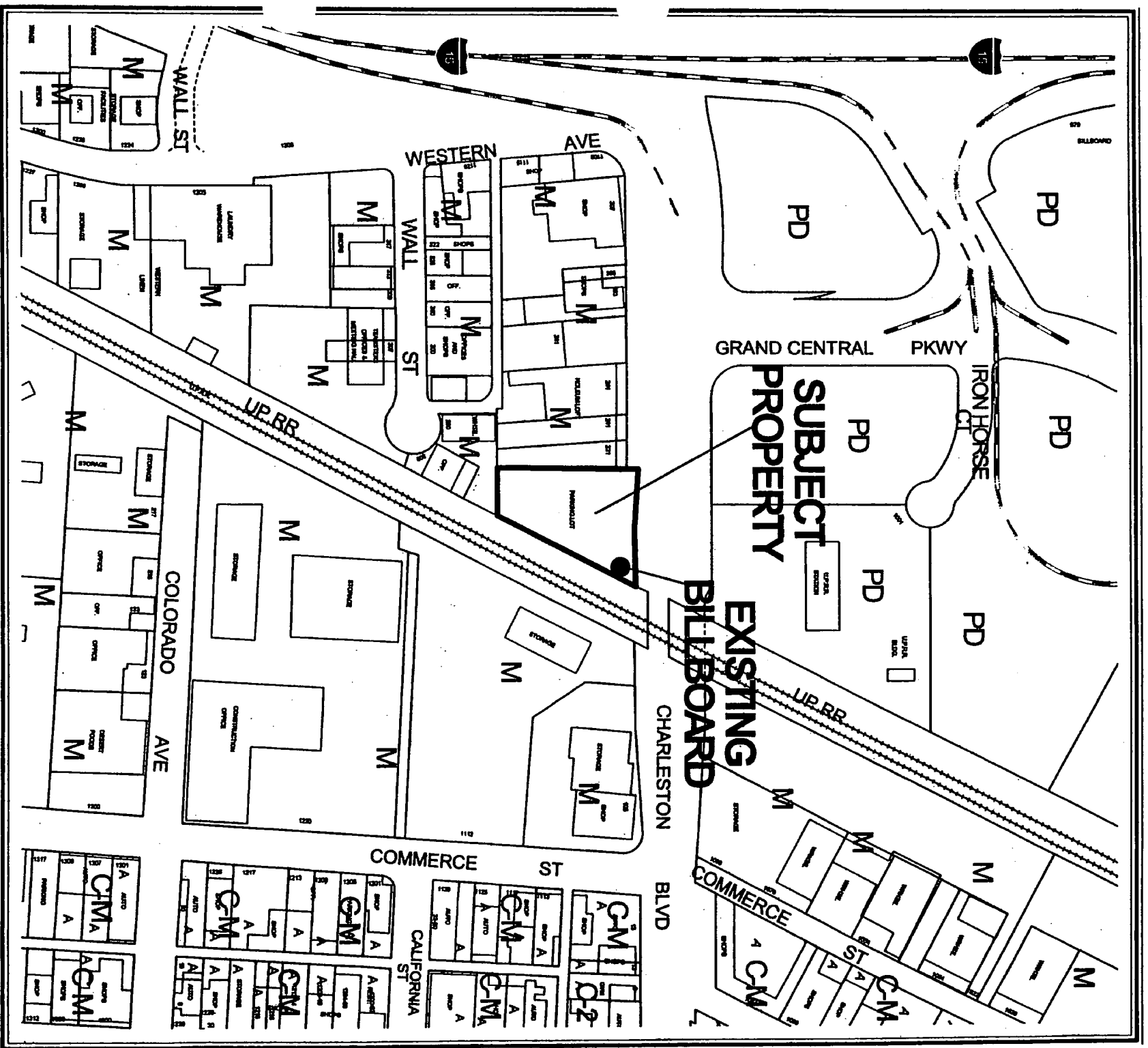
MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 83 [DIR-4797], Item 90 [SUP-2848], Item 91 [SUP-3394], Item 92 [SUP-4172], Item 93 [SUP-4532], Item 94 [GPA-4542], Item 95 [ZON-4543], Item 96 [VAR-4547], Item 97 [VAR-4572], Item 98 [SDR-4545], Item 99 [ZON-4368], Item 100 [VAC-4420] and Item 101 [SDR-4370] to 9/15/2004 – UNANIMOUS

MINUTES:

BRYAN SCOTT, Deputy City Attorney, reminded MAYOR GOODMAN to disclose his abstention on Item 83[DIR-4797], and Item 90[SUP-2848]. MAYOR GOODMAN acknowledged that ATTORNEY JAY BROWN is his partner in the VA Clinic on West Charleston Boulevard and he would be abstaining on Item 83[DIR-4797], and Item 90[SUP-2848].

(1:00 – 1:04)



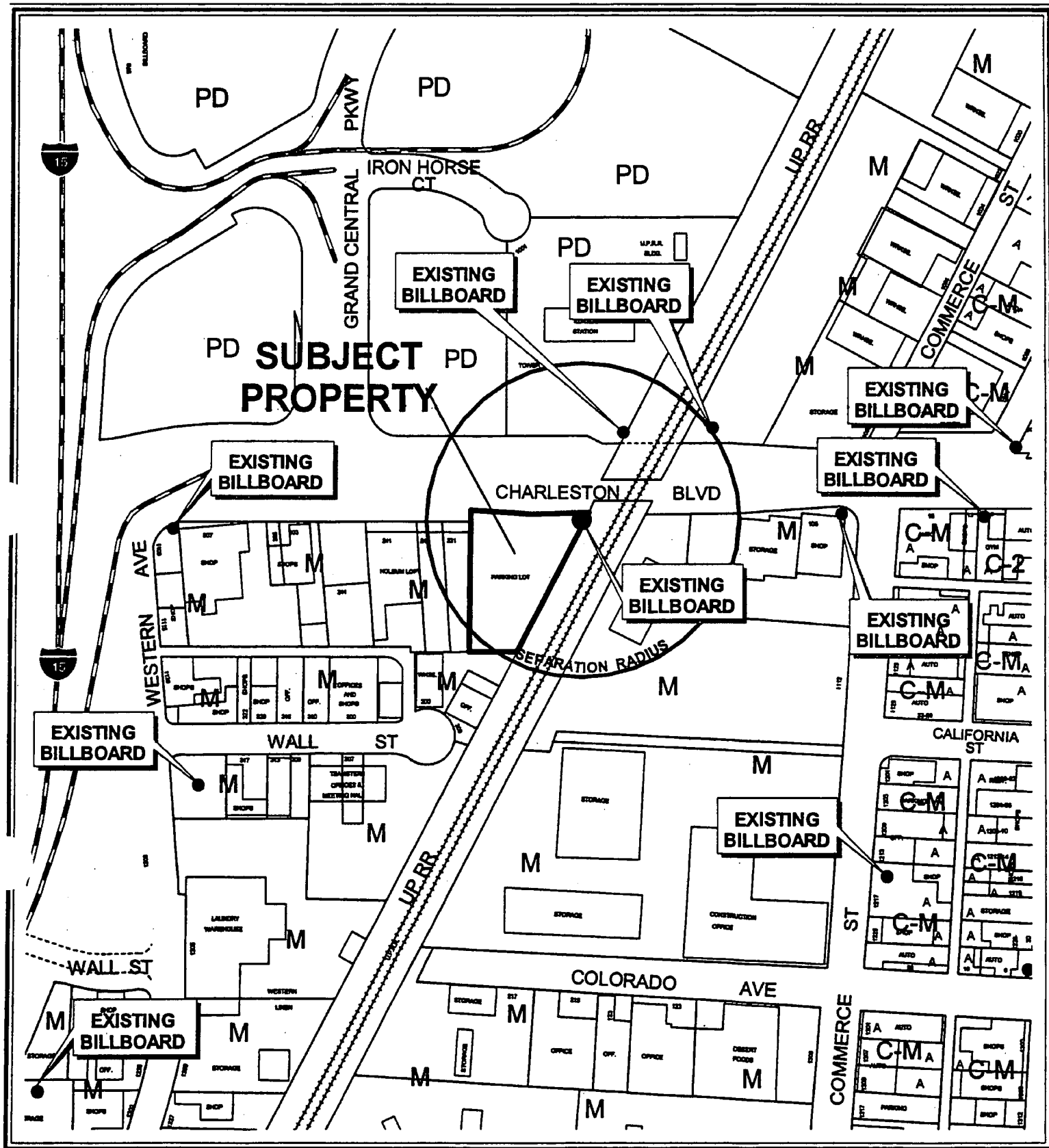
CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

83





CASE: DIR-4797

SEPARATION RADIUS: 300 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet





0 200 400 Feet

CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)



DIR-4797

City of Las Vegas Billboard Data

 **Subject Parcel**

● City of Las Vegas Billboard Location

 300 Foot Buffer Around Impacted Billboard



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

**ITEM DESCRIPTION: ABEYANCE ITEM - DIR-4797 - APPLICANT: ORION
OUTDOOR MEDIA – OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY
COMPANY**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 18, 2004 CITY COUNCIL
MEETING AT THE APPLICANT'S REQUEST.***

**** CONDITIONS ****

Staff recommends DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

This is an Appeal of the Planning and Development Director's decision per Title 19.00.070.F to deny the acceptance of a application for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign for failure to comply with Title 19.14.100. The location of the proposed off-premise sign is 211 West Charleston Boulevard.

APPLICANT'S JUSTIFICATION

The applicant justifies this request by stating that while the existing off-premise sign can be moved to comply with current zoning requirements, doing so would conflict with the proposed mixed-use project on the site. According to the applicant, Title 19.14.100.B allows the City Council to consider aspects of the proposed billboard's compatibility with the surrounding area, including the existence (or lack thereof) of other signage in the area.

BACKGROUND DATA

- 12/17/03 The City Council approved a Site Development Plan Review (SDR-3199) and Waivers of the parking lot and perimeter buffer landscaping standards for the redevelopment of an existing 36,223 square-foot commercial building at 299 West Charleston Boulevard, including the subject property. The Planning Commission and staff recommended approval.
- 12/17/03 The City Council approved a Variance (VAR-3202) to allow 101 parking spaces where 150 is the minimum required on the 2.25-acre site at 299 West Charleston Boulevard, including the subject site. The Planning Commission and staff recommended approval.

No data is available regarding the approval of a building permit for the subject off-premise sign or approval of a Special Use Permit for such a use on the subject site.

ANALYSIS & FINDINGS

The applicant is seeking application for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign on property located at 211 West Charleston Boulevard. Planning and Development Department staff refused to accept the application, claiming that Code requirements with regard to distance separation could neither be met nor varied given the proposed location of this new off-premise sign.

An existing off-premise advertising (billboard) sign owned by the applicant is located on the northeastern corner of the subject site and is oriented toward Charleston Boulevard. Another billboard is legally located 190 feet to the northeast along the western edge of the Union Pacific Railroad. The current zoning code (Title 19.14.100.C) does not allow any off-premise sign to be located any closer than 300 feet in any direction to any other off-premise sign. It also requires a new Special Use Permit in order to be moved to any other location or reconstructed in the same location. The applicant requests to remove the existing 40-foot tall, 14-foot by 48-foot sign structure and to rebuild a 40-foot tall, 14-foot by 48-foot off-premise sign in the same location. This is contrary to the provisions of Title 19.14.100.B.1 and 19.14.100.C.2.

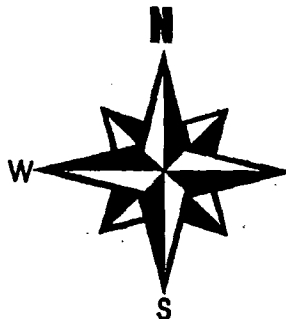
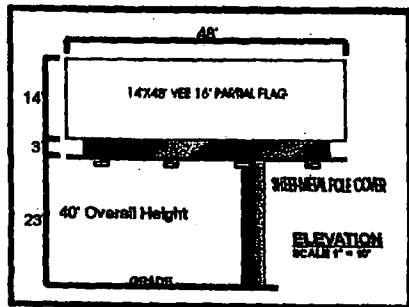
This property is currently being developed as part of a mixed-use project (Holsum Lofts) consisting of office, retail, and residential uses. It is possible for the existing billboard to be shifted on the subject property to points greater than 300 feet from another existing billboard, although it is unclear whether the billboard would be viewable from Charleston Boulevard, given the approved location of the proposed mixed-use project. Title 19.14.100.C.2 states, "No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Chapter (including those protecting existing signs)." Title 19.14.100.D does not allow any off-premise sign to be located on property to be used for residential purposes, as this site will be.

According to Title 19.18.070.B, a Variance cannot be granted to vary any minimum spacing requirement between uses. Given this restriction under the current Zoning Code, a new off-premise advertising (billboard) sign cannot legally be constructed in the proposed location. The Director's decision to deny the application for a Special Use Permit for a new off-premise sign at this location was therefore based on the inability to meet code requirements and the impossibility of the applicant to gain approval under current State and local laws.

NOTICES MAILED N/A

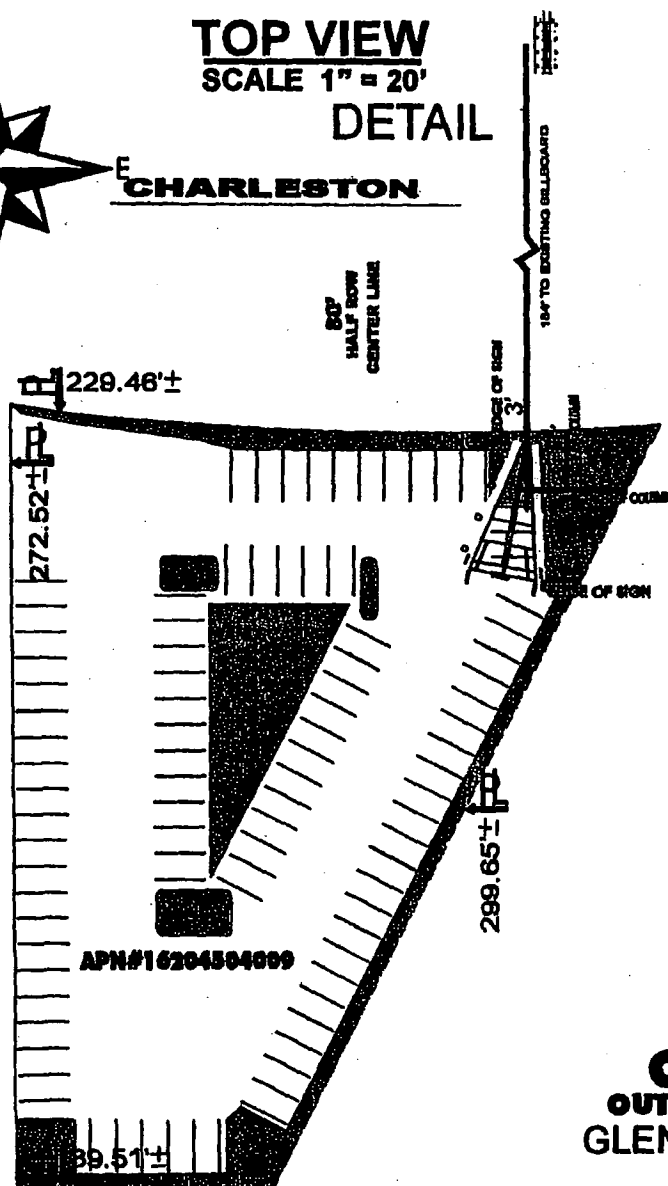
APPROVALS 0

PROTESTS 0



TOP VIEW SCALE 1" = 20'

CHARLESTON



REPLACEMENT OF EXISTING SIGN

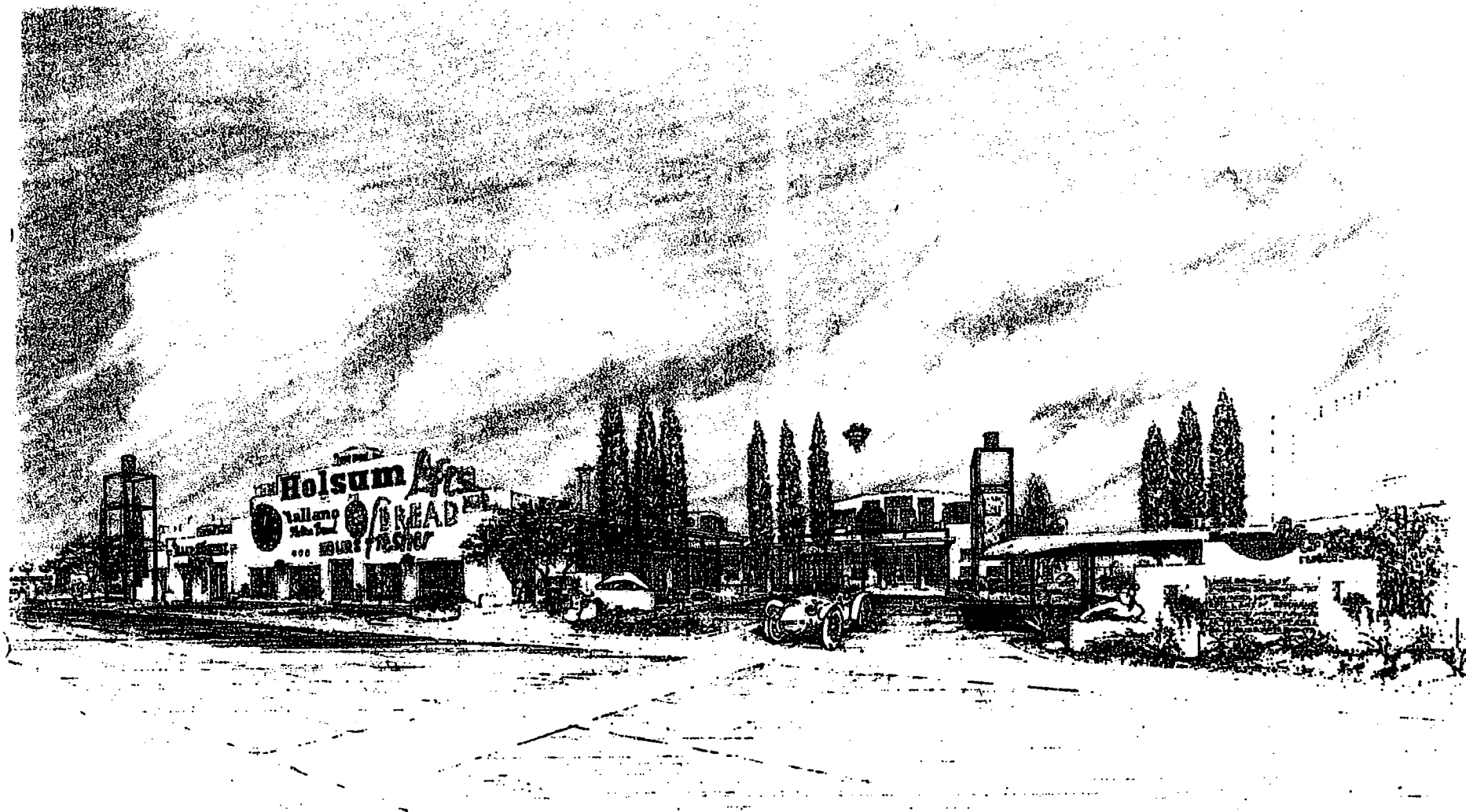
DIR-4797

8-4-04 CC

GENERAL NOTES
APN#16204504009
ZONING (M)
REPLACEMENT OF EXISTING SIGN
14'X48' BILLBOARD
NO PARKING SPACE TAKEN

ORION
OUTDOOR MEDIA
GLENDALIPPMAN
595-4896

JUNCO			
LAPOUR GRAND CENTRAL L L C			
SCALE: NOTED	APPROVED BY:	PROPERTY OF: LAPOUR GRAND CENTRAL L L C	
DATE: 3-24-04			
LOCATION: 1211 W CHARLESTON BLVD			
APN#16204504009		188	



DIR-4797

8-4-04 CC

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6563

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

August 11, 2004

VIA FACSIMILE to 382-4803

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101
Attn: Barbara Jo Ronemus
City Clerk's Office

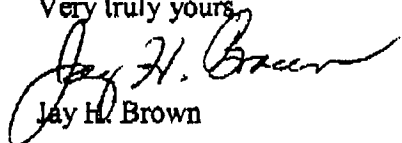
Rc: Item No. 90, August 18, 2004 City Council Agenda
DIR-4797-Orion Outdoor Media on behalf of
LaPour Grand Central, LLC

Dear Ms. Ronemus:

Please be advised that I represent Orion Outdoor Media in connection with the above
entitled matter.

On behalf of my client, I am requesting that the above referenced matter be continued
from the August 18, 2004 City Council agenda and reset for the September 1, 2004.

Very truly yours,


Jay H. Brown

JHB:ss

cc: Department of Planning & Development, Attn: Shelly by fax to 385-7268

LAW OFFICES

Singer & Brown

A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

August 31, 2004

FAX: 382-4803

Las Vegas City Clerk
400 E Stewart Avenue
Las Vegas, Nevada 89101
Attn: Barbara Jo Ronemus
City Clerk

2004 AUG 31 P 4:12
RECEIVED
CITY CLERK

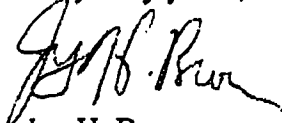
Re: Item No. 83 City Council Agenda for 9/1/04
DTR-4797 Orion Outdoor Media on behalf of
Lapour Grand Central, Limited Liability Company

Dear Ms. Ronemus:

Please be advised that I represent Orion Outdoor Media in connection with the above referenced application.

On behalf of our client, we respectfully request that this item be continued from the City Council agenda of September 1, 2004 and rescheduled for the September 15, 2004 City Council meeting.

Very truly yours,


Jay H. Brown

JHB:cc

Submitted after final agenda

Date 8/31/04 Item #83

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

WATER FEATURE EXEMPTION - DIR-4870 - APPLICANT/OWNER: CHEYENNE INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Water Feature Exemption TO ALLOW ONE WATER FEATURE for a commercial development located at 7690 West Cheyenne Avenue (APN 138-09-821-003), Ward 4 (Brown). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MEGAN LEVY, 3291 North Buffalo Drive, appeared on behalf of the applicant and stated the reason for the water feature was simply to provide an upscale environment. MAYOR GOODMAN asked CITY MANAGER DOUG SELBY if the feature conformed to the exceptions, which MR. SELBY did so confirm.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

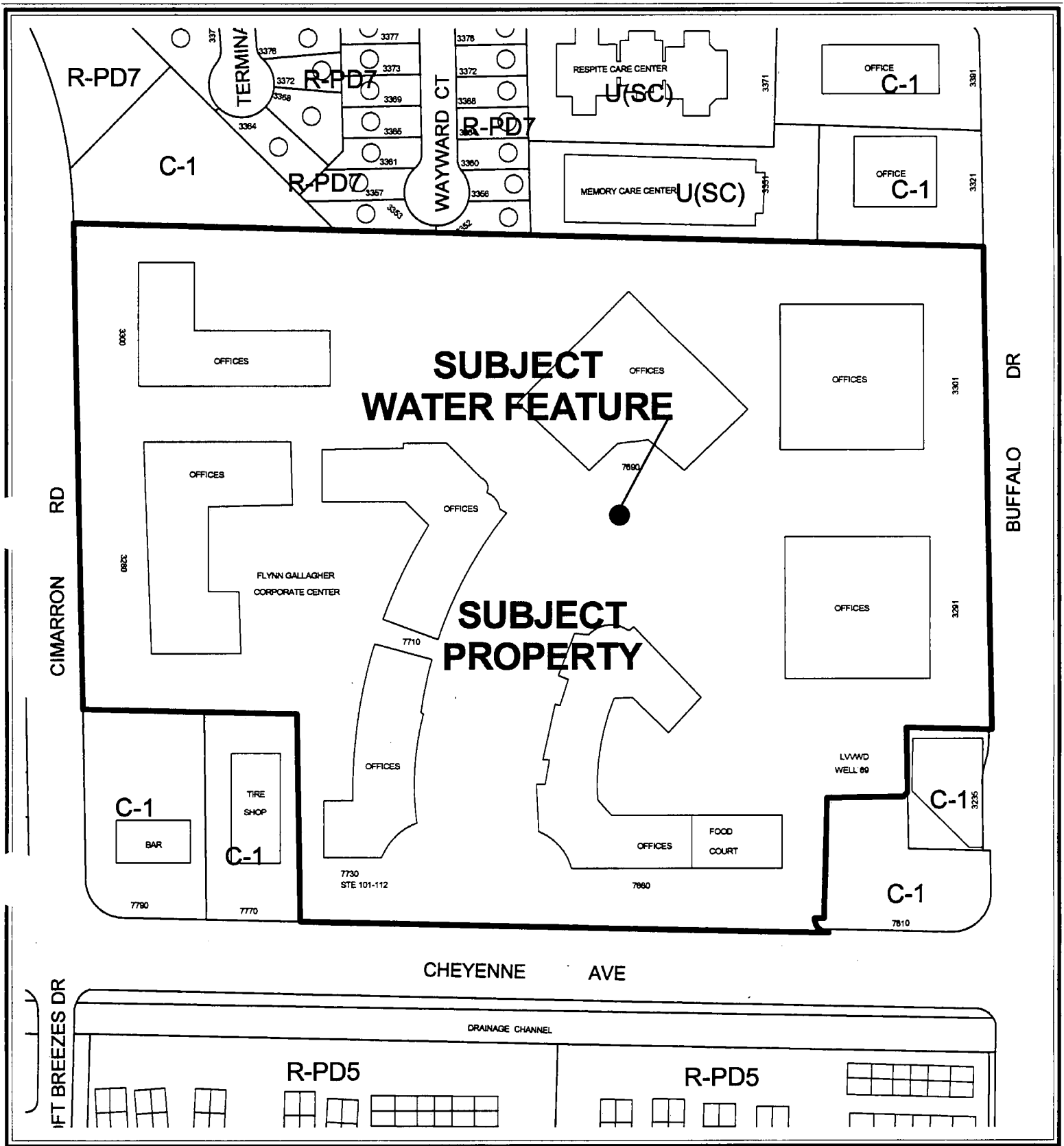
(1:22 – 1:24)

3-706

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Planning and Development
Item 84 – DIR-4870

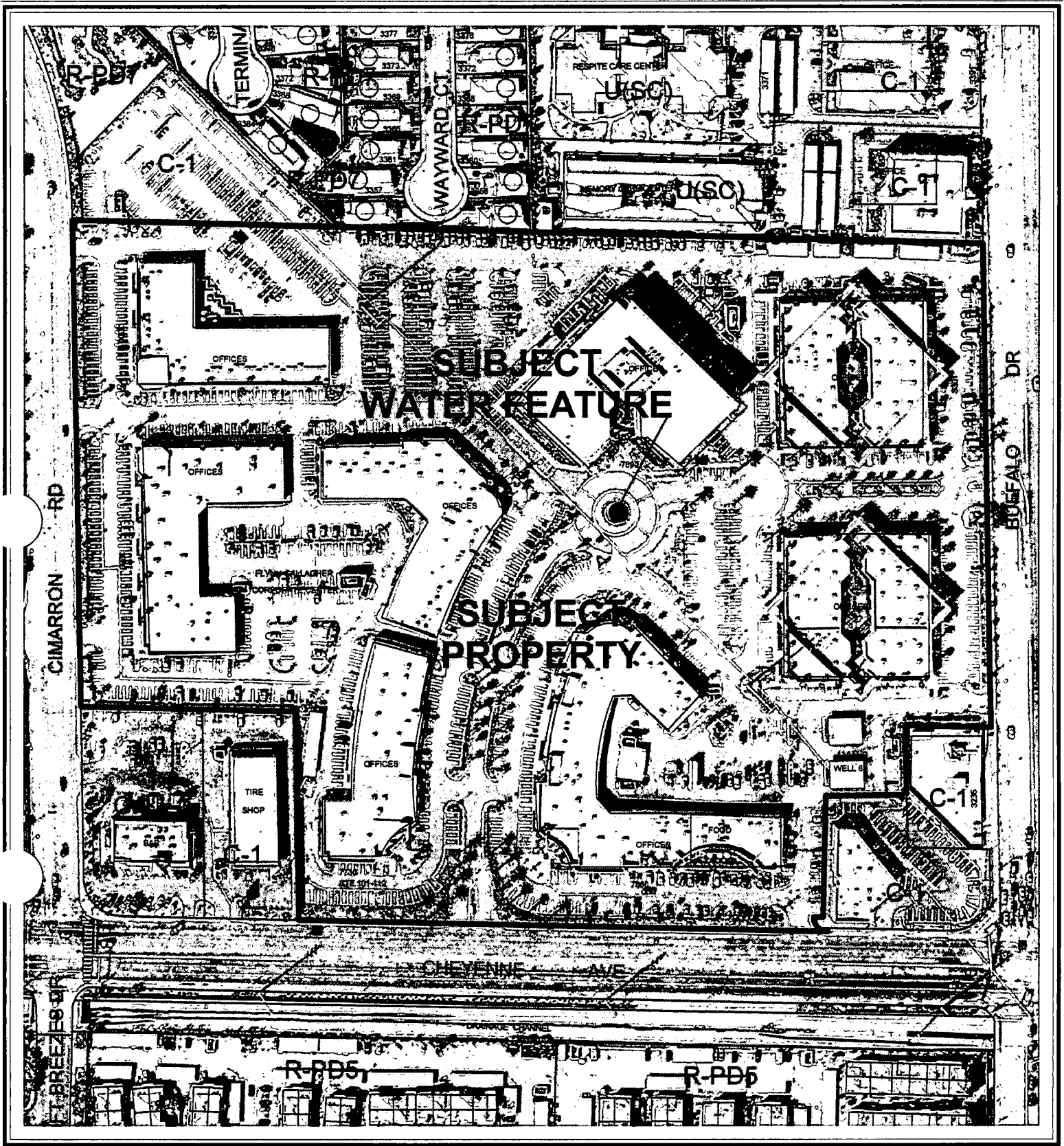
CONDITIONS:

1. The applicant shall pay a fee to the City through the Planning and Development Department of \$6,150 to operate the water feature through December 31, 2004. For subsequent years in which Drought Watch or Drought Alert is declared an annual fee of \$250.00 shall be paid.
2. This exemption does not apply in years which Drought Emergency is declared.
3. The applicant shall post a sign at the water feature to indicate they have received an exemption to allow its operation.



CASE: DIR-4870

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



CASE: DIR-4870

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

FLYNN L LAGHER CORPC. RATE CENTER
LAS VEGAS, NV.

DIR-4870
9-1-04 CC

STAFF

CIMARRON ROAD

BLDG. 5
28,840 G.S.F.

BLDG. 4
59,400 G.S.F.

BLDG. 3
34,280 G.S.F.

BLDG. 6
(2) STORY
75,000 G.S.F.

BLDG. 1
61,970 G.S.F.

BLDG. 2
26,970 G.S.F.

BLDG. 7
(FUTURE)
7,188 S.F.

Future
Expansion

NAP.

ATWOOD AVE

BUFFALO DRIVE

EXISTING LAS VEGAS
POWER DISTRIBUTION MALL SITE

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

ITEM DESCRIPTION: DIR-4870 - APPLICANT/OWNER: CHEYENNE INVESTMENTS, LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

1. The applicant shall pay a fee to the City through the Planning and Development Department of \$6,150 to operate the water feature through December 31, 2004. For subsequent years in which Drought Watch or Drought Alert is declared an annual fee of \$250.00 shall be paid.
2. This exemption does not apply in years which Drought Emergency is declared.
3. The applicant shall post a sign at the water feature to indicate they have received an exemption to allow its operation.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for a Water Feature Exemption to allow the operation of one water feature for a commercial development located at 7690 West Cheyenne Avenue.

DETAILS OF APPLICATION REQUEST

The applicant is requesting to allow the operation of one water feature located towards the center of the site within the subject commercial development.

ANALYSIS & FINDINGS

Pursuant to Title 14.11.190, the City Council may approve exemptions to allow the operation of water features during Drought Watch and Drought Alert. On sites where turf exists at the time of the exemption request, 50 square feet of turf shall be converted to a drought tolerant landscaping (such as desert landscaping) to allow for 1 square foot of water feature area. In cases where there is not enough turf to meet this ratio, a fee of \$10 per square foot of surface area shall be paid for the remaining portion of the water feature area not covered by the turf conversion. In cases where there is no turf on the subject site, the \$10 per square foot of water feature area shall be applied.

In this case, the submitted plans indicate the subject water feature is 615 square feet. Additionally, there is no turf to convert to as part of this request. Therefore, the amount of the fee the applicant shall be required to pay to allow for the operation of the water feature during the current declaration of Drought Alert is \$6,150. In subsequent years when either Drought Watch or Drought Alert is declared, the property owner shall pay an annual fee of \$250 to allow for the continued operation of the water feature. This exemption shall not apply in years which Drought Emergency is declared.

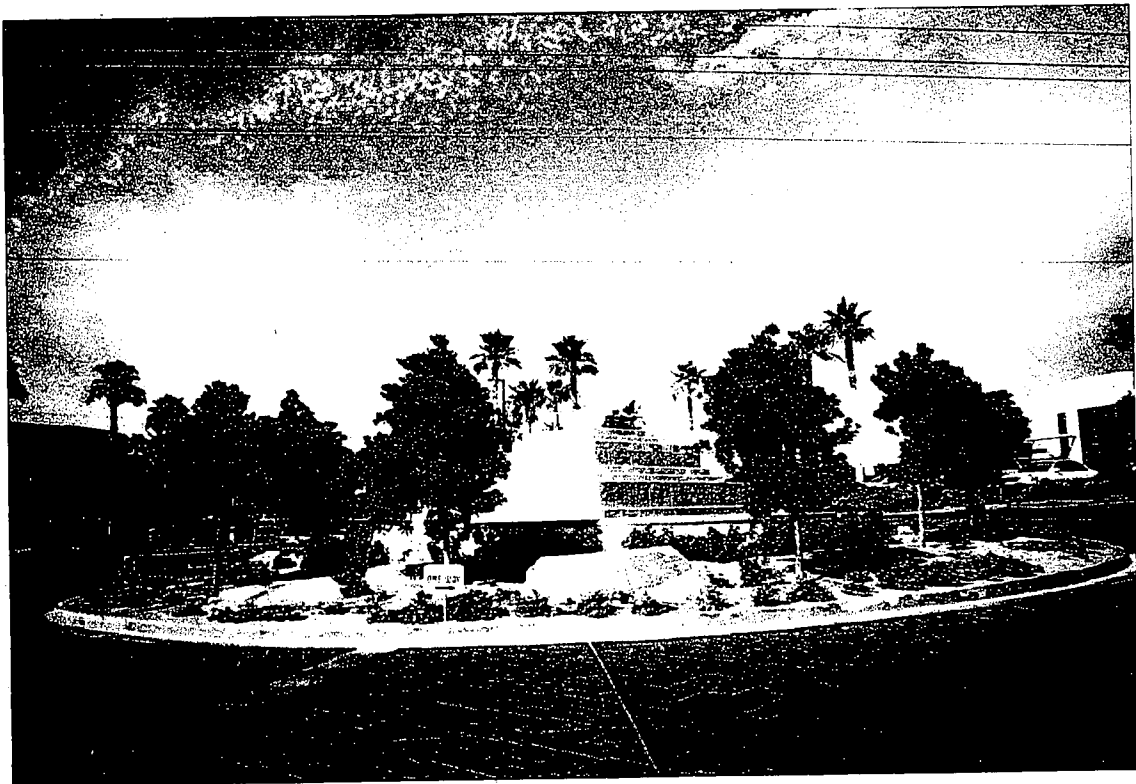
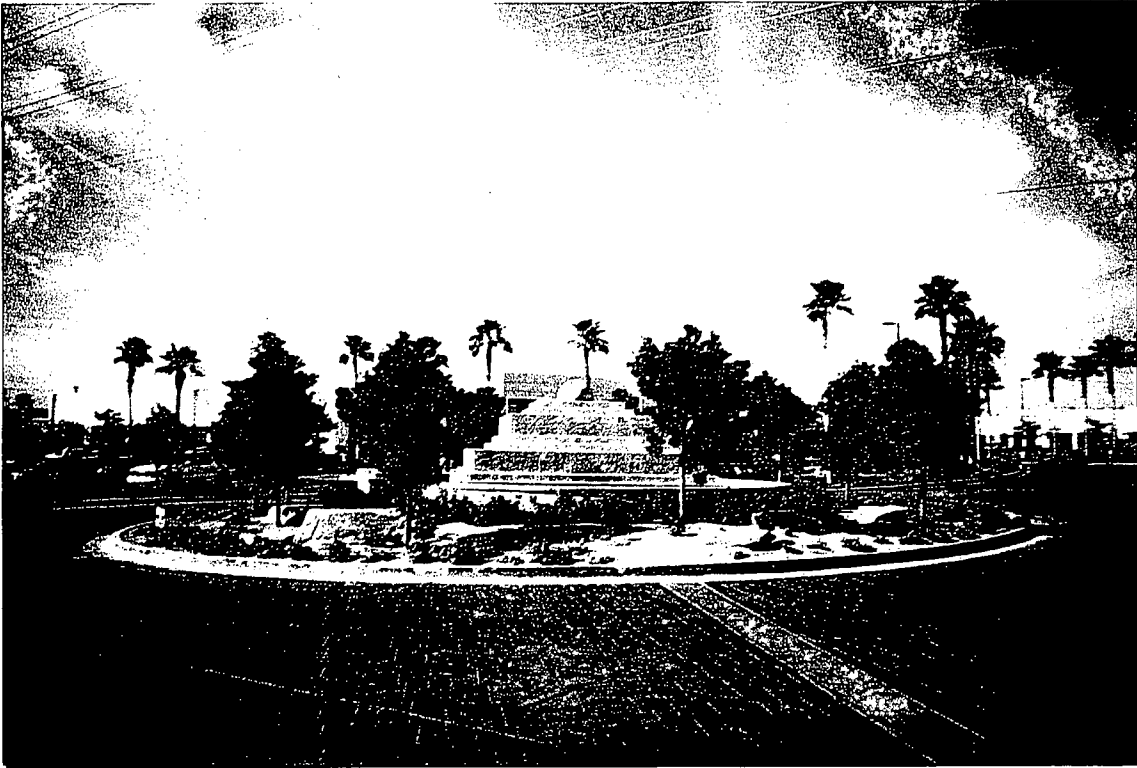
In order to inform the public that an exemption has been received for the subject water feature, the applicant shall post a sign indicating such adjacent to the subject water feature.

On August 10, 2004, the Las Vegas Valley Water District provided confirmation that the subject water feature is not in operation at the time of this exemption request.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



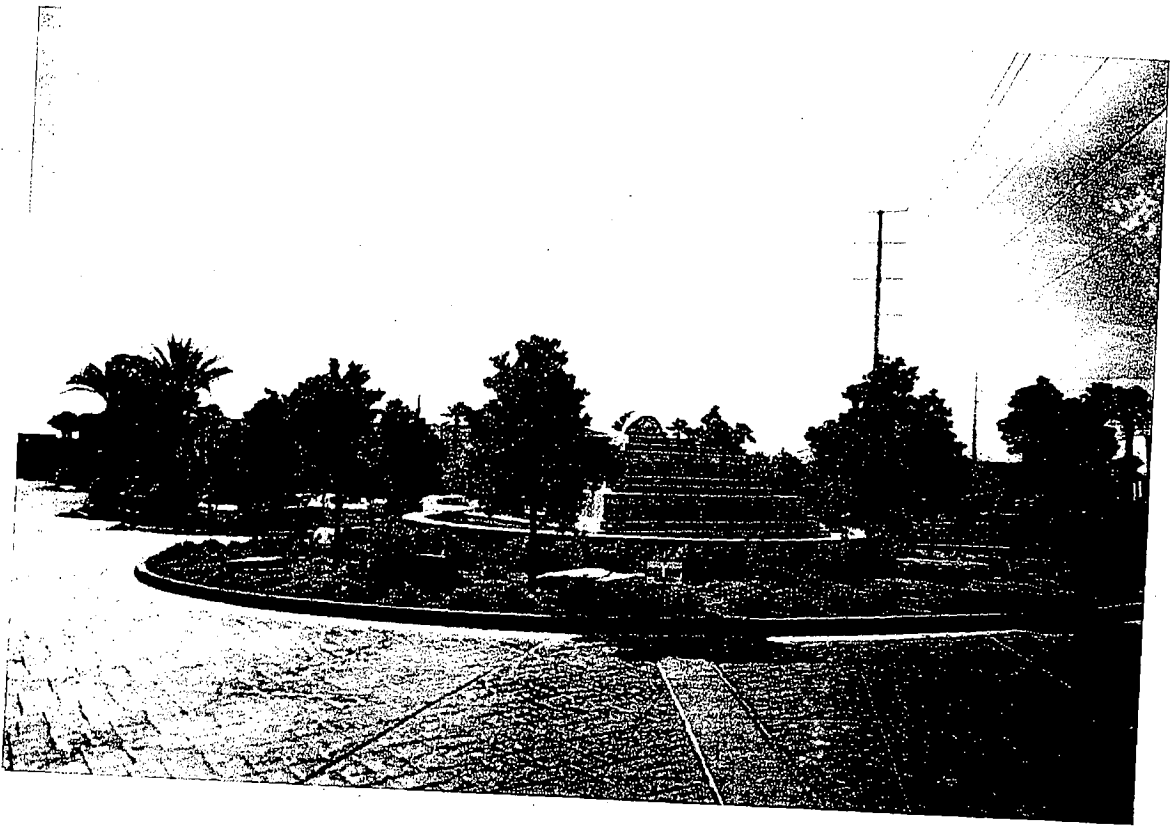
STAFF

**DIR-4870
9-1-04 CC**



STAFF

**DIR-4870
9-1-04 CC**



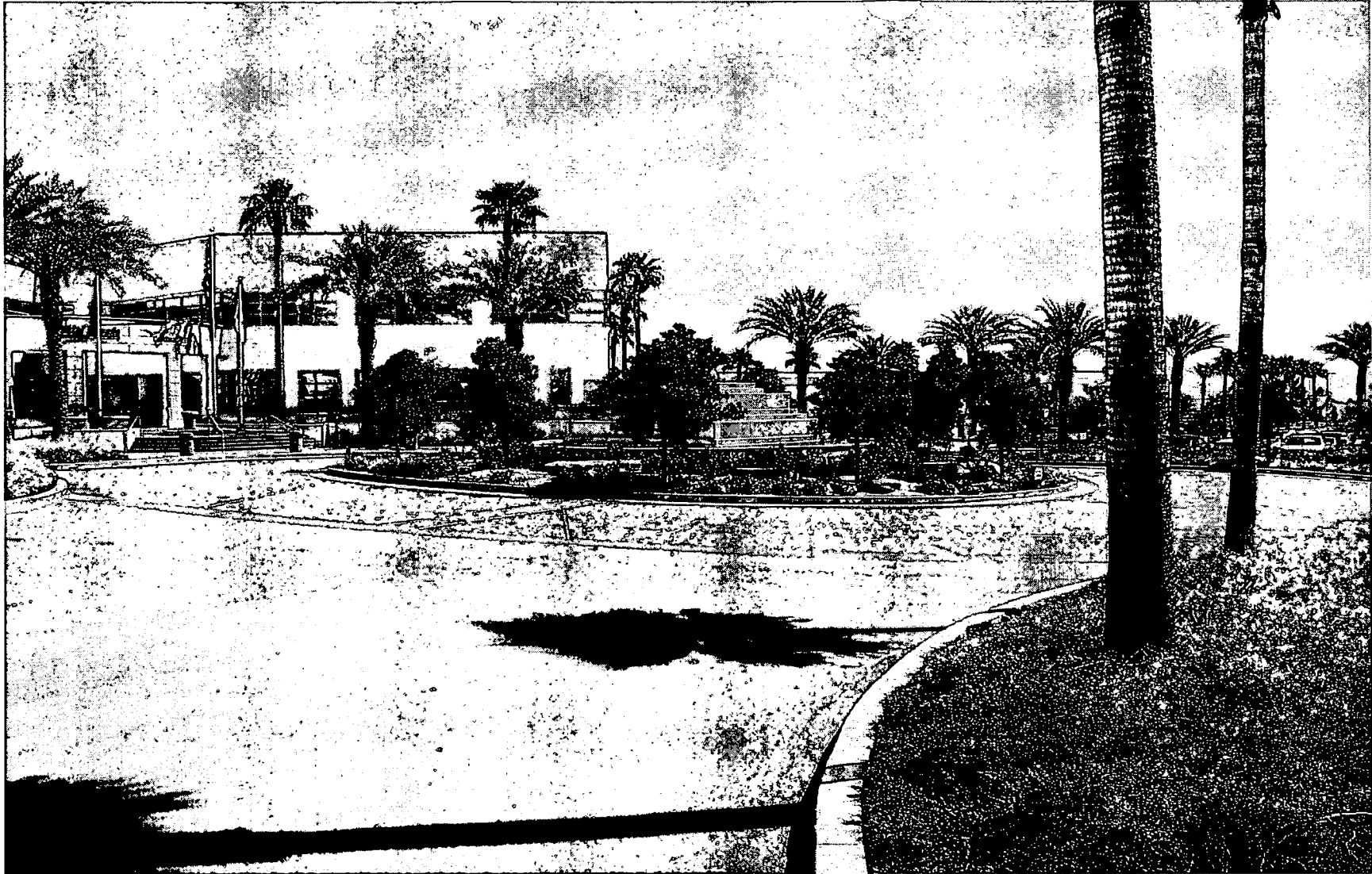
STAFF

**DIR-4870
9-1-04 CC**



STAFF

DIR-4870
9-1-04 CC



DIR-4870 - APPLICANT/OWNER: CHEYENNE INVESTMENTS, LIMITED LIABILITY COMPANY

7690 West Cheyenne Avenue

SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

WATER FEATURE EXEMPTION - DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY - Request for a Water Feature Exemption TO ALLOW THREE WATER FEATURES for a commercial development located at 4301 North Rancho Drive (APN 138-02-712-001), Ward 6 (Mack). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ROBERT GENZER, Director of Planning and Development, explained this request was for three water features for a new development. He stated there is little or no turf installed and they are willing to pay the fees per ordinance to allow the fountains to be turned on. MAYOR GOODMAN confirmed their wise use of desert landscaping would be a savings on water, which is of utmost importance.

COUNCILMAN MACK commented on the eight thousand square feet of turf they are not installing, and so he expressed support of the item.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

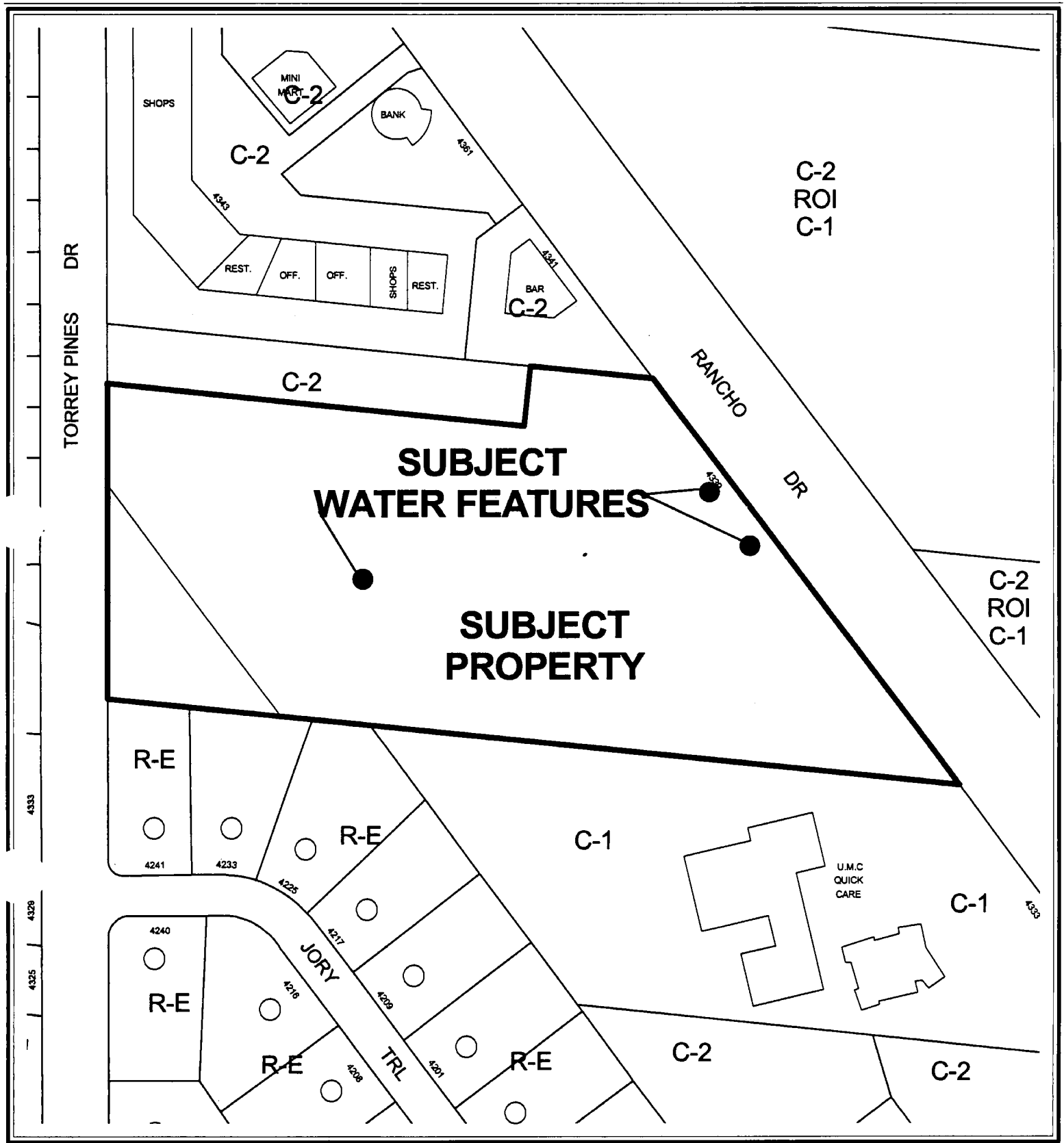
(1:24 - 1:26)

3-770

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Planning and Development
Item 85 – DIR-4890

CONDITIONS:

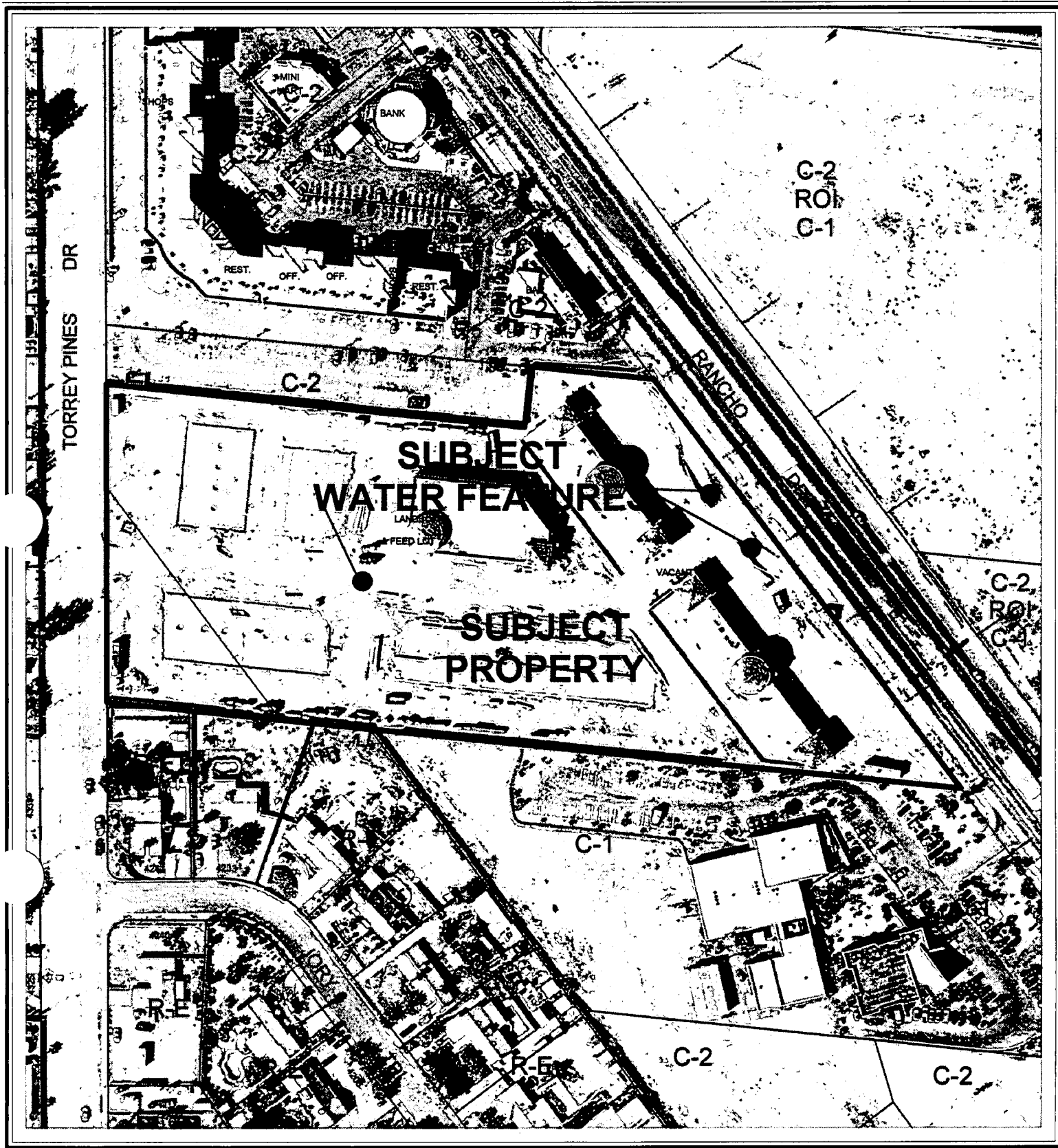
1. The applicant shall pay a fee to the City through the Planning and Development Department of \$10,020 to operate the three water features through December 31, 2004. For subsequent years in which Drought Watch or Drought alert is declared, an annual fee of \$250.00 shall be paid.
2. This exemption does not apply in years which Drought Emergency is declared.
3. The applicant shall post a sign at each of the water features to indicate they have received an exemption to allow its operation.



CASE: DIR-4890

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)
AND C-2 (GENERAL COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2
(GENERAL COMMERCIAL)



0 100 200 Feet

CASE: DIR-4890

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL)
 AND C-2 (GENERAL COMMERCIAL) UNDER RESOLUTION OF INTENT TO C-2
 (GENERAL COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

**ITEM DESCRIPTION: DIR-4890 - APPLICANT/OWNER: NORTHBROOK,
LIMITED LIABILITY COMPANY**

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

1. The applicant shall pay a fee to the City through the Planning and Development Department of \$10,020 to operate the three water features through December 31, 2004. For subsequent years in which Drought Watch or Drought alert is declared, an annual fee of \$250.00 shall be paid.
2. This exemption does not apply in years which Drought Emergency is declared.
3. The applicant shall post a sign at each of the water features to indicate they have received an exemption to allow its operation.

**** STAFF REPORT ****

APPLICATION REQUEST

This request is for a Water Feature Exemption to allow the operation of three water features for a commercial development located at 4301 North Rancho Drive.

DETAILS OF APPLICATION REQUEST

The applicant is requesting to allow the operation of three water features, two of which are located at the entrance and one located towards the center of the site within the subject commercial development.

ANALYSIS & FINDINGS

Pursuant to Title 14.11.190, the City Council may approve exemptions to allow the operation of water features during Drought Watch and Drought Alert. On sites where turf exists at the time of the exemption request, 50 square feet of turf shall be converted to a drought tolerant landscaping (such as desert landscaping) to allow for 1 square foot of water feature area. In cases where there is not enough turf to meet this ratio, a fee of \$10 per square foot of surface area shall be paid for the remaining portion of the water feature area not covered by the turf conversion. In cases where there is no turf on the subject site, the \$10 per square foot of water feature area shall be applied.

In this case, the submitted plans indicate the subject water features are a total of 1,197 square feet. Additionally, a landscape plan was approved for this development prior to the August 1, 2003 implementation date of the Drought Ordinance that depicts 8,845 square feet of turf. The applicant has opted to not install the previously approved turf and is therefore able to receive credit for the 8,000 square feet towards the water features. This 8,845 square foot elimination of turf is enough to allow 177 square feet of water feature area. The remaining square footage of water feature area of 1,020 requires the applicant to pay a fee in the amount of \$10,020 to allow for the operation of the water features during the current declaration of Drought Alert. In subsequent years when either Drought Watch or Drought Alert is declared, the property owner shall pay an annual fee of \$250 to allow for the continued operation of the water feature. This exemption shall not apply in years which Drought Emergency is declared.

In order to inform the public that an exemption has been received for the subject water features, the applicant shall post a sign indicating such adjacent to each of the subject water features.

On July 27, 2004, the Las Vegas Valley Water District provided confirmation that the subject water feature is not in operation at the time of this exemption request.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



Northbrooke, LLC

4343 NORTH RANCHO DRIVE, SUITE 234
LAS VEGAS, NEVADA 89130

April 21, 2004

City of Las Vegas
Planning and Development Department
731 S. 4th Street
Las Vegas, NV 89101

ATTN: Sean Robertson

Re: Northbrooke, A Business Park

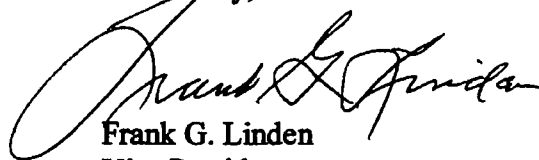
Dear Sir:

We are requesting an exemption for the drought restrictions at our project that we are building at this time, located at our address of 4301 N. Rancho Drive, Las Vegas, Nevada 89130.

Enclosed please find four (4) copies of our landscape and fountain plans. We are willing to eliminate all grass areas, in order to be permitted to put water into our fountains, and we would be willing to pay an assessment for this project. Our fountains are basically only 18 inches deep, so we are not going to be using a lot of water.

Thank you for your consideration.

Yours truly,



Frank G. Linden
Vice President

FGL/maw



NEVADA LANDSCAPE CORP.

To Whom it may Concern,

In order to reduce the use of water, the turf areas have been eliminated and the ponds have been reduced in size. The following changes have been made to the Landscape plan for Northbrook Business Park:

The total Landscape area of this project is 69,554 sq.ft.

The total turf area as of 12/5/02 was 8845sq.sq.ft.

The total turf area as of 4/21/04 is 0sq.ft.

The total center island pond as of 12/5/02 was 873sq.ft.

The total center island pond as of 4/21/04 is 873sq.ft.

The total of each pond located at the entry on Rancho as of 12/5/04 was 270sq.ft.

The total of each pond located at the entry on Rancho as of 4/21/04 is 144sq.ft & 180 sq.ft.

If there are any questions or concerns please call me at (702) 251-5533.

Sincerely,

Heather Frey

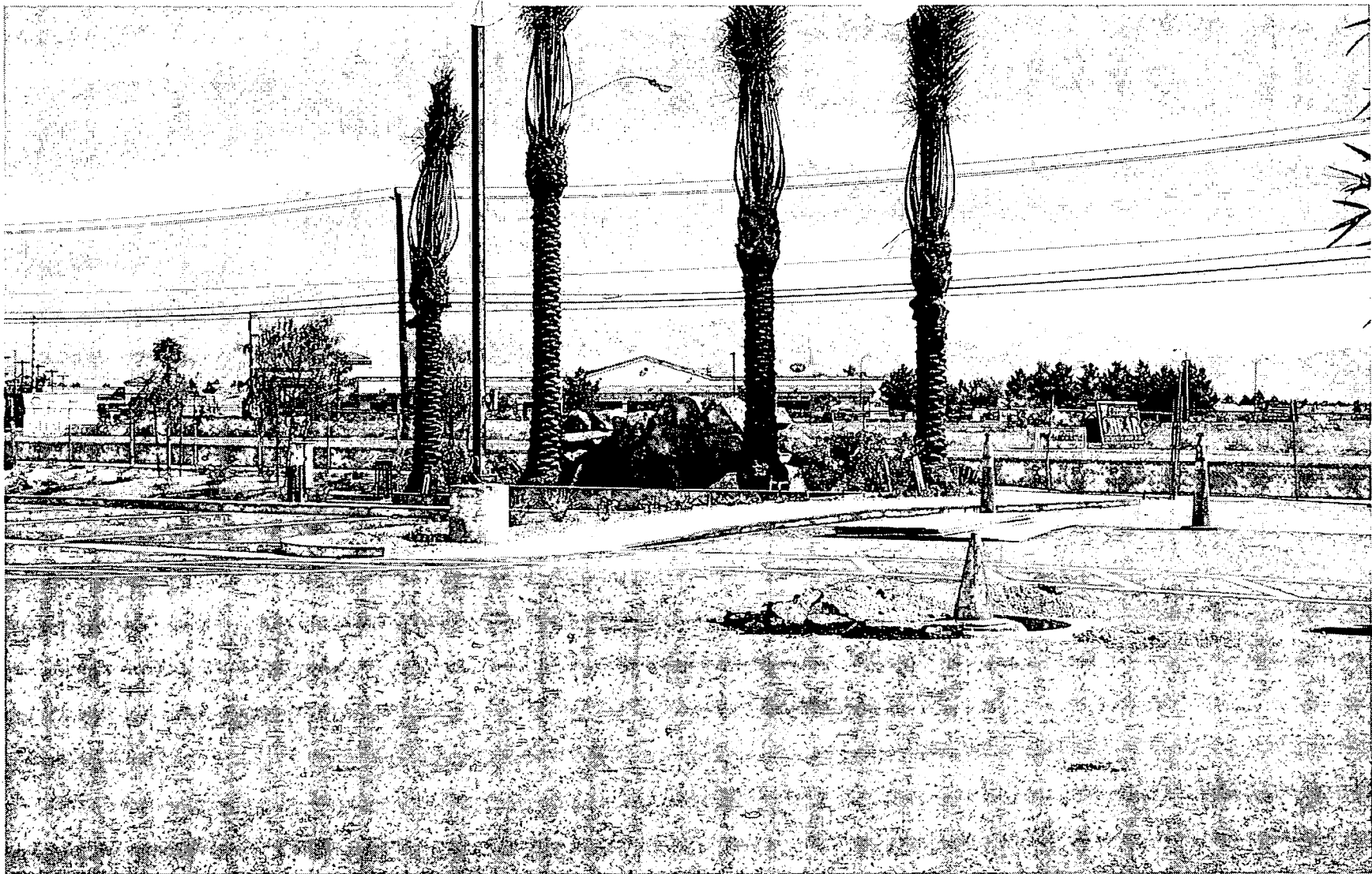
Chief Estimator

138-02-712-001



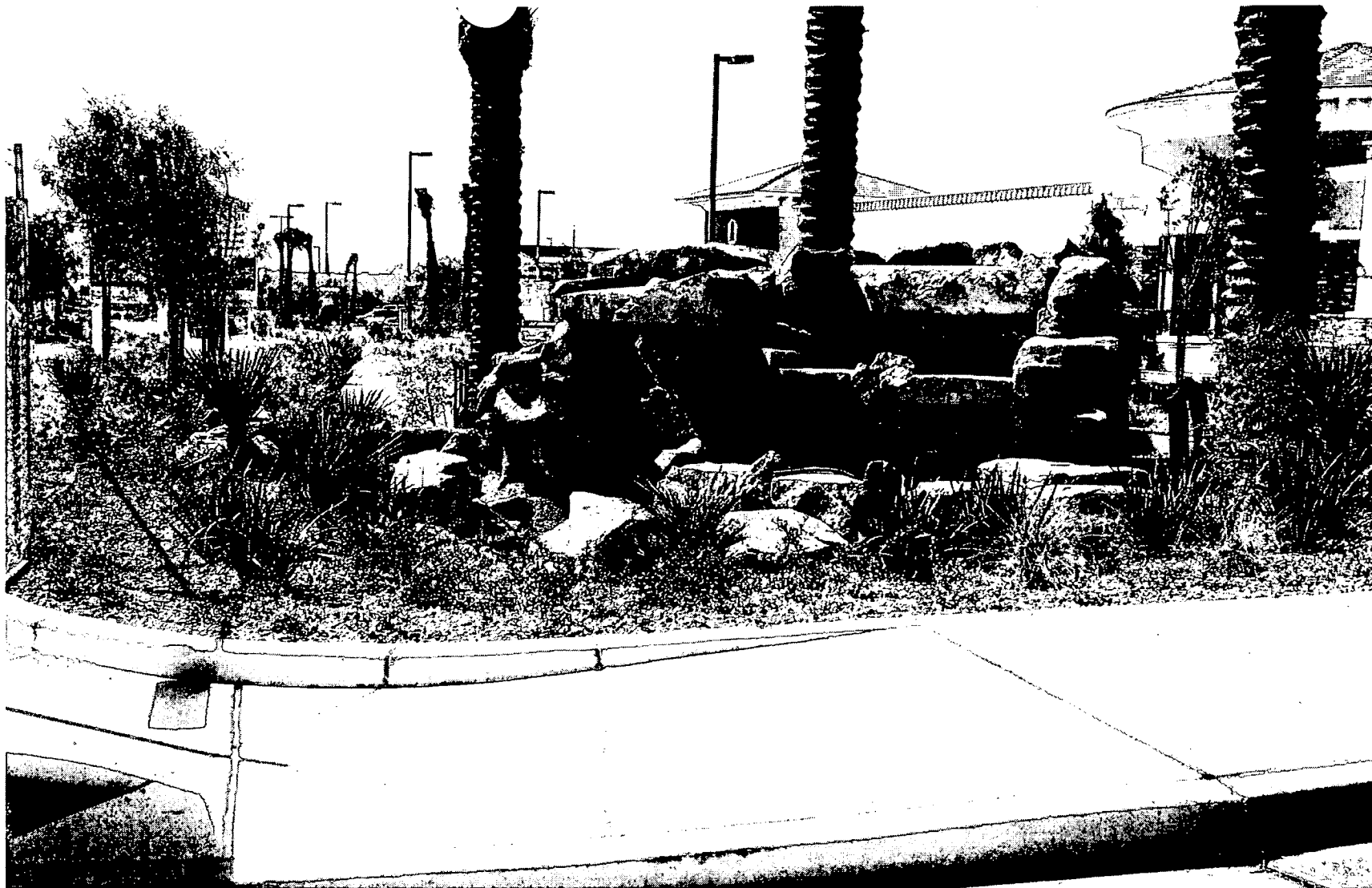
DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY
4301 North Rancho Drive
SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



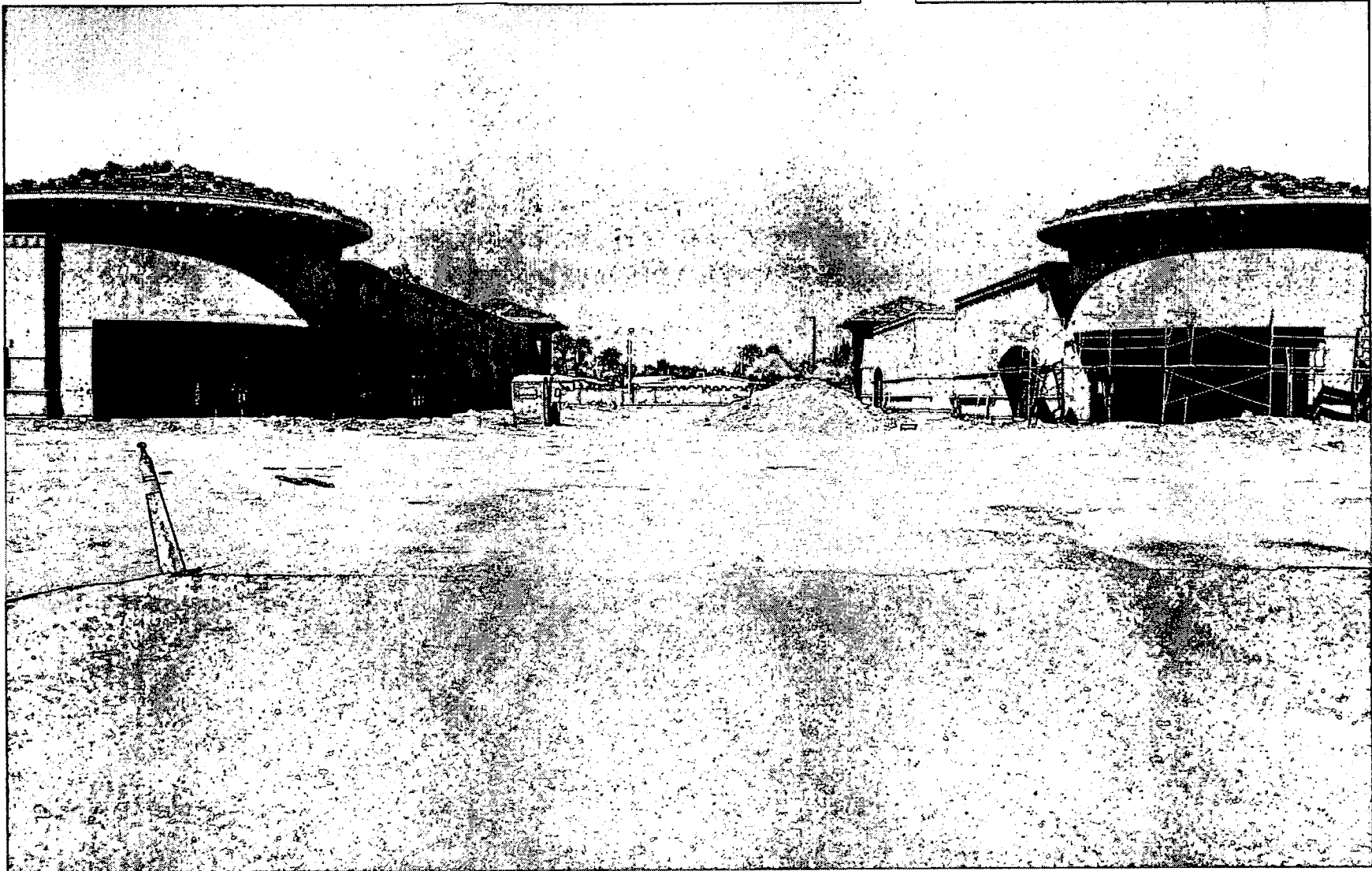
DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY
4301 North Rancho Drive
SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



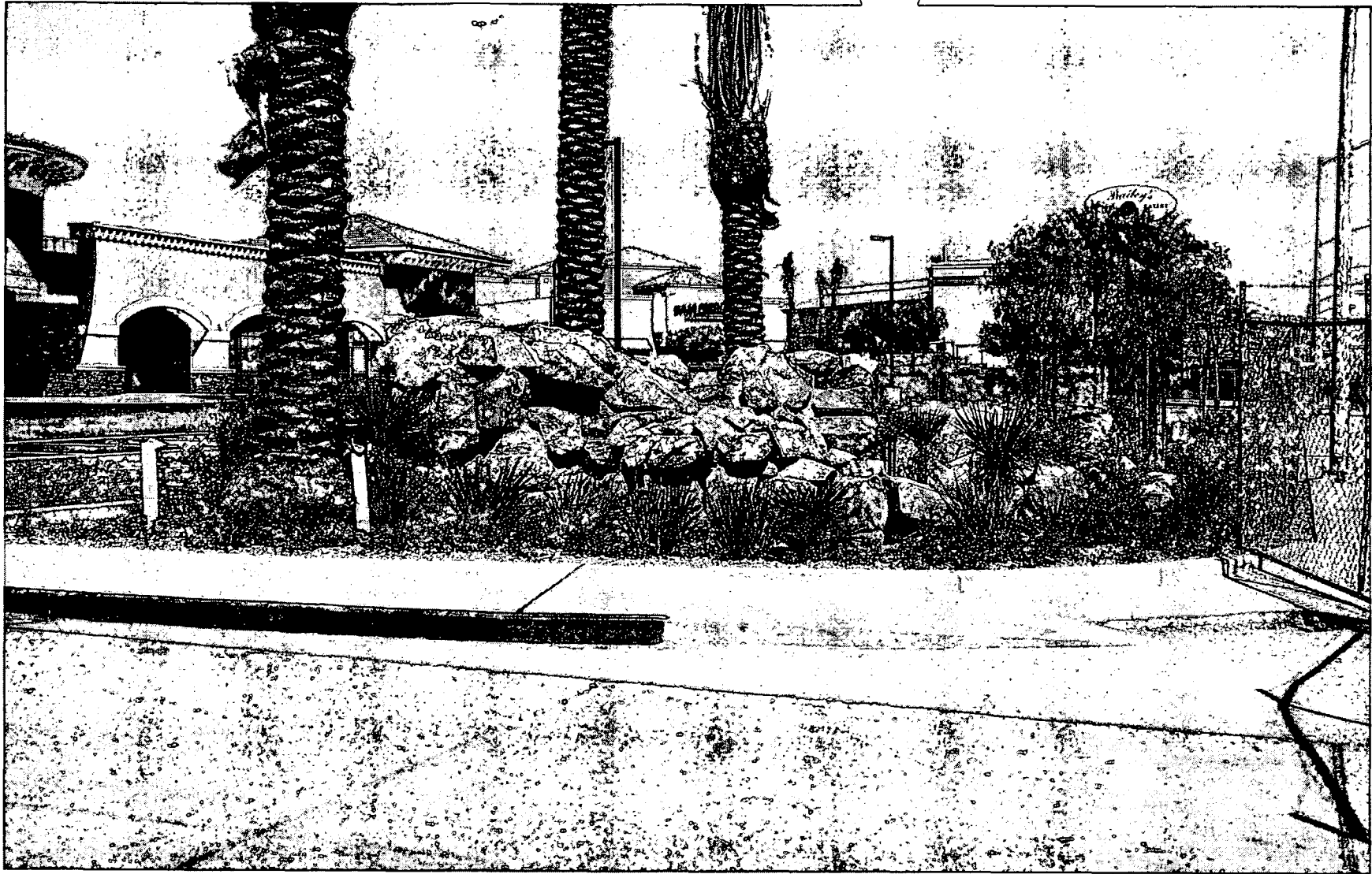
DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY
4301 North Rancho Drive
SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY
4301 North Rancho Drive
SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



DIR-4890 - APPLICANT/OWNER: NORTHBROOK, LIMITED LIABILITY COMPANY
4301 North Rancho Drive
SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: SEPTEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REVIEW OF CONDITION - PUBLIC HEARING - ROC-4886 - APPLICANT: MNSNV, LIMITED LIABILITY COMPANY - OWNER: SMK, INC. - Request for a Review of Condition to delete Conditions Number 2 and 7 of an approved Special Use Permit (U-0147-01), which limited the sale of alcoholic beverages to beer and wine only and limited the area in which the beverages could be sold to the area proposed on the floor plan, at an existing convenience store (ABC STORE) at 23 Fremont Street (APN 139-34-111-037), C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Submitted at City Council – Letter of Opposition from Joseph R. Schillaci on behalf of Fremont Street Experience

MOTION:

MONCRIEF – APPROVED subject to conditions with the following added conditions:

- *Liquor sales shall be of 750ml or larger bottles, only.*
- *The amount of space utilized for liquor sales shall be limited to 80 square feet.*

– UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that he is a consultant for his brother STEVEN MACK, who owns a Super Pawn within the notification area. He has not spoken with him about this item and there is no impact on his operation. Therefore, he will be voting on Item 86.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MAYOR GOODMAN initially acknowledged a letter from by Joseph R. Schillaci on behalf of Fremont Street Experience in opposition of the request. He touched on key points of the letter,

CITY COUNCIL MEETING OF SEPTEMBER 1, 2004
Planning and Development
Item 86 – ROC-4886

MINUTES Continued:

which noted their efforts to improve the character of Downtown and how they find it incompatible with the existing environment and future vision of the area.

ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, appeared on behalf of the applicant to specifically identify the intention of the owners. She noted that packaged liquor would be sold in addition to the beer and wine they already sell, and is planned to be stocked at the cashier counter where cigarettes, beer and wine are currently located. This would be an attempt to control who purchases the liquor. She pointed out ABC Store has 65 other stores worldwide and has been a very good neighbor to Fremont Street Experience. She also stated they do not plan on changing the outside of the store to attract more or different customers.

COUNCILMAN REESE inquired about the additional square footage that would be added, and MS. LAZOVICH replied that only 10 feet would be added against a back wall. MR. GENZER confirmed for COUNCILMAN REESE that there is no limit as to how much square footage is allowed. COUNCILMAN MACK commented on how nice the stores are and he asked what the percentage of business would alcohol be to the overall store, and MS. LAZOVICH said four percent.

JOHN COLE, Chief Operating Officer of Fremont Street Experience, 425 Fremont Street, spoke in opposition to the application. He stated there are a number of other stores that already offer packaged goods. He expressed understanding with the store being able to maintain customers and their purchase but he feels one more store with this amenity would only add to Fremont Street's problem of controlling those under the influence of alcohol.

COUNCILWOMAN MONCRIEF stated her concern with the size of the packaged liquor and suggested a condition of no smaller than 750ml bottle, also to include a six-month review. MARGO WHEELER, Deputy Direct, Planning and Development, assured COUNCILWOMAN MONCRIEF the six-month review was not necessary as it is already a part of the conditions. MAYOR GOODMAN clarified for MS. LAZOVICH if the owners allow this to be abused, the City can have the entire place closed down. COUNCILWOMAN MONCRIEF also wanted to put a restriction on the amount of space that can be used for the liquor. MS. LAZOVICH confirmed just the liquor is only 80 square feet, and COUNCILWOMAN MONCRIEF felt that was appropriate.

MAYOR GOODMAN declared the Public Hearing closed.

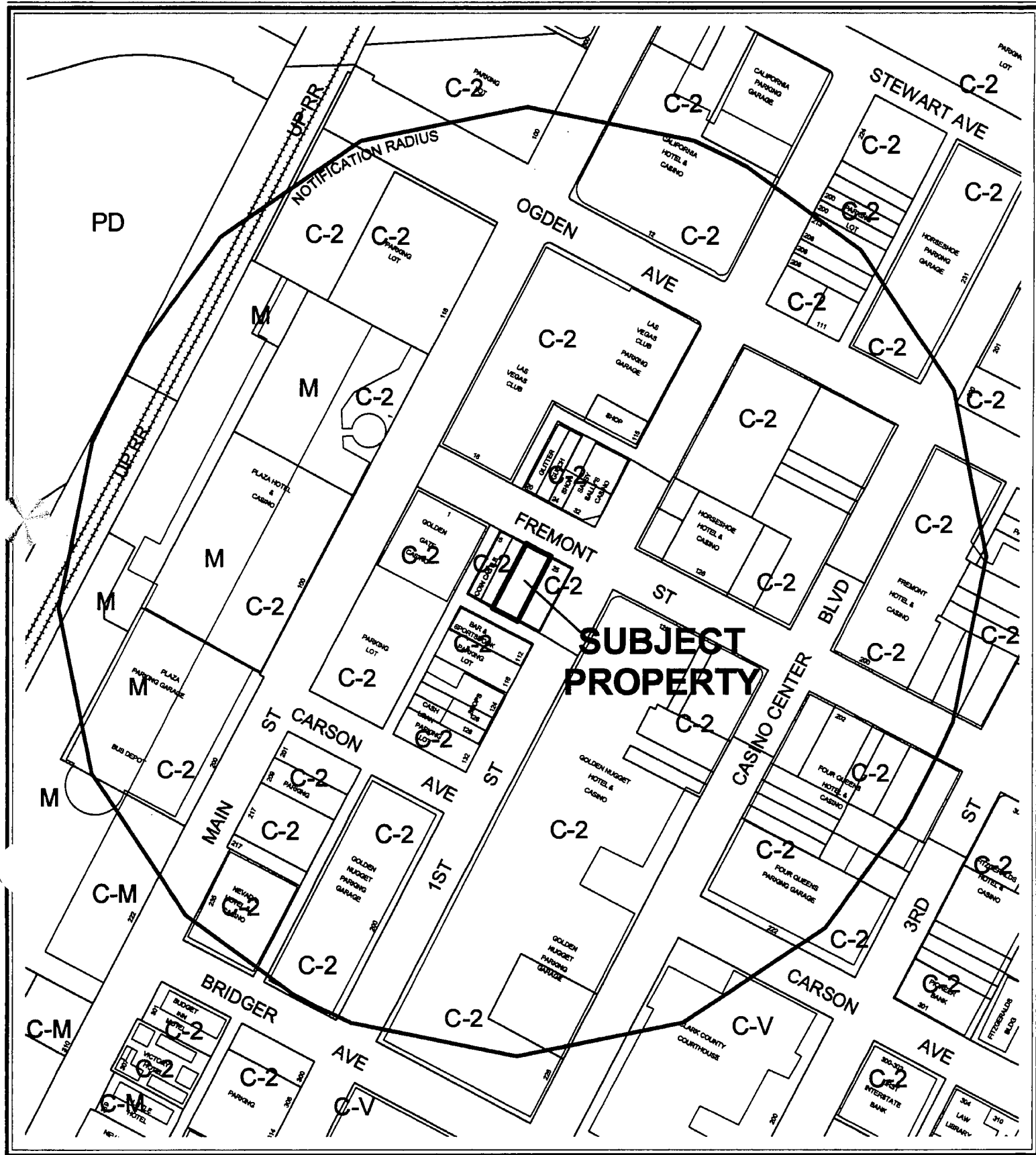
(1:26 – 1:39)

3-815

CONDITIONS:

Planning and Development

1. Condition Numbers 2 and 7 of Special Use Permit (U-0147-01) shall be deleted.
2. Conformance to all other Conditions of Approval of Special Use Permit (U-0147-01).



CASE: ROC-4886

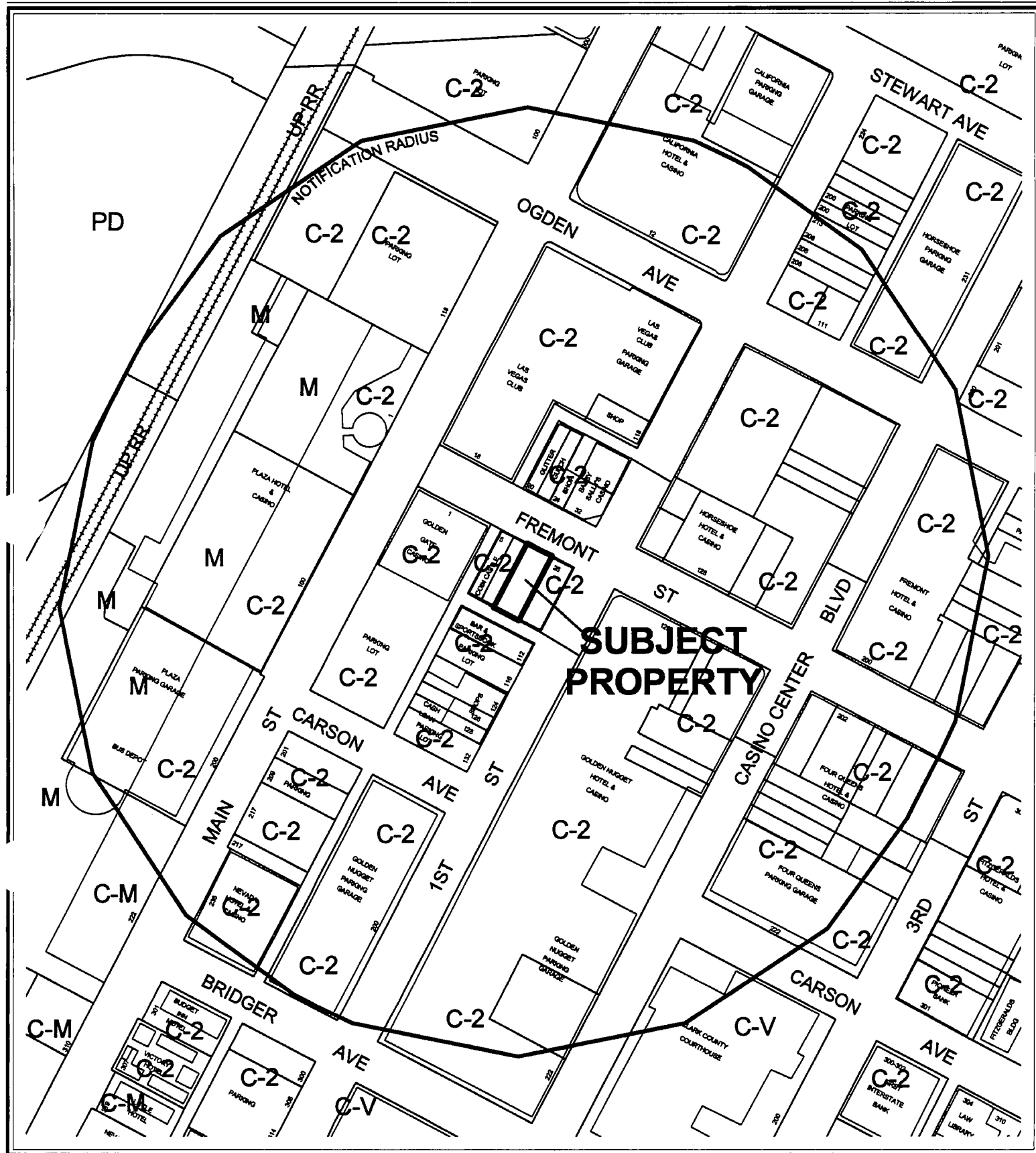
RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet

86





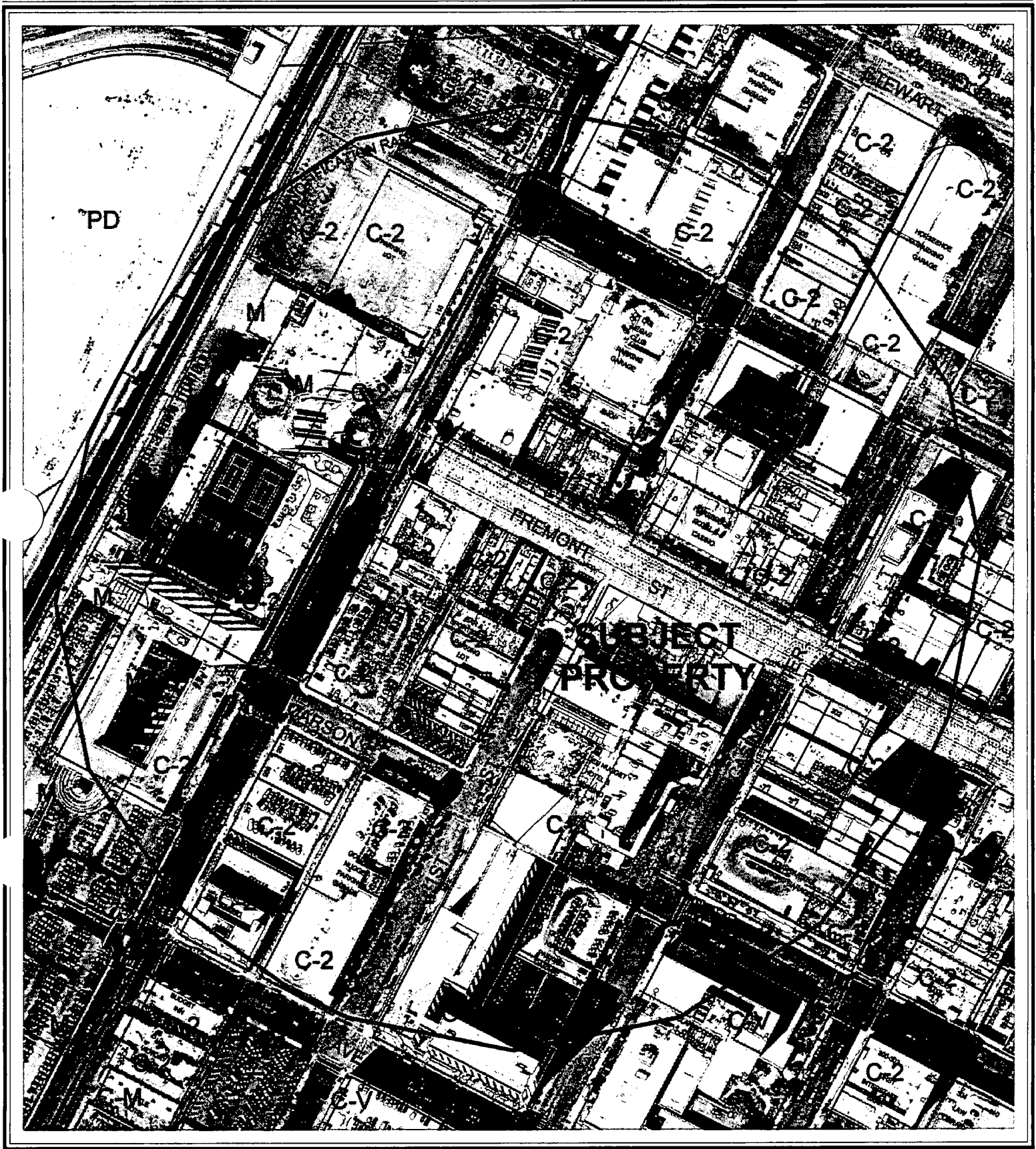
CASE: ROC-4886

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet





CASE: ROC-4886

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 1, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4886 - APPLICANT: MNSNV, LIMITED LIABILITY
COMPANY - OWNER: SMK, INC.

**** CONDITIONS ****

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. Condition Numbers 2 and 7 of Special Use Permit (U-0147-01) shall be deleted.
2. Conformance to all other Conditions of Approval of Special Use Permit (U-0147-01).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Conditions to delete Condition Numbers 2 and 7 of an approved Special Use Permit (U-0147-01), which limited the sale of alcoholic beverages to beer and wine only and limited the area in which these beverages could be sold to the area proposed on the floor plan, at an existing convenience store (ABC Store) at 23 Fremont Street in the Fremont Street Experience.

B) Applicant's Justification

The applicant justifies this application by stating that the store has proven itself to be a clean and respectable business since opening in November 2001. Similar convenience stores along Fremont Street have been approved for the sale of packaged liquor. If approved, the store would not advertise hard liquor beverages via its external signage. Packaged liquor would be sold near the cashier.

BACKGROUND INFORMATION

A) Previous Actions

- 11/23/98 The City Council accepted the applicant's request to withdraw without prejudice a request for a Special Use Permit (U-0120-98) for packaged liquor sales located within a Gift Shop adjacent to the east of the subject site (25 Fremont Street). The Planning Commission and staff recommended denial.
- 07/03/02 The City Council approved a Special Use Permit (U-0147-01) for the sale of packaged liquor for off-premise consumption on the subject site. The Planning Commission recommended approval. Staff recommended denial based on the oversaturation of alcohol-related uses within the Fremont Street Experience. A condition of the approval limited alcohol sales to beer and wine only and to the areas of the store proposed on the site plan.
- 01/22/03 The City Council approved a Required Six Month Review (RQR-1485) of a Special Use Permit for the sale of beer and wine for off-premise consumption on the subject site. Staff had no recommendation.

B) Pre-Application Meeting

- 07/20/04 The applicant was advised as to the submittal requirements. The request was clarified to remove Condition Numbers 2 and 7 so that all types of alcohol could be sold near the cashier.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 0.14

B) *Existing Land Use*

Subject Property: Convenience Store/Gift Shop
North: Casino (Sassy Sally's) and Restaurants
South: Vacant
East: Gift Shop
West: Clothing Store

C) *Planned Land Use*

Subject Property: C (Commercial)
North: C (Commercial)
South: C (Commercial)
East: C (Commercial)
West: C (Commercial)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)

E) *General Plan Compliance*

The subject site is designated C (Commercial) on the Downtown Redevelopment Area land use map. This category is designed to permit a wide range of office, light commercial and general commercial uses.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		
Downtown Centennial Plan	X	
Las Vegas Redevelopment Plan Area	X	
Special Overlay District		
Live/Work District	X	
Downtown Casino District/Special Signage Sub-District	X	
Fremont Street Experience	X	
Trails		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The subject site is located within the Casino Center District of the Downtown Centennial Plan Area. It is also within the Las Vegas Redevelopment Area, Live/Work Overlay District, Downtown Casino Overlay District (subject to special signage standards), and the Fremont Street Experience.

ANALYSIS

A) *Zoning Code Compliance*

A2) Minimum Distance Separation Requirements

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Off-premise)	Shall not be located within 400 feet of any church , synagogue, school, child care facility (13+ children), or City park	Greater than 400 feet from all protected uses

The existing convenience store complies with the distance separation requirement for the off-premise sale of alcohol. The distance is measured in a straight line from property line to property line.

B) *General Analysis and Discussion*

- Zoning

The sale of beer and wine and the sale of packaged liquor for off-premise consumption in conjunction with a convenience store are allowed uses within the C-2 (General Commercial) Zoning District, with the approval of a Special Use Permit.

- Use

Currently, approximately 200 square feet of ABC Store's 6,120 square-foot retail floor space may be used for the sale of beer and wine. This area is located on shelves to the immediate north and south of the cashier's station. The applicant is seeking to remove conditions of the Special Use Permit (U-0147-01) that would allow the convenience store to also sell packaged liquor and the ability to display alcoholic beverages throughout the store. Although the Special Use Permit on the site is approved for beer and wine only, the applicant has an approved active business license for package liquor sales effective 07/19/02. The Las Vegas Metropolitan Police Department has found no significant law enforcement issues on the site. Of the 13 calls for service that Metro has reported since the last use review of the site in January 2003, no serious violations were found. In addition, Code Enforcement has not found any alcohol-related violations at this site.

FINDINGS

Conditions 2 and 7 of the Special Use Permit were intended to ensure that the store operation would be harmonious and compatible with other uses in the Fremont Street Experience. Notwithstanding opposition from the Fremont Street Experience, area casinos and stores to the sale of beer and wine at this location, the City Council felt that the business could sell beer and wine without compromising the public health, safety and welfare, subject to a six-month review.

At the review, it was found that there were no code violations or complaints against the convenience store during the six-month review period; therefore, the sale of beer and wine was deemed to be compatible with the area.

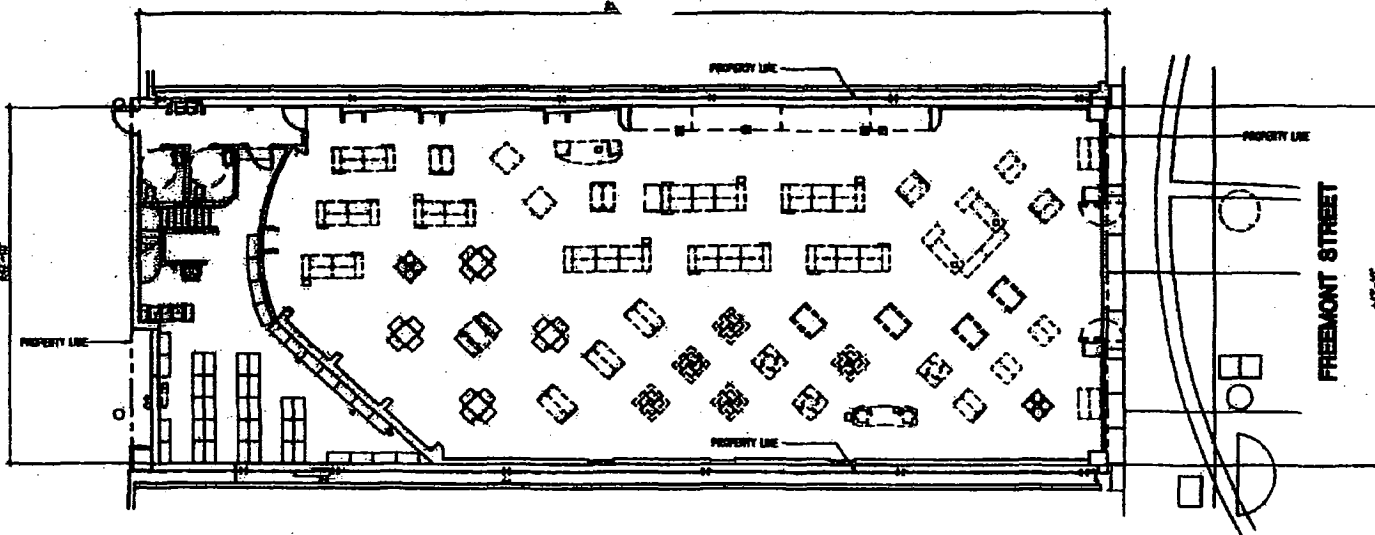
However, staff maintains its position that package liquor sales in a high-traffic pedestrian area contribute to loitering, petty crimes, and public indecency. These types of activities are often unreported and as a result can be difficult to monitor and correct. Additionally, these characteristics can create an insecure atmosphere within a major tourist center of the community. Individual sales of beer and wine can be prohibited; packaged liquor is mostly sold in individual containers and its sale cannot be curtailed in the same manner. Therefore, without the conditions approved as part of U-0147-01, a package liquor use at this site would not be harmonious and compatible with other uses in the area.

NOTICES MAILED 59

APPROVALS 0

PROTESTS 0





OWNER: MEDICAL AND ABC STORES
700 PONTIAC AVENUE
VANALISA, IOWA 50633

PROJECT LOCATION: 25 FREEMONT STREET
LAS VEGAS, NV 89101

PARCEL NO: 100-34-117-007

LOT AREA: 0.14 ACRES

ZONE: C-2 - GENERAL COMMERCIAL

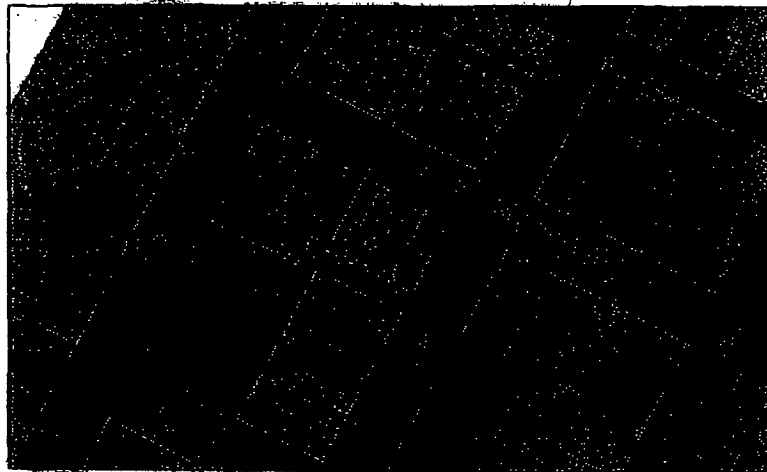
LAND USE: 300 - RETAIL COMMERCIAL

CODE: 1007 REC

EXIST. INFORMATION: 30. FT. TALLNESS
GROUND FLOOR - 30' X 60'
SECOND FLOOR - 30' X 60'
TOTAL - 60' X 120'

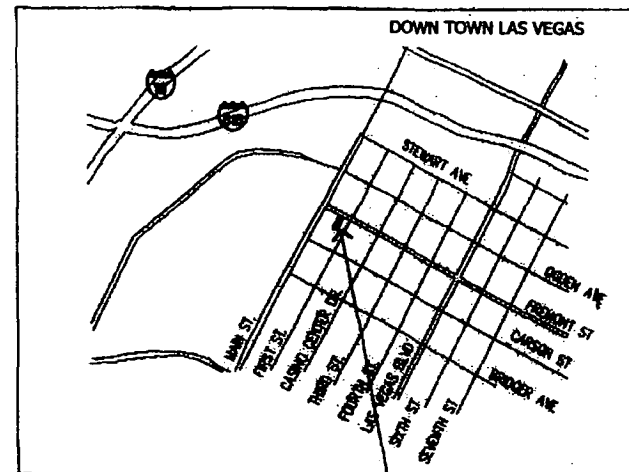
LEVEL: ONE-STORY EXISTING BUILDING W/ MEZZANINE LEVEL
CONSTRUCTION: 10
CONSTRUCTION TYPE: V - 1
STANDARD: AUTOMATIC FIRE SUPPRESSION

SITE PLAN
100-34-117-007



VIGNETTE MAP

VIGNETTE MAP
25 FREEMONT



LOCATION MAP

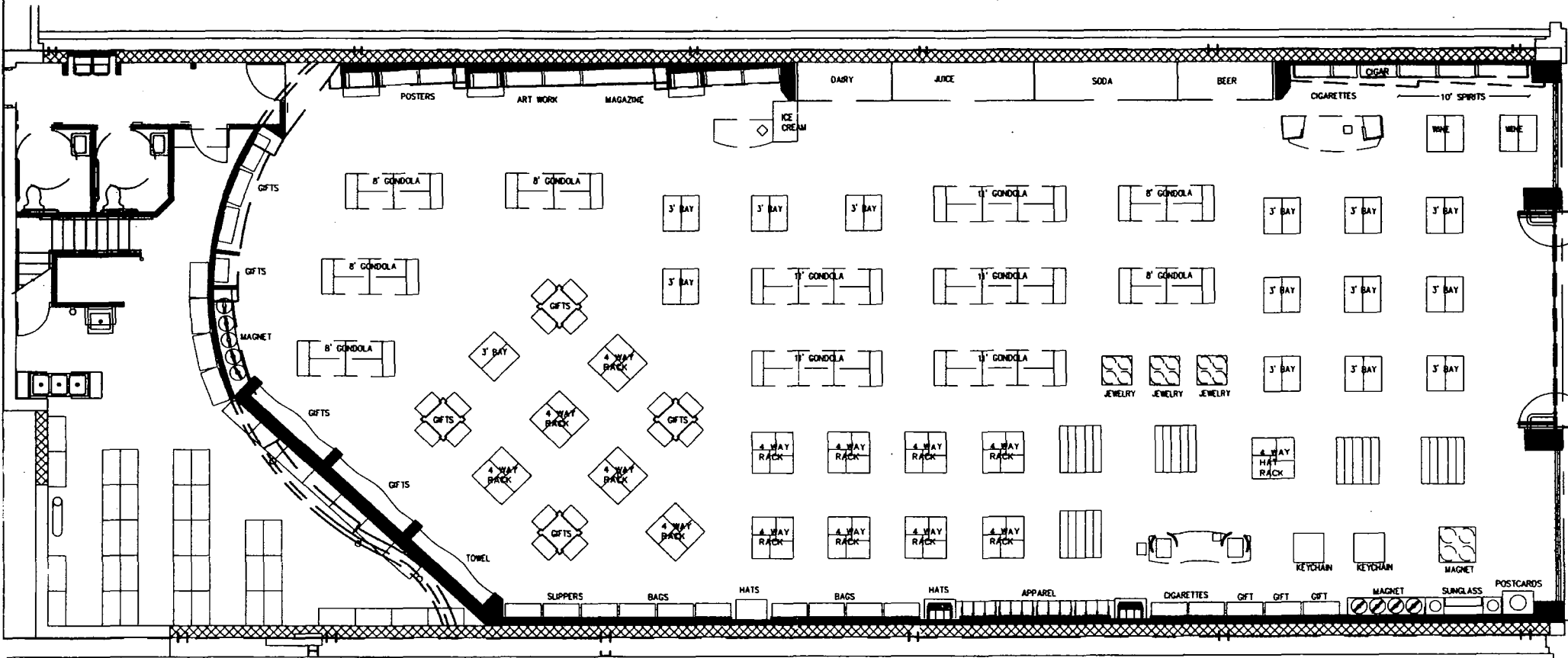
PROJECT SITE
25 FREEMONT

ABC STORE NO. 401
LAS VEGAS, NEVADA

PROJECT NO. 100-34-117-007
LAS VEGAS, NEVADA

ROC-4886
9-1-04 CC

STAFF



STORE FIXTURE PLAN

SCALE: 1/8" = 1'-0"

ABC STORE NO. 101
23 FREMONT STREET
LAS VEGAS, NEVADA 89101

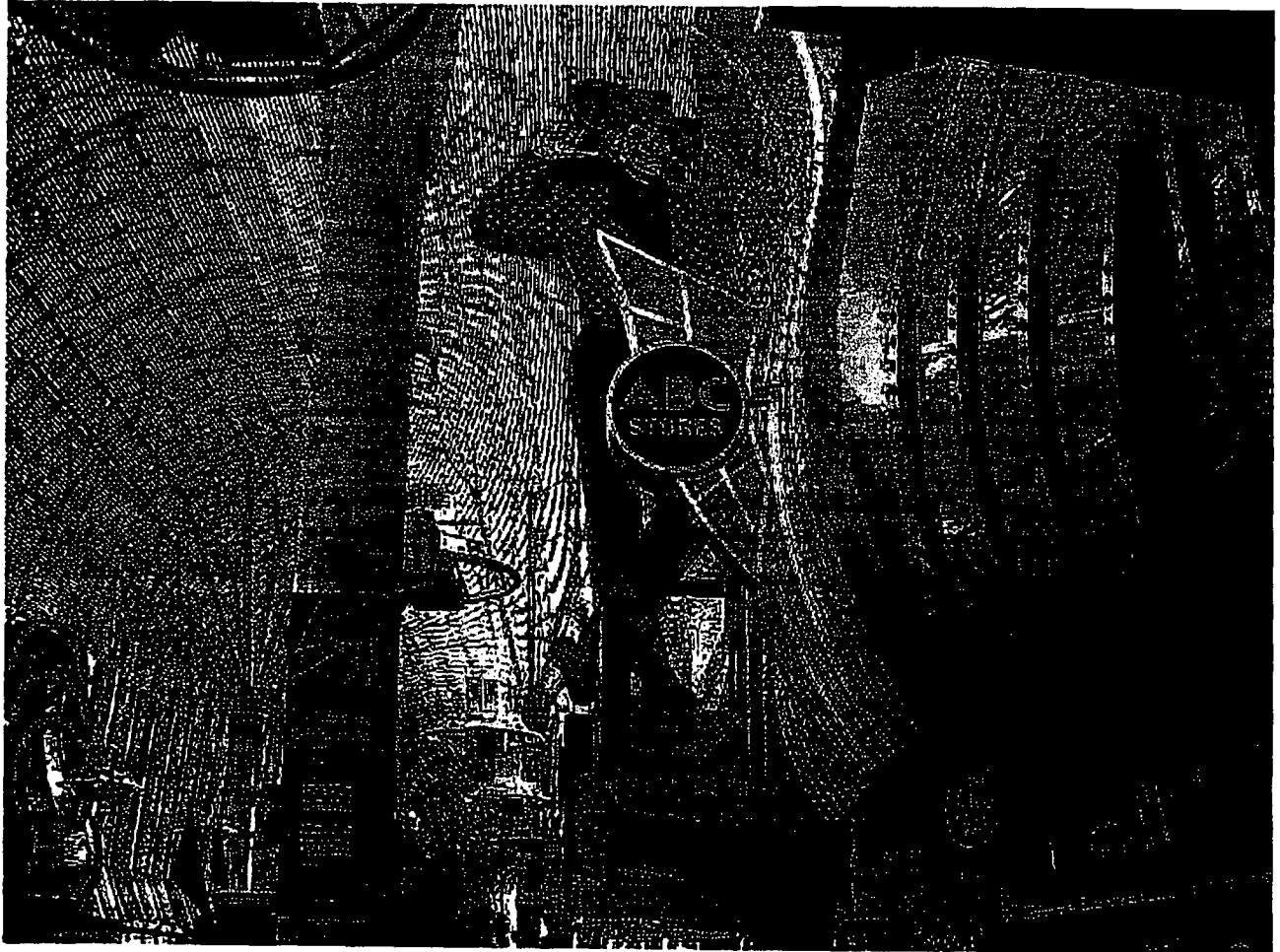


ROC-4886
9-1-04 CC

A-D-M
RETAIL PLANNING & ARCHITECTURE, INC.
677 Pennsylvania Street, Suite C-2
Hollywood, FL 33024
Tel: 813.587.1000 Fax: 813.587.1007

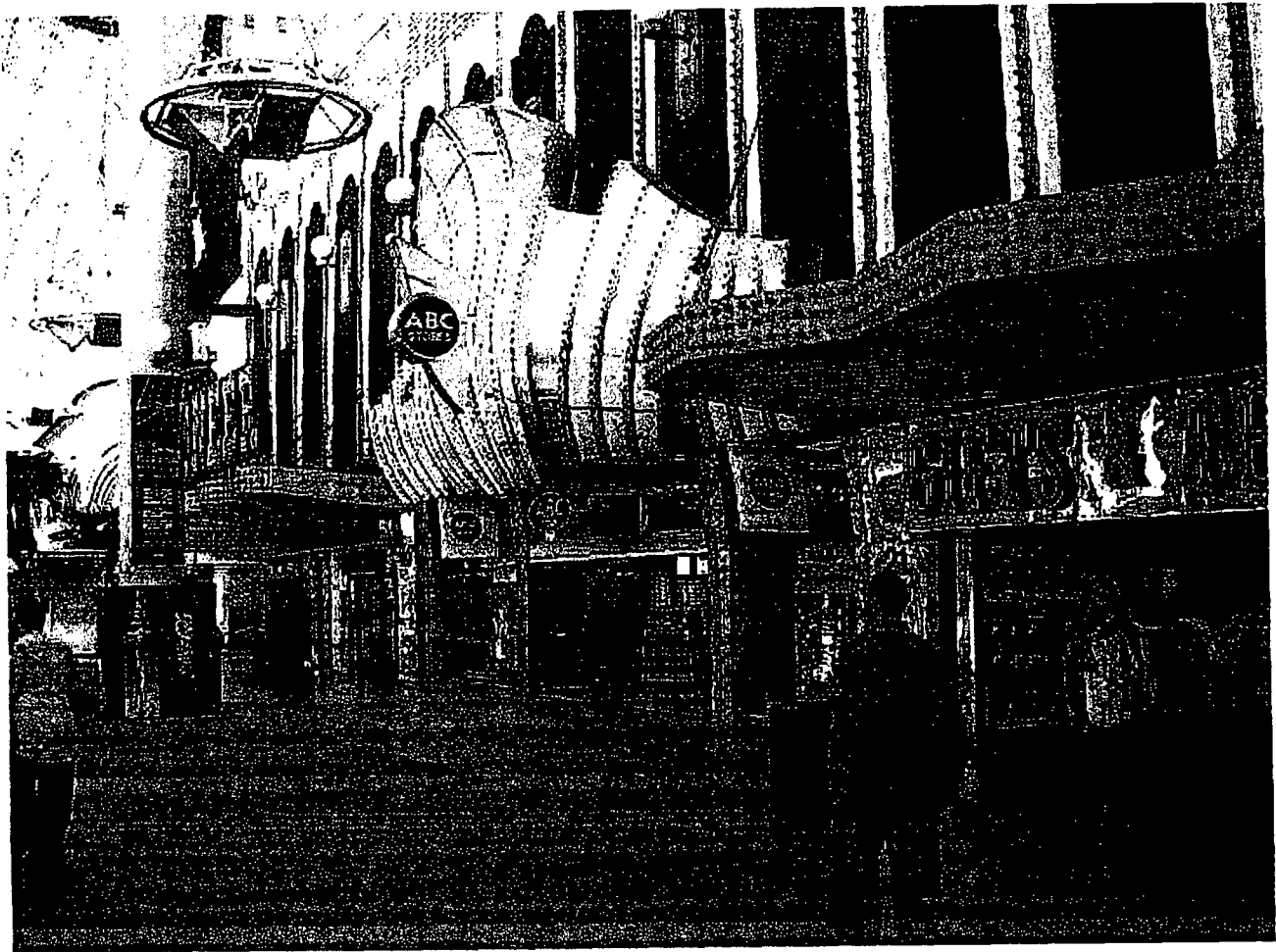
RECEIVED
AUG 13 2004

REVISED
8-13-04



ABC STORE 101 – LOOKING UPWARDS TO EAST

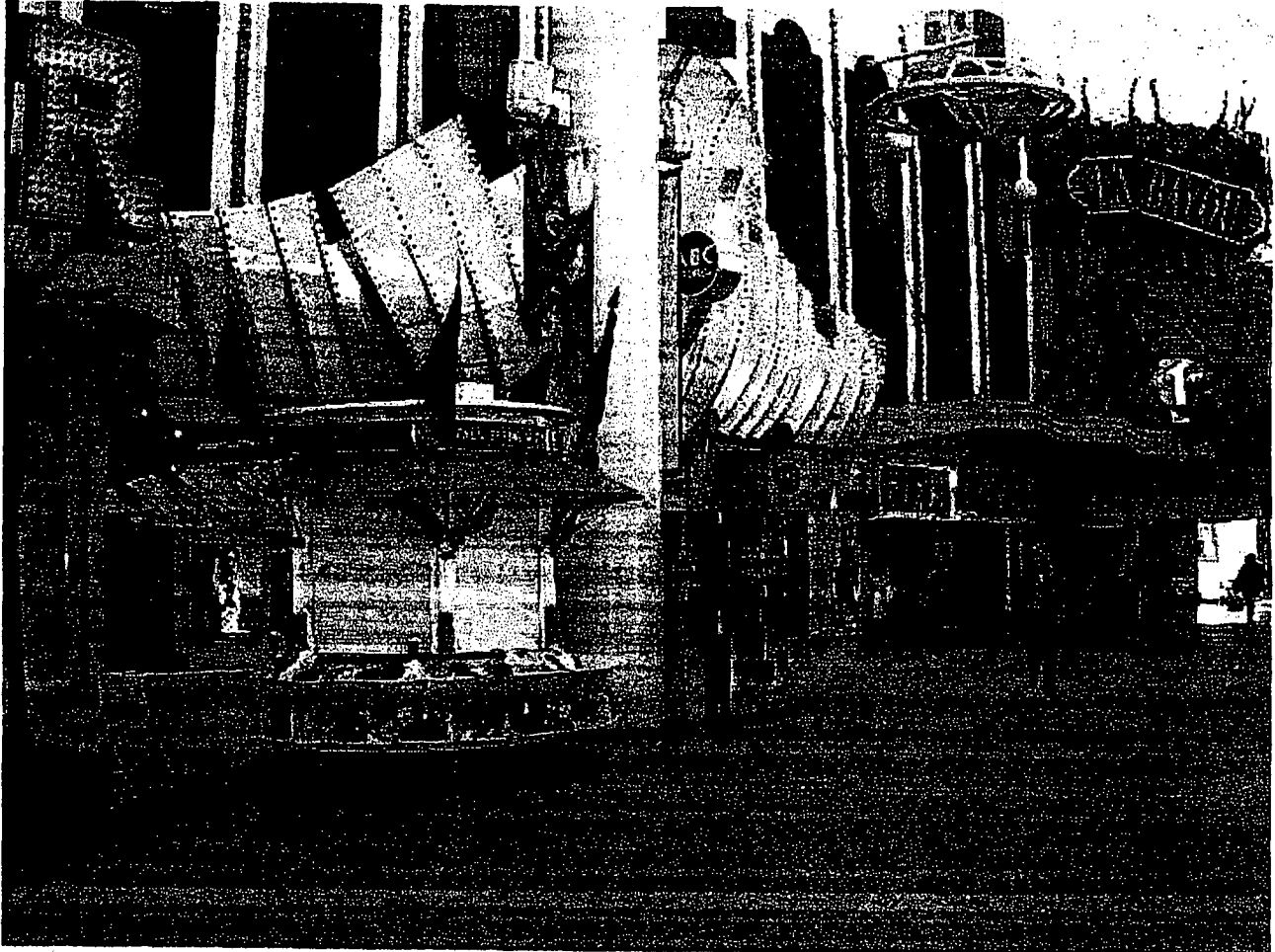
ROC-4886
9-1-04 CC



ABC STORE 101 – LOOKING EAST

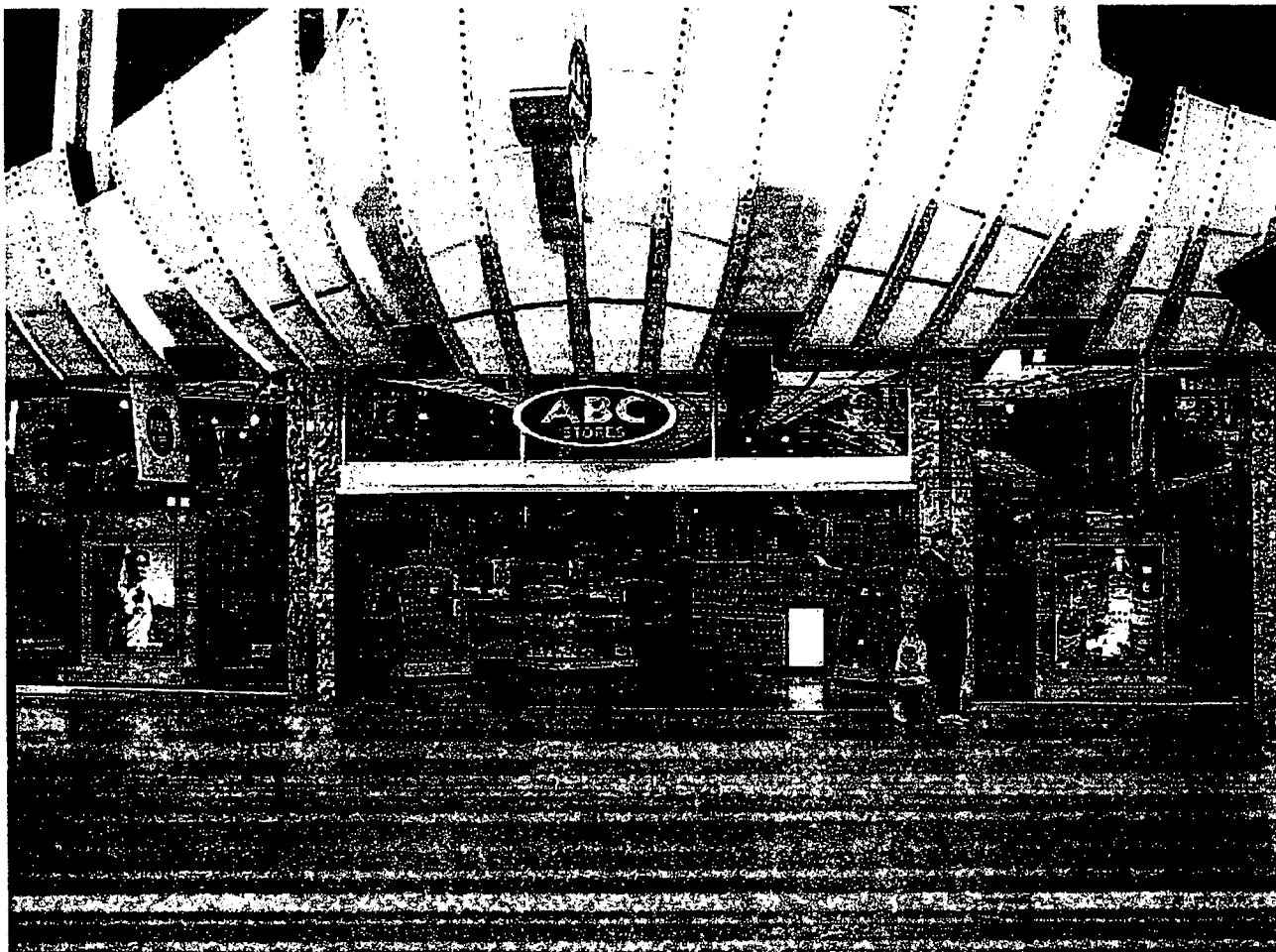
ROC-4886

9-1-04 CC



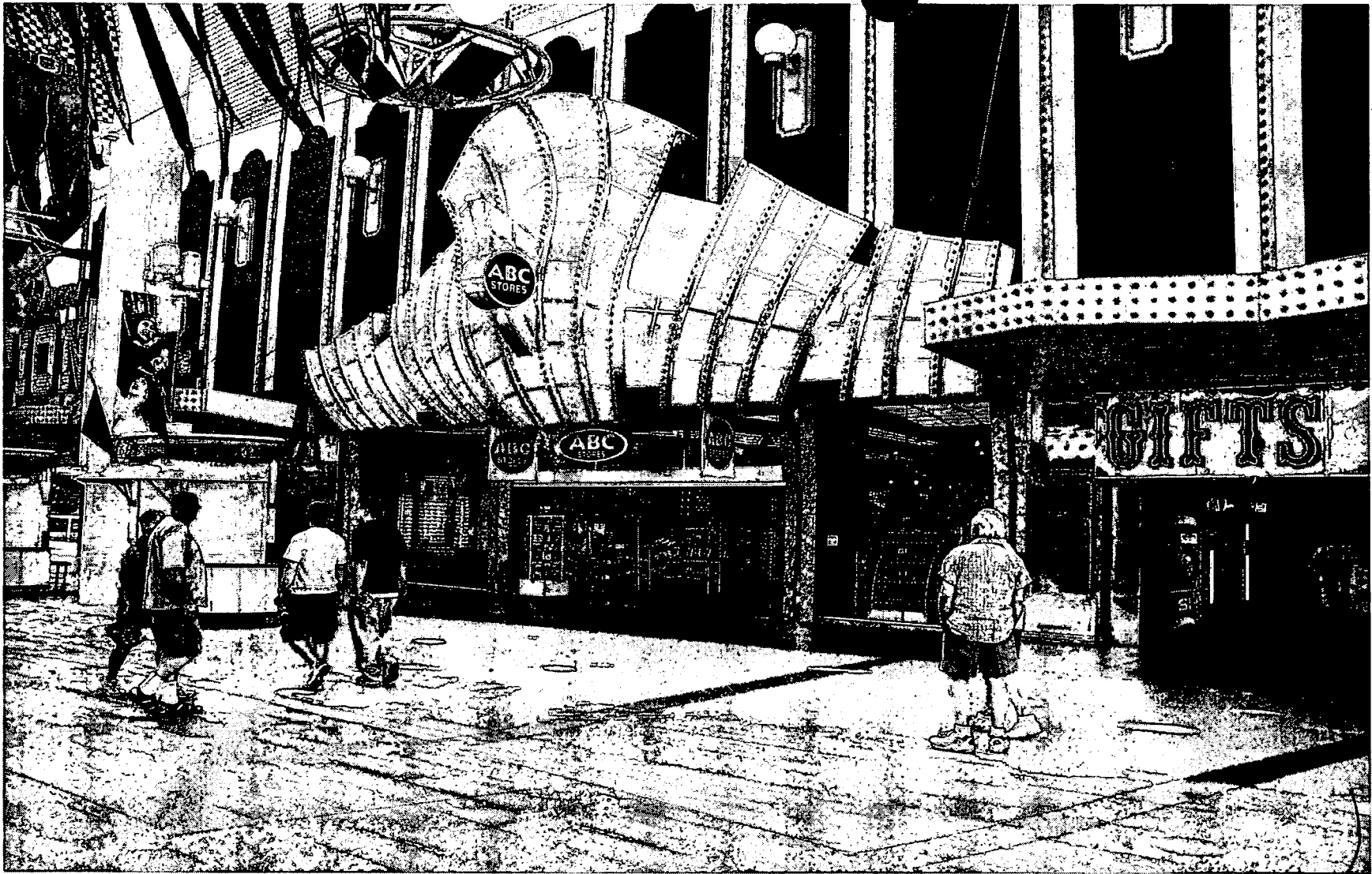
ABC STORE 101 – LOOKING WEST

ROC-4886
9-1-04 CC



ABC STORE 101 – LOOKING SOUTH

**ROC-4886
9-1-04 CC**

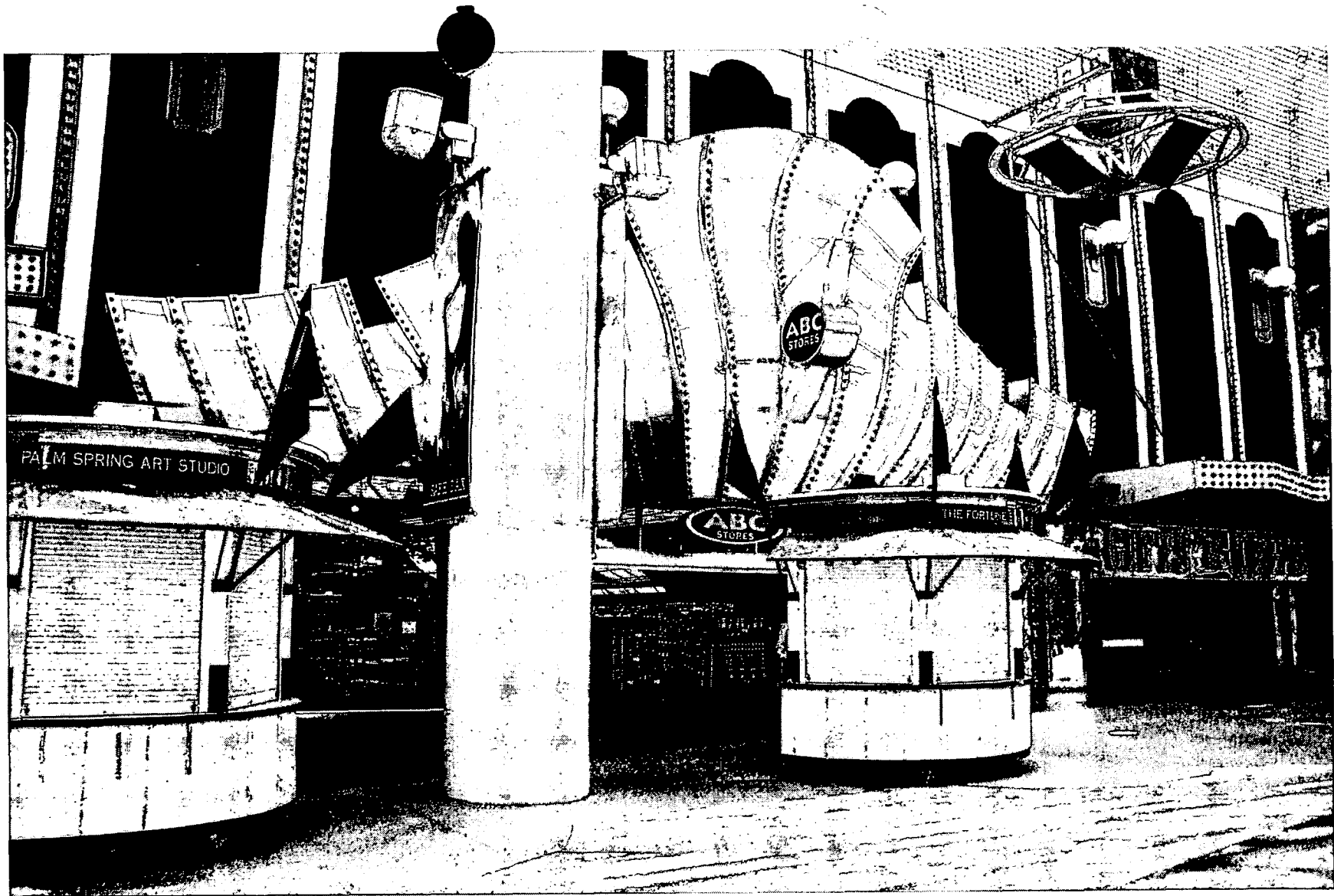


ROC-4886 - APPLICANT: MNSNV, LIMITED LIABILITY COMPANY – OWNER: SMK, INC.

23 Fremont Street

SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



ROC-4886 - APPLICANT: MNSNV, LIMITED LIABILITY COMPANY – OWNER: SMK, INC.

23 Fremont Street

SEPTEMBER 1, 2004 CITY COUNCIL MEETING

Picture taken 08/10/04



Fremont Street Experience • 425 Fremont Street • Las Vegas, Nevada 89101
Phone: (702) 678-5600 • Fax: (702) 678-5611 • www.vegasexperience.com

Mayor Oscar Goodman
City of Las Vegas
400 East Stewart
Las Vegas, NV 89101

August 31, 2004

Reference: Fremont Street Experience
SMK, Inc (ABC Stores): Revision of permit to be able to sell packaged liquor (above and beyond beer and wine) - Use Permit for the Off Premises
Case ROC - 4886

Dear Mayor Goodman:

The Fremont Street Experience ("FSE") has learned that ABC Stores ("ABC") has submitted an application to the City of Las Vegas for a review of condition which currently limits ABC to selling strictly packaged beer and wine. ABC intends to request that these conditions be dropped and that they be able to sell package liquor as well at their existing convenience store at 23 Fremont Street, Las Vegas, Nevada. FSE objects to the dropping of these use permit conditions, and believes that package liquor not be allowed to be sold from this premises. The Proposed use of including package liquor is incompatible with the surrounding environment and future pattern of development. In addition, revision of this use permit at this location will be inconsistent with public welfare, health, safety and overall objectives adopted by the City for this general area.

The ABC Store premises for which the use permit revision is being requested is located in close proximity to the FSE Pedestrian Mall (the "Mall"). Due to the close proximity of the ABC premises, it makes it highly likely that if they are granted this revision and expanded liquor package sale capability, individuals will buy liquor at that location and possibly consume the alcohol in or surrounding the Mall. There are already many places for individuals to buy liquor in the area surrounding the Mall, and allowing this revision of the permit is contrary to the goals and objectives that the City and FSE have worked so hard to attain.

In approving ordinance provisions affecting the Mall, the City Council found, among other things, that the City has a substantial interest in:

- Promoting the use of the Mall for commercial and entertainment purposes to stimulate economic growth and revitalization.
- Maintaining the Mall in an attractive condition and one which avoids clutter, litter, refuse and visual blight.
- Fostering the safe, orderly and uncontested passage of pedestrians.

Further, the City recognized the special effort needed in the downtown business district to promote the economic growth and revitalization in order to attract tourists and visitors to the area and prevent further decline by restoring economic vitality. Substantial sums have been expended to construct and operate the FSE as a premier attraction, to compete with the other major Clark County attractions.

Submitted at City Council

Date 9/1/04 Item # 86

Mayor Oscar Goodman
August 31, 2004
Page 2

In addition, the Downtown Urban Design master Plan for the City of Las Vegas has as one of its urban design goals, "[t]o create a downtown that has a unique, identifiable, high quality, vibrant image and character." To that end, the City adopted, as one of its design principles, to "[e]nhance the overall downtown image." According to the master plan, the City is to promote the creation of "a diversity of uses downtown" with the "correct balance of cultural, residential, commercial, office, civic, industrial, and special uses."

The approval of this use permit revision to allow package liquor sales would be incompatible with the above-stated interests, goals and objectives. Increasing the sale of liquor within the vicinity of the Mall may contribute to the adverse affects which would threaten the image, character and high quality of environment the City and FSE have worked so hard to create. Further, the use which ABC requests is already well represented in the area. A goal is to create a balance in uses, not a glutony of one particular use, that can ultimately lead to the deterioration of the City's and FSE's objectives.

Working together we have made great strides in the improvement of the image and quality of downtown Las Vegas. The character of the downtown area has continued to improve as a result of the Mall. Accordingly, it is incompatible with the existing environment and future vision for the area, which has been articulated by the City in its written goals and objectives for the area to grant ABC a revised use permit for the off premises sale of package liquor in conjunction with the existing convenience store.

We respectfully request the City Council of Las Vegas deny this application.

Sincerely,



Joseph R. Schillaci
President and Chief Executive Officer

cc: Mayor Pro Tem Gary Reese
City Councilman Larry Brown
City Councilman Michael Mack
City Councilwoman Janet Moncrief
City Councilman Lawrence Weekly
City Councilman Steve Wolfson