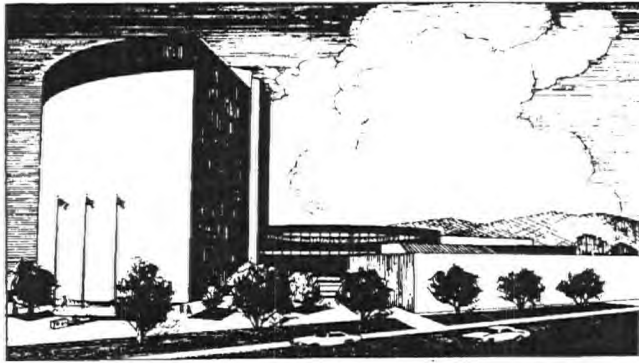




MINUTES

City of Las Vegas

COUNCIL CHAMBERS • 400 STEWART AVENUE • 229-6011 (VOICE) • 386-9108 (TDD)

CITY COUNCIL
MEETING OF
NOVEMBER 1, 2006

CITY COUNCIL	PRESENT	ABSENT	EXCUSED
MAYOR OSCAR B. GOODMAN	☒	☐	☐
COUNCILMAN GARY REESE MAYOR PRO-TEM	☒	☐	☐
COUNCILMAN LARRY BROWN	☒	☐	☐
COUNCILMAN LAWRENCE WEEKLY	☒	☐	☐
COUNCILMAN STEVE WOLFSON	☒	☐	☐
COUNCILWOMAN LOIS TARKANIAN	☒	☐	☐
COUNCILMAN STEVEN ROSS	☒	☐	☐
DOUG SELBY, CITY MANAGER	☒	☐	☐
BRAD JERBIC, CITY ATTORNEY	☒	☐	☐
BARBARA JO RONEMUS, CITY CLERK	☒	☐	☐

APPROVED BY REFERENCE: DECEMBER 20, 2006

ATTEST:

CITY CLERK

MAYOR

THIS MEETING

- **CONTAINS SOME
PAGE(S) THAT ARE
ILLEGIBLE/POOR
QUALITY**



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

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

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

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)

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

November 01, 2006

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

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

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION - LEROY SPOTTED EAGLE, SPIRITUAL LEADER, SOUTHERN PAIUTE NATION
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF THE CENTRAL LAS VEGAS 15 TO 16 YEAR OLD STATE BASEBALL CHAMPIONS
7. RECOGNITION OF NATIVE AMERICAN HERITAGE MONTH
8. RECOGNITION OF CENTENARIAN HARLEY LAMAY
9. RECOGNITION OF THE LAS VEGAS CENTENNIAL HISTORY BOOK, "SPRINGS IN THE DESERT"
10. RECOGNITION OF THE COMMUNITY INTERFAITH COUNCIL

BUSINESS ITEMS - MORNING

11. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
12. Approval of the Final Minutes by reference of the regular City Council meeting of September 20, 2006

CONSENT AGENDA

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

ADMINISTRATIVE SERVICES - CONSENT

13. Approval of the ratification of Michelle Thackston in a Council support position as the Executive Assistant to the Ward 6 office - All Wards

FIELD OPERATIONS - CONSENT

14. Approval of a Funding Agreement between the State of Nevada acting by and through its Division of State Lands and the Conservation and Resource Protection Grant Program (Grantor) and the City of Las Vegas (Grantee) for a Grant in the amount of \$500,000 for the purposes of acquiring land for Urban Parks and Greenbelts use located at the Southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)
15. Approval of a Nonrevocable Agreement to Restrict Property between the City of Las Vegas and the State of Nevada for a deed restriction of real property located in the southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

16. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

17. Approval of a Special Event License for Beauty Bar Salon, Location: 517 Fremont Street, Dates: November 3, 22, December 1, 2, 30, 31, 2006, Type: Special Event General, Event: Music and Dancing Live Arts, Responsible Person in Charge: Scott Infantolino - Ward 5 (Weekly)
18. Approval of a Special Event License for Mr. D's Sportsbar & Grill, Location: Outside Parking Lot, 1810 South Rainbow Boulevard, Dates: November 4 - 5, 2006, Type: Special Event General, Event: Dallas Cowboy Parking Lot Party, Responsible Person in Charge: Dennis Haecke - Ward 1 (Tarkanian)
19. Approval of Change of Location for a Wholesale General License, Johnson Brothers of Nevada, Inc., dba Johnson Brothers of Nevada, From: 4409 McGuire Street, To: 4701 Mitchell Street, Scott Belsaas, Pres, Michael Johnson, VP, Secy, 50% and Todd Johnson, VP, Treas, 50% - North Las Vegas
20. Approval of Change of Business Name, Change of Location and Change of Ownership for a Package License and a new Restricted Gaming License for 10 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Myers Market 2, 22 East Oakey Boulevard, Ralph E. Myers, 100%, To: Acosta Enterprises, Inc., dba Rincon Latino #3, 3700 East Charleston Boulevard, Suites C & D, Leonardo A. Garcia, Dir, Pres, Treas, 50% and Graciela Garcia, Dir, Secy, 50% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

21. Approval of award of Bid No. 06.1730.25-LED (Revised), City of Las Vegas (CLV) Intelligence Transportation System (ITS) Infrastructure, Corridor 5 Craig Road - US 95 to Decatur Blvd. and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: ACME ELECTRIC (\$1,448,565 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)
22. Approval of rejection of bid and award of Bid No. 06.1730.05-LED, Sahara Avenue Phase IV Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: INSITUFORM TECHNOLOGIES, INC. (\$4,273,700 - Sanitation Enterprise Fund) - Ward 3 (Reese)
23. Approval of award of Modification No. 1 to Contract No. 050542-DD, for Professional Engineering Services related to the design of the Tenaya Way Overpass at Summerlin Parkway - Department of Public Works - Award recommended to: HDR ENGINEERING, INC. (\$140,177 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)
24. Approval of revision to Purchase Order No. 219386 for Access Control System for City of Las Vegas located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. (\$1,972,607.65 - Sanitation Enterprise Fund) - County
25. Approval of Professional Services Agreement No. 06.15341.13 for New Prototype Fire Station #48 at Elkhorn Road and Fort Apache Road - Department of Public Works - Award recommended to: MARTIN AND MARTIN CIVIL ENGINEERS AND SURVEYORS (\$168,350 - Fire Services Capital Projects Fund) - Ward 6 (Ross)

LEISURE SERVICES - CONSENT

26. Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older who are residents of Las Vegas and Clark County with a priority for Las Vegas residents in the area of legal guardianships (\$71,250 Grant Revenue/Special Revenue Fund/Match Amount \$10,688) - All Wards

NEIGHBORHOOD SERVICES - CONSENT

27. Approval of \$2,500 Home Investment Partnership Program (HOME) funds awarded to owner Paulette Keith for a housing rehabilitation project located at 4822 Iowa Avenue - Ward 1 (Tarkanian)
28. Approval of \$150,000 of Community Development Block Grant (CDBG) construction funds for ADA improvements, minor rehabilitation including but not limited to asbestos and lead based paint abatement to bring the building located at 320 South 9th Street up to Code - Ward 3 (Reese)

PUBLIC WORKS - CONSENT

29. Approval of an Encroachment Request from Pardee Homes Nevada, owner (northeast corner of Tee Pee Lane and Dorrell Lane) - Ward 6 (Ross)
30. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 900 Antonio Drive - Ward 1 (Tarkanian)
31. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 904 Antonio Drive - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from Clark County School Board of Trustees, owner (southeast corner of Grand Canyon Drive and Bath Drive) - Ward 6 (Ross)
33. Approval of an Encroachment Request from Red Rock Engineering and Surveying, Incorporated, on behalf of William and Anne Dreibholz, owners (southwest corner of B Street and Monroe Avenue) - Ward 5 (Weekly)

34. Approval of an Encroachment Request from Fremont Construction on behalf of Cox Communications Las Vegas, Incorporated, owner (Ernest May Lane at Robin Lane) - Ward 5 (Weekly)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Orndoff 1996 Trust, owner (southeast corner of Jensen Street and Regena Avenue, APN 125-30-101-030) - County (near Ward 6 - Ross)
36. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Martin and Martin Civil Engineers and Surveyors on behalf of Clark County School District, owner (southeast corner of O'Hare Road and Bonita Vista Street, APNs 125-05-803-001 and -002) - County (near Ward 6 - Ross)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Art Consulting Engineers on behalf of Desert Palms Investment Group, LLC, owner (southeast corner of El Capitan Way and Brent Lane, APN 125-08-601-001) - County (near Ward 6 - Ross)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Ronald DeMille and Alicia M. DeMille, owners (west of Campbell Drive, between Corbett Street and El Campo Grande Avenue, APN 125-29-306-007) - County (near Ward 6 - Ross)
39. Approval of Interlocal Agreement 111466 with the Las Vegas Valley Water District for construction and funding of water facilities as part of the St. Louis beautification project, located between Paradise Road and Maryland Parkway (\$6,012 - Public Works Capital Project Fund/Street Rehabilitation) - Ward 3 (Reese)

RESOLUTIONS - CONSENT

40. R-84-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
41. R-85-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
42. R-86-2006 - Approval of Resolution of Intent to Annex Territory Generally Located on the North and South Sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road (ANX-12215); Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (PF-CC) and C-V (City equivalents) - Ward 6 (Ross)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

43. Report from the City Manager on Emerging Issues

DETENTION & ENFORCEMENT - DISCUSSION

44. Discussion and possible action related to the report on the Department of Detention and Enforcement jail bed expansion at 3300 Stewart Avenue - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

45. ABEYANCE ITEM - Discussion and possible action regarding Approval of a new Package License subject to the provisions of the planning codes and Health Dept. regulations, Senip CVS, LLC, dba CVS Pharmacy #2990, 6391 West Lake Mead Boulevard, Zenon P. Lankowsky, Pres and Thomas S. Moffatt, Secy (Note: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-14687) - Ward 5 (Weekly)

46. Discussion and possible action regarding Temporary Approval of a new Wine/Beer/Cordial/Liqueur Tasting License subject to the provisions of the planning and fire codes and Health Dept. regulations, Wineaux, Inc., dba Vino 100, 7220 Azure Drive, Suite 120, Natalie E. Buster, Dir, Pres, Secy, 50% and Teresa J. Berry, Dir, Treas, 50% - Ward 6 (Ross)
47. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the fire codes and Health Dept. regulations, MNDG LLC, dba Charleston Champ, 4030 West Charleston Boulevard, George Dima, Mgr, 100% - Ward 1 (Tarkanian)

PUBLIC WORKS - DISCUSSION

48. Public hearing and possible action regarding the continuation of the Traffic Signal Impact Fee Program and an update to the Capital Improvements Plan map - All Wards

BOARDS & COMMISSIONS - DISCUSSION

49. PARK & RECREATION ADVISORY COMMISSION – Heidi Hanusa, Term Expiration 12-7-2008 (Resigned 9-29-2006)
50. Discussion and possible action on the appointment of a member of City Council to serve as an alternate on the Clark County District Board of Health

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

51. Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman

NEW BILLS - DISCUSSION

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

52. Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman
53. Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese
54. Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

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

HEARINGS - DISCUSSION

56. ABEYANCE ITEM - Hearing to review the conditions set by City Council regarding the Appeal to the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST - C/O BROOKS ROBYNE J TRUST - C/O N COOK - Ward 3 (Reese)

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

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

57. EOT-16950 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Variance (VAR-4671) THAT ALLOWED A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL
58. EOT-16951 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4606) THAT ALLOWED A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED; AND A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff Recommends APPROVAL
59. EOT-17091 - APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR. - Request for an Extension of Time of an approved Special Use Permit (U-0072-00) THAT ALLOWED A CHURCH/HOUSE OF WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
60. EOT-17074 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Rezoning (ZON-4646) FROM: R-E (RESIDENCE ESTATES) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), Ward 5 (Weekly). Staff recommends APPROVAL
61. EOT-17075 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Variance (VAR-4648) THAT ALLOWED A 2.5 ACRE R-PD SUBDIVISION WHERE 5.0 ACRES IS REQUIRED FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
62. EOT-17076 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4647) THAT ALLOWED A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

63. ROC-17081 - PUBLIC HEARING - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for a Review of Condition Number 4 of an approved Site Development Plan Review (SDR-4647) TO ALLOW ZERO FOOT SETBACKS ON ALL SIDES WHERE A MINIMUM OF 20 FEET ARE REQUIRED IN THE FRONT OF THE HOUSE, 10 FEET ON THE SIDE, 22 FEET ON THE CORNER SIDE, AND 20 FEET IN THE REAR on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
64. EOT-16956 - APPLICANT/OWNER: RINKAI AMERICA INC - Request for an Extension of Time of an approved Special Use Permit (SUP-5028) THAT ALLOWED A 73-STORY MIXED-USE DEVELOPMENT at 2423 and 2417 Las Vegas Boulevard (APN 162-04-813-070 and 071; 162-03-410-008), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL
65. SUP-16176 - PUBLIC HEARING - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Special Use Permit FOR CHURCH/HOUSE OF WORSHIP at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
66. SDR-16178 - PUBLIC HEARING - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF A 2,826 SQUARE FOOT RESIDENCE AND 375 SQUARE FOOT CASITA TO A PLACE OF WORSHIP on 0.85 acres at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
67. RESCIND PREVIOUS ACTION - SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL
68. SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). NOTE: This item is being reheard to correct the suite number which is #120. The Planning Commission (7-0 vote) and staff recommend APPROVAL
69. GPA-14325 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request to amend the Downtown Redevelopment Area Land Use Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street (APNs 139-34-810-101 through 105, 074 and 075), Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority which is tantamount to DENIAL
70. ZON-14338 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES, LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND PARKING) AND R-4 (HIGH DENSITY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.52 acres at 700, 708 and 712 South 10th Street (APNs 139-34-810-101 through 103), Ward 5 (Weekly). NOTE: As Of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
71. VAR-14342 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW NO STEPBACK BEYOND THE BUILDING SETBACK LINE WHERE A 1:1 STEPBACK TO HEIGHT RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend DENIAL

72. VAR-14345 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW LOT COVERAGE OF 56 PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
73. VAR-14347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW 624 PARKING SPACES WHERE 635 IS THE MINIMUM NUMBER OF PARKING SPACES REQUIRED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
74. SUP-14339 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
75. VAC-12884 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC. - Petition to Vacate public alleys generally located south of Garces Avenue, between 9th Street and 10th Street, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
76. SDR-14349 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING, AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
77. ARC-13764 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: MONTECITO MARKETPLACE, LLC - Appeal filed by the applicant of the Denial by the Centennial Hills Architectural Review Committee of a request for A Major Modification to an approved Master Sign Plan (CHR-0019-05), TO ADD AN ADDITIONAL 24' PYLON SIGN AND AN ARRIVAL STATEMENT WALL SIGN adjacent to the east side of Durango Drive, approximately 1200 feet south of Elkhorn Road (APN 125-20-510-019), PD (Planned Development) Zone, Ward 6 (Ross). The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign
78. SUP-13891 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED 517-FOOT TOWER IN THE MCCARRAN AIRPORT OVERLAY DISTRICT at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
79. SUP-13897 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at 1431 Las Vegas Boulevard South (APNs 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL

80. SDR-13899 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Site Development Plan Review FOR A 45-STORY MIXED-USE DEVELOPMENT CONSISTING OF 421 RESIDENTIAL UNITS AND 1,190 SQUARE FEET OF COMMERCIAL SPACE; AND WAIVERS OF THE STEPBACK, STREETSCAPE AND BUILD-TO-LINE REQUIREMENTS OF THE DOWNTOWN CENTENNIAL PLAN on 1.26 acres at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
81. SUP-14687 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C. - Request for a Special Use Permit FOR A RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE on 1.55 acres at 6391 West Lake Mead Boulevard (APN 138-23-720-005), C-1 (Limited Commercial), Ward 6 (Ross). NOTE: As of August 6, 2006 this item is located in Ward 5 (Weekly). NOTE: To be heard in conjunction with Morning Session Item 45. The Planning Commission (7-0 vote) and staff recommend APPROVAL
82. SUP-15347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SUN LOAN COMPANY - OWNER: PLAZA LOS ARCOS, LLC - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT FROM OTHER FINANCIAL INSTITUTIONS, SPECIFIED at 7591 Washington Avenue, Suites 140 and 150 (APN 138-27-301-015), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: The correct applicant is Jim Marchesi/Check City and the correct owner is Buffalo Washington III. Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
83. RQR-15420 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RAMZI SULIMAN - OWNER: 3140 VALLEY VIEW, LLC - Required Six Month Review of an approved Special Use Permit (SUP-7359) THAT ALLOWED A LIQUOR ESTABLISHMENT (BEER/WINE/COOLER, OFF-SALE) for an existing market at 3140 South Valley View Boulevard, Suites #3, #4 and #5 (APN 162-08-410-010), Ward 1 (Tarkanian). Staff recommends APPROVAL
84. RQR-13791 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: McELHOSE TRUST - Required Two Year Review of an approved Special Use Permit (U-0006-90) WHICH ALLOWED A 40-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1535 North Eastern Avenue (APN 139-26-505-004), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (3-2 vote) and staff recommend APPROVAL
85. RQR-15054 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: ECT HOLDINGS, LLC - Required Five Year Review of an approved Variance (V-0068-90) WHICH ALLOWED A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN 290 FEET FROM AN EXISTING BILLBOARD WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED at 1200 East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL
86. GPA-16140 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request to amend a portion of the Southeast Sector Plan of the Master Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
87. ZON-16141 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Rezoning FROM: R-E (RESIDENTIAL ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
88. VAR-16533 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 15 FEET WHERE 54 FEET ARE REQUIRED on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

89. SDR-16139 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Site Development Plan Review FOR A PROPOSED 9,300 SQUARE FOOT ONE-STORY OFFICE BUILDING on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
90. GPA-16193 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Amend a portion of the Southeast Sector Plan of the Master Plan FROM: MXU (MIXED-USE) TO: PF (PUBLIC FACILITIES) on 1.71 acres at 250 West Baltimore Avenue and 300 West Boston Avenue (APN 162-04-813-109 and 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
91. ZON-16450 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: CM (COMMERCIAL/INDUSTRIAL) TO C-V (CIVIC) on 0.56 acres at 300 W. Boston Avenue (APN 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
92. GPA-16201 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request to amend a portion of the Southwest Sector of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
93. ZON-16196 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
94. SUP-16198 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER TO ALLOW SERVICE BAYS TO FACE A PUBLIC RIGHT OF WAY at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
95. SUP-16200 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED TOWING SERVICE WITH NO STORAGE at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
96. SDR-16197 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Site Development Plan Review FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
97. GPA-16105 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend Map No. 2 of the Transportation Trails Element of the Las Vegas 2020 Master Plan TO DELETE A MULTI-USE TRANSPORTATION ALIGNMENT ALONG STEWART AVENUE FROM BRUCE STREET TO PECOS ROAD AND TO REALIGN A PORTION OF A PEDESTRIAN PATH ALIGNMENT FROM SUNRISE AVENUE TO STEWART AVENUE BETWEEN BRUCE STREET AND PECOS ROAD, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
98. ZON-13896 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-2 (GENERAL COMMERCIAL) on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

99. VAR-13900 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Variance TO ALLOW A FRONT YARD SETBACK OF 10 FEET WHERE 20 FEET IS REQUIRED, A CORNER SIDE YARD SETBACK OF 10 FEET WHERE 15 FEET IS REQUIRED, AND A REAR YARD SETBACK OF 11 INCHES WHERE 20 FEET IS REQUIRED on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 100.SUP-13902 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED HELIPAD AND A WAIVER TO ALLOW A HELIPAD AS AN ACCESSORY USE TO A FACILITY OTHER THAN A HOSPITAL, MEDICAL FACILITY, OR MEDICAL OFFICE on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL
- 101.SUP-13903 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED 274-FOOT TALL BUILDING IN THE NORTH LAS VEGAS AIRPORT OVERLAY DISTRICT on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 102.SDR-13904 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Site Development Plan Review FOR A COMMERCIAL DEVELOPMENT CONSISTING OF A 3,000 SQUARE FOOT, A 1,500 SQUARE FOOT, AND A 4,500 SQUARE FOOT RETAIL PAD; A 20-STORY BUILDING CONSISTING OF 3,700 SQUARE FEET OF RESTAURANT SPACE, 10,000 SQUARE FEET OF RETAIL SPACE, 150,000 SQUARE FEET OF OFFICE SPACE, AND A 4,500 SQUARE FOOT CHILD CARE FACILITY; AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) and staff recommend APPROVAL
- 103.ZON-15371 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
- 104.VAR-15373 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Variance TO ALLOW A 2 FOOT SIDE YARD SETBACK WHERE A RESIDENTIAL ADJACENCY SETBACK OF 79 FEET 6 INCHES IS REQUIRED, A 3 FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED, AND 5 FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019,021, 023, 024, 025). Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
- 105.SDR-15375 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Site Development Plan review and a waiver of Perimeter Landscape Buffer Requirements FOR A 40 UNIT APARTMENT COMPLEX on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), R-E (Residence Estates) Zone [PROPOSED: R-3 (Medium Density Residential), Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
- 106.VAR-16113 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Variance TO ALLOW A NON-HABITABLE ACCESSORY STRUCTURE TO EXCEED 50% OF THE FLOOR AREA OF THE MAIN DWELLING AND TO EXCEED 50% OF THE REAR YARD AREA on 0.67 acres at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL
- 107.SUP-16112 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Special Use Permit FOR A NON-HABITABLE ACCESSORY STRUCTURE at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residential Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL

- 108.VAR-16144 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Variance TO ALLOW A 70-FOOT TALL WIRELESS COMMUNICATIONS TOWER 68.2 FEET FROM RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRES 210 FEET on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
- 109.SUP-16143 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Special Use Permit FOR A WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
- 110.VAR-16161 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Variance TO ALLOW A 3.5 FOOT REAR YARD SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 111.SUP-16160 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 112.SDR-16158 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Site Development Plan Review and a Waiver of perimeter landscaping requirements FOR A 3,032 SQUARE FOOT SERVICE STATION WITHOUT AUTOMOTIVE REPAIR on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 113.VAR-16165 - PUBLIC HEARING - APPLICANT/OWNER: YONG H. JUNG - Request for a Variance TO ALLOW 7 PARKING SPACES WHERE 13 PARKING SPACES ARE THE MINIMUM REQUIRED on 0.19 acres at 505 South Decatur Boulevard (APN 139-31-310-133), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
- 114.SUP-15959 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MINOR at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 115.SDR-15956 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Site Development Plan Review FOR A 3,200 SQUARE FOOT SERVICE STATION WITH AN 1,821 SQUARE FOOT AUTO REPAIR GARAGE, MINOR, AND A 3,480 SQUARE FOOT CAR WASH WITH A WAIVER OF THE PERIMETER LANDSCAPE STANDARDS on 1.7 acres at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 116.SUP-16110 - PUBLIC HEARING - APPLICANT: PECCOLE NEVADA - OWNER: NO. 6 FAC, LLC. - Request for a Special Use Permit FOR A 5,000 SQUARE FOOT TAVERN AND A WAIVER OF THE REQUIRED 1,500 FOOT MINIMUM SEPARATION DISTANCE FROM TWO OTHER TAVERNS at 1205 South Fort Apache Road (APN 163-05-116-002), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
- 117.SDR-16267 - PUBLIC HEARING - APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT WITH 17 DEVELOPMENT PARCELS on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-34-110-002 and 003), PD (Planned Development) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

118.RQR-14476 - PUBLIC HEARING - APPLICANT: LIED ANIMAL FOUNDATION - OWNER: CITY OF LAS VEGAS - Required One Year Review of an approved Site Development Plan Review (SDR-6883) WHICH ALLOWED TEMPORARY STRUCTURES FOR AN ANIMAL SHELTER on 8.39 acres at the southwest corner of Mojave Road and Harris Avenue (APN 139-25-405-008), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (5-1 vote) and staff recommend DENIAL

SET DATE

119.SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENTIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

120.CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

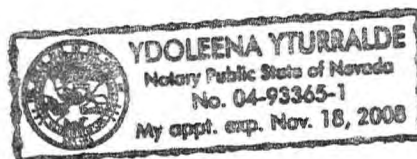
THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark
SIGNATURE

NOTARY PUBLIC in and for said County and State



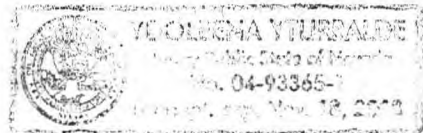
STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Paula Clark

City Clerk
DEPARTMENT

25 day of October, 2006

NOTARY PUBLIC in and for said County and State



AFFIDAVIT OF POSTING
(Posting required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Ian Spahr, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **25th** day of **October, 2006** at the hour of **3:00 P.M.** there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **City of Las Vegas, City Council Meeting (with Addendum)** to be held on the **1st** day of **November, 2006**, at **9:00 A.M.**, Las Vegas, Nevada; to be posted on Public Bulletin Boards at the following locations:

1. City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge (in the walkway area next to the entrance of the Human Resources Department)
2. Bulletin Board, City Hall Plaza, 400 Stewart Avenue (next door to Metro Records)
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 E. Washington Avenue

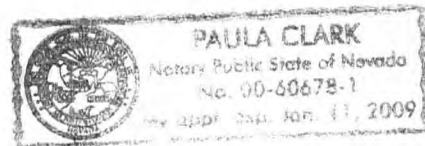
Ian Spahr
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

25th day of October, 2006

Paula Clark
NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

SUBJECT:
CALL TO ORDER

Minutes:

MAYOR GOODMAN called the meeting to order at 9:05 a.m.

PRESENT: MAYOR GOODMAN and COUNCILMEMBERS REESE, BROWN, WEEKLY, WOLFSON, TARKANIAN and ROSS

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER ELIZABETH FRETWELL, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY MANAGER ORLANDO SANCHEZ, CITY ATTORNEY BRAD JERBIC, DEPUTY CITY ATTORNEY BRYAN SCOTT, DEPUTY CITY ATTORNEY JAMES B. LEWIS (P.M. Session) and CITY CLERK BARBARA JO RONEMUS



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge Bulletin Board, City Hall Plaza (next door to Metro Records) Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center, 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

SUBJECT:

INVOCATION – LEROY SPOTTED EAGLE, SPIRITUAL LEADER, SOUTHERN PAIUTE NATION

Minutes:

LEROY SPOTTED EAGLE, Spiritual Leader, Southern Paiute Nation, gave the invocation.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

SUBJECT:

PLEDGE OF ALLEGIANCE

Minutes:

MAYOR GOODMAN led the audience in the pledge.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

RECOGNITION OF THE CITIZEN OF THE MONTH

BACKUP DOCUMENTATION:

Submitted at meeting - Copy of the Plaque presented to Aracelica Paredes

Minutes:

COUNCILMAN REESE and DR. BARBARA JACKSON, Director of Leisure Services, recognized ARACELIA PAREDES as the Citizen of the month. COUNCILMAN REESE stated that MS. PAREDES has been very active, not only in his Ward, but throughout the City of Las Vegas, Clark County and North Las Vegas. She has been in Las Vegas since 1985 and has owned businesses in Las Vegas. Three years ago she founded the non-profit El Pueblo Foundation. Her two daughters, ARCELICA and CARLA are members of the Board, as well as SUSIE MARTINEZ, City Council Liaison. She has donated toys and tennis shoes to more than a dozen elementary school children at CP Squires, Reynaldo Martinez, Walter Bracken, Manuel Cortez, Rex Bell, and Oran Gragson Elementary Schools, to name a few.

DR. JACKSON added that MS. PAREDES donated the inventory from one of her stores to the Department of Leisure Services. The items were used for the senior citizen and recreation divisions. As a token of her appreciation, DR. JACKSON presented MS. PAREDES with a fall wreath made by the senior citizens. MS. PAREDES thanked the Mayor and Council for the honor.



City of Las Vegas
Citizen of the Month
November 2006
Aracelica Paredes

Gary Reese
Councilman Gary Reese

Oscar B. Goodman
Mayor Oscar B. Goodman
Larry Brown
Councilman Larry Brown

Laurence Weekly
Councilman Laurence Weekly

Steve Wolfson
Councilman Steve Wolfson

Lois Tarkanian
Councilwoman Lois Tarkanian

Steven D. Ross
Councilman Steven D. Ross

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

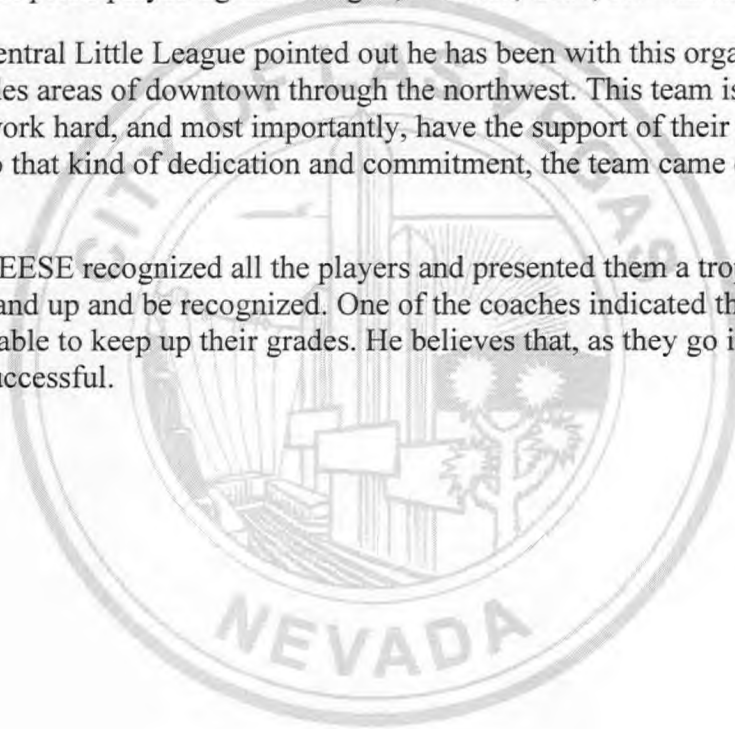
**RECOGNITION OF THE CENTRAL LAS VEGAS 15 TO 16 YEAR OLD LITTLE LEAGUE
STATE CHAMPIONS**

Minutes:

COUNCILMAN REESE recognized the Central Las Vegas 15 to 16 year old state baseball champions and invited coaches STEVE and VAL to come forward. He indicated that the District 2 State Champions played against Oregon, Arizona, Utah, Hawaii and North Carolina.

The President of Central Little League pointed out he has been with this organization for 21 years, which includes areas of downtown through the northwest. This team is very special in that they all sacrifice, work hard, and most importantly, have the support of their parents, who never complained. Due to that kind of dedication and commitment, the team came close to going to the World Series.

COUNCILMAN REESE recognized all the players and presented them a trophy. He also asked all the parents to stand up and be recognized. One of the coaches indicated the players worked hard and were still able to keep up their grades. He believes that, as they go into high school, they will be very successful.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

RECOGNITION OF NATIVE AMERICAN HERITAGE MONTH

BACKUP DOCUMENTATION:

Submitted at meeting - Copy of the Proclamation recognizing American Indian and Alaska Native Heritage Month and the Native Dance Troupe of Las Vegas

Minutes:

COUNCILMAN ROSS recognized Native American Heritage Month and invited the children, wearing their native costumes, to come forward. As the community grows, it is important to remember that Las Vegas has a rich culture history. Native Americans were the first residents of the Las Vegas Valley with history and traditions dating back thousands of years. He and COUNCILMAN WEEKLY are fortunate to have the sovereign Paiute Nation Tribe within their Ward boundaries. More than 30,000 American Indians, representing over 45 individual tribes and groups, add to the richness and diversity of Las Vegas. The City is pleased to promote awareness of their history and culture. He presented a proclamation to the American Indian Chamber of Commerce.

COUNCILMAN WEEKLY thanked FAWN, the dance instructor, for her outstanding contribution. FAWN recognized the dance troupe sponsored by the Paiute Tribe representing many different nations.

MAYOR GOODMAN presented FAWN with a proclamation declaring November 2006 as American Indian Alaska Native Heritage Month and recognizing the Native Dance Troupe of Las Vegas.

City of Las Vegas
Office of the City Council
Proclamation

- Whereas; We, the Mayor and Members of the Las Vegas City Council, are honored to designate November 2006 as American Indian and Alaska Native Heritage Month in the City of Las Vegas; and*
- Whereas; In recognition, we are honored to pay special tribute to the Native Dance Troupe sponsored by the Las Vegas Paiute Tribe for their support and contribution to the Native community; and*
- Whereas; The Native Dance Troupe strives to keep Native American culture and traditions strong by involving Native youth of all ages in the art of traditional dance and music; and*
- Whereas; The Native Dance Troupe enriches our community by sharing the history, heritage and heart of Native American people as they perform throughout our great city; now*
- Therefore; We, the Mayor and Members of the Las Vegas City Council, proudly proclaim November 2006 as:*

*American Indian and
Alaska Native Heritage Month*

Recognizing the Native Dance Troupe of Las Vegas

We urge all citizens of Las Vegas to join with us in celebrating diversity and recognize the Native Dance Troupe as we celebrate American Indian and Alaska Native Heritage Month.

City of Las Vegas
Office of the City Council
Proclamation

- Whereas; We, the Mayor and Members of the Las Vegas City Council, are honored to designate November 2006 as American Indian Heritage Month in the City of Las Vegas; and*
- Whereas; In recognition, we are honored to pay special tribute to the American Indian Chamber of Commerce of Nevada for their support and contribution to Native businesses; and*
- Whereas; The American Indian Chamber of Commerce works to create opportunities for its members by building strong relationships with government and private sector partners; and*
- Whereas; The American Indian Chamber of Commerce will present the inaugural Golden Eagle Feather Awards on November 17, 2006 to recognize chamber members and community partners in support of Native businesses; now*
- Therefore; We, the Mayor and Members of the Las Vegas City Council, proudly proclaim November 2006 as:*

*American Indian and
Alaska Native Heritage Month*

Recognizing the American Indian Chamber of Commerce of Nevada

We urge all citizens of Las Vegas to join with us in celebrating diversity and recognize the American Indian Chamber of Commerce as we celebrate American Indian and Alaska Native Heritage Month.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS
DIRECTOR: DAVID RIGGLEMAN

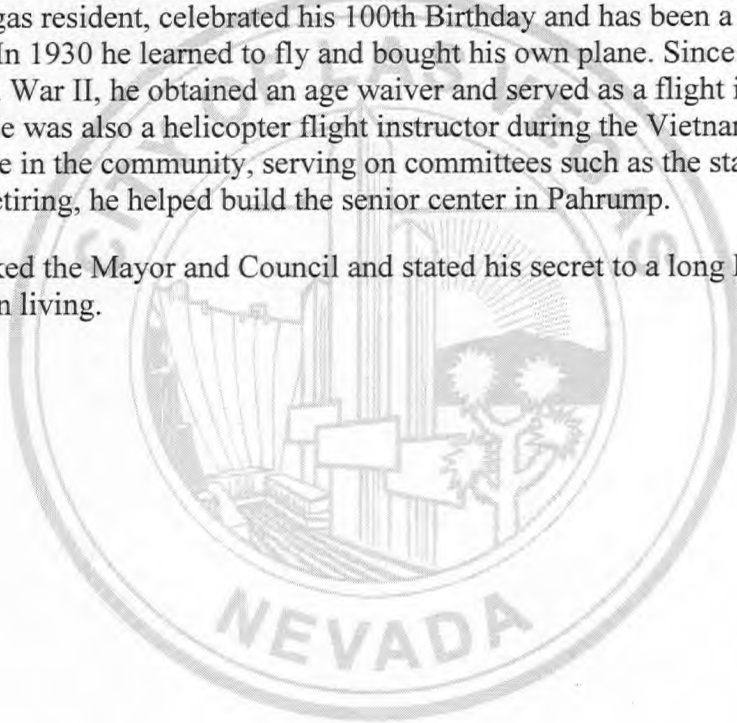
SUBJECT:
RECOGNITION OF CENTENARIAN HARLEY LAMAY

BACKUP DOCUMENTATION:
Submitted at Meeting: Copy of the Proclamation presented to Harley LaMay

Minutes:

MAYOR GOODMAN recognized and presented HARLEY LaMAY with a proclamation. MR. LaMAY, a Las Vegas resident, celebrated his 100th Birthday and has been a resident of Las Vegas since 1965. In 1930 he learned to fly and bought his own plane. Since he was too old to serve during World War II, he obtained an age waiver and served as a flight instructor at Ryan Field in Arizona. He was also a helicopter flight instructor during the Vietnam era. MR. LaMAY has been very active in the community, serving on committees such as the state Commission for the Aging. After retiring, he helped build the senior center in Pahrump.

MR. LaMAY thanked the Mayor and Council and stated his secret to a long life and success is hard work and clean living.



From the office of the Mayor **Proclamation**

- Whereas;** Harley Lamay learned to fly in the 1930's and bought his own plane; and
- Whereas;** Harley received an age waiver so that he could serve his country in World War II. He served as a flight instructor at Ryan Field, Arizona; and
- Whereas;** Harley moved to Las Vegas in 1965; and
- Whereas;** Harley served on the State of Nevada Commission on Aging during the 1970's; and
- Whereas;** Harley helped build the Senior Center in Pahrump after he retired; now
- Therefore;** I, THE MAYOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, HEREBY PROUDLY PROCLAIM NOVEMBER 1, 2006, TO BE:

Harley Lamay Day

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO ACKNOWLEDGE HARLEY LAMAY AS HE CELEBRATES HIS 100TH BIRTHDAY WITH FAMILY AND FRIENDS. HAPPY BIRTHDAY!



In Witness Whereof:
BY THE POWERS GRANTED TO ME,
I HAVE HEREUNTO SET MY HAND
AND CAUSED THE SEAL OF THE
CITY OF LAS VEGAS TO BE AFFIXED
THIS 1ST DAY OF NOVEMBER, 2006.

Bernie Gorman

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS

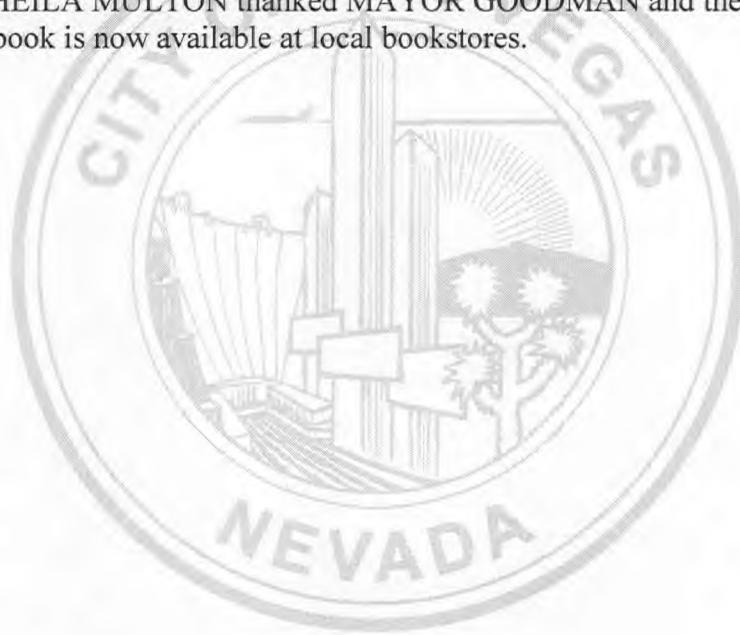
DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

RECOGNITION OF THE LAS VEGAS CENTENNIAL HISTORY BOOK, "SPRINGS IN THE DESERT"

Minutes:

MAYOR GOODMAN asked LOUISE HELTON, a member of the Las Vegas Centennial Committee to join him at the podium. MS. HELTON presented the Mayor and City Council with a copy of a recently-completed and published fourth grade history book. "Springs in the Desert" was written in conjunction with the Las Vegas Centennial Celebration and provides a historic look at the City of Las Vegas. The books will be used in fourth grade classrooms in Clark County schools. SHEILA MULTON thanked MAYOR GOODMAN and the City Council for their support. The book is now available at local bookstores.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: OFFICE OF COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

SUBJECT:

RECOGNITION OF THE COMMUNITY INTERFAITH COUNCIL

BACKUP DOCUMENTATION:

Submitted at meeting - Copy of the Proclamation presented to the Community Interfaith Council

Minutes:

MAYOR GOODMAN recognized the Community Interfaith Council, a local group comprised of different faith-based organizations. The council's goal is to expand the type of social services that are offered in the community. There will be a prayer session on Saturday in the rotunda at City Hall. The organization will provide programs and assistance that serve the poor, renew families and rebuild neighborhoods. By partnering with the City, these groups will identify ways for utilizing community resources in a more effective manner and increase networking opportunities to better combat problems like drug addiction and homelessness.

TROY MARTINEZ accepted the proclamation and asked for members of the Community Interfaith Council to stand and be recognized. He stated that it was a pleasure to see the Native American community present and acknowledged that everybody is God's child. He thanked the Mayor and City Council for partnering with them.

ADDITIONAL RECOGNITION: CITY OF LAS VEGAS CITIZENS ACADEMY GRADUATION:

MAYOR GOODMAN indicated that the Citizens Academy is a program started by CITY MANAGER DOUG SELBY and it is in its third year. COUNCILMAN ROSS recognized everyone that participated in this year's academy. He enrolled in the academy as well and felt it helped him understand how the City functions and observed the quality of the City's staff. Seventy-four citizens have graduated so far in the last three years. The academy is a challenging program as it consists of thirty-four hours of classes, ten different workshops and ride alongs with City Marshals, Code Enforcement and Metro. The graduates are community leaders that will go on to become very active serving on the many boards and commissions and volunteering in special events. He congratulated all the academy graduates.

CITY MANAGER SELBY gave an overview of the academy and why it is was created. The academy shares with 25 citizens the inner workings of the city. He asked that they be ambassadors and share what they have learned during their experience.

MS. PAPPAS thanked CITY MANAGER SELBY for having the vision to create the academy and thanked the entire City staff for sharing their experiences. She thanked CHRIS KNIGHT, Director of Administrative Services, and MAGGIE PLASTER for facilitating this program and for their support.

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

MS. PAPPAS stated that her classmates felt that the program was insightful, empowering, informative, phenomenal, beneficial, inspiring and educational. They all came hoping to meet key members of the City government and that meeting them might evolve into a professionally and advantageous relationship, as well as volunteering opportunities. They have learned so much about the City and how it is leading the way with innovative forward-thinking programs. It is a privilege and duty to be part of an educated and involved electorate. They have learned that even the smallest contribution can return huge rewards. They are richer for the people they have met and richer for this experience.

MAYOR GOODMAN invited all the graduates to come up and state their names.



From the office of the Mayor
Proclamation

- Whereas;** The Community Interfaith Council (CIC) is comprised of individuals from our diverse faith community, including Christian, Jewish, Muslim, Mormon, Buddhist, and other faith-based organizations; and
- Whereas;** The CIC's mission is to provide resources and build opportunities for partnerships in order to better serve the community's needs; and
- Whereas;** CIC's members have been providing a variety of community services to the Las Vegas valley, such as assistance to homeless adults and youth, shelter and guidance to individuals with addictions, food pantry services to seniors, gang prevention activities for the youth, and building affordable housing; and
- Whereas;** CIC members have partnered with the City of Las Vegas in developing a faith-based initiative that will identify ways for utilizing community resources in a more effective manner and increase networking opportunities for sharing knowledge and providing education to faith organization leaders; and
- Whereas;** CIC members are committed to find more ways to collaborate with governmental agencies and non-profit organizations as a way to enhance community service provision; now
- Therefore;** I, THE MAYOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, HEREBY PROUDLY PROCLAIM NOVEMBER 1, 2006, TO BE:

Community Interfaith Council Day

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO ACKNOWLEDGE THIS ENTITY FOR THEIR OUTSTANDING SERVICE AND CONTRIBUTIONS TO OUR COMMUNITY.



In Witness Whereof:
BY THE POWERS GRANTED TO ME,
I HAVE HEREUNTO SET MY HAND

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BUSINESS ITEMS:

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

Minutes:

No action taken.

There was no discussion and no action taken.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council meeting of September 20, 2006

Motion made by GARY REESE to Approve by reference

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: ADMINISTRATIVE SERVICES

DIRECTOR: CHRISTOPHER KNIGHT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of the ratification of Michelle Thackston in a Council support position as the Executive Assistant to the Ward 6 office (\$59,400 – General Fund) - All Wards

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$59,400 (\$45,000 Annual Base)

Funding Source: General Fund

Dept./Division: Mayor/Council

PURPOSE/BACKGROUND:

Pursuant to Section 3.020 of the City Charter, all Council positions are subject to ratification by the City Council. Positions in the Council offices require consistency, an established good rapport with constituents and other City staff, and the utmost in confidentiality. It is important for Council members to be able to establish and maintain a close working relationship with their staff in order to efficiently and effectively represent their Ward so that they can focus on the issues they were elected to address. Councilman Ross has requested the appointment of Michelle Thackston to the position of Executive Assistant for Ward 6.

RECOMMENDATION:

The City Council consider ratifying the appointment of Michelle Thackston for the position of Executive Assistant in Ward 6 as requested by Councilman Ross.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve to bring forward Items 20 and 28

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FIELD OPERATIONS**DIRECTOR: LARRY HAUGSNESS**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of a Funding Agreement between the State of Nevada acting by and through its Division of State Lands and the Conservation and Resource Protection Grant Program (Grantor) and the City of Las Vegas (Grantee) for a Grant in the amount of \$500,000 for the purposes of acquiring land for Urban Parks and Greenbelts use located at the Southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)

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

On June 21, 2006 Council approved a Purchase Agreement for this land for a future park and trailhead facility. This project has been selected to be funded by the Question 1 Grant Program in an amount not to exceed \$500,000. The receipt of funding is contingent upon successful execution of a State Lands Funding Agreement and review by Fiscal Services of the Department of Conservation and Natural resources.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

1. Funding Agreement
2. Attachment "A" Question 1 Adopted Regulations
3. Attachment "B" Project Summary and Special Conditions
4. Attachment "C" Scope of Work
5. Attachment "D" Project Budget
6. Attachment "E" Appraisal
7. Attachment "F" Title Report
8. Attachment "G" Non-revocable Deed Restriction
9. Attachment "H" DCNR General Requirements
10. Site Map

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, OSCAR B. GOODMAN, LAWRENCE WEEKLY, LARRY BROWN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

A Funding Agreement Between the State of Nevada
Acting By and Through Its Division of State Lands and the
Conservation and Resource Protection Grant Program
(Grantor)

901 S. Stewart St., Suite 5003, Carson City, NV 89701

phone: (775) 684-2720

fax: (775) 684-2721

And

City of Las Vegas
(Grantee)

731 S. Fourth Street, Las Vegas, NV 89101

phone: (702) 229-2127

fax: (702) 474-7461

FOR THE PURPOSES OF acquiring land for Urban Parks and Greenbelts use;

WHEREAS, at the general election on November 5, 2002 Nevada's voters approved a conservation initiative generated by Assembly Bill 9, Statutes of Nevada, 17th Special Session of the 2001 Nevada State Legislature, Chapter 104, referred to as Question 1, and authorized the issuance of general obligation bonds in the face amount of \$200,000,000 to carry out this program; and

WHEREAS, the Nevada legislature authorized the State Land Registrar to establish a conservation and resource protection grant program and administer the issuance of general obligation bonds in the face amount of \$65,500,000; and

WHEREAS, \$5,000,000 of the above \$65,500,000 is allocated to the acquisition of land and water, or interests in land and water for urban parks and greenbelts; and

WHEREAS, the State Land Registrar has determined this project is both necessary and in the best interests of the State of Nevada;

NOW, THEREFORE, in consideration of the aforesaid premises, the parties mutually agree as follows:

1. REQUIRED APPROVAL. This Funding Agreement shall not become effective until and unless approved by the State Land Registrar and the governing body of the City of Las Vegas.
2. DEFINITIONS. "Grantor" means the State of Nevada and the Division of State Lands, its officers and employees. "Grantee" means the City of Las Vegas. "Parties" means the Grantor and Grantee.
3. FUNDING AGREEMENT TERM. This Funding Agreement shall be effective from July 1, 2006 to December 31, 2007, unless sooner terminated by either party as specified in paragraph 10 herein.
4. NOTICE. All notices or other communications required or permitted to be given under this Funding Agreement shall be in writing and shall be deemed to have been duly given if delivered personally in hand, by telephonic facsimile with simultaneous regular mail, or mailed certified mail, return receipt requested, postage prepaid on the date posted, and addressed to the other parties at the addresses specified above.

5. INCORPORATED DOCUMENTS. The parties agree that the responsibilities and duties of each party as well as the scope of the project shall be specifically described; this Funding Agreement incorporates the following attachments in descending order of constructive precedence;

- ATTACHMENT A: Question 1 Adopted Regulations
- ATTACHMENT B: Project Summary and Special Conditions
- ATTACHMENT C: Scope of Work
- ATTACHMENT D: Project Budget
- ATTACHMENT E: Appraisal
- ATTACHMENT F: Title Report
- ATTACHMENT G: Non-revocable Deed Restriction
- ATTACHMENT H: DCNR General Requirements

6. COST: Grantor agrees to provide a maximum of 31.08 percent of the total acquisition cost (the amount actually expended and necessary for completion of the described project), not to exceed a total grant amount of \$500,000.00, contingent upon Grantee's compliance with all of the terms and conditions herein. See Attachment B hereto, for a Project Summary. Grantee is required to provide a minimum of 68.92% of the total actual acquisition cost. The total acquisition cost is estimated at \$1,608,500.00 and Grantee estimates that its local share will be 68.92% (\$1,108,500.00).

7. ASSENT. The parties agree that the terms and conditions listed on incorporated attachments of this Funding Agreement are also specifically a part of this Funding Agreement and are limited only by their respective order of precedence and any limitations specified.

8. INSPECTION & AUDIT.

a. Books and Records. Grantee agrees to keep and maintain under general accepted accounting principles (GAAP) full, true and complete records, contracts, books, and documents as are necessary to fully disclose to Grantor, or its authorized representatives, upon audits or reviews, sufficient information to determine compliance with all state and federal regulations and statutes.

b. Inspection & Audit. Grantee agrees that the relevant books, records (written, electronic, computer related or otherwise), including, without limitation, relevant accounting procedures and practices, financial statements and supporting documentation shall be subject, at any reasonable time, to inspection, examination, review, audit, and copying at any office or location of Grantee where such records may be found by Grantor's designated representative.

c. Period of Retention. All books, records, reports, and statements relevant to this Funding Agreement must be retained a minimum of six years. The retention period runs from the date of Grantor's last Funding Agreement payment, or from the date of termination of the Funding Agreement, whichever is later. Retention time shall be extended when an audit is scheduled or in progress for a period reasonably necessary to complete an audit and/or to complete any administrative and judicial litigation which may ensue.

9. FUNDING DISTRIBUTION: Question 1 funding in an amount not to exceed \$500,000.00 shall be disbursed to Grantee in the form of an advance or reimbursement(s). Original invoices, or a request for an advance, shall be submitted by Grantee to the Grantor to receive funds.

10. FUNDING AGREEMENT TERMINATION. Grantor may only terminate this project agreement as specified in section 11 of the incorporated Attachment B, and as further specified in this paragraph. If any state, county, city or federal license, authorization, waiver, permit, qualification or certification required by statute, ordinance, law, or regulation to be held by Grantee to provide the goods or services required by this Funding Agreement is for any reason denied, revoked, debarred, excluded, terminated, suspended, lapsed, or not renewed; or if Grantee becomes insolvent, subject to receivership, or becomes voluntarily or involuntarily subject to the jurisdiction of the bankruptcy court; or if it is found by the State that any quid pro quo or gratuities in the form of money, services, entertainment, gifts, or otherwise were offered or given by Grantee, or any agent or representative of Grantee, to any officer or employee of the State of Nevada with a view toward securing a Funding Agreement or securing favorable treatment with respect to awarding, extending, amending, or making any determination with respect to the performing of such Funding Agreement, then this Funding Agreement may be immediately terminated by the Grantor.

a. Time to Correct. Termination upon a declared default or breach may be exercised only after service of formal written notice as specified in paragraph 4 above, and the subsequent failure of the defaulting party within 30 calendar days of receipt of that notice to provide evidence, satisfactory to the aggrieved party, showing that the declared default or breach has been corrected.

b. Winding Up Affairs Upon Termination. In the event of termination of this Funding Agreement for any reason, the parties agree that the provisions of this paragraph survive termination:

i. The parties shall account for and properly present to each other all claims for fees and expenses and pay those which are undisputed and otherwise not subject to set off under this Funding Agreement. Neither party may withhold performance of winding up provisions solely based on nonpayment of fees or expenses accrued up to the time of termination;

ii. Grantee shall satisfactorily complete work in progress at the agreed rate (or a pro rata basis if necessary) if so requested by the Grantor;

iii. Grantee shall execute any documents and take any actions necessary to effectuate an assignment of this Funding Agreement if so requested by the Grantor;

11. REMEDIES. Except as otherwise provided for by law or this Funding Agreement, the rights and remedies of the parties shall not be exclusive and are in addition to any other rights and remedies provided by law or equity, including, without limitation, actual damages, and to a prevailing party reasonable attorneys' fees and costs. It is specifically agreed that reasonable attorneys' fees shall include without limitation \$125 per hour for State-employed attorneys. The State may set off consideration against any unpaid obligation of Grantee to any State agency.

12. LIMITED LIABILITY. The State will not waive and intends to assert available NRS chapter 41 liability limitations in all cases

13. FORCE MAJEURE. No party shall be deemed to be in violation of this Funding Agreement if it is prevented from performing any of its obligations hereunder due to strikes, failure of public transportation, civil or military authority, act of public enemy, accidents, fires, explosions, or acts of God, including, without limitation, earthquakes, floods, winds, or storms. In such an event the intervening cause must not be through the fault of the party asserting such an excuse, and the excused party is obligated to promptly perform in accordance with the terms of the Funding Agreement after the intervening cause ceases.

14. INDEMNIFICATION. To the fullest extent permitted by law, Grantee shall indemnify, hold harmless and defend, not excluding the State's right to participate, the State from and against all liability, claims, actions, damages, losses, and expenses, including, without limitation, reasonable attorneys' fees and costs, arising out of any alleged negligent or willful acts or omissions of Grantee, its officers, employees and agents for this Funding Agreement.

15. WAIVER OF BREACH. Failure to declare a breach or the actual waiver of any particular breach of the Funding Agreement or its material or nonmaterial terms by either party shall not operate as a waiver by such party of any of its rights or remedies as to any other breach.

16. SEVERABILITY. If any provision contained in this Funding Agreement is held to be unenforceable by a court of law or equity, this Funding Agreement shall be construed as if such provision did not exist and the nonenforceability of such provision shall not be held to render any other provision or provisions of this Funding Agreement unenforceable.

17. ASSIGNMENT. Grantee shall neither assign, transfer nor delegate any rights, obligations or duties under this Funding Agreement without the prior written consent of the State.

18. PUBLIC RECORDS. Pursuant to NRS 239.010, information or documents received from Grantee may be open to public inspection and copying. The State will have the duty to disclose unless a particular record is made confidential by law or a common law balancing of interests.

19. FEDERAL FUNDING. In the event federal funds are used for payment of all or part of this Funding Agreement:

a. Grantee certifies, by signing this Funding Agreement, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency. This certification is made pursuant to the regulations implementing Executive Order 12549, Debarment and Suspension, 28 C.F.R. pt. 67, § 67.510, as published as pt. VII of the May 26, 1988, Federal Register (pp. 19160-19211), and any relevant program-specific regulations. This provision shall be required of every subcontractor receiving any payment in whole or in part from federal funds.

b. Grantee shall comply with all terms, conditions, and requirements of the Americans with Disabilities Act of 1990 (P.L. 101-136), 42 U.S.C. 12101, as amended, and regulations adopted thereunder contained in 28 C.F.R. 26.101-36.999, inclusive, and any relevant program-specific regulations.

c. Grantee shall comply with the requirements of the Civil Rights Act of 1964, as amended, the Rehabilitation Act of 1973, P.L. 93-112, as amended, and any relevant program-specific regulations, and shall not discriminate against any employee or offer for employment because of race, national origin, creed, color, sex, religion, age, disability or handicap condition (including AIDS and AIDS-related conditions.)

20. PROPER AUTHORITY. The parties hereto represent and warrant that the person executing this Funding Agreement on behalf of each party has full power and authority to enter into this Funding Agreement. Grantee acknowledges that as required by statute or regulation this Funding Agreement is effective only after approval by the Division of State Lands Administrator and only for the period of time specified in the Funding Agreement. Any services performed by Grantee before this Funding Agreement is effective or after it ceases to be effective are performed at the sole risk of Grantee.

21. GOVERNING LAW; JURISDICTION. This Funding Agreement and the rights and obligations of the parties hereto shall be governed by, and construed according to, the laws of the State of Nevada. Grantee consents to the jurisdiction of the Nevada district courts for enforcement of this Funding Agreement.

22. ENTIRE FUNDING AGREEMENT AND MODIFICATION. This Funding Agreement and its integrated attachment(s) constitute the entire agreement of the parties and such are intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Funding Agreement specifically displays a mutual intent to amend a particular part of this Funding Agreement, general conflicts in language between any such attachment and this Funding Agreement shall be construed consistent with the terms of this Funding Agreement. Unless otherwise expressly authorized by the terms of this Funding Agreement, no modification or amendment to this Funding Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

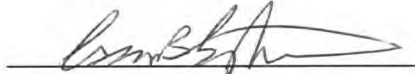
IN WITNESS WHEREOF, the parties hereto have caused this Funding Agreement to be signed and intend to be legally bound thereby.



Pamela B. Wilcox
Grantor Signature

10/2/06
Date

Administrator/State Lands Registrar
Grantor's Title

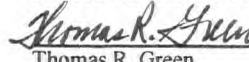


Grantee Signature

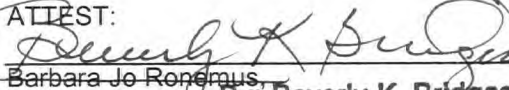
11/6/06
Date

Oscar B. Goodman, Mayor,
City of Las Vegas
Grantee's Title

APPROVED AS TO FORM

 10/16/06
Thomas R. Green Date
Deputy City Attorney

ATTEST:


~~Barbara Jo Rongerus,~~
City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

"State"

STATE OF NEVADA

By: 

Name: Pam Wilcox

Its: _____

ATTACHMENT A
Question 1 Adopted Regulations

(See 17 Page PDF Document Attached)

ADOPTED REGULATION OF THE ADMINISTRATOR
OF THE DIVISION OF STATE LANDS OF THE STATE
DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

LCB File No. R186-03

Effective April 22, 2004

EXPLANATION – Matter in *italics* is new; matter in brackets ~~(omitted material)~~ is material to be omitted.

AUTHORITY: §§1-35, section 2 of chapter 6, Statutes of Nevada 2001 Special Session.

A REGULATION relating to natural resources; providing a program for persons to apply for and receive proceeds from the sale of general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of this state; and providing other matters properly relating thereto.

Section 1. Chapter 321 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 35, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 35, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 28, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Acquisition” means the securing of the right of public use of real property by the purchase or donation of an interest in that real property.*

Sec. 4. *“Administrator” means the Administrator of the Division.*

Sec. 5. *"Carson River corridor" includes, without limitation, the 100-year floodplain of the Carson River, land adjacent to the 100-year floodplain of the Carson River, sloughs or ponds of the Carson River and old meanders and oxbows of the Carson River.*

Sec. 6. *"Conservation and Resource Protection Grant Program" or "Program" means the conservation initiative that was created by chapter 6, Statutes of Nevada 2001 Special Session, and approved by the voters.*

Sec. 7. *"Construction" means those activities directly related to the creation of a new recreational trail or to improvements made to an existing recreational trail that cause the trail to comply with a desired standard as determined by the Administrator.*

Sec. 8. *"Division" means the Division of State Lands of the State Department of Conservation and Natural Resources.*

Sec. 9. *"Easement for conservation" has the meaning ascribed to it in NRS 111.410.*

Sec. 10. *"Greenbelt" means an open area of real property that is cultivated or maintained in a natural or seminatural state and used:*

- 1. As a buffer between land uses;*
- 2. To mark the edge of an urban or developed area, or a natural feature, such as a stream or lake; or*
- 3. To create a linear corridor for the provision of trails or other amenities.*

Sec. 11. *"Habitat conservation plan" means a plan to protect or enhance a wildlife habitat for an endangered species or other species that needs special protection, or a plan to protect or enhance essential habitat for biodiversity. The plan may include a procedure for compliance with the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.*

Sec. 12. *"Historic or cultural resources" means any surviving evidence that relates to the history of the use of the land from the earliest human occupation to recent historical activities. Surviving evidence may include, without limitation, sites, structures, districts, objects, artifacts and historic documents associated with or representative of peoples, cultures, and human activities and events from any period of time, including, without limitation, the present.*

Sec. 13. *"Matching contribution" includes money or anything of value, including, without limitation, the use of personnel, materials or equipment that is expended on a project.*

Sec. 14. *"Municipality" means an incorporated city, an unincorporated town created pursuant to chapter 269 of NRS or a general improvement district created pursuant to chapter 318 of NRS.*

Sec. 15. *"Nonprofit conservation organization" means a nonprofit organization that has as part of the mission of the organization the acquisition of property for conservation purposes.*

Sec. 16. *"Nonprofit organization" means an entity or organization that is exempt from federal income taxation pursuant to 26 U.S.C. § 501(c)(3).*

Sec. 17. *"Open-space plan" means an inventory of undeveloped and semideveloped land or resources with a plan for the long-term preservation and conservation of that land. The plan may include a provision for dispersed recreational opportunities on the land.*

Sec. 18. *"Project" includes, without limitation, preparation of an open-space plan, preparation of a habitat conservation plan, acquisition of an interest in land or water for the purposes of protection or enhancement of a wildlife habitat, protection of sensitive or unique vegetation, protection of historic or cultural resources, protection of riparian corridors or*

wetlands, construction of a recreational trail, enhancement and restoration of the Carson River corridor, development of the path system in the Lake Tahoe area and other environmental activities.

Sec. 19. *"Public benefit" means the outcome of a project or acquisition that obtains, protects or preserves the benefits of property or natural resources within the State of Nevada for the public.*

Sec. 20. *"Recreational facility" means a facility for the use and enjoyment of an outdoor recreation area that provides an opportunity for the observation, interpretation or enjoyment of natural resources.*

Sec. 21. *"Recreational trail" means a trail, pathway or similar area for walking, hiking, bicycling, horseback riding, exercising, paddling, swimming or any other recreational activity if the activity does not have an adverse impact on a threatened or endangered species, wetland, riparian corridor, wildlife habitat, sensitive or unique vegetation or other important natural resource.*

Sec. 22. *"Riparian corridor" means land related to or located on the bank of or adjacent to a natural or artificial waterway, including, without limitation, a river, an intermittent or permanent creek or stream, a gully where surface water collects, a wetland, a lake or a ditch, if the land exhibits plant types unique to areas with periodic or perennial water sources of a magnitude greater than the surrounding uplands.*

Sec. 23. *"Sensitive or unique vegetation" means any species, cluster of species or type of habitat designated as sensitive or unique vegetation by an appropriate federal or state agency, any species of vegetation in a declining trend, any species of vegetation that has*

characteristics that have been identified as worthy of special consideration or any species of vegetation that is highly restricted in distribution or that occurs only in a very specialized habitat.

Sec. 24. *"State agency" means any agency, department or division of the Executive Department of this state and includes the University and Community College System of Nevada.*

Sec. 25. *"Urban park" means land located in a community of any size that provides an opportunity for casual recreational activity and includes, without limitation, any natural area, area of scenic value, area of physical or biological importance, wildlife area, land that provides outdoor community space and land that provides a connection to another public area.*

Sec. 26. *"Wetland" means land having a water table at, near or above the land surface, or land that has been saturated with water for a period of time long enough to promote wetland or aquatic processes indicated by hydric soil, hydrophytic vegetation and other biological activity adapted to a wet environment.*

Sec. 27. *"Wildlife habitat" means a diverse area with a combination of necessary resources and environmental conditions that promotes a population of at least one wildlife species and allows that species to flourish and reproduce.*

Sec. 28. *"Wildlife species" means any species of animal, including, without limitation, insects, amphibians, reptiles, and other vertebrates and invertebrates.*

Sec. 29. *1. The Division will award grants of money from the sale of general obligation bonds of this state to counties, municipalities, state agencies or nonprofit organizations, or any combination thereof. The money will be distributed as follows:*

(a) Not more than \$7,250,000 to a state agency, county, municipality or nonprofit organization, or any combination thereof, for the construction of recreational trails. A recreational trail constructed with money awarded pursuant to this paragraph may include signs, markings, access points, staging areas, trailheads and directly related improvements such as restrooms and shade structures. Such a recreational trail may also include landscaping or revegetation with any associated irrigation equipment but only in an area around an improvement that requires landscaping or revegetation for slope stabilization as a direct result of the construction of the improvement.

(b) Not more than \$5,000,000 to a state agency, county, municipality or nonprofit organization, or any combination thereof, for the acquisition of land and water or interests in land and water for urban parks or greenbelts.

(c) Not more than \$3,000,000 to a state agency, a county whose population is less than 100,000 or a municipality within a county whose population is less than 100,000, or any combination thereof, for the development of habitat conservation plans.

(d) Not more than \$250,000 to a county whose population is less than 100,000 or a municipality within a county whose population is less than 100,000, or any combination thereof, for the development and adoption of open-space plans.

(e) Not more than \$20,000,000 to a county or a municipality within a county, or any combination thereof, for the acquisition of land and water or interests in land and water to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an adopted open-space plan.

(f) Not more than \$10,000,000 to Churchill County, Douglas County, Lyon County, Carson City or a municipality located within those counties, or any combination thereof, to enhance and restore the Carson River corridor. Money awarded pursuant to this paragraph must be used to:

(1) Acquire and develop land and water rights;

(2) Provide recreational facilities;

(3) Provide access to and along the Carson River, including, without limitation, parking areas; or

(4) Restore the Carson River corridor.

(g) Not more than \$5,000,000 to Douglas County, Washoe County, Carson City or a municipality located within those counties, or any combination thereof, to enhance and develop the path system in the Lake Tahoe area.

2. The Division may enter into contracts or agreements with nonprofit conservation organizations in an amount not to exceed \$15,000,000 to acquire land and water or interests in land and water for the public benefit to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources.

3. The Administrator may use advisory committees to make recommendations for grants awarded pursuant to subsection 1 or contracts or agreements entered into pursuant to subsection 2.

4. *The Administrator will coordinate with the Division of State Parks of the State Department of Conservation and Natural Resources for any grant awarded pursuant to paragraph (b) of subsection 1.*

5. *The Administrator will coordinate with the Department of Wildlife and the Nevada Natural Heritage Program for any grant awarded pursuant to paragraph (c) of subsection 1.*

6. *The Administrator will determine the boundaries of the Carson River corridor for any grant awarded pursuant to paragraph (f) of subsection 1.*

7. *An urban park for which land and water or an interest in land and water was acquired pursuant to paragraph (b) of subsection 1 must be open to the public.*

Sec. 30. 1. *The Administrator will periodically:*

(a) *Solicit applications from counties, municipalities, state agencies and nonprofit organizations for grants of money from the sale of general obligation bonds issued pursuant to chapter 349 of NRS;*

(b) *Solicit applications from nonprofit conservation organizations to carry out contracts or agreements; and*

(c) *Establish deadlines for the submission of applications solicited pursuant to paragraphs (a) and (b).*

2. *An application for a grant, contract or agreement pursuant to subsection 1 or 2 of section 29 of this regulation must be submitted to the Administrator and must include, without limitation:*

(a) *A completed application on a form provided by the Administrator;*

(b) The total projected cost of the project, including, without limitation, as appropriate, the estimated costs for planning, design, acquisition and construction, and a description of the manner in which each estimated cost was calculated;

(c) The amount of money requested for the project;

(d) A detailed description of the project and the manner in which the project meets the intent of the Program;

(e) Documentation that the project was commenced on or after July 1, 2000;

(f) A proposed schedule for the project that must include the planned phasing and implementation of the project;

(g) Documentation of the qualifications of the nonprofit organization, if applicable;

(h) A detailed description of matching contributions that will be provided by the applicant;

(i) Proof that the applicant has title to, or a lease or easement on, land that is required to carry out the project or a letter of intent between the property owner and the applicant concerning the acquisition of the property by the applicant;

(j) Proof that the applicant is willing to sell or donate land and proof that there is a person who is willing to purchase or receive the land, if applicable;

(k) If the application is submitted by a nonprofit conservation organization and includes the acquisition of land or water or an interest in land or water, the most current financial statement of the organization and specific details concerning the manner in which the money of the State will be secured by an interest in the property;

(l) A map of the location and a plan of the site of the project indicated in an appropriate scale;

(m) A statement from an appropriate local, regional, state or federal agency that the project conforms to all applicable local, regional, state and federal plans;

(n) Documentation and a statement by the applicant that the applicant notified all property owners within a 1-mile radius of the subject property boundary or the closest 10 property owners, whichever number of property owners is less, about the proposal before the submission of the proposal to the Division, unless the Administrator requires different information on a case-by-case basis;

(o) A statement from any local jurisdiction affected by the proposal that details any issues or concerns about the proposal and whether the local jurisdiction supports or opposes the proposal;

(p) A completed Environmental Impacts Checklist on the form provided by the Division and, if applicable as a result of a potential adverse impact to the environment, a summary of a proposed plan to mitigate the potential impact of the project on the environment; and

(q) A summary of the proposed plan for operation and maintenance of the project for a period of not less than 20 years, including, without limitation, the identity of the person who will operate the project and provide the maintenance.

Sec. 31. *Before a county, municipality, state agency or nonprofit organization submits an application for a proposed project, the county, municipality, state agency or nonprofit organization may submit a preapplication to the Division for an initial determination of the eligibility of the project for a grant under the Program. In making a determination of the eligibility of a project, the Administrator will consider, without limitation, the following criteria:*

- 1. Whether the county, municipality, state agency or nonprofit organization is eligible to apply for a grant;*
- 2. Whether the proposed project is eligible pursuant to section 29 of this regulation; and*
- 3. Whether the proposed project provides a public benefit as determined by the Administrator.*

Sec. 32. *1. The Administrator will rank applications made pursuant to section 30 of this regulation in order of their importance. The Administrator will award grants for projects or acquisitions that, based on the application, are most appropriate for the receipt of a grant within the overall purpose of the Program. The Administrator will use a point system as outlined in the Administrative Guidelines of the Division to rank each application. The Administrator will award points based on the following factors:*

(a) The extent of environmental significance of the project and the degree of conservation and protection of natural resources, including, without limitation, the preservation of a natural, scientific, cultural, archaeological, agricultural, paleontological or historical site, or a wetland or riparian resource;

(b) The extent of the public benefit, including, without limitation, an overall advancement in the conservation and protection of the natural resources of the State, an enhancement to recreational opportunities, increased public access to lands and waters and the achievement of goals identified in adopted open-space plans;

(c) The objectives of the project are clearly stated in the proposal, and the applicant has the ability to carry out those objectives;

(d) The detail and design of the project is adequate and includes a detailed plan for management of the project that specifies the manner in which the project will be maintained and the manner in which the project will remain consistent with the purpose of the Program;

(e) The projected budget and associated costs of the project are reasonable and detailed, the amount and sources of matching contributions are listed and the project will meet the stated objectives in a cost-effective manner;

(f) The fact that the project is a cooperative effort with other agencies, organizations or persons and the extent of the support for the project from counties, municipalities and other public entities; and

(g) Any other factor that the Administrator considers to be important in the ranking process, including, without limitation:

(1) The urgency of the need for the project;

(2) That the applicant provides for matching contributions that exceed the matching contributions required in section 33 of this regulation;

(3) The application for acquisition of land includes the acquisition of water rights or another interest that will remain with the land in perpetuity;

(4) The existence of a local need for the project that warrants special attention for the project due to a lack of similar opportunities in the local area; and

(5) If the project does not include the acquisition of fee simple title to land, the applicant proposes an easement for conservation or a remainder after a life estate.

2. The factors of environmental significance, as described in paragraph (a) of subsection 1, and public benefit, as described in paragraph (b) of subsection 1, are worth more points than the other factors in subsection 1.

3. The Administrator may use an advisory committee to review applications and make recommendations to the Administrator. The Administrator may consider a recommendation by an advisory committee when awarding points pursuant to subsection 1.

4. The decision of the Administrator is final. An application that is not selected by the Administrator to receive a grant may be resubmitted for a grant to be awarded at a future date.

Sec. 33. 1. To receive a grant pursuant to the Program, an applicant must provide for an eligible matching contribution as follows:

(a) For a grant awarded pursuant to paragraph (a) or (b) of subsection 1 of section 29 of this regulation, not less than 25 percent of the total cost of the project;

(b) For a grant awarded pursuant to paragraph (c) or (d) of subsection 1 of section 29 of this regulation, not less than 5 percent of the total cost of the project;

(c) For a grant awarded pursuant to paragraph (e) of subsection 1 of section 29 of this regulation:

(1) In a county whose population is 100,000 or more, not less than 50 percent of the total cost of the project; or

(2) In a county whose population is less than 100,000, not less than 25 percent of the total cost of the project;

(d) For a grant awarded pursuant to paragraph (f) or (g) of subsection 1 of section 29 of this regulation, not less than 50 percent of the total cost of the project; and

(e) For a grant awarded pursuant to subsection 2 of section 29 of this regulation, not less than 50 percent of the cost of the acquisition.

2. A matching contribution is eligible for the purposes of this section if the matching contribution is for a project initiated on or after July 1, 2000, if it is directly related to the project or acquisition and if it includes:

- (a) Cash;*
- (b) Planning, labor, including volunteer labor, appraisals, equipment rental and material costs;*
- (c) Federal contributions;*
- (d) Any costs associated with required environmental information for the project or acquisition, the documentation of which must be submitted with the application;*
- (e) Costs incurred for the establishment of a monitoring program to monitor the success of a project;*
- (f) Any other matching contribution not listed in subsection 3, subject to the approval of the contribution by the Administrator; or*
- (g) Any combination of paragraphs (a) to (f), inclusive.*

3. The following matching contributions, without limitation, do not qualify as eligible matching contributions for the purposes of this section:

- (a) Costs associated with the preparation of the application;*
- (b) In-kind services that do not relate to the project or the purpose of the Program;*
- (c) Money expended before the initiation of the project, or July 1, 2000, whichever is later;*
- (d) Other money granted pursuant to the Program; and*

(e) Any other matching contribution that the Administrator determines is an inappropriate matching contribution.

Sec. 34. *The Division and the recipient of any money pursuant to a grant, contract or agreement made pursuant to section 29 of this regulation shall enter into an agreement that:*

1. Authorizes the recipient to use the money from the grant, contract or agreement to pay for:

(a) All expenses related directly to the project or acquisition, including, without limitation, expenses related to the planning, design and construction of the project which must be calculated based on actual costs; and

(b) The documented administrative costs of the project, not to exceed 5 percent of the total cost of the project.

2. Prohibits the recipient from using the money from the grant, contract or agreement to pay for:

(a) Any planning activity that is not directly related to the design and engineering of the project;

(b) The purchase of new equipment, unless the Administrator has determined that the new equipment is necessary as a one-time purchase specific to the project;

(c) Any work required by a public agency as mitigation or as a condition of the approval of any other project;

(d) Any component of the project that the Administrator determines does not benefit the public;

(e) Any project or portion of a project that has already been completed; or

(f) Any other expenses that the Administrator determines are not necessary to carry out the purposes of sections 2 to 35, inclusive, of this regulation, or that are not in compliance with the intent of the Program.

Sec. 35. *The Division and the recipient of any money pursuant to a grant, contract or agreement pursuant to section 29 of this regulation shall enter into an agreement that requires the recipient to:*

- 1. Provide a matching contribution of not less than the amount specified in section 33 of this regulation.*
- 2. Provide a plan for the operation and maintenance of the project for not less than 20 years after the project is completed.*
- 3. Agree to:*
 - (a) Ownership of a full or partial interest in any property that is necessary for the project;*
 - (b) Include pertinent nonrevocable deed restrictions and appropriate reversionary clauses to ensure that at all times the land is maintained in a manner consistent with the purpose of the Program; and*
 - (c) Include a stewardship statement that addresses maintenance, monitoring and enforcement of weed control, dust control and other related issues.*
- 4. Agree to any additional conditions that the Administrator determines are necessary to carry out the purposes of sections 2 to 35, inclusive, of this regulation or the intent of the Program, including, without limitation, the posting of a performance bond by the recipient.*
- 5. Obtain such easements for conservation or other interests in land in perpetuity, or as otherwise approved by the Administrator, as are necessary to carry out the project. The*

Administrator must approve the easements. The Administrator may require that the easement for conservation or other interest in land be held by the State.

6. Acknowledge that any interest in land or water acquired by the State or a nonprofit organization pursuant to the Program must:

(a) Be acquired and held by the Division pursuant to chapter 321 of NRS; and

(b) Not be acquired by condemnation or the power of eminent domain.

7. Maintain an accurate accounting of all expenditures made from money received pursuant to the Program and allow the Division to review the accounting upon request.

8. If the recipient requests that the entire amount of the grant or a portion thereof be provided in advance, demonstrate an extraordinary need and enter into an agreement with the Division that delineates the specific reporting methods that will be used, including, without limitation, quarterly expenditure reports and a project status report that details the timeliness of the project.

9. Provide the Division with detailed invoices on a consistent basis as agreed upon by the Division and the recipient to ensure timely and accurate disbursement of grant money.

ATTACHMENT B
Project Summary & Special Conditions

Project Summary:

Project Title and Identification Number:
Las Vegas Wash Fee Title Acquisition, CL-UP-06008

GRANTOR:.....Nevada Division of State Lands

GRANTEE:.....City of Las Vegas

GRANT PROGRAM:.....Question 1

Project Type: Urban Parks and Greenbelts

Question 1 Funding Source: Urban Parks and Greenbelts

Minimum Match Required by the Question 1 Administrative Regulations: 25 Percent.

Period Covered By This Funding Agreement (Term):

July 1, 2006 to December 31, 2007

Project Cost Sharing Estimates (Match Amount)

Grantee's (City of Las Vegas') Share of Project Cost	68.92% of Project Cost	\$1,108,500.00
Grantor's (State Lands) Share of Project Cost	31.08% of Project Cost	\$500,000.00
Estimated Total Project Cost*		\$1,608,500.00

*See Attachment D, Project Budget for details.

GRANTEE has represented that a match exceeding the minimum required will be provided, which promoted the project's ranking by the Administrator, therefore **GRANTEE is responsible for a minimum of 68.92% of the ACTUAL costs** of the project, currently estimated to be \$1,108,500.00.

GRANTOR is responsible for a maximum of 31.08% of the ACTUAL costs of acquisition, not to exceed \$500,000.00, unless the funding agreement is amended by the State. In the event the total project cost exceeds grantee's estimate of total project cost, GRANTOR is not obligated to increase its share of the project cost.

ADMINISTRATIVE COSTS: The **GRANTOR** will reimburse **GRANTEE** for administrative costs of a maximum of 5% of the total project cost. Reimbursement of administrative and project costs together shall not exceed \$500,000.00.

Project Scope (Description of Project elements funded by this agreement).

See Attachment C for details:

The City of Las Vegas in conjunction with the Trust for Public Land will acquire a 3.91 acre property adjacent to the Las Vegas Wash as a neighborhood park and trailhead recreational amenity. Future trail projects would connect this property with Floyd Lamb State Park, Clark County Wetland Park, and Lake Mead National Recreation Area.

Special Conditions:

In addition to the terms and conditions listed on pages 1-5 of this Funding Agreement, the GRANTOR and GRANTEE mutually agree to perform this Funding Agreement with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps and assurances attached hereto and hereby made a part hereof.

1. The GRANTEE hereby promises, in consideration of the promises made by the GRANTOR herein, to execute the project described above in accordance with the terms of the Funding Agreement.
2. The incorporated Non-revocable Deed Restriction that runs with the land shall be recorded against the property(ies) in perpetuity. See Attachment G below.
3. Work performed after July 1, 2000 may be eligible for matching contributions provided:
 - a. The applicant provides documentation detailing the work performed;
 - b. The applicant provides documentation that the work performed related directly towards project implementation;
 - c. The work performed is considered eligible for reimbursement per NAC regulations, Chapter 321, Sections 2 to 35, inclusive; and
 - d. The total State Share specified in the Funding Agreement does not increase.
4. The GRANTOR shall receive a site plan and other relevant project plans and specifications, completed by the GRANTEE, if applicable, showing all interests in land and water, and showing all facilities and structures acquired as part of the project including a summary report with information requested by the GRANTOR.
5. A request for funds exceeding \$500,000.00 requires an amendment to this agreement and must be approved by the State Lands Registrar.
6. Question 1 funding in an amount not to exceed \$500,000.00 shall be disbursed to the GRANTEE in the form of an advance or reimbursement(s). Original invoices, or a request for an advance, shall be submitted by GRANTEE to the GRANTOR to receive funds.
7. Payments are on a reimbursement basis and can be advanced in certain circumstances. Requests for reimbursements or advances must contain the necessary information identified in the "Outlay Report and Request for Reimbursement and/or Advance" form, or equivalent form provided by the GRANTOR. All reimbursements or advances must include supporting documentation, including, but not limited to, invoices, receipts and details outlining the basis for the expenditures, and the signature of the official responsible for approving the expenditures. The GRANTOR reserves the right to request any additional information, related to project expenses, or a request for an advance, that the GRANTOR determines is necessary to process a payment.

8. The GRANTOR will be invited to attend all major project issue meetings.

Grantor: Nevada Division of State Lands
Attn: Kevin Hill, Question 1 Program Coordinator
901 S. Stewart St., Suite 5003
Carson City, NV 89701
(775) 684-2747

Grantee: City of Las Vegas
Attn: Jim Marshall, Planner II
City of Las Vegas
Planning and Development Department
731 S. Fourth Street
Las Vegas, NV 89101
(702) 229-5274

9. The GRANTOR will be notified immediately of any changes regarding the cost of the project or the scope of work.
10. The GRANTEE is responsible for obtaining all permits, easements and other private and governmental agency approvals required for the project prior to the closing of all relevant acquisition transactions.
11. Termination

The GRANTOR may terminate this Funding Agreement for reason of default by the GRANTEE. Any of the following events described in subparagraphs a through e inclusive shall constitute default:

- a. Termination of the grant by reason or fault of the GRANTEE;
- b. Failure by the GRANTEE to observe any of the covenants, conditions, or warranties of this Funding Agreement and its incorporated provisions;
- c. Failure by the GRANTEE to make progress on the project within the Period covered by this Funding Agreement;
- d. Unsatisfactory financial conditions of the GRANTEE which endanger the performance of the grant; and/or
- e. Delinquency by the GRANTEE in payments to contractors, except for those payments to contractors which are being contested in good faith by the GRANTEE.
- f. Conditions in the Event of Default:
 - i. If the Project is not completed, the GRANTEE is required to reimburse the GRANTOR for funds expended for those portions of the Project that will not stand on their own, as determined by the GRANTOR.

- ii. The GRANTOR shall give notice to the GRANTEE if the GRANTEE is in default in the performance of any of the duties of the GRANTEE described in this Funding Agreement. The GRANTEE shall have 30 days from receipt of notice to remedy the default, and if the GRANTEE cannot remedy the default within such period of time, the GRANTOR may terminate this Funding Agreement. The right of the GRANTOR to terminate this Funding Agreement shall not impair any other rights or remedies at law or equity the GRANTOR may have against the GRANTEE under this agreement or under the law. No waiver of any default by the GRANTOR under this contract shall be held to be a waiver of any other subsequent default by the GRANTEE. All remedies afforded under this Funding Agreement are cumulative; this is in addition to every other remedy provided therein or under the law.
- 12. The GRANTEE will furnish progress reports and such other information as the GRANTOR may require. The GRANTOR requires an opportunity to review acquisition documents prior to closing: Five working days prior notification to review documents is required.
 - 13. The Grantee shall post an appropriate sign at the project site acknowledging the project's funding source(s).
 - 14. The laws of the State of Nevada shall govern this Agreement.

ATTACHMENT C
Scope of Work

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

The City of Las Vegas in conjunction with the Trust for Public Land will acquire a 3.91 acre property adjacent to the Las Vegas Wash as a neighborhood park and trailhead recreational amenity. Future trail projects would connect this property with Floyd Lamb State Park, Clark County Wetland Park, and Lake Mead National Recreation Area.

For a detailed description of the property, the conservation values protected, and the property rights granted and retained, see Attachments E, F, and G below.

ATTACHMENT D
Project Budget

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

Las Vegas Wash Fee Title Acquisition

Question 1 Project Budget

Funding Source

Project Task/Item	Question 1 Request	Match, Cash	Match, Inkind	Other Non-Qualifying Costs	Subtotal
Fee Title Acquisition	\$500,000.00	\$1,100,000.00			\$1,600,000.00
Appraisal	\$0.00	\$2,000.00			\$2,000.00
Escrow and Closing Fees	\$0.00	\$2,000.00			\$2,000.00
Project Grant Administration	\$0.00	\$4,500.00			\$4,500.00
Subtotal	\$500,000.00	\$1,108,500.00			\$1,608,500.00

Total Project Cost \$1,608,500.00
Total Qualifying Project Cost \$1,608,500.00

Percent of Total, Qualifying Costs 31.08486167 68.91513833 0
Total Match Percentage 68.91513833
Percentage Total (100?) 100
Total Match \$1,108,500.00

Total Q1 Request → \$500,000.00
Total Qualifying Project Cost → **\$1,608,500.00**

ATTACHMENT E
Appraisal including Preparer's Qualifications and References

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

(See Self-Contained Appraisal Report prepared by Gary H. Kent, Inc. Attached)

**A Complete Appraisal, Summary Report
of the**

Vacant Parcel of Land

**Currently Owned
by**

Bonanza-Marion LLC

**Generally Located
at the**

Southeast Corner of Marion Drive and Harris Avenue,
Las Vegas, Clark County, Nevada

**Legally Described
as a**

Portion of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 29, Township 20 South,
Range 62 East, M.D.B.&M.

**For the Purpose
of**

Developing an Opinion of the "As Is" Market Value, In Fee Simple Interest as
of

March 9, 2006

Date of Appraisal Report

March 15, 2006

File Number
026-06-HK



March 15, 2006

Ms. Christina R. Strong
City of Las Vegas
Purchasing & Contracts Division
City Hall, 1st Floor
400 East Stewart Avenue
Las Vegas, NV 89101-2986

File No. 026-06-HKC
Tax ID #88-0121119

Dear Ms. Strong:

In compliance with your request and authorization, we have prepared a complete appraisal, summary report of the vacant parcel of land generally located at the corner of Marion Drive and Harris Avenue, Las Vegas, Clark County, Nevada. The property is also identified as Clark County Assessor's Parcel Number 140-29-801-001. According to current Clark County Assessor Parcel Maps, the subject site contains ± 3.98 net acres or 173,369 net square feet. The subject property is in the ownership of the Bonanza-Marion LLC.

The subject property is located in the rapidly developing east portion of the greater Las Vegas Valley. Rapid appreciation and development has occurred in the immediate market area over the past $\pm$ twelve months from the date of this valuation. The subject property is currently zoned R-PD2 (Residential Planned Development District) by Las Vegas Planning and Zoning Departments. The subject is a "buffer" to a Rural Preservation Overlay District. Properties adjacent east are zoned 2 density units per acre. There is an elementary school across the street to the north and single family residences up to 6 units per acre to the west and south. This zoning district is separated from the subject by either a drainage channel and/or a street. Due to the subject being adjacent continuous to half acre lots, the City of North Las Vegas Planning and Zoning would limit the subject to 25 density units per acre.

Data supporting the analysis, valuation and descriptive details are included within the body of this report. In this analysis and valuation, we have developed an opinion of the "As Is" market value of the subject, in fee simple interest, as of March 8, 2006, at:

One Million Six Hundred Thousand Dollars
(\$1,600,000.00)

GARY H. KENT, INC.

Real Estate Appraisers and Consultants

2950 S. RANCHO DRIVE SUITE 200A, LAS VEGAS, NV 89102-0727

Phone (702) 876-9151 Fax (702) 876-9813

Website: WWW.GARYHKENT.COM E-mail: APPRAISER@GARYHKENT.COM

Ms. Christina R. Strong
March 15, 2006
Page Two

File No. 026-06-HKC

This appraisal report has been prepared with the intent to comply with USPAP and the Code of Professional Ethics as adopted by the Appraisal Institute and the Appraisal Foundation. This report is intended to comply with the appraisal requirements and guidelines of the client.

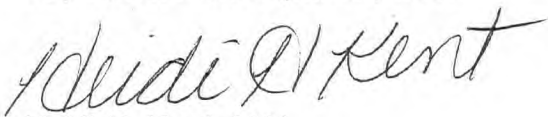
This Letter of Transmittal must be used in conjunction with the following enclosed descriptive details, appraisal procedures, and analysis and is not considered a report standing on its own merit.

Thank you for giving us the opportunity of appraising this property for you.

Sincerely,
Gary H. Kent, Inc.



Gary H. Kent, MAI
Certified General Appraiser
Nevada License N° 00039
Expiration Date: April 30, 2007



Heidi H. Kent, MAI
Certified General Appraiser
Nevada License N° 02459
Expiration Date: October 31, 2006

GHK/HHK/jm



Table of Contents

Title Page	i
Letter of Transmittal	ii
Table of Contents	iii
Certificate of Appraiser	iv
Summary of Salient Facts	1
Purpose and Use of the Appraisal	3
Definitions	3
Owner of Record and Three Year Sales History	5
Estimated Typical Marketing/Exposure Time	5
Method of Valuation and Scope of Work	6
Greater Las Vegas Area Location Map	8
Greater Las Vegas Area Description	9
Quarterly Economic Indicators	30
Submarket Location Map	36
Submarket Description	37
Subject Photographs	39
Assessor's Parcel Map	47
Description of Subject Property - Site	48
Highest and Best Use Analysis	51
Land Valuation	54
Land Sales Summary Chart	55
Land Sales Location Map	56
Land Sale Abstract Sheets	57
Land Valuation - Analysis and Conclusion	60
Land Valuation - Summarized	62
Assumptions and Limiting Conditions	63
Certification of Value	66

Addenda

Appraiser's Qualifications
Legal Description (Deeds)
Zoning
Purchase Order



GARY H. KENT, INC.

Real Estate Appraisers and Consultants

Summary of Salient Facts

Property Location:

The subject property is generally located at the southeast corner of Marion Drive and Harris Avenue, Las Vegas, Clark County, Nevada. The Clark County Assessor identifies the property as Parcel Number 140-29-801-001.

Current Owner/Seller:

Bonanza-Marion LLC.

Highest and Best Use:

The highest and best use of the subject site has been concluded as future single family residential development on one/half acre lots. The subject property is currently zoned R-PD2 by Las Vegas which allows for residential development at a maximum of two dwelling units per gross acre. A zoning change is highly unlikely.

Site Area:

According to current Clark County Assessor Parcel Maps the subject property contains 3.98 net acres or 173,369 net square feet.

Effective Date of Valuation:

March 8, 2006.

Date of Report:

March 15, 2006.



Property Rights Appraised:

Fee Simple Interest.

Market Value Opinion:

The "As Is" market value opinion of the subject property as of March 8, 2006, in fee simple interest is:

\$1,600,000.00



Purpose and Use of the Appraisal

The purpose of this appraisal report is to develop an "As Is" market value opinion of the subject on March 8, 2006. The appraised property is a ± 3.98 net acre vacant land parcel and identified as Clark County Assessor's Parcel Number 140-29-801-001. The market value opinion represents the fee simple interest and presuming the land is free and clear of all liens and encumbrances.

The subject property is being appraised in order to assist in a possible purchase. The intended user of this appraisal report is Ms. Christina Strong, City of Las Vegas, or assignees/nominees. No other use of this appraisal report is intended nor authorized.

Definitions

Market Value, Defined:

The following definition of market value is used by agencies that regulate federal financial institutions in the United States:

The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- ◆ **buyer and seller are typically motivated;**
- ◆ **both parties are well informed or well advised, and acting in what they consider their own best interests;**
- ◆ **a reasonable time is allowed for exposure in the open market;**
- ◆ **payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and**



- ◆ **the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.**

Source: Federal Register, vol. 55, no. 163, August 22, 1990, pp 34228 & 34229.

Reasonable Marketing Time Opinion, Defined:

The reasonable marketing time is an opinion of the amount of time it might take to sell a property interest in real estate at the concluded market value level during the period immediately **after** the effective date of an appraisal.

As market conditions preceding the effective date of this valuation are anticipated to remain relatively stable, our opinion of reasonable marketing time is considered similar to our opinion of "reasonable exposure time."

Reasonable Exposure Time Opinion, Defined:

The estimated length of time the property interest being appraised would have been offered on the market **prior** to the hypothetical consummation of a sale at market value on the effective date of the appraisal; a retrospective opinion based upon an analysis of past events assuming a competitive and open market. **Exposure time is always presumed to precede the effective date of the appraisal.**

Highest and Best Use, Defined:

The reasonably probable and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible, and that results in the highest value. **The four criteria the highest and best use must meet are legal permissibility, physical possibility, financial feasibility, and maximum profitability.**

Fee Simple Ownership, Defined:

The absolute ownership unencumbered by any other interest or estate subject only to the four powers of government.



Owner of Record and Three Year Sale History

The appraised property is in the ownership of the Bonanza-Marion LLC. The old parcel (060-250-002) was an 11.83 acre rectangle, that at some point was separated into 140-29-801-001 and 004 in order to allow for a flood channel which traverses diagonally through the center. Nellis Land Company purchased this 3.98 acre parcel, together with adjoining 6.01 acre parcel in April of 1977 for an undisclosed amount (Document Number 0731:0690266). The parcels were then transferred to McKinley Gore LLC (Document Number 20050609:03119) June of 2005 for \$825,000.00 and resold the same day to Bonanza-Marion LLC for \$1,800,000.00 (Document Number 20050609:03120). Copies of the supporting documents to these transfers are located within the addendum of this report. The total acreage of 9.99 (6.01 and 3.98) equates to a price of \$180,180.00 per acre. Based on the sales comparables analyzed within this time period it appears to have been below market and is below that of the market value reflected in this report. Once again, the subject is a portion of this transfer.

Estimated Typical Marketing/Exposure Time

We have estimated a typical marketing as well as exposure time for the subject property at three to nine months. Recent transactions of comparable type properties are known to have occurred within the subject's submarket. Available comparable transfers would generally support a marketing time for the subject property at three to nine months. A typical marketing time of three to nine months would also presume marketing by a professional real estate agent/broker at or near an economic level. The exposure time would be considered appropriate at or near the same.



Method of Valuation and Scope of Work

When developing an opinion of market value of real estate, typically, three approaches are considered. These include the Cost Approach, the Income Capitalization Approach and the Direct Sales Comparison Approach. Only the Direct Sales Comparison Approach or Market Approach has been utilized in this valuation. The subject property is a vacant parcel of land, and the Cost Approach and Income Capitalization Approach are not considered applicable or appropriate valuation techniques.

In order to determine a market value opinion of the subject property, in fee simple interest, we have made a direct analysis and comparison to known transfers of comparable type development sites located within the Northwest Submarket. The subject property is located in an area experiencing above average development and appreciation over the prior ±twelve months from the date of this valuation.

The Direct Sales Comparison Approach is based on the principal of substitution that a prospective buyer or investor would consider acquiring similar property types in similar locations to that of the subject. The comparable land sales included in this analysis and valuation are considered to be the best available and most directly comparable to the subject property at this time. All of the comparable transfers included within this analysis and valuation transferred under all cash or cash equivalency type terms. The market transfers included have been compared to the subject property based on the price paid per acre unit of comparison.

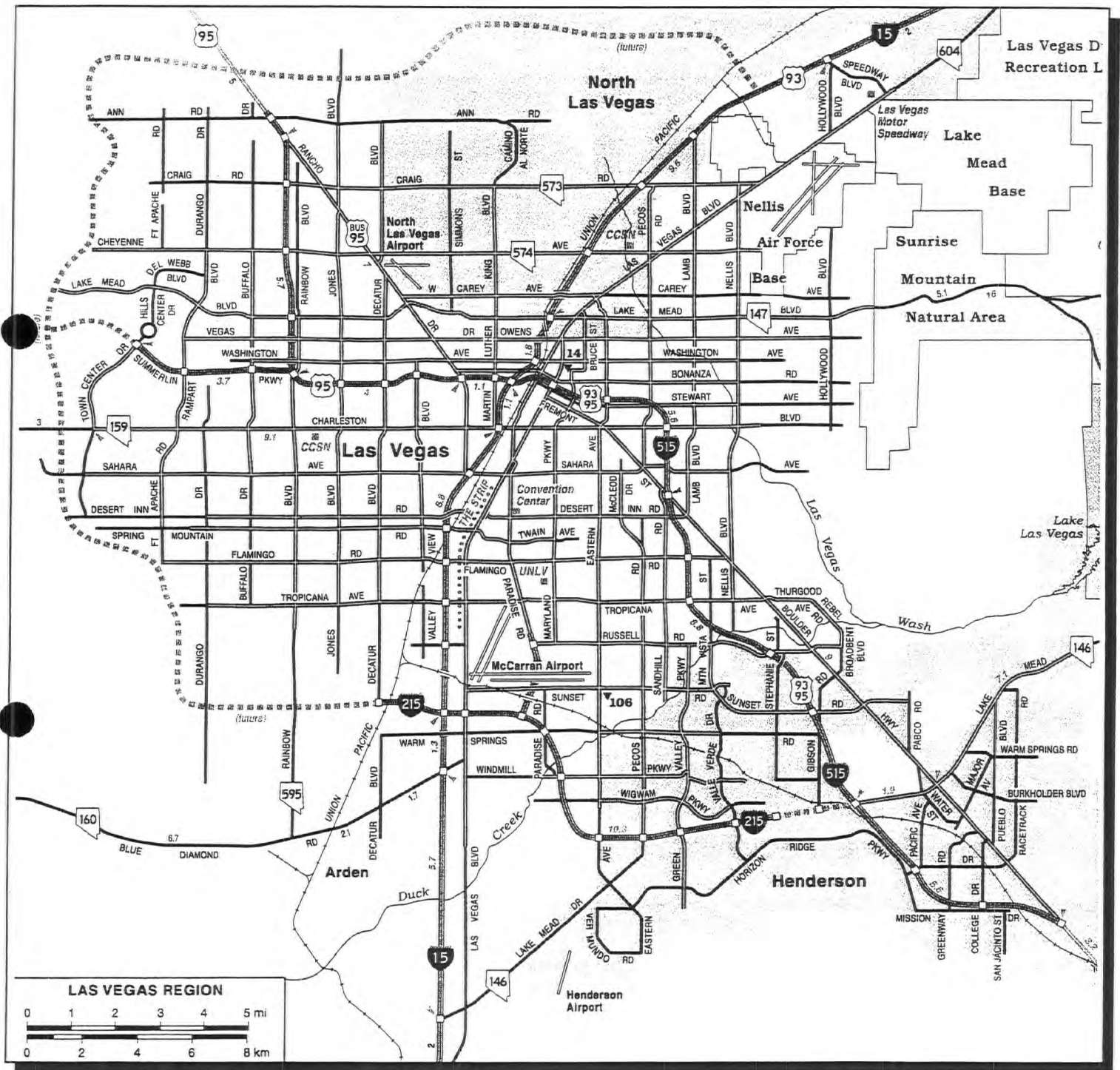
The data included within this report has been obtained through a variety of sources including market data purchased directly by this office, Public Record information, and in-house files and documentation. All information received from outside sources including property owners, sellers, buyers, listing agents, selling agents, etc. is presumed to be accurate and reliable.



The following page includes the Greater Las Vegas Area Location Map, which depicts the subject's location, relative to the metropolitan area. Following the Greater Las Vegas Area Location Map is the Greater Las Vegas Area Description, which sets forth the basic economic and demographic condition. Following the Greater Las Vegas Area Description is a Neighborhood Location Map, which depicts the subject's general neighborhood boundaries. Following the Neighborhood Location Map is a Neighborhood Description.



Greater Las Vegas Area Location Map



Greater Las Vegas Area Description

General Information

Located in the central portion of Clark County, Nevada, the Greater Las Vegas Area consists of a valley basin of about 480 square miles bounded on the north by the Las Vegas and Sheep Mountain Ranges (Desert National Wildlife Range), on the east by Sunrise Mountain and Lake Mead (National Recreation Area), on the south by the McCullough Mountain Range and on the west by the Spring Mountain Range, including the Spring Mountains National Recreation Area, Toiyabe National Forest and the Red Rock Canyon National Recreation Area. The Greater Las Vegas Area includes the vast majority of urbanized areas, as well as population, industry and employment within the 7,900± square miles encompassed by Clark County's borders.

The Greater Las Vegas Area is comprised of three cities; City of Las Vegas, City of North Las Vegas and City of Henderson, as well as a substantial portion of urban/suburban areas being located within unincorporated portions of Clark County. Despite the four different municipalities governing the Greater Las Vegas Area, most residents simply refer to themselves as Las Vegans, with a similar level of services, similar land use criteria, similar ordinances and relatively similar property tax levels throughout the area. Most of the outlying portions of Clark County, as well as substantial pockets of land within the Las Vegas Valley, are owned by the U.S. Bureau of Land Management (BLM). Additionally, lands to the immediate west, east and north of the valley are owned or controlled by other governmental entities such as the National Forest Service, National Park Service and Defense Department.

History

After various mining, farming and ranching efforts ranging from the mid to late nineteenth century, most of which failed, the first urban areas originated to support a railroad stop in 1905 at what is now downtown Las Vegas. The City of Las Vegas, consisting of a population of approximately 3,350, was incorporated in 1911. Although there were various wooden saloons, tent-house operations and the like, the first real hotel/casino was built downtown in 1906 and still stands today as the Golden Gate. After a brief period when gaming was made illegal, accompanied by the prohibition era, it was not until the Hoover Dam project (authorized 1928 and completed in 1935) and inexpensive power and land began attracting industry that the Las Vegas area experienced significant growth. It was around this time that the gaming (gambling) industry also became notable, centered around "Glitter Gulch" (now the Fremont Street Experience) in the downtown area and eventually evolving into the major tourist, convention and resort industry that now serves as the primary economic force in the area.



Greater Las Vegas Area Description - Continued

The "Las Vegas Strip," actually located in unincorporated portions of Clark County, began developing in the late 1940s and includes all of the new "mega-resort" properties developed over the last decade-plus. Las Vegas area gaming and hotels/resorts now include a wide variety of facilities, including "neighborhood hotel/casinos," generally located away from the established tourist corridors and offering neighborhood amenities such as bowling centers, movie theaters, skating rinks, day care, restaurant dining and fast food chain outlets. Although generally, a minimum of 300 hotel rooms are required to permit full casino-type gambling (known as an unrestricted gaming license which permits table games, etc.), hotel operations are significantly subordinate to gaming and other operations at these neighborhood facilities. Restricted gaming licenses, permitting a maximum of fifteen "slot machines," are generally granted to taverns, convenience and grocery stores throughout the area.

Climate

The Greater Las Vegas Area lies at an altitude generally between 1,900 and 2,100 feet above sea level. The climate of the Valley is characterized as semi-arid with an average of 4.5 inches of annual rainfall. The high temperature in the hottest month (July) averages 104 degrees and evening temperatures average 78 degrees. The mean temperature is approximately 68.1 degrees. Daytime winter temperatures are rarely below freezing. The altitude and climate are conducive to many retirees' needs, contributing to the substantial in-migration of retirees. The tax climate is favorable for retirees, as well, with no state income tax and a state inheritance tax 100% paid for by Federal Tax Credits.

Population

The 2004 Clark County population estimate was 1,747,025, a 27% increase over 2000. With a census population of 1,375,765 in 2000, an 85.5% increase was indicated over the decade since the 1990 census (741,459). The 1980-1990 decade saw a 60% increase, beginning with a population of 463,087 persons, an increase of approximately 70% over the 1970 census (273,200±). Only 3.2% of the county populace are native Nevadans. There are 2.687 persons per household with 52.2% having resided in Clark County for ten years or less, further illustrating the continuing rapid in-migration of residents.

The 2005 Las Vegas Perspective (a major demographic study published annually) estimates 261,509 retirees living in Clark County in 2004, with 243,549 in 2003. Within the Las Vegas Valley, there are 136,249 households with retirees. Median retiree household income is estimated at \$37,304.00. The 2004 retirement population increased 28.2% from 2000 and increased 10.5% between 1999 and 2000, one of the fastest growing demographic sectors in the county. 2003 population is distributed in Clark County as follows:



Greater Las Vegas Area Description - Continued

Population Distribution (2003)	
City/Area	Population
Henderson	234,320
Las Vegas	559,824
North Las Vegas	168,081
Unincorporated Urban Clark County*	722,972
Subtotal-Las Vegas Area & Urban Clark	1,685,197
Boulder City	15,342
Mesquite	16,180
Unincorporated Rural Clark County	30,306
Total Clark County Population	1,747,025

Source: Las Vegas Perspective. * Includes Laughlin, Primm

Roughly 96% of county residents are located in the Greater Las Vegas Area. In accordance with current and historic growth patterns, it is projected that population growth will continue at an approximate 4% to 6% annual rate into the foreseeable future. The projected rate of growth is anticipated to be slightly lower than over the recent past. However, historical projections by the Nevada State Demographer's office have been conservative with actual growth generally outpacing projections.

Demographics (Las Vegas Valley):

Source: Claritas

Population (2004 Estimate)	1,623,935
2009 Projection	1,930,986
2000 Census	1,326,737
1990 Census	711,366
1980 Census	444,893
Growth 1990 - 2000	86.5%
Growth 1990-2000, Average Annual Rate (Compounded)	6.4%
2004 Estimated Households by Income	557,767
\$150,000 +	5.25%
\$100,000 to \$149,999	9.33%
\$ 75,000 to \$ 99,999	12.54%
\$ 50,000 to \$ 74,999	21.1%
\$ 35,000 to \$ 49,999	16.95%
\$ 25,000 to \$ 34,999	12.63%
\$ 15,000 to \$ 24,999	10.70%
Under \$15,000	11.49%
2004 Estimated Average Household Income	\$62,939
2004 Estimated Median Household Income	\$48,431



GARY H. KENT, INC.

Real Estate Appraisers and Consultants

Greater Las Vegas Area Description - Continued

2004 Estimated Per Capita Income	\$23,533
2004 Average Household Size	2.6
Median Age	34.39
2004 Estimated Occupied Units	600,039
Owner Occupied:	60.95%
Renter Occupied:	39.05%
2004 Estimated Population by Household Type	600,039
Family Households	65.88%
Non-Family Households	34.12%
2004 Estimated Population 16+ By Occupation	753,588
Executive and Managerial	11.57%
Professional Specialty	13.70%
Sales and Office	28.06%
Service	26.34%
Farming Forestry and Fishing	0.1%
Construction Extraction and Maintenance	10.99%
Production, Transportation and Material Moving	9.24%
2004 Estimated Population 25+ by Education Level	1,057,480
Elementary (0-8)	6.45%
Some High School (9-11)	13.11%
High School Graduate (12)	29.49%
Some College (13-15)	26.78%
Associates Degree Only	5.97%
Bachelors Degree Only	12.08%
Graduate Degree	6.11%
2004 Estimated Owner Occupied Property Values	365,706
Median Property Value	\$165,116
2004 Estimated Housing Units by Year Built	655,619
Built in 1999 to Present	21.73%
Built in 1995 to 1998	19.47%
Built 1990 to 1994	15.44%
Built 1980 to 1989	17.39%
Built 1970 to 1979	14.4%
Built 1960 to 1969	7.2%
Built 1950 to 1959	3.09%
Built 1940 to 1949	0.86%
Built 1939 or Earlier	0.41%
2004 Estimated Retail Trade Potential (Resident) - Dollars in Millions	
Total Retail Sales	\$23,092
Apparel & Accessory Stores	\$893
Automotive Dealers	\$5,277
Automotive & Home Supply Stores	\$291



Greater Las Vegas Area Description - Continued

Drug & Proprietary Stores	\$824
Eating & Drinking Places	\$2,568
Food Stores	\$3,386
Furniture & Home Furnishings Stores	\$557
Home Appliance, Radio, & T.v. Stores	\$549
Gasoline Service Stations	\$1,196
General Merchandise	\$2,651
Department Stores	\$1,746
Hardware, Lumber & Garden Stores	\$1,172

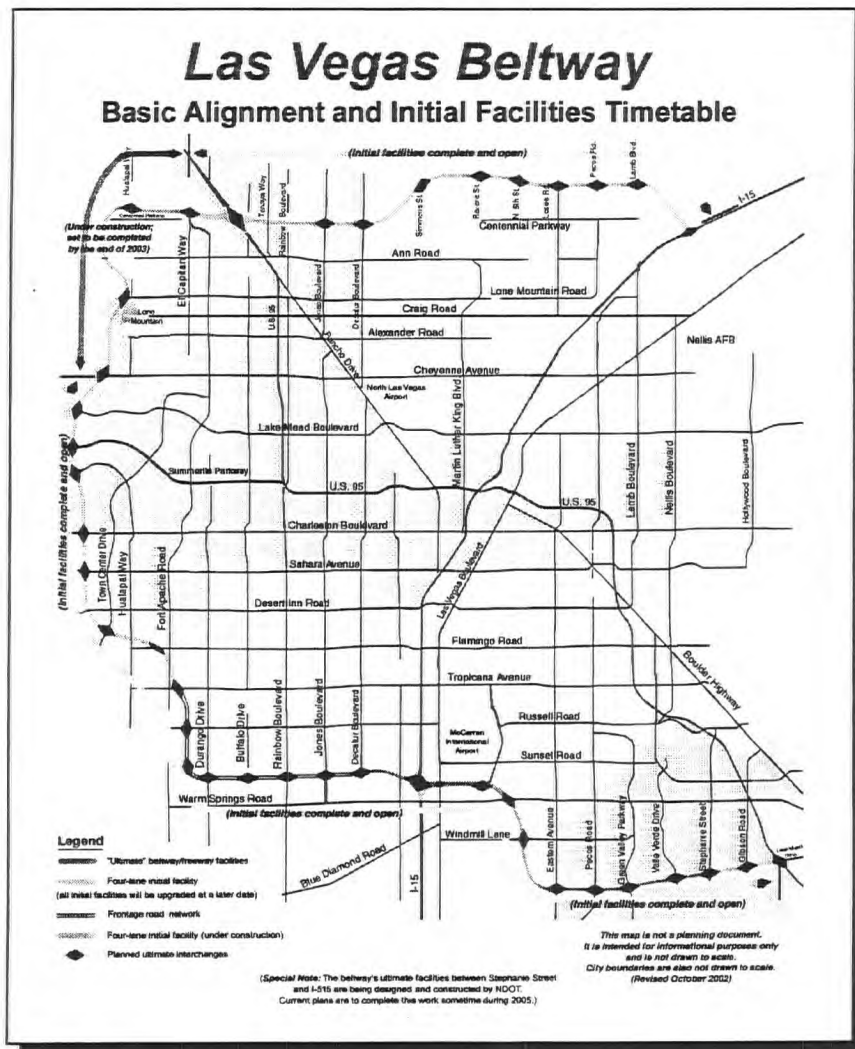
Further illustration of Greater Las Vegas Area population growth, including populations by city, is illustrated in the preceding chart.

Transportation

Las Vegas has excellent transportation connections with neighboring metropolitan areas. In addition to Union Pacific rail service, which helped originate the community, it is served by two interstate freeways; I-15, which connects with such metropolitan areas as Los Angeles, California (289 miles to the southwest) and Salt Lake City, Utah; and I-515/US 95 which connects to Phoenix, Arizona (291 miles to the southeast); and Reno, Nevada (448 miles to the northwest). Interstate 15 is used as a major north-south commuter route in the Las Vegas area, running parallel to and near the "Las Vegas Strip." Continued construction along this thoroughfare within the Las Vegas Valley is underway, expanding and enhancing the roadway to accommodate added traffic flow and to ease congestion at major intersections. Major widening of I-15 is underway on segments within Nevada and planned from Las Vegas into Southern California. Interstate I-515/US 95 Highway consists of a continuous divided highway within the valley providing for southeast to northwest commuting across the valley and traversing the central portion of the valley in an east-west direction. A major widening project is also underway for US 95 segments west of the downtown area, with an accelerated plan recently approved by the governor. However, a suit has been filed to stop construction and this legal issue has not been resolved.



Greater Las Vegas Area Description - Continued



Interstate 215, although providing no direct interstate connections, is a new, developing, major freeway loop around the south, west and north sides of the valley, connecting with both I-15 and I-515/US 95 at two locations. Also known as the Las Vegas Outer Beltway system, not all of this loop is currently completed with interstate-type improvements, however appropriate right-of-ways have been acquired for such and the entire length is open. This system promises to be a tremendous enhancement to the local highway network.

Bus service is provided by Greyhound. Public transportation in the area is serviced by CAT (Citizens Area Transit) buses, as well as Downtown and Strip trolley services. Several companies provide charter bus services. There are near 1,000 taxis, 300 limousines and approximately 50 car rental agencies. Air service is furnished by approximately 30 commercial air carriers. Total commercial air passenger arrivals over the past 10 years is summarized as follows:



Greater Las Vegas Area Description - Continued

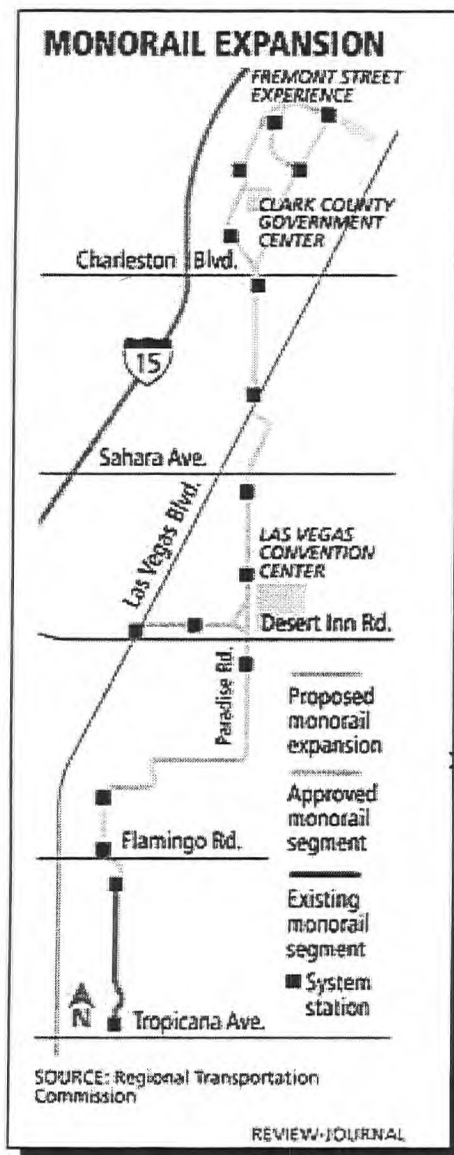
McCarran International Airport Air Passenger Traffic		
Year	Passengers	% Change
1992	20,912,585	0.0%
1993	22,492,156	7.6%
1994	26,850,486	19.4%
1995	28,027,239	4.4%
1996	30,459,000	8.7%
1997	30,315,094	-0.5%
1998	30,227,287	-0.3%
1999	33,715,129	11.5%
2000	36,865,866	9.3%
2001	35,203,808	-4.5%
2002	35,009,011	-0.5%
2003	36,265,932	3.6%
2004	41,441,531	14.3%

Source: McCarran International Airport

The decrease in 2001 and 2002 are considered attributable to the September 11, 2001 terrorist attacks and the downturn in the economy. The recovery in 2003 continues into 2004, with 2004 being a record year. Private and charter aircraft also contribute to tourist volume, with North Las Vegas Airport, Henderson Executive Airport, as well as McCarran providing private aircraft services. Nonstop commercial air service is provided to many of the major population centers, with connections to almost every major city in the nation. Capital improvement and renovation expenditures for McCarran International Airport have totaled roughly \$1.2 billion over the past ten± years, excluding the \$200 million expended for a 2,700 foot under-runway tunnel and three-mile freeway section, completed in early 1995, linking the airport to the I-15 Freeway south of Sunset Road. A major expansion to the "D" Gates has recently been finished, enabling McCarran to process another 3.1 million passengers, annually. Other expansion projects are proposed for McCarran, to accommodate increasing passenger traffic, with plans for an additional full-service airport to be built on land recently acquired about 25 miles south of Las Vegas. Connections to McCarran via high speed, possibly magnetic levitation (Mag-Lev), train or monorail are being considered. Las Vegas' air transport system is considered well-positioned to meet the demands of continued growth in tourism.

**GARY H. KENT, INC.***Real Estate Appraisers and Consultants*

Greater Las Vegas Area Description - Continued



Other public projects underway or recently completed to accommodate increasing tourism include a public/private partnership expanding the existing monorail system, into a system extending from McCarran International Airport north to the Las Vegas Convention Center and the Sahara Hotel. Phase I development of this \$650 million system was recently completed and runs from the MGM Grand to the Sahara Hotel. The Regional Transportation Commission is proceeding with studies to construct a publicly funded monorail that would link with the "Strip" system to downtown Las Vegas. The proposed three-mile route would generally follow Main Street north of Sahara Avenue to the Fremont Street Experience. This has been placed on hold, until economic feasibility can be illustrated. Privately owned and operated "monorail" systems also exist between Bellagio and Monte Carlo and between Luxor, Mandalay Bay and Excalibur, all on the west side of "The Strip".

In 2003, 45% of the visitors traveling to Las Vegas, was by air, 43% by automobile, 9% by bus and 3% by RV. A breakdown for 2004 was not available. In 2002, 44% of the visitors traveling to Las Vegas arrived by air, 43% by automobile, 10% by bus and 3% by RV. Year 2001 distribution was similar. McCarran International Airport, now ranked 7th busiest in the world, was ranked 16th less than one decade ago. Many visitors to Las Vegas originate in the California area, particularly those visiting on weekends and by automobile. Other transportation services available in the area include freight service by truck and rail. Tourist flights are available to the Grand Canyon and similar destinations, as well as sight-seeing tours around the Las Vegas area.

Economy

The economic base of the Las Vegas area is predominated by the tourist/service industries, trade industries, construction industry and governmental/municipal agencies, including substantial military base employment. The total Clark County labor force, at the end of 2004, was 841,500, an increase over 2003 of 8.1%, at the



GARY H. KENT, INC.

Real Estate Appraisers and Consultants

Greater Las Vegas Area Description - Continued

end of 2003 was 778,500, an increase over 2002, of 4.95%. 2002 was 741,800, a 3.0% increase from the 719,950 employed in 2001. 2001 employment represented a 4.6% increase from the 688,500 employed in 2000. The largest employment sector is the service industries which includes most tourist industry employment such as hotel/gaming and recreation, as well as typical service industries such as retail and restaurant employees, accounting for 41.4% of total employment. Job growth in the Greater Las Vegas Area, on a percentage basis, has led the nation for much of the past five-plus years. Despite rapid in-migration, unemployment rates have remained comparatively lower than most western states. As of December 2004, Nevada unemployment was 4.0% and, in the Las Vegas MSA, the unemployment rate was 3.9%.

Approximately 102 hotel/casinos or motels exceeding 200 rooms, exist in the Las Vegas area and 120, total, in Clark County. Current room inventory is estimated at 144,917. Recent, major, additions to tourist facilities include a number of impressive resort hotel/casinos, all located along the "Las Vegas Strip" (generally recognized as Las Vegas Boulevard between Sahara Avenue and Russell Road). The Mirage, built in 1989, is recognized as the first major resort hotel/casino in Las Vegas, featuring a \$40 million "volcano" and demonstrating the demand for such world-class resort facilities in Las Vegas. Touted as the first private \$1 billion construction project in Nevada, the MGM Grand introduced the world's largest hotel in 1993 with 5,005 rooms, two large auditoriums, convention/meeting space and retail mall, located on 112 acres at the Tropicana Avenue intersection - located diagonally from the former world's largest hotel, The Excalibur (4,008 rooms built in 1990). 1993 also saw the construction of Treasure Island, adjacent to, and (then) owned by The Mirage with its 2,900± rooms and outdoor pirate ship battles which attract thousands of spectators every night. Other Mirage (now owned by MGM) ventures include the 3,046 room Bellagio (1998) on the former Dunes Hotel site. Targeted to upper income visitors, offering only suite-type accommodations, the Bellagio boasts a large lagoon with the largest water fountain show in the world, as well a large retail mall with numerous exclusive retailers.

The Circus Circus and the Mirage Corporations partnered in developing the Monte Carlo (1996), a 3,024 room facility, located near the intersection of Tropicana Avenue. The MGM, along with the Primadonna Corporation, developed the New York New York resort hotel/casino (1997), a 2,119 room project reminiscent of the New York City skyline with retail mall and roller coaster, located at the intersection of Tropicana Avenue and "The Strip". This intersection now bills itself as the world's busiest with more hotel rooms than the entire city of San Francisco, among many other cities. The Paris (1999), a 2,914± room project near Flamingo Road on part of the former Aladdin site, includes a retail mall and large scale replica of the Eiffel Tower and Arc D'Triomphe. The site of the former Sands Hotel has been



Greater Las Vegas Area Description - Continued

developed with the Venetian (1999) resort hotel/casino with 3,036 rooms and a large retail mall themed to look like Venice, Italy, complete with canals and gondolas, as well as a Gutenberg Museum showcasing various traveling art exhibits. The planned second phase of the Venetian has recently been completed, adding 1,000± rooms. A second 3,000 ± room hotel/casino on this site, has recently been approved.

At the south end of "The Strip," Circus Circus Corporation opened Mandalay Bay (1999), a 2,876 room hotel/casino and Luxor (1995), a prominent pyramid-shaped facility on the former site of the Hacienda Hotel. Luxor, (4,400+ rooms) with all its rooms in the pyramid along outside walls, includes the world's largest atrium, containing a large indoor entertainment complex. Mandalay Bay includes a world-renowned Four Seasons Hotel located on the top of the tower, House of Blues and other nightclub, auditorium and restaurant facilities. This property has a 1,122 room addition, which was completed in early 2004.

After demolition of its original facility, the new Aladdin resort hotel/casino opened in the year 2000 with 2,567 rooms and an extensive retail mall. The acquisition of the Desert Inn Hotel and its golf course (encompassing 200± acres) by Steve Wynn, former Mirage CEO, occurred in 2000 and was subsequently demolished for a planned 2,716 room resort hotel/casino, now open and to be known as Wynn Resort and Casino. This project cost almost \$2,700,000,000. It is anticipated that the golf course will eventually be demolished for a planned multi-phase development including additional hotel/casinos, office and condominium development, etc. Caesars Palace has a 949 room addition under construction and 140,000 square feet of convention space and the Bellagio has a 925 room addition under construction. Although slightly north of "The Strip", but nonetheless on Las Vegas Boulevard, the Stratosphere Tower and hotel/casino (2,444 rooms after a 1,000 room expansion in 2001) opened in 1996 with the tallest structure west of the Mississippi River. The Stratosphere dominates the Las Vegas skyline with an 1,149-foot-high observation tower with two thrill rides on top and revolving restaurant level.

The Fremont Street Experience, developed in 1994 at a cost of \$70 million in the Downtown Central Business District, includes a computer-controlled, 12.5 million LED Module color light display which forms a nearly ½-mile long canopy over Fremont Street. Part of a comprehensive pedestrian mall (closing vehicular traffic) along what has historically been called "Glitter Gulch," this project revitalized the older downtown casino district, helping it remain competitive as the mega-resort trend continued on "The Strip." A new, 240,000 square foot, \$100 million retail mall recently opened in this area; Neonopolis includes a 14-screen movie theater and is the site of the neon museum featuring many of Las Vegas' historical neon signs. Other potential projects include a new facility by MGM, on the site adjacent north of the Monte Carlo, as well as a project by New World on a site being assembled



Greater Las Vegas Area Description - Continued

adjacent to McCarran International Airport. Turnberry Associates has plans for a London-themed hotel/casino to be built on the former El Rancho site, at the north end of "The Strip", which has at least temporarily been tabled. The Las Vegas Hilton has currently constructed a new timeshare project adjacent to its hotel/casino. Other timeshare projects are also being contemplated for the resort corridor. The New Frontier is also planning a new project, with demolition of the existing facility planned. A long list of other proposed and current projects exist, in addition to numerous major expansion and renovation projects, evident of a flourishing economy.

Generally, reliable estimates indicate each new hotel room adds 1.25 to 1.75 employees in direct employment and upwards of 2.5 to 3 total employees to the economy which is absorbed over the course of two to three years subsequent to the development of the hotel rooms. Sustained growth in the tourist industry is demonstrated by the total visitor volume over the course of the past years. Visitor volume declined 2.3% in 2001, the only decline in recent history, attributed to the effect of the "9-11" terrorist attacks. 2002 resulted in a near flat year, with visitor volume increasing 0.2% and 1993 resulted in a 1.3% increase. Visitor volume increased 5.2% in 2004 over 2003. Double-digit increases in 1994, 1997 and 1999 are directly linked to the introduction of numerous new rooms in "mega-resort" type facilities. Las Vegas seems to continually demonstrate the "build it they will come" philosophy in a big way. The following summarizes historic visitor volume and gross visitor revenues:



Greater Las Vegas Area Description - Continued

Clark County Visitor Volume and Gross Visitor Revenue				
Year	Total Visitors	% Change	Gross Revenue	% Change
1992	21,886,865	0.0%	\$15,000,431,000	0.0%
1993	23,522,593	7.5%	\$15,127,266,800	0.8%
1994	28,214,362	19.9%	\$19,163,212,044	26.7%
1995	29,002,122	2.8%	\$20,686,800,000	8.0%
1996	29,636,631	2.2%	\$22,533,257,750	8.9%
1997	30,464,635	2.8%	\$24,952,188,808	10.7%
1998	30,605,128	0.5%	\$24,577,469,000	-1.5%
1999	33,809,134	10.5%	\$28,695,178,000	16.8%
2000	35,849,691	6.0%	\$31,464,678,000	9.7%
2001	35,017,317	-2.3%	\$31,907,492,000	1.4%
2002	35,071,504	0.2%	\$31,573,745,000	-1.0%
2003	35,540,126	1.3%	\$32,777,732,000	3.8%
2004	37,388,781	5.2%	\$33,723,919,000	2.9%

Source: Las Vegas Convention and Visitors Authority

Convention business also has a significant impact as a part of the total visitor volume and revenues. Las Vegas hosts six of the top ten trade shows in the nation and 34 of the top 200 trade shows. Las Vegas has the most exhibit space of any city in the nation and the largest base of hotel rooms. Upwards of 9 million square feet of meeting and exhibition space is available in the Las Vegas area with the largest, single-level, convention facility in the United States being the center piece, the Las Vegas Convention Center, containing 3.2 million square feet. A 1.6 million square foot convention facility has recently opened, as an addition to the Mandalay Bay facility. Total convention attendance continues to post significant increases which, in 2002, included 5,105,450 conventioners, up 1.8% over the prior year's convention attendees and 5,657,796 attendees in 2003, up 10.8% over 2002. Year 2004 attendance was 5,724,864, up 1.2% from 2003. Economic input was estimated at \$5.92 billion, up 1.9% over 2001, despite the "9-11" declines and \$6.55 billion in 2003, an increase of 9.8% over 2002. Year 2004 resulted in \$6,860,512,075, up 4.8%



Greater Las Vegas Area Description - Continued

Hotel and Motel Occupancy Levels			
Year	Hotel %	Motel %	Combined %
1993	92.6%	69.7%	87.6%
1994	92.6%	73.2%	89.0%
1995	91.4%	72.4%	88.0%
1996	93.4%	75.7%	90.4%
1997	90.3%	68.8%	86.4%
1998	90.3%	67.3%	85.8%
1999	92.1%	68.6%	88.0%
2000	92.5%	71.9%	89.1%
2001	88.9%	63.8%	84.7%
2002	88.8%	60.2%	84.0%
2003	89.6%	60.5%	85.0%
2004	92.0%	68.7%	88.6%

With the tremendous increase in new hotel/casino room inventory over the last decade, it would normally be expected for hotel occupancy levels to decline, with a larger decline in motel occupancy levels during the absorption/stabilization period. However, many new facilities were constructed with family-oriented tourist attractions and strategies, attracting a new market-segment not previously tapped by Las Vegas' tourist industry. As a result, occupancy levels in hotels, as well as motels, have remained comparatively stable. Declines from mid-1997 to mid-1998 are partially a result of near full airline gate capacity at McCarran, since remedied. 2001 and 2002 occupancy understandably suffered from the "9-11" tragedy and the downturn in the economy, but stated a strong recovery in 2003. Late 2003 and all of 2004 reversed the family orientation trend and occupancies increased significantly.



Greater Las Vegas Area Description - Continued

Average Annual Occupancy Levels - Greater Las Vegas Area				
Year	Apartment Occupancy	Office Occupancy	Industrial Occupancy	Retail Occupancy*
1997	96.1%	89.5%	92.9%	95.7%
1998	93.7%	88.3%	90.9%	95.7%
1999	94.0%	88.0%	88.4%	96.5%
2000	94.3%	89.5%	92.4%	96.9%
2001	93.8%	87.8%	89.3%	95.9%
2002	92.27%	86.1%	88.6%	96.9%
2003	92.90%	89.4%	89.4%	96.5%
2004	94.6%	89.7%	91.3%	96.2%

* End of Year. Source: Apartments - Center for Business and Economic Research (UNLV).
Others - Applied Analysis.

Occupancy levels in apartments are affected by the increased population to provide interim housing for new residents drawn by recently created jobs, as well as home affordability. Despite low home mortgage rates over the recent past and a vast supply of new homes, as well as significant new apartment construction, occupancy levels for apartments have remained high, with only modest declines. While there has been new apartment construction, this is offset by conversions of apartments to condominium units.

Occupancy levels in the office market have remained comparatively stable. Construction of new space has generally been consistent with demand, with little change in occupancy levels. A total inventory of 33,366,000 square feet of space existed at the end of 2004, with a total of 2,380,000 square feet constructed over the year. However, Class "A" office space is experiencing the highest occupancy levels, 96.5% at the end of 2004. Class "B" and Class "C" office space experienced the bulk of vacancy and also represents the majority (27,477,783 square feet), 82.3% of total office space in the market, indicating 87.7% and 92.2% occupancy at end of 2004, respectively. The Southeast and Southwest Submarket areas can be readily characterized as overbuilt, with 83.3% and 83.6% occupancy levels, respectively. The Central/North Submarket experienced the highest occupancy, 97.4% with 1,290,133 square feet of space.

The dip in 1998-1999 industrial occupancy was heavily due to the introduction of the Speedway Industrial Park. Containing 1.4 million square feet, located at the fringe of the valley, this park was initially very slow to absorb due to over-aggressive asking lease rates versus its location. Demand has increased sharply over the past two-plus years. In 1999, 2,377,729 square feet were absorbed, versus 5,573,744



Greater Las Vegas Area Description - Continued

square feet absorbed in 2000, with general improvement in occupancy rates. 2001 saw 2,050,507 square feet of new absorption, with 2002 seeing 2,354,628 square feet. 2003 had 2,714,855± square feet absorbed and 2004 had 3,292,000 square feet absorbed.

There is a limited amount of "heavy" industry in the Las Vegas area, with much of it located in Henderson at, or near, the location of the former World War II munitions plants (a.k.a. BMI - an acronym for the consortium of companies that established Henderson) and includes such companies as Stauffer Chemical, American Potash and Chemical, Flintkote, Titanium Metals of America, and Kerr-McGee Chemical Corporation. Several large facilities, many of which process mineral products, are also located just outside the valley. These include the Apex industrial area and a new/developing heavy industrial master plan located just north of Apex on land recently acquired from the BLM where a new, natural gas fueled, electric power plant is being built.

Citicorp, Ford Aerospace, Levi Strauss, GE Capital, IT&T Info Systems, Legg's, Nabisco, Pepsi Cola, Ethel M. Chocolates, Ocean Spray and Coors have all developed major facilities in the Las Vegas Valley, as an example of the (light) industrial/office expansion in the metropolitan area. Household Financial recently built a major credit card processing facility in the Summerlin area. Beginning with 2002, the following chart contains data errors which cannot be explained.

Retail occupancies have remained extremely strong, with annual absorption ranging from approximately 900,000 square feet in 2002, to approximately 2,700,000 square feet in 2003, over the past five years.

Inventory and Absorption (Leased/For Lease Space, Only, in Square Feet)									
Year	Office			Industrial			Retail*		
	Total Inventory	New Inventory	Net Absorpt'n	Total Inventory	New Inventory	Net Absorpt'n	Total Inventory	New Inventory	Net Absorpt'n
1997	15,270,938	1,528,215	1,064,147	48,284,996	5,151,126	4,098,532	22,793,859	1,496,922	1,607,779
1998	17,459,683	1,482,658	1,275,238	52,761,427	3,476,337	2,324,930	24,228,257	660,498	609,500
1999	19,566,358	1,603,251	1,367,342	55,571,657	2,789,565	2,377,729	22,160,086	273,137	272,678
2000	22,159,446	1,453,327	1,503,497	60,364,888	3,110,444	5,573,774	26,341,956	1,692,744	1,850,291
2001	23,551,042	1,499,048	988,208	65,325,586	4,718,675	2,050,507	28,305,307	2,257,664	1,909,018
2002	25,181,209	1,119,495	794,443	68,548,229	3,166,078	23,547,628	28,164,315	794,592	937,057
2003	30,985,552	1,188,150	1,399,782	76,718,263	2,599,531	2,714,855	38,170,422	2,630,089	2,692,629
2004	33,366,011	2,247,669	1,735,969	1,054,000	2,879,000	3,292,000	40,848,840	688,049	1,250,415

* Includes Power Centers, "Anchored" Community and Neighborhood Centers, only. Source: Applied Analysis/Lee & Associates.



Greater Las Vegas Area Description - Continued

A number of major federal government facilities operate in the area. This includes Nellis Air Force Base in the northeast part of the valley and the Indian Springs Auxiliary Air Base, located 25 miles northwest of the Las Vegas Valley, and its surrounding bombing and gunnery range (operated by Nellis AFB). The Department of Energy's (DOE) operations office and the Nevada Test Site (NTS) encompasses approximately 1,350 square miles, which is essentially an outdoor testing and research laboratory whose initial, primary function was for testing of nuclear weapons. Located roughly 50 miles northwest of the Las Vegas Valley, most of this facilities employment and supporting services originate in the Las Vegas area. A moratorium on nuclear weapons testing has been in effect since 1992. A wide variety of alternative uses are being considered for this facility, including NASA usage for the Mars and other missions, with the future of the current test ban also uncertain. The NTS has other missions in addition to nuclear testing including the operation of national test and demonstration facilities, nuclear non-proliferation treaty implementation and verification, environmental restoration, waste management and technical and administrative support for the Yucca Mountain nuclear waste repository project. Salary costs are approximately \$300 million and approximately 7,000 DOE employees reside in Southern Nevada with the DOE's total local budget at approximately \$800 million.

Nellis Air Force Base includes 12,000 square miles of air space, north of the Las Vegas Valley, and approximately 3,000,000 acres of land. This is the largest installation in the Air Combat Command. Currently, Nellis AFB accounts for approximately 5% of Clark County's gross product. Nellis AFB is one of the largest employers in Southern Nevada with 7,100 military and 2,700 civilian personnel. Additionally, the base averages about 1,000 temporary duty personnel. Its primary purpose is for Air Combat Training, hosting domestic as well as allied aircraft for this function. The world famous Thunderbirds Air Demonstration Squadron is also based at this facility. This base continues to grow as other facilities around the nation are downsized or closed. An example of this is the recent the \$7.7 million for 35,000 square feet of hanger and shop space, flight support and administration for the F-22, the air force's next generation fighter aircraft.

Construction

Construction in the Las Vegas area, as noted earlier, provides for approximately 11% of the employment base. Many of the construction jobs are involved in residential housing, which has generated record or near record new home sales over the course of the past ten years. The following building permits summary includes single family construction, multifamily construction, public buildings, hotel and motel construction, as well as commercial buildings. The permits reported do not include miscellaneous permits which may include garages, spas and pools, fences, patios and mobile homes. The fluctuation in the valuation of the permits is



Greater Las Vegas Area Description - Continued

primarily due to the timing of major projects (i.e. mega-resorts which generally have project values in excess of \$500 million). The bulk of issued permits were for single family residential housing, totaling some 31,051 issued in 2004.

Clark County New Construction - Building Permits Summary				
Year	Permits Issued	% Change	Total Valuation	% Change
1991	20,256	11.9%	\$1,746,011,345	-3.6%
1992	20,216	-0.2%	\$1,568,740,725	-10.2%
1993	22,722	12.4%	\$1,954,430,980	24.6%
1994	26,302	15.8%	\$2,462,780,025	26.0%
1995	26,472	0.6%	\$3,250,933,477	32.0%
1996	28,232	6.6%	\$4,325,820,000	33.1%
1997	21,687	-23.2%	\$3,526,995,000	-18.5%
1998	22,257	2.6%	\$3,708,329,000	5.1%
1999	21,582	-3.0%	\$3,291,183,000	-11.2%
2000	22,891	6.1%	\$3,657,613,000	11.1%
2001	23,860	4.2%	\$3,307,646,000	-9.6%
2002	23,702	-0.7%	\$5,362,512,000	62.1%
2003	29,637	25.0%	\$6,275,493,000	17.0%
2004	34,144	15.2%	\$6,935,625,000	10.5%

Source: Nevada Development Authority - compiled from municipal building permit reports.

New home sales in the Greater Las Vegas Area have generally consisted of 85%-90% detached homes, historically, with the balance consisting of attached homes such as condominiums, townhomes and duplexes. New home sales has grown steadily from 1991 through 2003, with there being approximately 10,719 new home sales in 1991, increasing to 29,472 new home sales in 2004. During this period of time, there was only two years which showed a slight decline, being the year 2000, with 21,246 new home sales, declining from 21,750 and in 2002, with 22,374 new home sales, declining from 23,549. Again, 2004 reflects new home sales well above any previously for the previous 12 years.

Utilities

Water is supplied by the Las Vegas Valley Water District (Las Vegas and Clark County areas); electricity by Nevada Power Company; natural gas by Southwest Gas Company and sewer is owned by respective municipalities. Public water is supplied by the city in both North Las Vegas and Henderson. Utility services have



GARY H. KENT, INC.

Real Estate Appraisers and Consultants

Greater Las Vegas Area Description - Continued

proven adequate and dependable, with rates comparable to, or below those, in adjoining western states.

Schools

There are approximately 301 public schools in the Clark County School District. In addition to public schools, there are 38 private and church-sponsored schools having enrollments of 100 or more students. Higher education is provided by the Southern Nevada Vocational Technical Center, Area Technical Training Center, Clark County Community College and the University of Nevada at Las Vegas. Fourteen private colleges and universities exist. The University of Nevada Las Vegas has a current enrollment of approximately 26,393 students and has a wide curriculum with approximately 195 different undergraduate, master and doctoral programs. The 10-year enrollment increase has been approximately 30%. There are roughly 282,632 students enrolled in the Clark County School District, ranked 6th largest in the nation. Development of new school facilities has been rapid, successfully funded by major state bond issues and generally kept pace with local growth. Clark County schools are of an excellent quality, with an education level above the national average.

Community Services

In addition to the hotels and motels previously mentioned, there are 13 modern hospitals licensed for 3,484 beds; 650 places of worship; 28 banks; 16 credit unions; two major newspapers; 30 radio stations; nine television stations; 58 golf courses; 198 parks; eight bowling centers; six marinas at Lake Mead and other recreational and community facilities.

The Cashman Field complex offers 122,000 square feet of exhibit space, a 2,000 seat auditorium and a 10,000 seat baseball stadium for the 51's, a "Triple A" team. The Thomas and Mack Center and Sam Boyd Stadium are home to UNLV sports teams, as well hosting a wide variety of concerts, sporting and other events. Numerous concerts and shows are available for local residents and tourist alike, including a variety of long-running shows in the various hotel/casinos and special appearances by numerous celebrities, bands and other showmen in the numerous, varied, venues throughout the area. Some of the largest venues include the Thomas and Mack Center, the MGM Grand Garden, the Aladdin Theater for the Performing Arts and some of the largest showrooms in Bally's, Mandalay Bay and Caesar's Palace. Open air concerts and similar events are held in many local parks, as well.

The Las Vegas Motor Speedway is a motor sports entertainment complex encompassing over 1,000 acres just northwest of Nellis AFB. LVMS has 24 different racing venues, including a 1.5 mile super-speedway, 2.5 mile road course,



Greater Las Vegas Area Description - Continued

4,000 foot drag strip, paved and dirt short tracks, motor-cross circuits, stadium truck racing facilities, go-carts, BMX, etc. The main facility seats approximately 107,000 people along the 1.5 mile super speedway, has a 40,000 car parking area and 100-space RV park. Host to an annual NASCAR race, this \$200 million facility opened in September 1996 for the Indy Racing League's Las Vegas 500, breaking all previous attendance records for a Nevada sporting event, with over 60,000 race fans in attendance. Speedway Industrial Park, an adjacent part of the Las Vegas Motor Speedway facility, completed 1.4 million square feet of industrial/flex space in 1997-98.

Taxes

Nevada has no personal or corporate income taxes, nor inventory, inheritance, State or gift taxes or taxes on intangibles. Property taxes in Clark County range from \$2,342.4 to \$3,428.6 per \$100.00 of assessed valuation. The assessed valuation is limited to 35% of full cash value by the state constitution. The State sales tax is 7.25% and does not apply to food products for home use. Nevada's Freeport Law, which exempts goods in transit and not to be delivered within the State from taxation, has caused a great influx of warehousing to the State. Primarily because of the state gaming taxes, Nevada has an individual tax load well below most states. However, state gaming tax is substantially below that of other states with any legal form of gaming, giving Nevada casinos a substantial edge over competing out-of-state gaming markets.

Government

The County operates as an independent political entity, administered by a County Manager who is supervised by an elected seven-man Board of Commissioners. Unlike many counties in the nation where County government tends to control rural areas, with city governments controlling urbanized areas, the substantial urban areas (most notably the "Las Vegas Strip") located within unincorporated areas of the county give Clark County government substantial political and economic clout. Occasional political discussion of consolidation or expanded city incorporation have always been thwarted, a trend which is likely to continue. The City of Las Vegas and the County do, however, share a common police force - The Las Vegas Metropolitan Police Department.

The three cities within the area all have council-manager forms of government, with elected Mayor's having an equal vote on an elected council and a City Manager facilitating daily operations at the direction of the council. Each city operates independent fire departments, jail and court systems with North Las Vegas and Henderson each having a police force. The County and City's administrations have proven to be effective in providing for, and protecting, public and private interests.



Greater Las Vegas Area Description - Continued

Recreation Areas

Las Vegas is located approximately 35 miles southeast of the Mt. Charleston ski and recreation area with neighboring trails and camping in the Toiyabe National Forest/Spring Mountains National Recreation Area. Just west of, and visible from most of the valley are the sheer, red sandstone, cliffs of Red Rock National Recreation Area, within which is Spring Mountain Ranch State Park. Lake Mead National Recreation Area is within one-half-hour of most of the valley, including the largest man-made lake in the country, Lake Mead, as well as Lake Mohave. In addition, within daily driving distance are Hoover Dam, Valley of Fire State Park and Zion, Bryce, Grand Canyon and Death Valley National Parks. Floyd Lamb State Park is located at the northern portion of the valley. These recreation areas are open year-round and offer a variety of government-supervised facilities. A large off-road recreation area is available in Las Vegas Dunes, at the northeast corner of the valley and numerous protected wilderness areas and various points of interest are in immediate surrounding areas.

Summary

The Greater Las Vegas Area has grown at an rapid rate throughout recent history, and should continue to do so into the foreseeable future. The "9-11" terrorist acts had a substantial, but apparently temporary, effect on the Las Vegas tourism market, causing slight dips in many local (annual) economic indicators that had been posting stable growth. However, occupancies have improved and visitors are spending in Las Vegas, indicating the long term strength of the local economy and strong demand for Las Vegas' diversified tourist opportunities.

Utility and community services have been maintained at a level to adequately serve the population. Area forecasts indicate that Las Vegas area's population could reach well over 3 million without experiencing any major problems of furnishing utility services, including an adequate water supply. Plans are underway to acquire added water from a number of sources which would allow additional growth. An ample supply of vacant land exists to allow Las Vegas to grow at a healthy rate for some time to come. However, land prices are escalating rapidly, due to the timed release of vacant land by the BLM, coupled with the continued rapid rate of development and a sudden demand for high rise condominium development.

Increasing visitor revenues and various plans for additions in the hotel/casino inventory indicate that the growth of tourism will likely continue into the foreseeable future. This growth in tourism typically supports the growth of professional and service industries, as well as other sectors, at a similar rate. Attempts at diversification of our economic base have helped to attract a variety of new industries, and are anticipated to attract research and development ventures, as well as continue to attract light manufacturing, distribution and similar interests given



Greater Las Vegas Area Description - Continued

the area's changing demographics, pivotal location, tax climate, available/affordable land and rapidly increasing pool of skilled and college educated labor. Construction of residential housing and supporting commercial and office construction should also continue at a rate commensurate with population growth. In short, the Greater Las Vegas Area's economy appears to be in a healthy state with continued growth assured.



Quarterly Economic Indicators

The following tables set forth changes by quarter in key economic indicators and reflect the real estate cycles experienced in the Greater Las Vegas/Clark County area. The downturn since the Third Quarter of 2001, is a result of the "9-11" terrorist event, including declines in occupancy of hotels/motels, which have recovered quickly.

Clark County Visitor Volume	
Dates	% Change*
January - June 2000	8.3%
January - September 2000	7.0%
January - December 2000	6.0%
January - June 2001	1.2%
January - September 2001	-0.6%
January - December 2001	-2.3%
January - June 2002	-2.3%
January - September 2002	-1.1%
January - December 2002	0.2%
January - June 2003	-0.3%
January - September 2003	0.7%
January - December 2003	1.3%
January - June 2004	6.5%
January - September 2004	5.5%
January - December 2004	5.2%
January - June 2005	2.7%

* Over same period in prior year.



Quarterly Economic Indicators - Continued

Clark County Taxable Sales	
Date	% Change*
2 nd Quarter 2005	14.1%
1 st Quarter 2005	14.5%
4 th Quarter 2004	18.7%
3 rd Quarter 2004	16.7%
2 nd Quarter 2004	16.4%
1 st Quarter 2004	17.4%
4 th Quarter 2003	+9.7%
3 rd Quarter 2003	+8.0%
2 nd Quarter 2003	+8.0%
1 st Quarter 2003	+5.7%
4 th Quarter 2002	+10.4%
3 rd Quarter 2002	+9.5%
2 nd Quarter 2002	-1.7%
1 st Quarter 2002	-1.6%
4 th Quarter 2001	-0.2%
3 rd Quarter 2001	-9.5%
2 nd Quarter 2001	+2.67%
1 st Quarter 2001	+5.9%
4 th Quarter 2000	+4.2%
3 rd Quarter 2000	+5.5%
2 nd Quarter 2000	+4.8%
1 st Quarter 2000	+2.2%
4 th Quarter 1999	+13.3%
3 rd Quarter 1999	+9.7%
2 nd Quarter 1999	+14.7%
1 st Quarter 1999	+16.7%

* Year-to-date, over same period in prior year. (Last month of each quarter)



Quarterly Economic Indicators - Continued

Gaming Revenue	
Date	% Change*
2 nd Quarter 2005	9.5%
1 st Quarter 2005	7.5%
4 th Quarter 2004	11.2%
3 rd Quarter 2004	10.4%
2 nd Quarter 2004	11.8%
1 st Quarter 2004	12.3
4 th Quarter 2003	2.6%
3 rd Quarter 2003	2.8%
2 nd Quarter 2003	3.2%
1 st Quarter 2003	4.9%
4 th Quarter 2002	-0.1%
3 rd Quarter 2002	-1.7%
2 nd Quarter 2002	-4.1%
1 st Quarter 2002	-6.0%
4 th Quarter 2001	-7.1%
3 rd Quarter 2001	-2.4%
2 nd Quarter 2001	+6.8%
1 st Quarter 2001	+0.8%
4 th Quarter 2000	+5.4%
3 rd Quarter 2000	-7.1%
2 nd Quarter 2000	+8.3%
1 st Quarter 2000	+8.9%

* Year-to-date, over same period in prior year.



Quarterly Economic Indicators - Continued

Hotel and Motel Occupancy Levels			
Dates	Hotel %	Motel %	Combined %
January - June 2000	93.8%	72.9%	90.3%
January - September 2000	93.8%	71.9%	90.3%
January - December 2000	92.5%	65.9%	89.1%
January - June 2001	92.5%	67.7%	88.8%
January - September 2001	91.5%	65.9%	87.2%
January - December 2001	88.9%	63.8%	84.7%
January - June 2002	90.1%	62.9%	85.6%
January - September 2002	90.1%	61.1%	85.3%
January - December 2002	88.8%	60.2%	84.0%
January - June 2003	90.3%	60.1%	85.4%
January - September 2003	90.7%	60.8%	85.9%
January - December 2003	89.6%	60.5%	85.0%
January - June 2004	93.2%	67.6%	89.4%
January - September 2004	93.1%	69.1%	89.6%
January - December 2004	92.0%	68.7%	88.6%
January - June 2005	92.9%	75.8%	90.5%

First Quarter occupancy levels are not considered to be valid indicators, due to short term fluctuations which commonly occur.



Quarterly Economic Indicators - Continued

Quarterly Occupancy Levels - Greater Las Vegas Area				
Date	Apartment Occupancy	Office Occupancy	Industrial Occupancy	Retail Occupancy
2 nd Quarter 2000	94.4%	89.6%	91.8%	95.8%
3 rd Quarter 2000	94.1%	89.7%	92.1%	96.6%
4 th Quarter 2000	94.0%	89.2%	93.2%	96.9%
1 st Quarter 2001	94.0%	89.6%	93.1%	97.0%
2 nd Quarter 2001	94.2%	89.4%	92.9%	97.0%
3 rd Quarter 2001	94.4%	88.3%	91.0%	96.2%
4 th Quarter 2001	92.7%	87.8%	89.3%	95.9%
1 st Quarter 2002	92.5%	87.1%	88.6%	96.1%
2 nd Quarter 2002	92.3%	86.5%	88.3%	96.3%
3 rd Quarter 2002	92.2%	85.9%	87.4%	96.6%
4 th Quarter 2002	92.3%	86.1%	88.6%	96.9%
1 st Quarter 2003	92.3%	86.9%	90.2%	95.5%
2 nd Quarter 2003	92.3%	87.6%	90.3%	96.0%
3 rd Quarter 2003	93.1%	89.2%	90.4%	96.5%
4 th Quarter 2003	92.9%	89.4%	89.4%	96.5%
1 st Quarter 2004	93.2%	90.2%	90.3%	96.3%
2 nd Quarter 2004	94.1%	89.9%	91.4%	96.4%
3 rd Quarter 2004	N/A	90.9%	90.8%	96.2%
4 th Quarter 2004	94.6%	89.7%	91.3%	96.2%
1 st Quarter 2005	94.9%	89.4%	92.8%	96.1%
2 nd Quarter 2005	94.8%	89.2%	93.7%	95.8%
3 rd Quarter 2005	N/A	90.4%	96.0%	N/A

Source: Apartments - Center for Business and Economic Research (UNLV). Others - Applied Analysis/Lee & Associates.



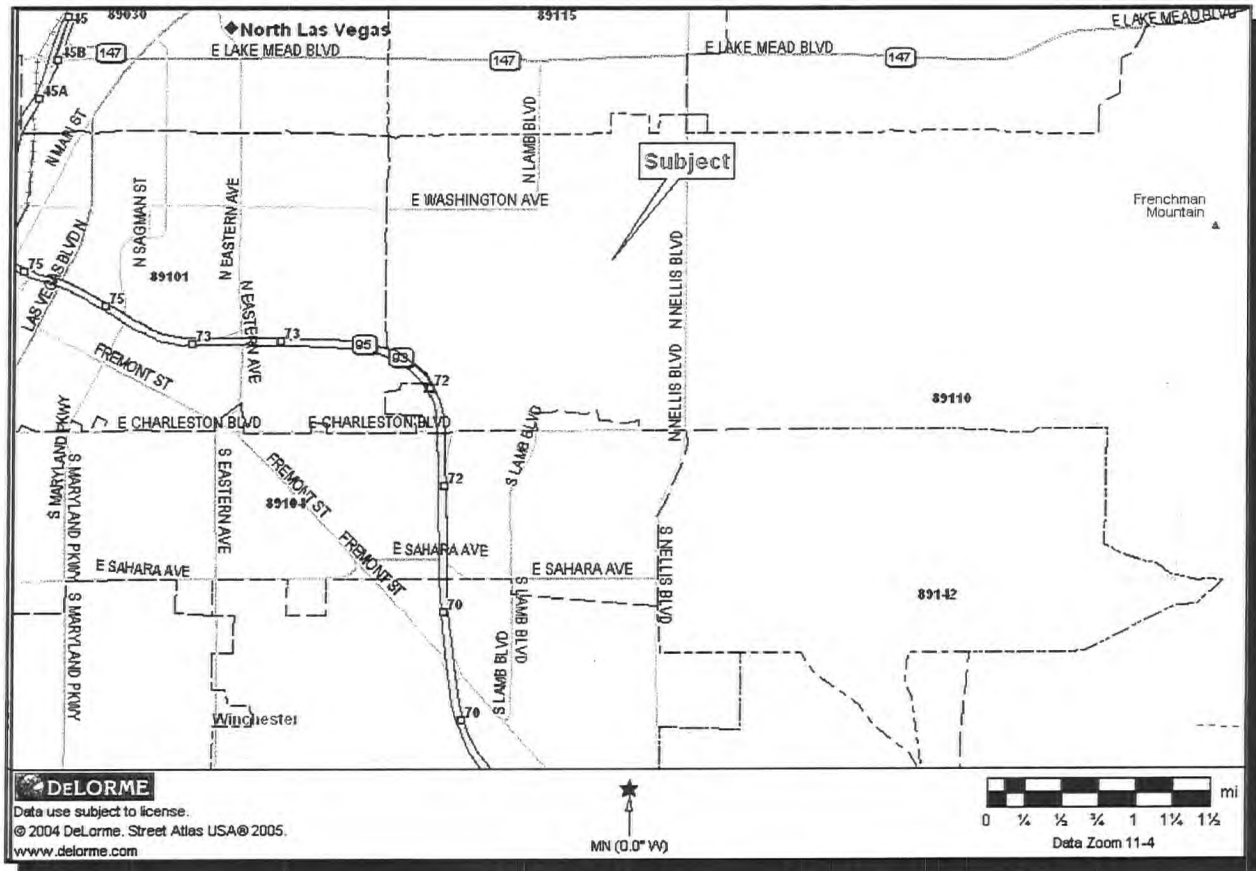
Quarterly Economic Indicators - Continued

Quarterly New Home Sales - Las Vegas Area		
Date	Total Sales	% Change*
2 nd Quarter 2000	5,916	-8.3%
3 rd Quarter 2000	5,060	-13.1%
4 th Quarter 2000	5,111	2.0%
1 st Quarter 2001	6,127	3.6%
2 nd Quarter 2001	6,553	10.8%
3 rd Quarter 2001	5,361	5.9%
4 th Quarter 2001	4,053	-20.7%
1 st Quarter 2002	5,545	-9.5%
2 nd Quarter 2002	5,673	-13.4%
3 rd Quarter 2002	5,796	8.1%
4 th Quarter 2002	5,248	29.5%
1 st Quarter 2003	5,530(1)	5.4%
2 nd Quarter 2003	5,860	3.3%
3 rd Quarter 2003	6,831	17.9%
4 th Quarter 2003	7,009(1)	33.6%
1 st Quarter 2004	6,523	17.9%
2 nd Quarter 2004	7,441	27.0%
3 rd Quarter 2004	7,914	15.8%
4 th Quarter 2004	3,203	-54.3%
1 st Quarter 2005	7,691	17.9%
2 nd Quarter 2005	8,848	18.9%

* Over same period in prior year. Source: Meyer's Group and Review Journal and Home Builders Research.
(1) Estimated



Submarket Location Map



Submarket Description

The subject property is located in an area identified as the northeast portion of the City of Las Vegas and the Sunrise Mountain area in the extreme east portion of the Las Vegas metropolitan area. The immediate surrounding area has scattered development dating back to the 1960's (such as the mobile home park south of Bonanza), with the school being built to support residential estate type development in the 1970's. The area remained somewhat rural into the 1990's when commercial development and newer residential development began to develop on vacant pieces. Further east from the subject is Sunrise Mountain. Historically, development on Sunrise Mountain has been primarily custom and semi-custom residential with extensive views available from this mountainside extending west over the Las Vegas Valley. Submarket boundaries would generally include Sunrise Mountain to the east, Lake Mead Boulevard to the north, Sahara Avenue to the south and north Pecos Boulevard to the west.

Historic development within the eastern portion known as Sunrise Mountain has been primarily custom and semi-custom residential improvements, which have been constructed to take advantage of the view amenity of the Las Vegas metropolitan area. This area also offers easy access to the Lake Mead recreational area by way of Lake Mead Boulevard, which is located further north. This roadway provides easy access to Las Vegas Bay, which is another part of the Lake Mead recreational area and boat launching facilities and marinas for boating and outdoor recreation.

Numerous new residential subdivisions have been constructed southwest, northwest, and west of the subject location and in the interior portions of the neighborhood. This development continues and trends in residential construction have been positive in this area over the recent past. Commercial improvements exist along the major corridors and at larger intersections developed a result of population increases.



Access into the area is by way of major east/west arterials such as Charleston Boulevard, Sahara Avenue, Lake Mead Boulevard, Bonanza Road, etc. All of these thoroughfares extend west and some have interchanges with US 95, which is an expressway extending into the east and southeast metropolitan areas.

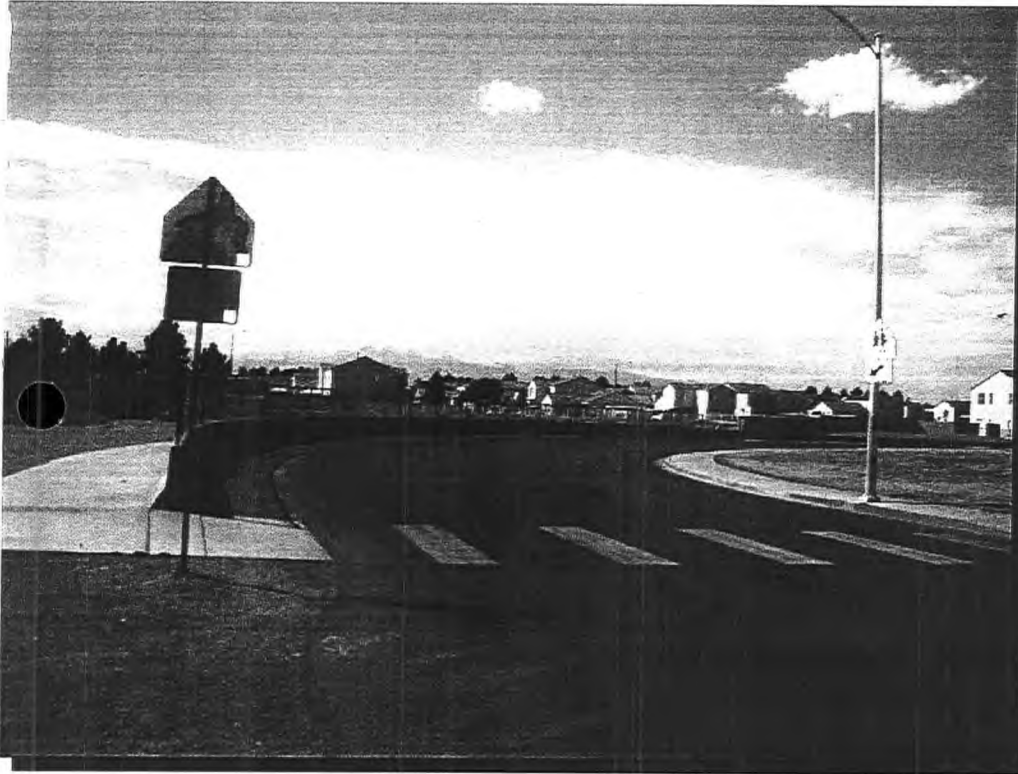
Located in the extreme northerly portion of the neighborhood and in the northeast Las Vegas metropolitan area is Nellis Air Force Base. This major military facility is a major employer, and one of the largest employers in the state of Nevada for military and civilian personnel. Access to other employment centers is also convenient by way of the aforementioned east/west arterial making travel time to the Las Vegas central business district fifteen to twenty minutes from the subject location.

A variety of schools, public facilities, as well as places of worship are located near by including a Mormon Temple, which is a regional facility used for numerous church activities such as weddings, etc.

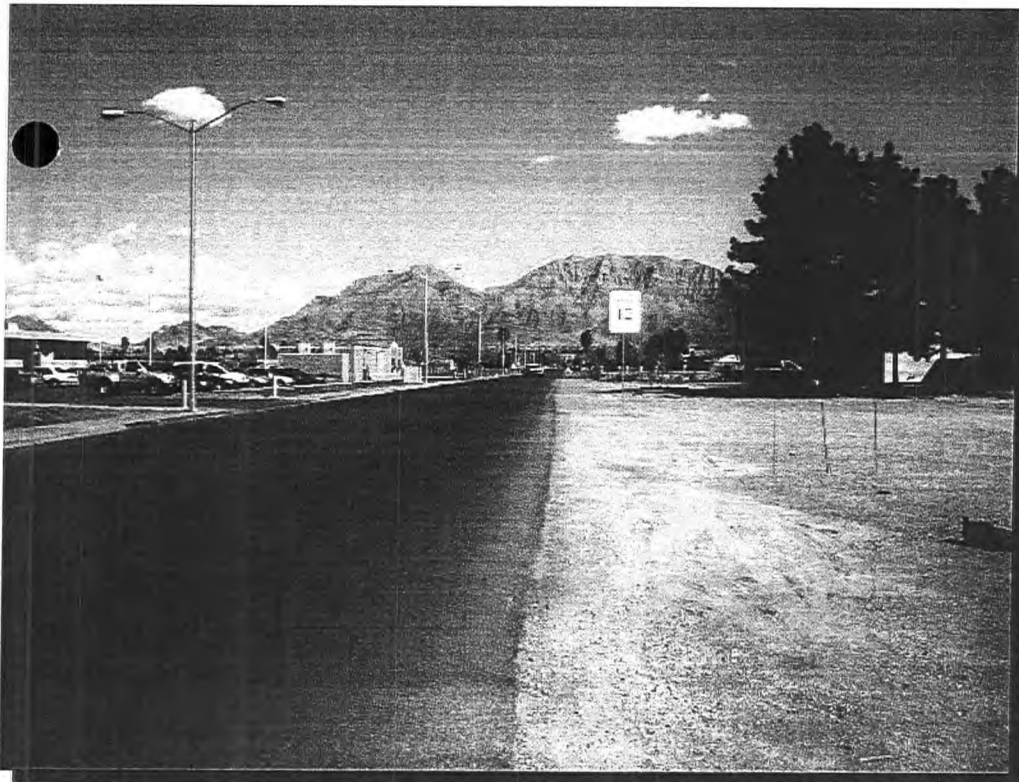
Overall, this is a predominantly residential area and continued development of new subdivisions is encroaching on the immediate vicinity. Services are being extended including new schools, shopping centers and other retail activities as population continues to increase in the immediate vicinity. The view amenity from Sunrise Mountain overlooking the Las Vegas metropolitan area to the west is a primary catalyst for the continued development in the vicinity as well as close proximity to the Lake Mead recreational area. Trends in residential construction in this neighborhood are anticipated to continue to be positive into the foreseeable future.



Subject Photographs



Harris Avenue looking west with subject at left.



Harris Avenue looking east with subject at right.



Subject Photographs, continued

Subject at Harris Avenue looking south with Bonanza in the background.



Subject at Harris Avenue looking southwest with Bonanza in the background.



Subject Photographs, continued

Subject at Harris Avenue looking southeast.



Subject looking west toward wash with bridge in background.



Subject Photographs, continued

View of walkover
bridge.



Northeast border on
Harris Avenue looking
southwest.



Subject Photographs, continued

Taken from Nettie Avenue looking west with Marion Drive in the background.

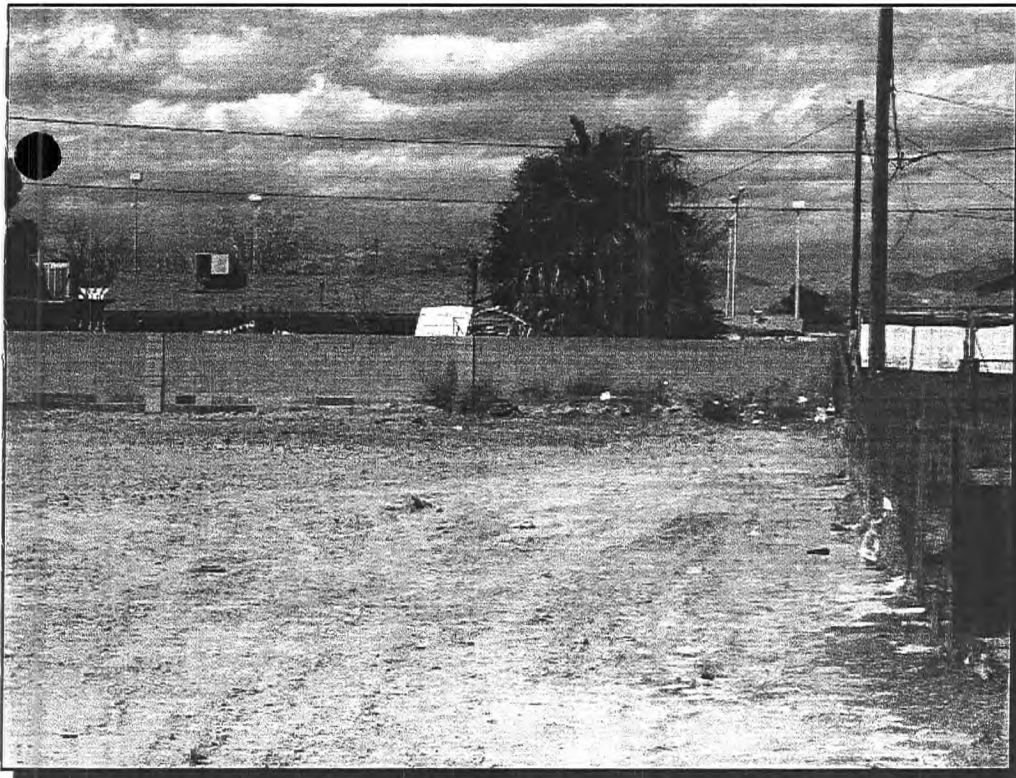


Taken from Nettie Avenue looking northwest with Harris Avenue in the background.



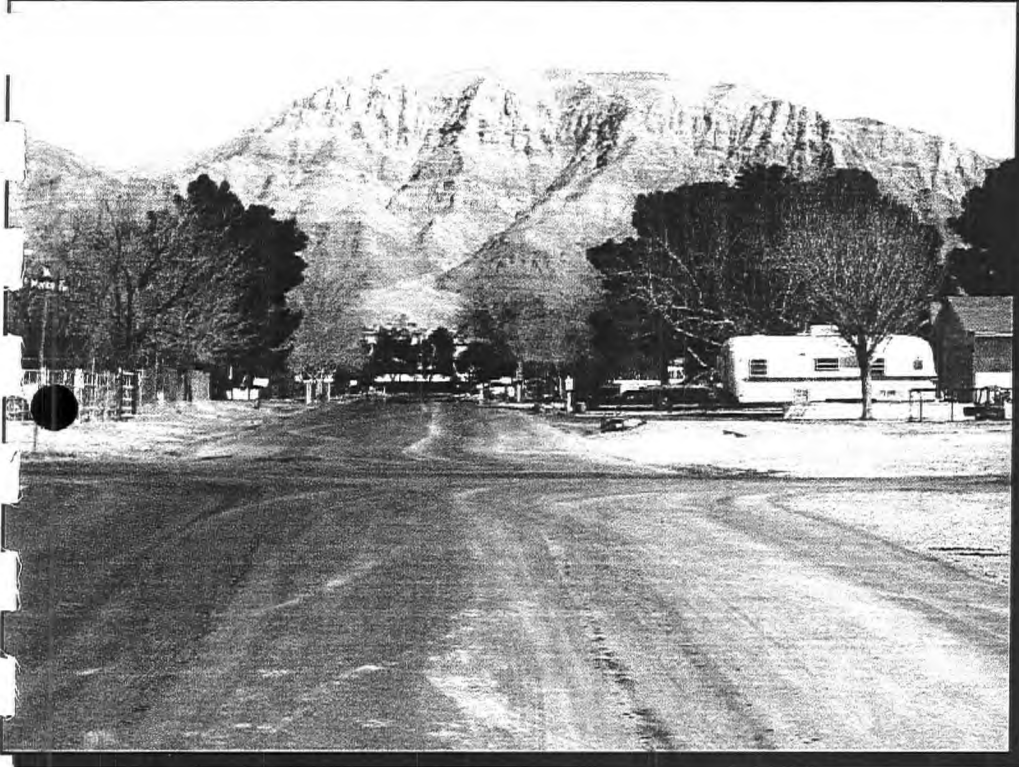
Subject Photographs, continued

Taken from Nettie Avenue looking southwest with Bonanza Road in the background.



Taken from Nettie Avenue looking north at subject's eastern boundary.



Subject Photographs, continued

View of Nettie Avenue
looking east.



Subject Aerial Photograph



Description of Subject Property - Site

Shape, Dimensions and Area:

The subject site is an irregular triangle with ± 351 feet of frontage along Harris Avenue. The appraised property is identified by the Clark County Assessor as Parcel Number 140-29-801-001. According to current Clark County Assessor Parcel Maps, the subject site contains 3.98 net acres or 173,369 net square feet.

The reader of this report is referred to the preceding aerial photographs and Clark County Assessor Parcel Map for a visual depiction of the subject's shape, dimensions, and area.

Zoning:

According to County Records, the subject property is zoned R-PD-2 (Residential Planned Development), by the Las Vegas Planning and Zoning Departments. The current zoning classification allows for residential development at a maximum of two dwelling units per gross acre. A complete description of the R-PD-2 district definition, along with site development plan criteria is found within the Addenda at the back of this report.



Topography and Soils Conditions:

The subject is near grade with the street. The property slopes from northeast to southwest (generally in the direction of the flood channel) and is in near flat. It is assumed from visual observation only that no adverse surface or subsurface soils contamination or conditions exist that would adversely affect any future improvements. No soils or engineering type studies were made available, nor provided to us in conjunction with the assignment. The subject property is being appraised presuming no adverse surface or subsurface soils conditions exist.

Flood Hazard Designation:

According to the FEMA Flood Insurance Rate Maps, Community Panel Number 32003C2187E map revision date September 27, 2002, the subject property is located within a Zone "X", which are areas determined to be outside the 0.2% annual chance flood plain.

Utilities and Street Improvements:

Public utilities are identified at the subject property. These public utilities include electrical power provided by the Nevada Power Company, gas provided by the Southwest Gas Corporation, sanitation sewer provided by the Republic Services, water provided by the City of Las Vegas and telephone service provided by Sprint Central Telephone-Nevada.

The subject property is immediately accessible from Harris Avenue, via Nellis traveling east and turning west at Harris. Harris Avenue is a two-lane, two-way east-west asphalt paved street.



Legal Description:

Portion of the Southwest ¼ of the Southeast ¼ of Section 29, Township 20 South, Range 62 East, M.D.B.&M.

Tax Data:

Below is a summary of the reported assessed valuation and real estate taxes for the subject vacant land parcel located within District 200 at a rate of 3.2812 per thousand:

Assessor's Parcel Number	Assessed Values		Total
	Land	Improvements	
140-29-801-001	\$176,608.00	-0-	\$176,608.00
Total Assessed Values			\$176,608.00
Tax Rate Per \$100 Assessed			3.2812
Taxes as Assessed			\$5,827.67
Less Cap Reduction*			\$2,029.46
Estimated Annual Real Estate Taxes 2005/2006			\$3,798.21

*Assembly Bill 489, signed into law April 6, 2005 an 8% tax cap on commercial and non-owner occupied residential property.



Highest and Best Use Analysis

Preface:

In determining the highest and best use of a property such as the subject site, generally four tests are considered. These include; the *legally permissible*, *physically possible*, *economically feasible* and *maximally productive use*, or that use, which would provide the highest net return to the property owner.

Legally Permissible Use:

According to county records, the subject property is zoned R-PD-2 (Residential Planned Development) by Las Vegas Zoning and Planning Departments. This zoning classification allows for a maximum of two residential dwelling units per gross acre. Vacant and improved land west, northwest, and northeast of the subject property is zoned up to 6 units per acre. However, either a drainage channel or streets separate these parcels from the subject. The subject is adjacent continuous to property developed with single family residences on one-half acre lots. The subject is a "buffer" to a Rural Preservation Area. The City of North Las Vegas limits the subject to RPD-2 due to these factors. Furthermore, in December 2002 a 15-lot subdivision was declined for approval, with a 9-lot subdivision granted.

Physically Possible Use:

The subject property contains 3.98 net acres or 173,369 net square feet. As a stand alone parcel, the subject property's size is suitable for a small residential subdivision development. The property's shape may also limit its subdivision feasibility (the southern tip of the triangle) . Another limiting factor is the strip running along the subject's western border designated as a flood channel, which restricts access.



Economically Feasible and Maximally Productive Use:

As discussed, the subject property is located in a rapidly developing portion of the Northeast Submarket. The immediate market area is predominantly developed land. Single family residential development is identified west, northwest, and northeast of the subject property. Further, located northwest of the subject are single family residential subdivisions developed at medium to high densities. From the preceding two tests of highest and best use, the most likely development scenario would be to a cohesive residential subdivision. Alternatively, as a stand alone parcel, single family residential subdivision development is considered to be legally permissible and physically possible.

In order to determine the economic feasibility and maximally productive use of the subject site, the we have considered the greater Las Vegas economic and demographic condition.

As illustrated in the Area and City Data section of this report, growth continues in the Las Vegas Metropolitan Area. According to the 2000 Census, Las Vegas was the fastest growing community in the nation during the 1990s. This trend continues at a rate of approximately 5,000 new residents per month. This growth has placed demands on various forms of improved real estate including single family residences, industrial development, commercial facilities and professional/office improvements.

Typical single family residential development is considered financially feasible based on a review of actual and proforma cost estimates of similar residential developments. Our conclusions indicate that the estimated/typical cost of typical home construction versus the ultimate anticipated sales price achieved would generate a sufficient profit to satisfy labor, capital and coordination, and indicating there would be a satisfactory return commensurate with that being anticipated and achieved by local residential developers in the local market. Likewise, considering



the subject's zoning, a low density to high density single family residential development considered maximally profitable as its potential profitability is commensurate with returns being achieved and anticipated by local developers/investors.

Highest and Best Use Conclusion:

The highest and best use of the subject site or parcel has been concluded as single family residential development on one-half acre lots. The subject property is unable to take advantage of economies of scale provided through assemblage/plottage with the surrounding vacant land parcels due to the flood channel on its western perimeter and development already in place east and north of the subject. It is our opinion that residential zoning at 2 units per acre to be *legally permissible, physically possible, economically feasible and maximally productive.*



Land Valuation

In developing an opinion of the market value of the subject site, in its "As Is" condition, we have considered sales of vacant land parcels somewhat similar to the subject. The market comparables included within this analysis and valuation represent transfers of vacant land parcels suitable for single family residential development located within the immediate and/or Greater Las Vegas market area. The market comparables included within this analysis have transferred under all cash or cash equivalency type terms. Some of the transfers include market rate financing, which would also be considered equal to cash. The market comparables are considered to be similar to the subject property in highest and best use and development potential.

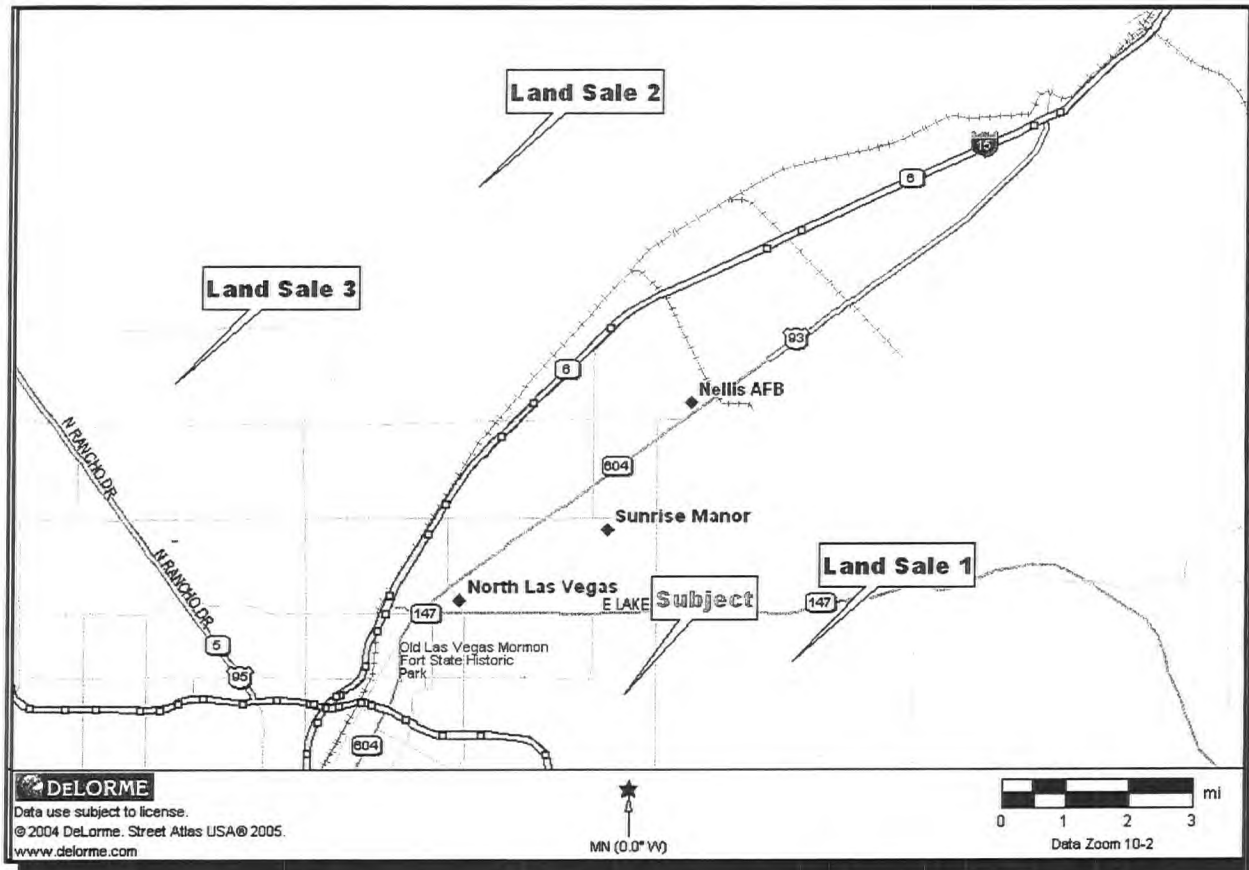
The following page sets forth a summary to the market comparables included within this analysis and valuation. Following the Land Sales Summary Chart is a Land Sale Location Map, which depicts the comparable property's location relative to the subject. Following the Land Sale Location Map is individual Abstract Sheets with Plot Plans reflecting salient characteristics of each of the market transfers. A discussion and analysis of each of the market comparables has been included. Following the discussion and analysis is our conclusion and market value opinion of the subject property.



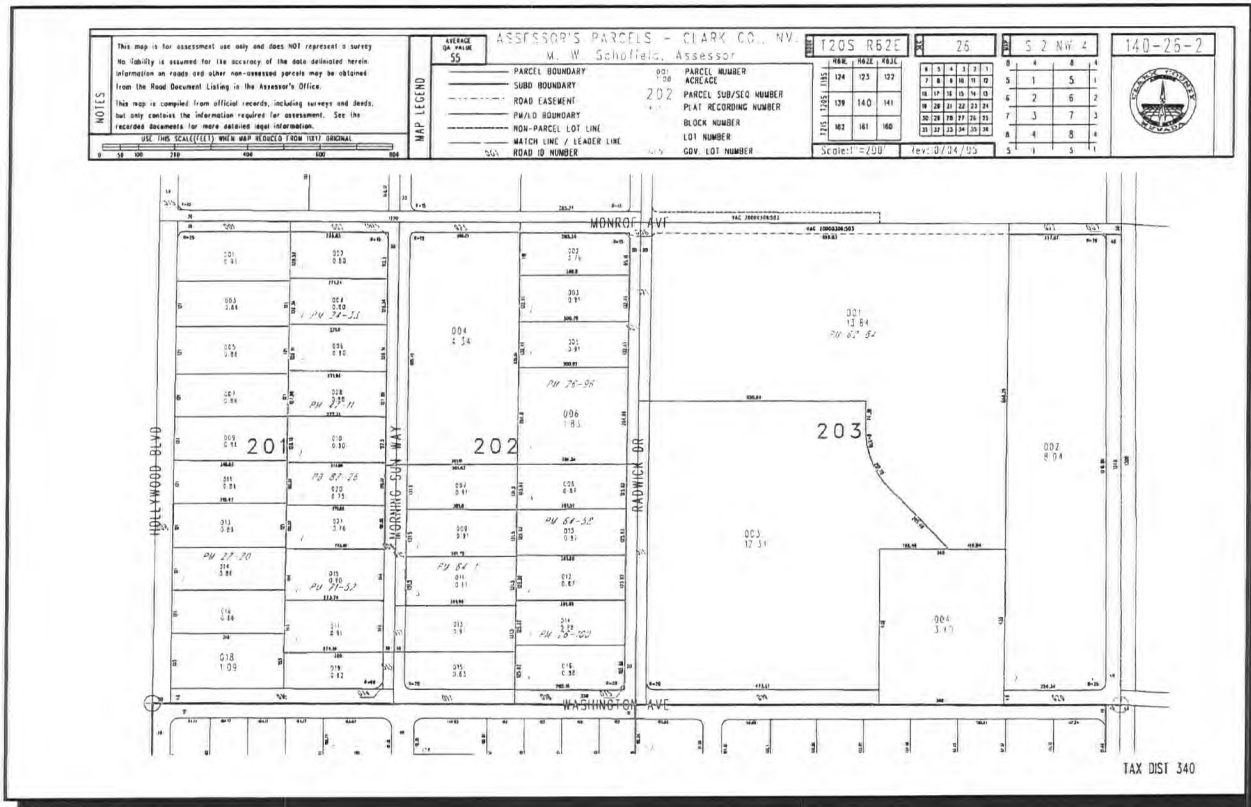
Land Sale Summary Chart					
Sale No.	Location	Sale Date	Sales Price	Net Acres Size	Price/ Acre
1	Southeast corner of Morning Sun Way and Monroe Avenue	3/05	\$1,000,000	4.34	\$230,415
2	Southwest corner of Severance Lane and Berg Street	6/05	\$3,800,000	9.34	\$406,852
3	East side of Valley Drive, both sides of Rosada Way	1/06	\$3,300,000	8.88	\$371,622



Land Sales Location Map



Land Sale Abstract Number 1

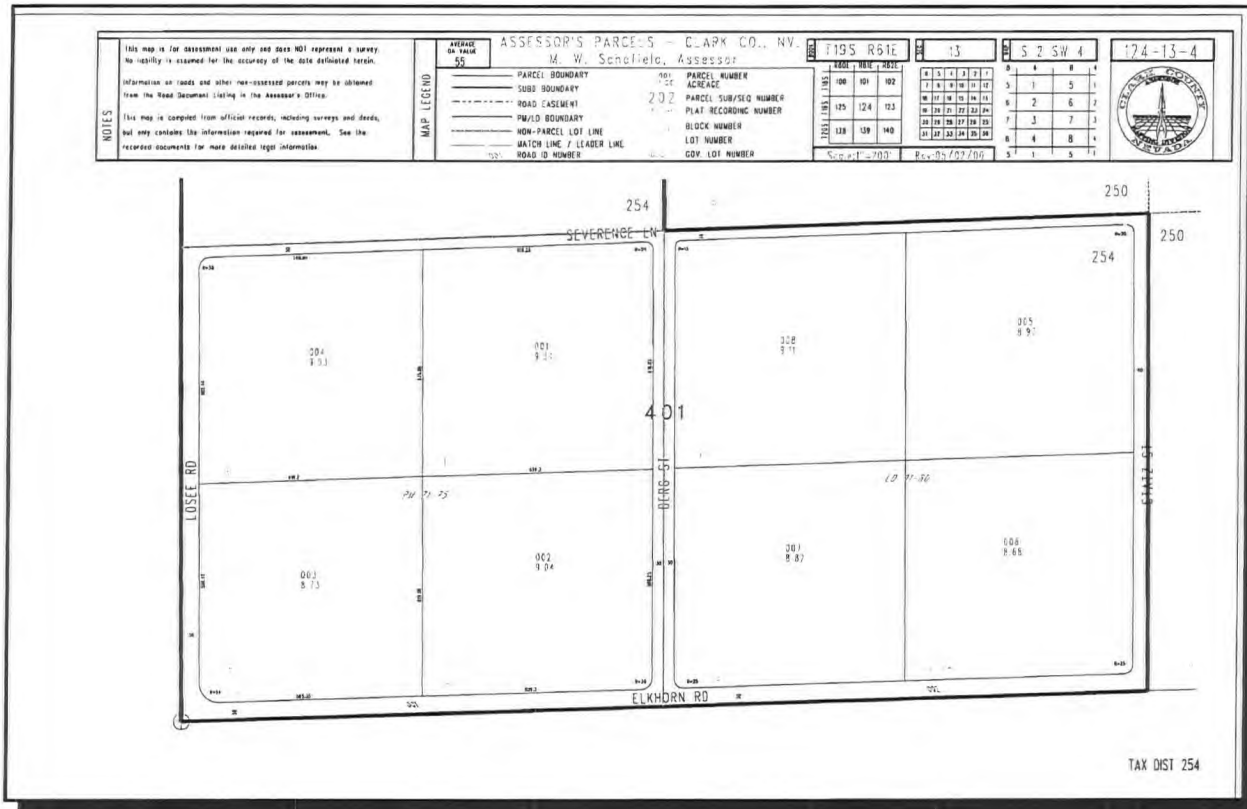


Assessor's Parcel No.: 140-26-202-004
 Address: Southeast corner of Morning Sun Way and Monroe Avenue, Las Vegas, Clark County, Nevada
 Legal Description: Portion of the West ½ of the Northeast ¼ of the Southwest ¼ of the Northwest ¼, Section 26, Township 20 South, Range 62 East, M.D. B.&M.
 Grantor: A&S Group % Joel Armstrong (Mbr.)
 Grantee: Jeremy Hunt (et. al.)
 Document No.: 05031603560
 Land Area: 4.34 Net Acres
 Date of Sale: March 2005
 Sales Price: \$1,000,000.00
 Price/Acre: \$230,415.00
 Verified By: CoStar Comps, County Records and RealQuest



GARY H. KENT, INC.
Real Estate Appraisers and Consultants

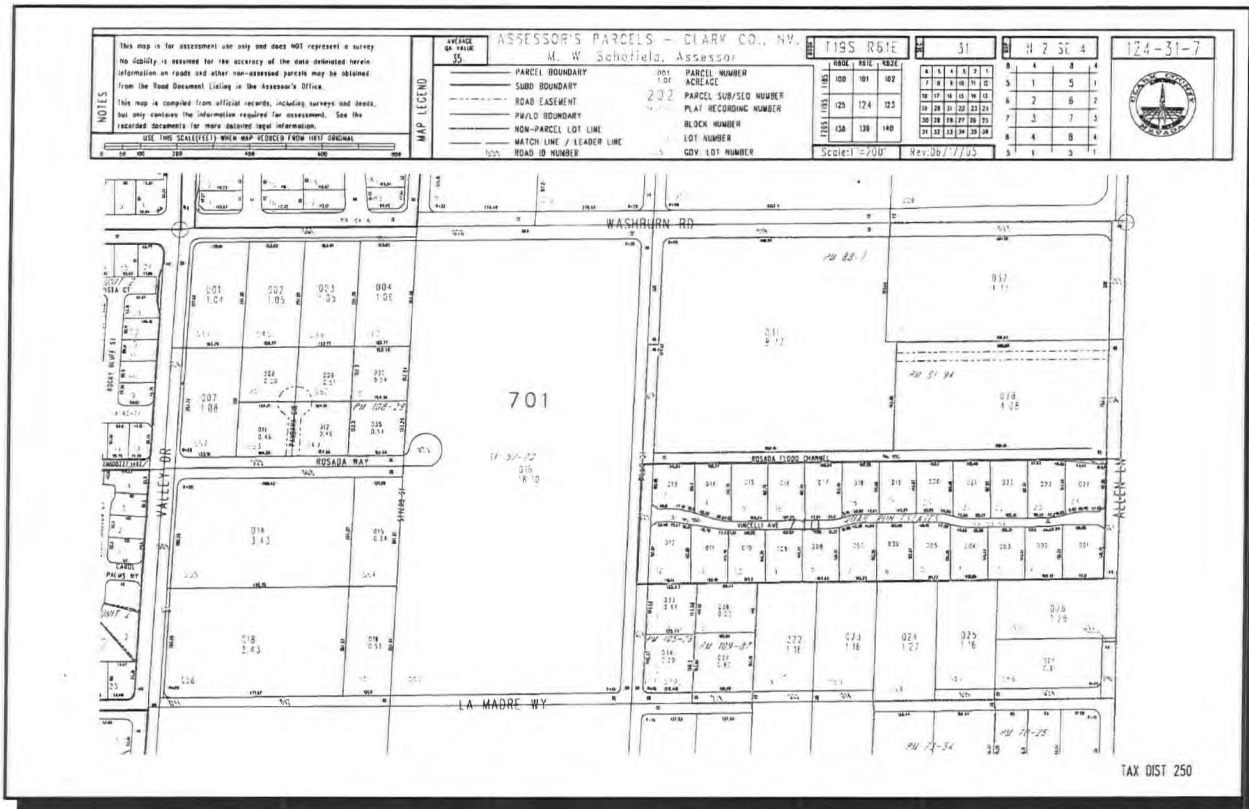
Land Sale Abstract Number 2



Assessor's Parcel No.: 124-13-401-001
 Address: Southwest corner of Severance Lane and Berg Street, Las Vegas, Clark County, Nevada.
 Legal Description: Portion of the Southwest ¼ of Section 13, Township 19 South, Range 61 East, aka Lot 1, Parcel Map File 71, Page 75, M.D. B.&M.
 Grantor: Petersen 1994 Trust % Royes J. (Jr.) & Gene C. Petersen
 Grantee: Unlimited Holdings Inc. % Sonya Haggerty (Pres.)
 Document No.: 05063005017
 Land Area: 9.34 Net Acres
 Date of Sale: June 2005
 Sales Price: \$3,800,000.00
 Price/Acre: \$406,852.00
 Verified By: CoStar Comps



Land Sale Abstract Number 3



Assessor's Parcel No.: 124-31-701-007, -014, -015 & -018
 Address: East side of Valley Drive, both sides of Rosada Way, Las Vegas, Clark County, Nevada
 Legal Description: Portion of the South ½ of Section 31, Township 19 South, Range 61 East, M.D. B.&M.
 Grantor: Virginia Jewel Cope 2005 Trust % Marilyn J. Vasey
 Grantee: Allay Investments LLC % Farus Farmanali
 Document No.: 06012003626
 Land Area: 8.88 Net Acres
 Date of Sale: January 2006
 Sales Price: \$3,300,000.00
 Price/Acre: \$371,622.00
 Verified By: CoStar Comps



GARY H. KENT, INC.
Real Estate Appraisers and Consultants

Land Valuation - Analysis and Conclusion

Analysis:

Land Sale Number 1 is located on the southeast corner of Morning Sun Way and Monroe Avenue. This comparable property sold in March 2005 at a total price of \$1,000,000.00. This site contains 4.34 net acres, which indicates a unit price paid per acre of \$230,415.00. An upward consideration has been made for the time elapse between the date of sale and the present for appreciation. The overall locational characteristics of the comparable property have been rated inferior to the subject. An downward consideration is required for the view offered east of Hollywood Boulevard and superior shape. The size is comparable and therefore no adjustment is needed. The zoning is similar to the subject's highest and best use. This site is zoned R-E which allows 2 units per acre. It appears this comparable property transferred at the lower end of the indicated range for comparable development sites. The overall price paid per acre of \$230,415 is considered to be below what the subject property could command in today's marketplace.

Land Sale Number 2 is located at the southwest corner of Severance Lane and Berg Street and transferred in June of 2005 for \$406,852.00 per net acre and contains 9.34 net acres. An upward consideration has been made for the time elapsed between the date of sale and the present. This property is located north of I-215 near the Losee Road On and Off Ramp in a new developing area. Properties north of the beltway within this location remain vacant. The overall locational characteristics are considered superior to the subject with respect to the I-215 Beltway, new infrastructure, as well as surrounding developments south of the beltway. However, the subject property's location being north of the 215 Beltway would warrant upward consideration as surrounding properties have not yet began developing. Therefore, the overall locational aspect is rated superior as the surrounding development south of the 215 and appeal out way the remoteness. This property is zoned R-E with 2 units per acre and is within the land use for very low density ranging between



0-2 units per acre being similar to the subject. Although the unit price paid is considered to be near that which the subject property could command in today's marketplace.

Land Sale Number 3 is located on the east side of Valley Drive on both sides of Rosada Way and transferred in January of 2006 for \$371,622.00 per net acre and contains 8.88 net acres. This property is zoned R-E and is within the land use masterplanned of 0-2 units per acre, being similar to the subject. Surrounding development is considered similar to that of the subject property. Wolf Elementary School is located east of the site. The overall market appeal is rated slightly superior wanting downward consideration. An upward consideration is warranted given some site appreciation with time since the date of transfer. Overall, the unit price paid is consideration to be near that which the subject property could command in today's marketplace.

Conclusion:

The three closed transfers included within this analysis and valuation indicate a range in unit prices paid from a low of \$230,415.00 per acre as indicated by Land Sale Number 1 to a high of \$406,852.00 per acre as indicated by Land Sale Number 2. Land Sale Number 1 fell below that which the subject property could command while Land Sale Number 2 and 3 were near that which the subject property could command. It is noted that the land sales are scattered throughout the north part of the valley and are not all located within the submarket. Research parameters included uncovering sales that were similarly zoned as the subject property being limited to 2 dense units per acre. Given this zoning requirement, the appraisers researched a broader area.

After all consideration to the comparable sales, our unit price range for the comparable sales were considered to be a reasonable range and supportable for the broad market area. The value is best represented in the upper end of the range of the comparable sales because land value has continued to appreciate with the demand for vacant land in the market area, proximity to schools and services, and onsite and offsite infrastructure. Our



unit value opinion of \$400,000 per acre is in the indicated range reflected by the market comparables included herein.

Our opinion of the market value of the subject property is calculated as follows:

Land Valuation - Summarized

Total Site Area (Net Acre):	3.98
Unit Value Opinion Per Acre:	<u>\$400,000</u>
Indicated "As Is" Market Value of the Subject Property, in Fee Simple Interest (rounded):	\$1,600,000.00



Assumptions and Limiting Conditions

This appraisal assignment has been made with the following general assumptions:

1. No responsibility is assumed for the legal description or for matters including legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated.
2. The property is appraised free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent property management are assumed.
4. The information furnished by others is believed to be reliable. However, no warranty is given for its accuracy.
5. All engineering is assumed to be correct. The plot plans and illustrative material in this report are included only to assist the reader in visualizing the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil or structures that render it more or less valuable. No responsibility is assumed for such conditions or for arranging for engineering studies that may be required to discover them.
7. Unless otherwise stated in this report, the existence of hazardous material, which may or may not be present on the property, was not observed by the appraiser(s). The appraiser(s), however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, or other potentially hazardous materials may affect the value of the property. The value opinion is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
8. It is assumed that there is full compliance with all applicable federal, state and local environmental regulations and laws unless non-compliance is stated, defined and considered in the appraisal report.
9. It is assumed that all applicable zoning and use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.



10. It is assumed that all required licenses, certificates of occupancy, consents or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value opinion contained in this report is based.
11. It is assumed that the utilization of the land and improvements is within the boundaries or property lines of the property described, and that there is no encroachment or trespass unless noted in the report.

All reports issued by this appraiser(s) are subject to the following general limiting conditions:

1. The distribution, if any, of the total valuation in this report between land and improvements applies only under the stated program of utilization. The separate allocations for land and buildings must not be used in conjunction with any other appraisal and are invalid if so used.
2. Possession of this report, or a copy thereof, does not carry with it the right of publication. It may not be used for any purpose by any person other than the party to whom it is addressed without the written consent of the appraiser(s), and in any event, only with proper written qualification and only in its entirety.
3. The appraiser(s) herein, by reason of this appraisal, is not required to give further consultation, testimony or be in attendance in court with reference to the property in question unless arrangements have been previously made.
4. Neither all nor any part of the contents of this report (especially any conclusions as to value, the identity of the appraiser(s) or the firm with which the appraiser(s) is connected) shall be disseminated to the public through advertising, public relations, news, sales or other media without the prior written consent and approval of the appraiser(s).
5. The American with Disabilities Act ("ADA") became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible non-compliance with the requirements of ADA in estimating the value of the property.



This appraisal has been developed and the report is provided subject to the following specific assumptions, extraordinary assumptions, hypothetical conditions and additional limiting conditions:

1. It is assumed that the subject property is free and clear of all liens and encumbrances.



Certification of Value

The undersigned does hereby certify that, except as otherwise noted in this appraisal report, to the best of my knowledge and belief, ...

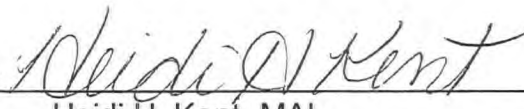
1. The statements of fact contained in this appraisal report are true and correct.
2. The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are our personal, impartial and unbiased professional analyses, opinions and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. We have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
5. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. Our analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice* (USPAP) as adopted by the Appraisal Standard's Board of the Appraisal Foundation and as mandated by Nevada State Law's Standards of Practice for real estate appraisers (Nevada Administrative Code Chapter 645C).
8. We have made a personal inspection of the property that is the subject of this report.
9. Cheryl A. Moss provided significant real property appraisal assistance to the person(s) signing this report.
10. Our analyses, opinions and conclusions were developed; and this report has been prepared in conformity with and subject to the requirements of the *Code of Professional Ethics* of the Appraisal Institute.



11. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
12. As of the date of this report, we, Gary H. Kent, MAI, and Heidi H. Kent, MAI have completed the requirements under the continuing education program of the Appraisal Institute.
13. The appraiser(s) is competent and qualified to perform the appraisal assignment. The appraisers' State of Nevada license/certification has not been revoked, suspended, canceled or restricted.
14. This report has been prepared as a complete, summary, appraisal report which is intended to comply with the reporting requirements set forth under Standards Rule 2-2(b) of the *Uniform Standards of Professional Appraisal Practice*. This appraisal is not subject to the Departure Rule contained in the *Uniform Standards of Professional Appraisal Practice* (USPAP).
15. Data supporting the analysis, valuation and descriptive details are included within the body of this report. In this analysis and valuation, we have developed an opinion of the "As Is" market value of the subject vacant parcel of land, in fee simple interest, as of March 8, 2006, at:

One Million Six Hundred Thousand Dollars
(\$1,600,000.00)

Appraiser  Date March 15, 2006
Gary H. Kent, MAI

Appraiser  Date March 15, 2006
Heidi H. Kent, MAI



Addenda

Appraisers' Qualifications

Qualifications of Appraiser

Gary H. Kent, MAI
2950 South Rancho Drive, Suite 200A
Las Vegas, Nevada 89102-0727
(702) 876-9151/(702) 876-9813 Fax

Professional Designations:	Received MAI Designation November 16, 1970 MAI -- Member The Appraisal Institute (Currently Certified) Certified General Appraiser, State of Nevada, #00039
Affiliations:	1979 - Chairman - Nevada State Board of Equalization
Active as:	Real Estate Appraiser, Consultant, Investor Offices opened in Clark County in 1971. Past President Society of Real Estate Appraisers, Las Vegas Chapter 187
Formal Education:	Churchill County High School, Fallon, Nevada Graduated 1956 University of Southern California, B.S. Degree, Business Management 1961 University of Nevada Graduate Studies, Business Management 1961-1963
Appraisal Education:	Appraisal Institute Course I - Basic Appraisal Theory University of Southern California 1965 Course II - Urban Properties Case Studies, University of Southern California 1966 Course V - Grazing and Ranch Land Appraising, University of Nevada, Reno 1966 Course VI - Advanced Capitalization Methods, University of Southern California 1968 Examination No. 8 - Single-Family Residences, San Francisco, California 1969 Course 410 and 420 - Standards of Professional Practice and Code of Ethics - University of Nevada Las Vegas 1993 Course 520 - Highest and Best Use University of Nevada Las Vegas 1996

Qualifications of Appraisers - Gary H. Kent, continued

Appraisal Education, Continued

Course 530 - Advanced Sales Comparison and Cost Approaches	1997
Course 430 - Standards of Professional Practice and Code of Ethics	1999
Course 410 and 420 - Standards of Professional Practice and Code of Ethics	2001
Society of Real Estate Appraisers Course 301 - Special Applications of Appraisal Analysis, Seattle Pacific College	1975
Attended seminars annually	1971 - 2004

Representative Appraisal Clients

U.S. Government Agencies

U.S. Army Corps of Engineers
U.S. Navy Department
U.S. Forest Service
U.S. Bureau of Reclamation
Federal Housing Administration
HUD
FDIC

Municipal Agencies

Nevada State Highway Department
Washington State Highway Department
Clark County Department of Public Works
Clark County Regional Street & Highway
Clark County Engineering Department
Clark County School District
Washoe County
Washoe County School District
Lincoln County
Lincoln County School District
City of Las Vegas
City of North Las Vegas
City of Henderson
City of Boulder City
City of Reno

Other Agencies

Elks Point Sanitation District

Truckee Sanitation District
Kingsbury Sanitation District
Reno-Sparks Sewer District
Sun Valley Sanitation District
Las Vegas Valley Water District
Resolution Trust Corporation
Southern Nevada Water Authority

Private Clients

Howard Hughes Properties
American Nevada Corporation
Jim Saxton Development
Union Pacific Railroad
Southwest Gas Corp.
Bell Telephone Company
I.B.M. Corporation
American Tobacco Co.
Granny Goose Company
Nevada Power Company
Union Oil Company
Texaco, Inc.
Standard Oil Company
Atlantic Richfield Oil

Qualifications of Appraisers - Gary H. Kent, continued

Private Clients, continued

Mobil Oil Company
Eli Lilly Company
Sandia Laboratories
Southern Surplus Realty
Valley Hospital
Young Electric Sign Co.
Ford Motor Company
United Airlines
MGM, Inc.
Comstock Mines, Inc.
Pacific Plan
Various Private Properties

Financial Institutions

Nevada Federal Credit Union
CS First Boston
New York Bank
Wells Fargo
John Hancock
First Republic Mortgage
Atlantic Financial
Sea First Savings
Pacific First Bank
American Realty Advisors
USA Capital
Long Beach Bank
Banc One
Guardian Bank
Kirkwood Bank & Lending
Commercial Financial
Washington Pacific Mortgage
National City Bank
First Business Bank
Civic Bank of Commerce
Weyerhaeuser
Truckee River Bank
Comstock Bank
LaSalle National Bank
UniVest

Financial Institutions, continued

City Bank, International
California Federal
Chase National Corporate Services
Household Bank
Key Bank
Shanghai Commercial Bank
Western Bank
Nevada Credit Union
Chrysler First
Huntington Bank
Zions First National Bank
National City Bank
Community Bank of Nevada
Colonial Bank
Silver State Bank

Conduit Lenders

Continental Wingate
P.W. Funding
Collateral Mortgage
GMAC Commercial
JP Morgan
Washington Mortgage
Finova
AMI Capital
Fleet Mortgage
Numora Asset Management
TRI Financial
Midland Financial
Credit Vest
Solomon Brothers
Merrill Lynch
Greenwich Capital
Dover House
Skymar Capital Corporation
Paine Webber
CS First Boston

Hotel/Casino Facilities Appraised by Gary H. Kent, Inc.

Las Vegas, Nevada - Existing

Landmark
California Hotel/Casino
Maxim
Lady Luck
King 8
Continental
Nevada Palace
Jockey Club
Sam's Town
Silver Star Casino
Vegas World
Aladdin
Silver Nugget & RV Park
Showboat
Gold Spike
Castaways
Viscount
Rainbow Vegas
El Morocco Motel/Casino
Coin Castle
Sassy Sally's
Dunes
Skyline
Howard Johnson's - Tropicana/I-15
Vacation Village
San Remo
The Regent Las Vegas

Holiday Inn, Downtown
Holiday Inn, Center Strip
Holiday Inn, South
Sands
Polynesian
Palace Station (Bingo Palace)
Silver Slipper Casino
Hotel Nevada
Bourbon Street
Deville Casino
Sundance
Orbit Inn
Golden Gate
Riviera
Stardust
Fremont
Four Queens
Debbie Reynolds
Rainbow Club Casino
Golden Goose
Moulin Rouge
Frontier
Pioneer
Alexis Park
Union Plaza
Town Hall
Sahara

Las Vegas, Nevada - Proposed

Renaissance Hotel/Casino
Galaxy Hotel/Casino
Wild Wild West Hotel/Gambling Hall
Villa Roma Hotel/Casino
Bourbon Street Hotel/Casino
Thunderbird Inn/Casino
Xanadu Hotel/Casino
Swanky Club Hotel/Casino, Henderson
The Mansions Hotel/Casino
Cattle Baron Hotel/Casino
Arizona Charlies Hotel/Casino

Hotel/Casino Facilities Appraised by Gary H. Kent, Inc. - Cont'd

Las Vegas, Nevada - Proposed, continued

Granada Inn Hotel & Casino
Condominium Conversions
Fort Cheyenne
Desert Star
Alamo

Court Experience Expert Court Witness:

Clark County District
Washoe County District
Federal Bankruptcy Court
United States
District
District of Nevada

Laughlin, Nevada

Crystal Palace Hotel/Casino
Riverside Hotel/Casino
Colorado Belle Casino
Sam's Town Gold River
Pioneer Gambling Hall/Motel
Edgewater Hotel/Casino
Colorado Hotel/Casino
Emerald River Hotel/Casino
Ramada Express

Other Areas

Cal-Neva Hotel/Casino, Lake Tahoe
Minden Inn, Minden, NV
Tower Club Casino, Stateline, NV
Red Garter, Wendover, NV
Sahara-Reno Hotel/Casino, Reno, NV
Indian Springs Casino, NV
Palm Beach & Club Caribbean, Aruba
Station House, Tonopah, NV
Nevada Crossing, Wendover, NV
Railroad Pass, Henderson
Gold Strike Inn & Casino, Boulder City, NV
Gold Strike Hotel-Casino, Jean, NV
Nevada Landing, Jean, NV
Bally's Reno Hotel-Casino, Reno, NV
Harvey's Hotel-Casino, Stateline, NV
Mesquite Hotel-Casino, Mesquite, NV

Qualifications of Appraiser

Heidi H. Kent, MAI
2950 South Rancho Drive, Suite 200A
Las Vegas, Nevada 89102-0727
(Ph) (702) 876-9151 / (Fax)(702) 876-9813
Email: heidikent@garyhkent.com
Website: www.garyhkent.com

Professional Advancement: Received MAI Designation - October 7, 2004
MAI - Member of the Appraisal Institute (Currently Certified)
10-96 to Present - Certified General Appraiser
5-92 to 9-96 - Intern Real Estate Appraiser

Active as: Certified General Appraiser
State of Nevada, License #02459

Professional Affiliations: Education Chairman, Las Vegas Chapter Appraisal Institute -
2000-2003
Vice President, Las Vegas Chapter Appraisal Institute - 2002 &
2004
President, Las Vegas Chapter Appraisal Institute - 2005

Formal Education: Valley High School, Las Vegas, Nevada 1989
University of Nevada Las Vegas,
B.S. Degree, Financial Services 1993

Appraisal Education: Principles of Real Estate - UNLV
Real Estate Investment - UNLV
Real Estate Appraisal - UNLV
Income Capitalization - UNLV
Statistical Analysis I & II - UNLV
Capital Markets - UNLV
I-110 Appraisal Principles - Appraisal Institute
I-120 Appraisal Procedures - Appraisal Institute
II-410 Standards of Professional Practice, Part A (USPAP) -
Appraisal Institute
II-420 Standards of Professional Practice - Part B (USPAP) -
Appraisal Institute
II-430 Standards of Professional Practice, Part C (USPAP) -
Appraisal Institute
I-310 Basic Income Capitalization - Appraisal Institute.

Qualifications of Appraiser - Heidi H. Kent
Page Two

I-320 General Applications - Appraisal Institute.
II-510 Advanced Income Capitalization - Appraisal Institute.
II-520 Highest and Best Use and Market Analysis - Appraisal Institute.

**Appraisal
Education:**

II-530 Advanced Cost and Sales Approach - Appraisal Institute
II-540 Report Writing - Appraisal Institute.
II-550 Advanced Applications - Appraisal Institute.
Continually attending various seminars through the Appraisal Institute

Representative Appraisal Clients

Municipal Agencies

City of Boulder City
City of Henderson
City of Las Vegas
City of North Las Vegas
Clark County Department of Aviation
Nevada Power Company
Clark County Public Works
Kern River Gas Transmission Company
Clark County School District

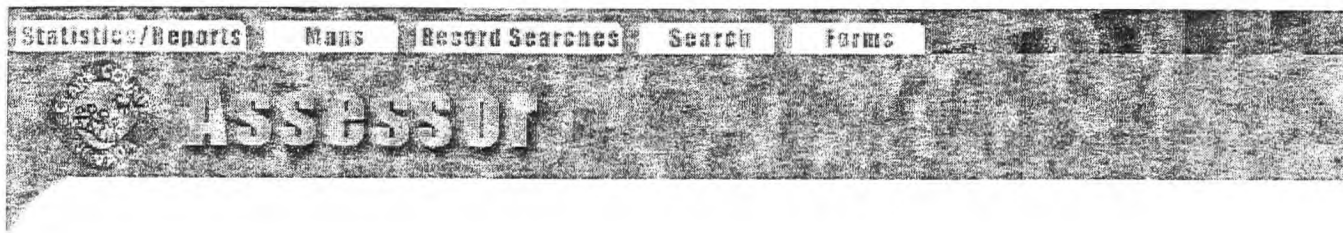
Private Clients

Gerrard, Cox & Larson - Attorneys
Chicago Title
Mordechai Yerushalmi
Las Vegas Paving Corporation
Central Park LLC
Leavitt, Sully & Rivers - Attorneys

Financial Institutions

Banco Popular
California National Bank
Town and Country Bank
First Bank of Nevada
Nevada Commerce Bank
Affinity Bank
Bank Midwest

Legal Description (Deeds)



M.W. Schofield, Assessor

PARCEL OWNERSHIP HISTORY

ASSESSOR DESCRIPTION
PT SW4 SE4 SEC 29 20 62

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
140-29-801-001	BONANZA-MARION L L C	*20050609:03120	06/09/2005	NO STATUS	200	3.98

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
140-29-801-001	MCKINLEY GORE L L C	*20050609:03119	06/09/2005	NO STATUS	200	3.98 AC
140-29-801-001	NELLIS LAND COMPANY	*0731:0690266	04/25/1977	NO STATUS	200	3.98 AC
050-250-002	DUBOEF MURRAY & BARA ALBERT	*0002:0002910	99/99/9999		200	3.98 AC
050-250-002	DUBOEF MURRAY & BARA ALBERT	*0002:0002910	99/99/9999		200	11.83 AC

*Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.



Government Center, 500 South Grand Central Parkway, Las Vegas, Nevada 89155-1401

702-455-3882 (INFORMATION)

**State of Nevada
Declaration of Value**

1. Assessor's Parcel Number(s)

a) 140-29-801-001

b) 140-29-801-004

c)

d)

2. Type of Property:

- a) ☒ Vacant Land b) ☐ Single Fam. Resid
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Documentation/Instrument #: _____

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. Total Value/Sales Price of Property:

\$1,800,000.00

Deed in Lieu of Foreclosure Only (value of property): ()

Transfer Tax Value: **\$1,800,000.00**

Real Property Transfer Tax Due: **\$9,180.00**

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: _____%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____

Capacity: SELLER

Signature: _____

Capacity: MGP

SELLER (GRANTOR) INFORMATION
(REQUIRED)

Print Name: ROBERT GORE
Address: 50 SOUTH JONES, #101
City: LAS VEGAS
State: NV Zip: 89107

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: DON TAYLOR
Address: 5066 W. 11200 N.
City: HIGHLAND
State: NV Zip: 84003

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Chicago Title
Address: 3980 Howard Hughes Parkway
City/State/Zip: Las Vegas, NV 89109

Escrow #: 05009676-081

AN ADDITIONAL RECORDING FEE OF \$1.00 WILL APPLY FOR EACH DECLARATION OF VALUE FORM PRESENTED TO CLARK COUNTY, EFFECTIVE JUNE 1, 2004.

A.P. N.: 140-29-801-007, 140-29-801-004
R.P.T.T.: \$4,207.50

Escrow #04-10-0627-KR

Mail tax bill to and
When recorded mail to:
C/O BECKER REALTY
50 S. JONES #101
LAS VEGAS, NV 89107

20050609-0003119

Fee: \$19.00 RPTT: \$4,207.50
N/C Fee: \$25.00

06/09/2005 13:12:22
720050105869

Requestor:
NEVADA TITLE COMPANY

Frances Deane LEX
Clark County Recorder Pgs: 6

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH, That Nellis Land Company, a Nevada General Partnership, for a valuable consideration, the receipt of which is hereby acknowledged, do hereby Grant, Bargain, Sell and Convey to McKinley Gore LLC, a Nevada limited liability company, all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:

SEE LEGAL DESCRIPTION ATTACHED HERETO
AND MADE A PART HEREOF AS EXHIBIT "A".

SUBJECT TO:

1. Taxes for the current fiscal year, not delinquent, including personal property taxes of any former owner, if any;
2. Restrictions, conditions, reservations, rights, rights of way and easements now of record, if any, or any that actually exist on the property.

TOGETHER WITH all singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

IN WITNESS WHEREOF, this instrument has been executed this 27 day of April, 2005.

Nellis Land Company, a Nevada general partnership

By: [Signature]

Print Name: Larry du Boef

Title: OWNER / MANAGING PARTNER

State of

CALIFORNIA
NEVADA

County of

ORANGE } ss:
Clark }

This instrument was acknowledged before me on

April 27th 2005

by Larry du Boef as

of Nellis Land Company, a Nevada general partnership

[Signature]
NOTARY PUBLIC

My Commission Expires: July 11, 2007

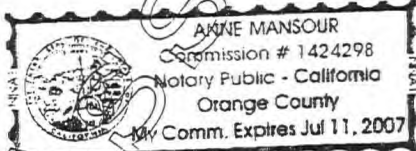


EXHIBIT "A"

THAT PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE NORTH ALONG THE WEST LINE THEREOF, A DISTANCE OF 1346.39 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE EAST ALONG THE NORTH LINE THEREOF TO A WEST LINE OF SUNLAND VILLAGE, AS RECORDED IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER ON FILE IN BOOK 16 OF PLATS, PAGE 21; THENCE SOUTH $00^{\circ}36'41''$ EAST ALONG SAID WEST LINE, A DISTANCE OF 224.34 FEET; THENCE NORTH $87^{\circ}12'13''$ EAST, A DISTANCE OF 121.77 FEET; THENCE SOUTH $0^{\circ}33'43''$ WEST, A DISTANCE OF 897.56 FEET; THENCE NORTH $87^{\circ}11'30''$ EAST, A DISTANCE OF 152.78 FEET TO THE EAST LINE OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 29 TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM

A STRIP OF LAND 150 FEET IN WIDTH, LYING 75 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE SOUTH $1^{\circ}13'50''$ WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), 96.92 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE SOUTH $28^{\circ}47'28''$ EAST, 1396.58 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), SAID POINT BEARS NORTH

87°57'07" EAST 699.89 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, SAID POINT ALSO BEING THE POINT OF TERMINATION. THE SIDE LINES OF SAID STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED AS TO BEGIN ON THE NORTH LINE AND THE WEST LINE AND TO TERMINATE ON THE SOUTH LINE, OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29.

FURTHER EXCEPTING THEREFROM

THOSE PORTIONS CONVEYED FOR ROAD PURPOSES BY DEEDS RECORDED SEPTEMBER 3, 1954 AS DOCUMENT NO. 19378, RECORDED JULY 24, 1955 AS DOCUMENT NO. 50172, RECORDED JUNE 3, 1974 AS DOCUMENT NO. 390442 AND RECORDED MAY 11, 1964 AS DOCUMENT NO. 432173 AND RECORDED JANUARY 20, 1995 IN BOOK 950120 AS DOCUMENT NO. 01869, OF OFFICIAL RECORDS.

ASSESSOR

State of Nevada

Declaration of Value

1. Assessor Parcel Number(s)

- a) 140-29-801-007, 140-29-801-004
b) _____
c) _____
d) _____

2. Type of Property:

- X a) Vacant Land ☐ b) Sgl. Fam. Residence
☐ c) Condo/Twnhse ☐ d) 2-4 Plex
☐ e) Apt. Bldg. ☐ f) Comm'l/Ind'l
☐ g) Agricultural ☐ h) Mobile Home
☐ i) Other _____

FOR RECORDER'S OPTIONAL USE ONLY	
Document/Instrument #:	_____
Book:	Page: _____
Date of Recording:	_____
Notes:	_____

3. Total Value/Sales Price of Property

\$825,000.00

Deed in Lieu of Foreclosure Only (Value of property)

Transfer Tax Value:

\$825,000.00

Real Property Transfer Tax Due

\$4,207.50

4. If Exemption Claimed:

- a. Transfer Tax Exemption, per NRS 375.090, Section: _____
b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declare(s) and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.140, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____

Capacity: GRANTOR/SELLER

Signature: _____

Capacity: GRANTEE/BUYER

SELLER (GRANTOR) INFORMATION
(REQUIRED)

BUYER (GRANTEE) INFORMATION
(REQUIRED)

Print Name: Nellis Land Company, a Nevada
general partnership

Print Name: Mckinley Gore LLC, a Nevada
limited liability company

Address: 2122 Community Park Ln
City/State/Zip: LA, CA 90067

Address: 505 S. Jones
City/State/Zip: LV NV 89107

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Nevada Title Company

Esc. #: 04-10-0627-KR

Address: 2500 N Buffalo, Suite 150

City: Las Vegas

State: NV

Zip: 89128

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

3119

ATTACHMENT F
Title Report

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

(See Preliminary Title Report prepared by Nevada Title Company Attached)

NEVADA TITLE COMPANY
2500 North Buffalo, Suite # 150
Las Vegas, Nevada 89128
(702) 251-5000

ATTENTION:

September 28, 2006

Your Number
Order Number: 06-09-1257-SD

Dated as of September 15, 2006 at 7:30 a.m.

In response to the above referenced application for a policy of title insurance, **Nevada Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referenced to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in the exclusions from coverage document attached. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in the exclusions from coverage. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referenced to below and the exceptions and exclusions set forth in the exclusions from coverage of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance, and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.


Title Officer: Sue Dudzinski

SCHEDULE A

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS SCHEDULE COVERED BY THIS REPORT IS:

A Fee

Title to said estate or interest at the date hereof is vested in:

The City of Las Vegas, a municipal corporation

The land referred to in this report is situated in the State of Nevada, County of Clark, and is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF FOR LEGAL DESCRIPTION:

The form of Policy of Title Insurance contemplated by this report is:

- () California Land Title/American Land Title Association Homeowners Policy
- () American Land Title Association Lender's Policy
- () American Land Title Association Owners Policy
- () California Land Title Association Standard Owner's/Lenders

EXHIBIT "A"
LEGAL DESCRIPTION

THAT PORTION OF SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.B. & M., CITY OF LAS VEGAS, IN THE OFFICE OF THE THE COUNTY RECORDER OF CLARK COUNTY, NEVADA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SAID SECTION 29;

THENCE N 00 26' 55" E ALONG THE CENTER LINE OF MARION DRIVE A DISTANCE OF 1316.34 FEET; THENCE N 87 12' 24" E ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 46.53 FEET; **THE TRUE POINT OF BEGINNING;**

THENCE; N 87 12' 24" E CONTINUE ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 355.76 FEET

THENCE S 0 35' 41" W A DISTANCE OF 194.29 FEET

THENCE N 87 12' 13" E A DISTANCE OF 121.77 FEET

THENCE; S 0 30' 45" W A DISTANCE OF 655.52 FEET

THENCE N 29 34' 38" W ALONG THE EAST RIGHT-OF-WAY OF LAS VEGAS WASH (150' RIGHT-OF-WAY) A DISTANCE OF 950.33 FEET; **TO THE TRUE POINT OF BEGINNING;**

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

1. State and County Taxes for the fiscal period of 2006 to 2007, a lien now due and payable in the total amount of \$4,102.07, and payable in the following installments and becomes delinquent if not paid as set forth below.

First installment of \$1,025.51 has been paid

Second installment of \$1,025.52 unpaid delinquent first Monday in October

Third installment of \$1,025.52 unpaid delinquent first Monday in January

Fourth installment of \$1,025.52 unpaid delinquent first Monday in March

Parcel No. 140-29-801-001

2. Any supplemental or recapture taxes under NRS Chapter 361, as amended, which may become a lien on the subject property by reason of increased valuations due to land use, improvements or otherwise.
3. Reservations and Easements in the patent from the State of Nevada, recorded February 8, 1929, in Book 13 of Deeds, Pages 543-544 as Document No. 30278 of Official Records.
4. Our search in the public record did not disclose any open deeds of trust on the herein described property. Please confirm with your seller/borrower that there are no liens or encumbrances affecting the herein described property other than those shown on the Preliminary Report or Commitment bearing the above referenced escrow number.
5. The following is a chain of conveyances which occurred within twenty-four (24) months of the date of this report, as shown below:

GRANT, BARGAIN, SALE DEED Recorded June 9, 2005 in Book No. 20050609 as Document No. 03119 from NELLIS LAND COMPANY, A NEVADA GENERAL PARTNERSHIP to MCKINLEY GORE LLC, A NEVADA LIMITED LIABILITY COMPANY the Transfer Tax paid was \$4,207.50

GRANT, BARGAIN, SALE DEED Recorded June 9, 2005 in Book No. 20050609 as Document No. 03120 from MCKINLEY GORE LLC, A NEVADA LIMITED LIABILITY COMPANY to BONANZA-MARION, LLC, A NEVADA LIMITED LIABILITY COMPANY the Transfer Tax paid was \$9,180.00

GRANT, BARGAIN AND SALE DEED Recorded September 8, 2006 in Book No. 20060908 as Document No. 03356 from BONANZA-MARION LLC, A NEVADA LIMITED LIABILITY COMPANY to THE TRUST FOR PUBLIC LAND, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION the Transfer Tax paid was \$7,140.00

GRANT, BARGAIN AND SALE DEED Recorded September 8, 2006 in Book No. 20060908 as Document No. 03357 from THE TRUST FOR PUBLIC LAND, A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION to THE CITY OF LAS VEGAS, A MUNICIPAL CORPORATION the Transfer Tax paid was \$EXEMPT

6. Water rights, claims or title to water, whether or not shown by the public records.
7. Subject to the rights of party or parties in possession in accordance with any unrecorded leases affecting portions of said land for the term and upon the terms, covenants, conditions and provisions therein contained.

NOTE: Should an inspection of the real property disclose any work of improvement in progress, this Company may be unwilling to provide mechanic's lien coverage.

8. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
9. Any Claim of Lien for labor and/or materials that may be filed against said land by reason of work or improvement thereon, as disclosed by an inspection of said premises.
10. Prior to the issuance of an ALTA form Policy of Title Insurance, it shall be required that this Company be furnished with an ALTA/ACSM LAND TITLE SURVEY conforming to the minimum standard requirements as revised in 2005.

11. REQUIREMENT: In the event this file converts to a request for title insurance, please advise the Title Department at least one week prior to close of the transaction.

We reserve the right to make additional exceptions and/or requirements.

12. Please provide the name(s) of the prospective purchaser(s) to the Title Department at least one week prior to the close of escrow so that we may complete this report. Additional requirements may be made at that time.

NOTE: This report is a preliminary investigation only of the property contained herein. This is not an abstract, it is a report derived from our review of various documents of record. No reliance should be placed on the contents hereof without first obtaining the approval of an Officer of the Company.

TAX INFORMATION:
2006-2007

District:	200
Tax Rate:	3.2802
Parcel No.:	140-29-801-001
Real Estate:	\$278,600.00
Improvements:	\$0.00
Assessed Valuation:	\$278,600.00
Acreage Assessed:	3.98

NOTE: This record is for assessment use only. No liability is assumed as to the accuracy of the data delineated hereon.

KVN

COUNTY RECORDER REQUIREMENTS

EFFECTIVE JULY 1, 2003, ALL DOCUMENTS, EXCEPT MAPS, SUBMITTED FOR RECORDING WITH THE OFFICE OF THE CLARK/NYE COUNTY RECORDER, MUST COMPLY WITH NRS 247.110, AS FOLLOWS:

- a) Be on 20# paper that is 8 ½ inches by 11 inches in size
- b) Have a margin of 1 inch on the left and right sides and at the bottom of each page;
and
- c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and have a margin on 1 inch at the top of each succeeding page.
- d) Not contain printed material on more than one side of each page.
- e) Print that is NO smaller than 10-point Times New Roman font and contains no more than 9 lines of text per vertical inch.
- f) MUST NOT be printed in any ink other than black

ANY DOCUMENT NOT COMPLYING WITH THESE GUIDELINES WILL BE SUBJECT TO AN ADDITIONAL, MINIMUM COUNTY NON-COMPLIANCE RECORDING CHARGE OF \$25.00 PER DOCUMENT.

SCHEDULE C

Privacy Notice (15 U.S.C. 6801 and 16 CFR Part 313): Nonpublic personal information about you is provided to us from information you submit on forms and documents and from others who are involved in your transaction. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information. If you want a full page explanation of our privacy policy, or if you have questions, please contact us.

NOTES This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office. This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information. USE THIS SCALE (FEET) WHEN MAP REDUCED FROM 11x17 ORIGINAL 	MAP LEGEND --- PARCEL BOUNDARY --- SUBD BOUNDARY --- ROAD EASEMENT --- PM/LD BOUNDARY --- NON-PARCEL LOT LINE --- MATCH LINE / LEADER LINE --- ROAD ID NUMBER	AVERAGE QA VALUE 22	ASSESSOR'S PARCELS - CLARK CO NY M. W. Springfield, Assessor		BOOK 1205 PAGE 102	SHEET 1 OF 1	MAP 1205-20-8	
		PARCEL NUMBER ACREAGE PARCEL SUB/SEQ NUMBER PLAT RECORDING NUMBER BLOCK NUMBER LOT NUMBER GOV. LOT NUMBER	R61E R62E R63E 124 123 122 139 140 141 162 161 160	8 4 8 4 5 1 5 1 6 2 6 2 7 3 7 3 8 4 8 4 5 1 5 1				



EXHIBIT 1 (REV. 6/2/98)
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY – 1990
EXCLUSIONS FROM COVERAGE

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEYS' FEES OR EXPENSES WHICH ARISE BY REASON OF:

1. A. ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING OR ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE, OR ENJOYMENT OF THE LAND; (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND; (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART; OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN, OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY.
- B. ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY.
2. RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE.
3. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS;
 - A. WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT;
 - B. NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - C. RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT;
 - D. ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY; OR
 - E. RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE OR FOR THE ESTATE OR INTEREST INSURED BY THIS POLICY.
4. UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH THE APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED.
5. INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY OR ANY CONSUMER CREDIT PROTECTION OR TRUTH-IN-LENDING LAW.
6. ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED THE ESTATE OR INTEREST INSURED BY THIS POLICY OR THE TRANSACTION CREATING THE INTEREST OF THE INSURED LENDER, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS.

EXCEPTIONS FROM COVERAGE – SCHEDULE B, PART I

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEYS' FEES OR EXPENSES) WHICH ARISE BY REASON OF:

1. TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS.
2. ANY FACTS, RIGHTS, INTEREST, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR WHICH MAY BE ASSERTED BY PERSONS IN POSSESSION THEREOF.
3. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
4. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
5. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS.

CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03)
AMERICAN LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03)
EXCLUSIONS

IN ADDITION TO THE EXCEPTIONS IN SCHEDULE B, YOU ARE NOT INSURED AGAINST LOSS, COSTS, ATTORNEYS' FEES, AND EXPENSES RESULTING FROM:

1. GOVERNMENTAL POLICE POWER, AND THE EXISTENCE OR VIOLATION OF ANY LAW OR GOVERNMENT REGULATION. THIS INCLUDES ORDINANCES, LAWS AND REGULATIONS CONCERNING:
 - A. BUILDING
 - B. ZONING

- C. LAND USE
- D. IMPROVEMENTS ON THE LAND
- E. LAND DIVISION
- F. ENVIRONMENTAL PROTECTION

THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OR THE ENFORCEMENT OF THESE MATTERS IF NOTICE OF THE VIOLATION OR ENFORCEMENT APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE.

THIS EXCLUSION DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 14, 15, 16, 17 OR 24.

2. THE FAILURE OF YOUR EXISTING STRUCTURES, OR ANY PART OF THEM, TO BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE BUILDING CODES. THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OF BUILDING CODES IF NOTICE OF THE VIOLATION APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE.
3. THE RIGHT TO TAKE THE LAND BY CONDEMNATING IT, UNLESS:
 - A. A NOTICE OF EXERCISING THE RIGHT APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE; OR
 - B. THE TAKING HAPPENED BEFORE THE POLICY DATE AND IS BINDING ON YOU IF YOU BOUGHT THE LAND WITHOUT KNOWING OF THE TAKING.
4. RISKS:
 - A. THAT ARE CREATED, ALLOWED, OR AGREED TO BY YOU, WHETHER OR NOT THEY APPEAR IN THE PUBLIC RECORDS;
 - B. THAT ARE KNOWN TO YOU AT THE POLICY DATE, BUT NOT TO US, UNLESS THEY APPEAR IN THE PUBLIC RECORDS AT THE POLICY DATE;
 - C. THAT RESULT IN NO LOSS TO YOU; OR
 - D. THAT FIRST OCCUR AFTER THE POLICY DATE – THIS DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 7, 8D, 22, 23, 24 OR 25.
5. FAILURE TO PAY VALUE FOR YOUR TITLE.
6. LACK OF A RIGHT:
 - A. TO ANY LAND OUTSIDE THE AREA SPECIFICALLY DESCRIBED AND REFERRED TO IN PARAGRAPH 3 OF SCHEDULE A; AND
 - B. IN STREETS, ALLEYS, OR WATERWAYS THAT TOUCH THE LAND.
 THIS EXCLUSION DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 11 OR 18.

LIMITATIONS ON COVERED RISKS

YOUR INSURANCE FOR THE FOLLOWING COVERED RISKS IS LIMITED ON THE OWNER'S COVERAGE STATEMENT AS FOLLOWS:

FOR COVERED RISK 14, 15, 16 AND 18, YOUR DEDUCTIBLE AMOUNT AND OUR MAXIMUM DOLLAR LIMIT OF LIABILITY SHOWN IN SCHEDULE A.

THE DEDUCTIBLE AMOUNTS AND MAXIMUM DOLLAR LIMITS SHOWN ON SCHEDULE A ARE AS FOLLOWS:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 14:	1% of Policy Amount or \$2,500 (whichever is less)	\$10,000
Covered Risk 15:	1% of Policy Amount or \$5,000 (whichever is less)	\$25,000
Covered Risk 16:	1% of Policy Amount or \$5,000 (whichever is less)	\$25,000
Covered Risk 18:	1% of Policy Amount or \$2,500 (whichever is less)	\$5,000

AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6/1/87)
EXCLUSIONS

IN ADDITION TO THE EXCEPTIONS IN SCHEDULE B, YOU ARE NOT INSURED AGAINST LOSS, COSTS, ATTORNEYS' FEES, AND EXPENSES RESULTING FROM:

1. GOVERNMENTAL POLICE POWER, AND THE EXISTENCE OR VIOLATION OF ANY LAW OR GOVERNMENT REGULATION. THIS INCLUDES BUILDING AND ZONING ORDINANCES AND ALSO LAWS AND REGULATIONS CONCERNING:
 - LAND USE
 - IMPROVEMENTS ON THE LAND
 - LAND DIVISION
 - ENVIRONMENTAL PROTECTION

THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OR THE ENFORCEMENT OF THESE MATTERS WHICH APPEAR IN THE PUBLIC RECORDS AT POLICY DATE.

THIS EXCLUSION DOES NOT LIMIT THE ZONING COVERAGE DESCRIBED IN ITEMS 12 AND 13 OF COVERED TITLE RISKS.

2. THE RIGHT TO TAKE THE LAND BY CONDEMNATING IT, UNLESS:
 - A NOTICE OF EXERCISING THE RIGHT APPEARS IN THE PUBLIC RECORDS ON THE POLICY DATE
 - THE TAKING HAPPENED PRIOR TO THE POLICY DATE AND IS BINDING ON YOU IF YOU BOUGHT THE LAND WITHOUT KNOWING OF THE TAKING
3. TITLE RISKS:
 - THAT ARE CREATED, ALLOWED, OR AGREED TO BY YOU
 - THAT ARE KNOWN TO YOU, BUT NOT TO US, ON THE POLICY DATE – UNLESS THEY APPEARED IN THE PUBLIC RECORDS
 - THAT RESULT IN NO LOSS TO YOU
 - THAT FIRST AFFECT YOUR TITLE AFTER THE POLICY DATE – THIS DOES NOT LIMIT THE LABOR AND MATERIAL LIEN COVERAGE IN ITEM 8 OF COVERED TITLE RISKS
4. FAILURE TO PAY VALUE FOR YOUR TITLE.
5. LACK OF A RIGHT:
 - TO ANY LAND OUTSIDE THE AREA SPECIFICALLY DESCRIBED AND REFERRED TO IN ITEM 3 OF SCHEDULE A
 - OR
 - IN STREETS, ALLEYS OR WATERWAYS THAT TOUCH YOUR LAND.
 THIS EXCLUSION DOES NOT LIMIT THE ACCESS COVERAGE IN ITEM 5 OF COVERED TITLE RISKS.

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10/17/92)
WITH ALTA ENDORSEMENT-FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF

1. (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE OR ENJOYMENT OF THE LAND; (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND; (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART; OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
2. RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE
3. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT;
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT;
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY (EXCEPT TO THE EXTENT THAT THIS POLICY INSURED THE PRIORITY OF THE LIEN OF THE INSURED MORTGAGE OVER ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIAL OR TO THE EXTENT INSURANCE IS AFFORDED HEREIN AS TO ASSESSMENTS FOR STREET IMPROVEMENTS UNDER CONSTRUCTION OR COMPLETED AT DATE OF POLICY); OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE.
4. UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED.
5. INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY OR ANY CONSUMER CREDIT PROTECTION OR TRUTH-IN-LENDING LAW
6. ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIALS (OR THE CLAIM OF PRIORITY OF ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIALS OVER THE LIEN OF THE INSURED MORTGAGE) ARISING FROM AN IMPROVEMENT OR WORK RELATED TO THE LAND WHICH IS CONTRACTED FOR AND COMMENCED SUBSEQUENT TO DATE OF POLICY AND IS NOT FINANCED IN WHOLE OR IN PART BY PROCEEDS OF THE INDEBTEDNESS SECURED BY THE INSURED MORTGAGE WHICH AT DATE OF POLICY THE INSURED HAS ADVANCED OR IS OBLIGATED TO ADVANCE
7. ANY CLAIM WHICH ARISES OUT OF THE TRANSACTION CREATING THE INTEREST OF THE MORTGAGEE INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:
 - (1) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER, OR
 - (2) THE SUBORDINATION OF THE INTEREST OF THE INSURED MORTGAGEE AS A RESULT OF THE APPLICATION OF THE DOCTRINE OF EQUITABLE SUBORDINATION OR
 - (3) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (A) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER, OR
 - (B) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10/17/92)
EXCLUSIONS FROM COVERAGE

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF

1. (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE, OR ENJOYMENT OF THE LAND; (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND; (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART; OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
2. RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH

WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE

3. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT;
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT;
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY, OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE ESTATE OR INTEREST INSURED BY THIS POLICY
4. ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED THE ESTATE OR INTEREST INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY, OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:
 - (1) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER, OR
 - (2) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (A) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER, OR
 - (B) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR

ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)
EXCLUSIONS FROM COVERAGE

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF

1. (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (I) THE OCCUPANCY, USE, OR ENJOYMENT OF THE LAND; (II) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND; (III) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREAS OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART; OR (IV) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 12, 13, 14, AND 16 OF THIS POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 12, 13, 14, AND 16 OF THIS POLICY
2. RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE
3. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT;
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT;
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY (THIS PARAGRAPH DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 AND 26); OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE.
4. UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED.
5. INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY, EXCEPT AS PROVIDED IN COVERED RISK 27, OR ANY CONSUMER CREDIT PROTECTION OR TRUTH IN LENDING LAW
6. REAL PROPERTY TAXES OR ASSESSMENTS OF ANY GOVERNMENTAL AUTHORITY WHICH BECOME A LIEN ON THE LAND SUBSEQUENT TO DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 7, 9(E) AND 26
7. ANY CLAIM OF INVALIDITY, UNENFORCEABILITY OR LACK OF PRIORITY OF THE LIEN OF THE INSURED MORTGAGE AS TO ADVANCES OR MODIFICATIONS MADE AFTER THE INSURED HAS KNOWLEDGE THAT THE VESTED SHOWN IN SCHEDULE A IS NO LONGER THE OWNER OF THE ESTATE OR INTEREST COVERED BY THIS POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED IN COVERED RISK 8.
8. LACK OF PRIORITY OF THE LIEN OF THE INSURED MORTGAGE AS TO EACH AND EVERY ADVANCE MADE AFTER DATE OF POLICY, AND ALL INTEREST CHARGED THEREON, OVER LIENS, ENCUMBRANCES AND OTHER MATTERS AFFECTING THE TITLE, THE EXISTENCE OF WHICH ARE KNOWN TO THE INSURED AT:
 - (A) THE TIME OF THE ADVANCE, OR
 - (B) THE TIME A MODIFICATION IS MADE TO THE TERMS OF THE INSURED MORTGAGE WHICH CHANGES THE RATE OF INTEREST CHARGED, IF THE RATE OF INTEREST IS GREATER AS A RESULT OF THE MODIFICATION THAN IT WOULD HAVE BEEN BEFORE THE MODIFICATION. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED IN COVERED RISK 8.
9. THE FAILURE OF THE RESIDENTIAL STRUCTURE, OR ANY PORTION THEREOF TO HAVE BEEN CONSTRUCTED BEFORE, ON OR AFTER DATE OF POLICY IN ACCORDANCE WITH APPLICABLE BUILDING CODES. THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OF BUILDING CODES IF NOTICE OF THE VIOLATION APPEARS IN THE PUBLIC RECORDS AT DATE OF POLICY

NEVADA TITLE COMPANY
2500 North Buffalo, Suite # 150
Las Vegas, Nevada 89128
(702) 251-5000

ATTENTION: Sue Dudzinski

February 10, 2006

Your Number

Order Number: 06-02-0757-SD

Dated as of January 25, 2006 at 7:30 a.m.

In response to the above referenced application for a policy of title insurance, **Nevada Title Company** hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referenced to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said Policy forms.

The printed Exceptions and Exclusions from the coverage and Limitations on Covered Risks of said Policy or Policies are set forth in the exclusions from coverage document attached. Limitations on Covered Risks applicable to the CLTA and ALTA Homeowner's Policies of Title Insurance which establish a Deductible Amount and a Maximum Dollar Limit of Liability for certain coverages are also set forth in the exclusions from coverage. Copies of the Policy forms should be read. They are available from the office which issued this report.

Please read the exceptions shown or referenced to below and the exceptions and exclusions set forth in the exclusions from coverage of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance, and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.



Title Officer: Sue Dudzinski

SCHEDULE A

THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS SCHEDULE COVERED BY THIS REPORT IS:

A Fee

Title to said estate or interest at the date hereof is vested in:

Bonanza-Marion, LLC, a Nevada Limited Liability Company

The land referred to in this report is situated in the State of Nevada, County of Clark, and is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF FOR LEGAL DESCRIPTION:

Buyer: The Trust For Public Land

The form of Policy of Title Insurance contemplated by this report is:

- (X) California Land Title Association Standard Owner's/Lenders
- (X) American Land Title Association Lender's Policy
- () American Land Title Association Owners Policy
- () Preferred Homeowners Policy

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE NORTH ALONG THE WEST LINE THEREOF, A DISTANCE OF 1346.39 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE EAST ALONG THE NORTH LINE THEREOF TO A WEST LINE OF SUNLAND VILLAGE, AS RECORDED IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER ON FILE IN BOOK 16 OF PLATS, PAGE 21; THENCE SOUTH $00^{\circ}36'41''$ EAST ALONG SAID WEST LINE, A DISTANCE OF 224.34 FEET; THENCE NORTH $87^{\circ}12'13''$ EAST, A DISTANCE OF 121.77 FEET; THENCE SOUTH $0^{\circ}33'43''$ WEST, A DISTANCE OF 897.56 FEET; THENCE NORTH $87^{\circ}11'30''$ EAST, A DISTANCE OF 152.78 FEET TO THE EAST LINE OF THE WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE SOUTH ALONG SAID EAST LINE TO THE SOUTHEAST CORNER OF SAID WEST HALF (W 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 29 TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM

A STRIP OF LAND 150 FEET IN WIDTH, LYING 75 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29; THENCE SOUTH $1^{\circ}13'50''$ WEST ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), 96.92 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED CENTERLINE; THENCE SOUTH $28^{\circ}47'28''$ EAST, 1396.58 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), SAID POINT BEARS NORTH $87^{\circ}57'07''$ EAST 699.89 FEET FROM THE SOUTH QUARTER CORNER OF SAID SECTION 29, SAID POINT ALSO BEING THE POINT OF TERMINATION. THE SIDE LINES OF SAID STRIP OF LAND ARE TO BE LENGTHENED OR SHORTENED AS TO BEGIN ON THE NORTH LINE AND THE WEST LINE AND TO TERMINATE ON THE SOUTH LINE, OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 29.

FURTHER EXCEPTING THEREFROM

THOSE PORTIONS CONVEYED FOR ROAD PURPOSES BY DEEDS RECORDED SEPTEMBER 3, 1954 AS DOCUMENT NO. 19378, RECORDED JULY 24, 1955 AS DOCUMENT NO. 50172, RECORDED JUNE 3, 1974 AS DOCUMENT NO. 390442 AND RECORDED MAY 11, 1964 AS DOCUMENT NO. 432173 AND RECORDED JANUARY 20, 1995 IN BOOK 950120 AS DOCUMENT NO. 01869, OF OFFICIAL RECORDS.

WE WILL REQUIRE A METES AND BOUNDS LEGAL DESCRIPTION PRIOR TO THE CLOSE OF ESCROW.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions contained in said policy form would be as follows:

1. State and County Taxes for the fiscal period of 2005 to 2006, a lien now due and payable in the total amount of \$3,798.21, and payable in the following installments and becomes delinquent if not paid as set forth below.

First installment of \$949.55 has been paid

Second installment of \$949.55 has been paid

Third installment of \$949.55 has been paid

Fourth installment of \$949.56 has been paid with \$37.98 remaining unpaid delinquent first Monday in March

Parcel No. 140-29-801-001

2. Any supplemental or recapture taxes under NRS Chapter 361, as amended, which may become a lien on the subject property by reason of increased valuations due to land use, improvements or otherwise.
3. The herein described property lies within the City of Las Vegas Special Improvement District No. 441 (Bonanza Road) as evidenced by an instrument entitled "FIRST ASSESSMENT APPORTIONMENT REPORT", recorded December 22, 1994 in Book 941222 as Document No. 00742, of Official Records.

Affects: That land lying southwesterly of that strip of land 150 feet in width.
4. Reservations and Easements in the patent from the State of Nevada, recorded February 8, 1929, in Book 13 of Deeds, Pages 543-544 as Document No. 30278 of Official Records.
5. An easement affecting that portion of said land and for the purposes therein and incidental purposes thereto, in favor of NEVADA POWER COMPANY, for electrical lines, recorded September 13, 1963, in Book 476 as Document No. 383971 of Official Records.

Affects: That land lying southwesterly of that strip of land 150 feet in width.

6. An easement affecting that portion of said land and for the purposes therein and incidental purposes thereto, in favor of NEVADA POWER COMPANY, for electrical lines, recorded November 7, 1963, in Book 490 as Document No. 395126 of Official Records.

Affects: That land lying southwesterly of that strip of land 150 feet in width.

7. Terms, covenants, conditions and provisions in an instrument entitled, "ZONING VIOLATION/NUISANCE NOTICE AND ORDER TO COMPLY", recorded June 15, 2004, in Book 20040615 as Document No. 0002954, of Official Records.
8. Deed of Trust to secure an indebtedness of \$800,000.00 and any other amounts payable under the terms thereof:
Recorded: June 9, 2005 in Book 20050609 Document No. 03121 of Official Records.
Dated: June 3, 2005
Trustor: Bonanza-Marion, LLC, a Nevada limited liability company
Trustee: Chicago Title Agency of Nevada, Inc.
Beneficiary: McKinley Gore LLC, a Nevada limited liability company

The amount due, terms and conditions of the indebtedness should be determined by contacting the owner of the debt.

Affects the herein described property with other property.

9. Terms, covenants, conditions and provisions in an instrument entitled, "NUISANCE NOTICE AND ORDER TO COMPLY", recorded October 11, 2005, in Book 20051011 as Document No. 02457, of Official Records.
10. Terms, covenants, conditions and provisions in an instrument entitled, "NUISANCE NOTICE AND ORDER TO COMPLY", recorded October 11, 2005, in Book 20051011 as Document No. 02458, of Official Records.
11. The following is a chain of conveyances which occurred within twenty-four (24) months of the date of this report, as shown below:

GRANT, BARGAIN, SALE DEED Recorded June 9, 2005 in Book No. 20050609 as Document No. 03120 from MCKINLEY GORE LLC, A NEVADA LIMITED LIABILITY COMPANY to BONANZA-MARION, LLC, A NEVADA LIMITED LIABILITY COMPANY the Transfer Tax paid was \$9,180.00
12. Water rights, claims or title to water, whether or not shown by the public records.

13. Subject to the rights of party or parties in possession in accordance with any unrecorded leases affecting portions of said land for the term and upon the terms, covenants, conditions and provisions therein contained.

NOTE: Should an inspection of the real property disclose any work of improvement in progress, this Company may be unwilling to provide mechanic's lien coverage.

14. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
15. Any Claim of Lien for labor and/or materials that may be filed against said land by reason of work or improvement thereon, as disclosed by an inspection of said premises.

16. **In the event that this transaction requires an Alta Owner's Policy, we will need the following items prior to the close of escrow:**

1. Prior to the issuance of an ALTA form Policy of Title Insurance, it shall be required that this company be furnished with an ALTA/ACSM LAND SURVEY conforming to the minimum standard requirements as revised in 1999.

2. It is required that Seller furnish a fully executed Owner's Affidavit prior to close of this transaction if ALTA Extended Owner's coverage is contemplated.

the right is reserved to make additional exceptions and/or requirements upon examination of said documentation.

3. The requirement that a physical inspection of the subject land be made prior to the close of escrow.

NOTE: Additional exceptions and/or requirements may be added to this report upon completion of said inspection.

17. NOTE: Information in possession of this company indicates that a division of land is contemplated in the current transaction involving the land described in this report. Such contemplated division of land would appear to fall within the purview of the Subdivision Map Act and at least one of the following requirements must be accomplished:

(1) That a subdivision map has been recorded in compliance with the Subdivision Map Act or related local ordinances;

(2) That a parcel map has been recorded in compliance with the Subdivision Map Act or related local ordinances; or

(3) That a Waiver or other satisfactory evidence indicating compliance or nonviolation be furnished.

18. Failure to comply with the provisions of NRS 278.325, which provides that a record of survey, showing the boundary lines of the property herein described, must be recorded prior to the creation of a new parcel.

The right is reserved to make additional exceptions and/or requirements upon examination of all documents submitted in satisfaction of the requirement above.

19. Prior to the close of escrow, we will require a metes and bound legal description from a licensed surveyor to be insured herein.

TAX INFORMATION:

2005-2006

District:	200
Tax Rate:	3.2812
Parcel No.:	140-29-801-001
Real Estate:	\$177,608.00
Improvements:	\$0.00
Assessed Valuation:	\$177,608.00
Acreage Assessed:	3.98

NOTE: This record is for assessment use only. No liability is assumed as to the accuracy of the data delineated hereon.

KVN

COUNTY RECORDER REQUIREMENTS

EFFECTIVE JULY 1, 2003, ALL DOCUMENTS, EXCEPT MAPS, SUBMITTED FOR RECORDING WITH THE OFFICE OF THE CLARK/NYE COUNTY RECORDER, MUST COMPLY WITH NRS 247.110, AS FOLLOWS:

- a) Be on 20# paper that is 8 ½ inches by 11 inches in size
- b) Have a margin of 1 inch on the left and right sides and at the bottom of each page;
and
- c) Have a space of 3 inches by 3 inches at the upper right corner of the first page and
have a margin on 1 inch at the top of each succeeding page.
- d) Not contain printed material on more than one side of each page.
- e) Print that is NO smaller than 10-point Times New Roman font and contains no
more than 9 lines of text per vertical inch.
- f) MUST NOT be printed in any ink other than black

ANY DOCUMENT NOT COMPLYING WITH THESE GUIDELINES WILL BE SUBJECT TO AN ADDITIONAL, MINIMUM COUNTY NON-COMPLIANCE RECORDING CHARGE OF \$25.00 PER DOCUMENT.

SCHEDULE C

Privacy Notice (15 U.S.C. 6801 and 16 CFR Part 313): Nonpublic personal information about you is provided to us from information you submit on forms and documents and from others who are involved in your transaction. We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law. We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic and procedural safeguards that comply with federal regulations to guard your nonpublic personal information. A full-page explanation of our privacy policy is being delivered to you separately. If you do not receipt it, or if you have questions about it, please call us, and a duplicate copy will be provided to you.

NOTES	This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data delineated herein. Information on roots and other non-assessed parcels may be obtained from the Root Document Listing in the Assessor's Office.		ASSESSOR'S PARCELS - CLARK CO., NV. M. W. Schofield, Assessor		T20S R62E		29		S 2 SE 4		140-29-8																																			
	AVERAGE DA VALUE 22		PARCEL BOUNDARY SUBD BOUNDARY ROAD EASEMENT PM/LD BOUNDARY NON-PARCEL LOT LINE WATCH LINE / LEADER LINE ROAD ID NUMBER	001 1.00 202 5 3 CL5	PARCEL NUMBER ACREAGE PARCEL SUB/SEQ NUMBER PLAT RECORDING NUMBER BLOCK NUMBER LOT NUMBER GOV. LOT NUMBER	001 1.00 202 5 3 CL5																																								
	USE THIS SCALE (FEET) WHEN MAP REDUCED FROM 11x17 ORIGINAL		MAP LEGEND		<table border="1"> <tr> <th>RECE</th> <th>R62E</th> <th>R63E</th> </tr> <tr> <td>124</td> <td>123</td> <td>122</td> </tr> <tr> <td>139</td> <td>140</td> <td>141</td> </tr> <tr> <td>162</td> <td>161</td> <td>160</td> </tr> </table>		RECE	R62E	R63E	124	123	122	139	140	141	162	161	160	<table border="1"> <tr> <td>8</td> <td>4</td> <td>8</td> <td>4</td> </tr> <tr> <td>5</td> <td>1</td> <td>5</td> <td>1</td> </tr> <tr> <td>6</td> <td>2</td> <td>6</td> <td>2</td> </tr> <tr> <td>7</td> <td>3</td> <td>7</td> <td>3</td> </tr> <tr> <td>8</td> <td>4</td> <td>8</td> <td>4</td> </tr> <tr> <td>5</td> <td>1</td> <td>5</td> <td>1</td> </tr> </table>		8	4	8	4	5	1	5	1	6	2	6	2	7	3	7	3	8	4	8	4	5	1	5	1		
	RECE	R62E	R63E																																											
124	123	122																																												
139	140	141																																												
162	161	160																																												
8	4	8	4																																											
5	1	5	1																																											
6	2	6	2																																											
7	3	7	3																																											
8	4	8	4																																											
5	1	5	1																																											
Scale: 1"=200'		Rev: 03/05/03																																												



**EXHIBIT 1 (REV. 6/2/98)
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE**

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEYS' FEES OR EXPENSES WHICH ARISE BY REASON OF:

- 1 A ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING OR ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE, OR ENJOYMENT OF THE LAND, (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND; (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART, OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN, OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- B ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- 2 RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE
- 3 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS:
 - A WHETHER OR NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT CREATED, SUFFERED ASSUMED OR AGREED TO BY THE INSURED CLAIMANT, NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - C RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT,
 - D ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY; OR
 - E RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE OR FOR THE ESTATE OR INTEREST INSURED BY THIS POLICY
- 4 UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH THE APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED
- 5 INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY OR ANY CONSUMER CREDIT PROTECTION OR TRUTH-IN-LENDING LAW
- 6 ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED THE ESTATE OR INTEREST INSURED BY THIS POLICY OR THE TRANSACTION CREATING THE INTEREST OF THE INSURED LENDER, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

THIS POLICY DOES NOT INSURE AGAINST LOSS OR DAMAGE (AND THE COMPANY WILL NOT PAY COSTS, ATTORNEYS' FEES OR EXPENSES) WHICH ARISE BY REASON OF:

- 1 TAXES OR ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE RECORDS OF ANY TAXING AUTHORITY THAT LEVIES TAXES OR ASSESSMENTS ON REAL PROPERTY OR BY THE PUBLIC RECORDS
- PROCEEDINGS BY A PUBLIC AGENCY WHICH MAY RESULT IN TAXES OR ASSESSMENTS, OR NOTICES OF SUCH PROCEEDINGS, WHETHER OR NOT SHOWN BY THE RECORDS OF SUCH AGENCY OR BY THE PUBLIC RECORDS
- 2 ANY FACTS, RIGHTS, INTEREST, OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR WHICH MAY BE ASSERTED BY PERSONS IN POSSESSION THEREOF
- 3 EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS
- 4 DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS
- 5 (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A) (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS

**CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03)
AMERICAN LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (10/22/03)
EXCLUSIONS**

IN ADDITION TO THE EXCEPTIONS IN SCHEDULE B, YOU ARE NOT INSURED AGAINST LOSS, COSTS, ATTORNEYS' FEES, AND EXPENSES RESULTING FROM:

- 1 GOVERNMENTAL POLICE POWER, AND THE EXISTENCE OR VIOLATION OF ANY LAW OR GOVERNMENT REGULATION THIS INCLUDES ORDINANCES, LAWS AND REGULATIONS CONCERNING:
 - A BUILDING
 - B ZONING

- C LAND USE
- D IMPROVEMENTS ON THE LAND
- E LAND DIVISION
- F ENVIRONMENTAL PROTECTION

THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OR THE ENFORCEMENT OF THESE MATTERS IF NOTICE OF THE VIOLATION OR ENFORCEMENT APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE

THIS EXCLUSION DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 14, 15, 16, 17 OR 24.

- 2 THE FAILURE OF YOUR EXISTING STRUCTURES, OR ANY PART OF THEM, TO BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE BUILDING CODES. THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OF BUILDING CODES IF NOTICE OF THE VIOLATION APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE
- 3 THE RIGHT TO TAKE THE LAND BY CONDEMNATING IT, UNLESS:
 - A A NOTICE OF EXERCISING THE RIGHT APPEARS IN THE PUBLIC RECORDS AT THE POLICY DATE; OR
 - B THE TAKING HAPPENED BEFORE THE POLICY DATE AND IS BINDING ON YOU IF YOU BOUGHT THE LAND WITHOUT KNOWING OF THE TAKING
- 4 RISKS:
 - A THAT ARE CREATED, ALLOWED, OR AGREED TO BY YOU, WHETHER OR NOT THEY APPEAR IN THE PUBLIC RECORDS,
 - B THAT ARE KNOWN TO YOU AT THE POLICY DATE, BUT NOT TO US, UNLESS THEY APPEAR IN THE PUBLIC RECORDS AT THE POLICY DATE,
 - C THAT RESULT IN NO LOSS TO YOU; OR
 - D THAT FIRST OCCUR AFTER THE POLICY DATE - THIS DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 7, 8D, 22, 23, 24 OR 25
- 5 FAILURE TO PAY VALUE FOR YOUR TITLE
- 6 LACK OF A RIGHT:
 - A TO ANY LAND OUTSIDE THE AREA SPECIFICALLY DESCRIBED AND REFERRED TO IN PARAGRAPH 3 OF SCHEDULE A, AND
 - B IN STREETS, ALLEYS, OR WATERWAYS THAT TOUCH THE LAND
 THIS EXCLUSION DOES NOT LIMIT THE COVERAGE DESCRIBED IN COVERED RISK 11 OR 18

LIMITATIONS ON COVERED RISKS

YOUR INSURANCE FOR THE FOLLOWING COVERED RISKS IS LIMITED ON THE OWNER'S COVERAGE STATEMENT AS FOLLOWS:
FOR COVERED RISK 14, 15, 16 AND 18, YOUR DEDUCTIBLE AMOUNT AND OUR MAXIMUM DOLLAR LIMIT OF LIABILITY SHOWN IN SCHEDULE A
THE DEDUCTIBLE AMOUNTS AND MAXIMUM DOLLAR LIMITS SHOWN ON SCHEDULE A ARE AS FOLLOWS:

	Your Deductible Amount	Our Maximum Dollar Limit of Liability
Covered Risk 14:	1% of Policy Amount or \$2,500 (whichever is less)	\$10,000
Covered Risk 15:	1% of Policy Amount or \$5,000 (whichever is less)	\$25,000
Covered Risk 16:	1% of Policy Amount or \$5,000 (whichever is less)	\$25,000
Covered Risk 18:	1% of Policy Amount or \$2,500 (whichever is less)	\$5,000

**AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6/1/87)
EXCLUSIONS**

IN ADDITION TO THE EXCEPTIONS IN SCHEDULE B, YOU ARE NOT INSURED AGAINST LOSS, COSTS, ATTORNEYS' FEES, AND EXPENSES RESULTING FROM:

- 1 GOVERNMENTAL POLICE POWER, AND THE EXISTENCE OR VIOLATION OF ANY LAW OR GOVERNMENT REGULATION THIS INCLUDES BUILDING AND ZONING ORDINANCES AND ALSO LAWS AND REGULATIONS CONCERNING:
 - LAND USE
 - IMPROVEMENTS ON THE LAND
 - LAND DIVISION
 - ENVIRONMENTAL PROTECTION

THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OR THE ENFORCEMENT OF THESE MATTERS WHICH APPEAR IN THE PUBLIC RECORDS AT POLICY DATE
THIS EXCLUSION DOES NOT LIMIT THE ZONING COVERAGE DESCRIBED IN ITEMS 12 AND 13 OF COVERED TITLE RISKS

- 2 THE RIGHT TO TAKE THE LAND BY CONDEMNATING IT, UNLESS:
 - A NOTICE OF EXERCISING THE RIGHT APPEARS IN THE PUBLIC RECORDS ON THE POLICY DATE
 - THE TAKING HAPPENED PRIOR TO THE POLICY DATE AND IS BINDING ON YOU IF YOU BOUGHT THE LAND WITHOUT KNOWING OF THE TAKING
- 3 TITLE RISKS:
 - THAT ARE CREATED, ALLOWED, OR AGREED TO BY YOU
 - THAT ARE KNOWN TO YOU, BUT NOT TO US, ON THE POLICY DATE - UNLESS THEY APPEARED IN THE PUBLIC RECORDS
 - THAT RESULT IN NO LOSS TO YOU
 - THAT FIRST AFFECT YOUR TITLE AFTER THE POLICY DATE - THIS DOES NOT LIMIT THE LABOR AND MATERIAL LIEN COVERAGE IN ITEM 8 OF COVERED TITLE RISKS
- 4 FAILURE TO PAY VALUE FOR YOUR TITLE
- 5 LACK OF A RIGHT:
 - TO ANY LAND OUTSIDE THE AREA SPECIFICALLY DESCRIBED AND REFERRED TO IN ITEM 3 OF SCHEDULE A
 OR
 - IN STREETS, ALLEYS OR WATERWAYS THAT TOUCH YOUR LAND
 THIS EXCLUSION DOES NOT LIMIT THE ACCESS COVERAGE IN ITEM 5 OF COVERED TITLE RISKS

**AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10/17/92)
WITH ALTA ENDORSEMENT-FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE**

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF

- 1 (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE OR ENJOYMENT OF THE LAND, (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND, (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART, OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- 2 RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE
- 3 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS.
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT,
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY,
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT,
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY (EXCEPT TO THE EXTENT THAT THIS POLICY INSURED THE PRIORITY OF THE LIEN OF THE INSURED MORTGAGE OVER ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIAL OR TO THE EXTENT INSURANCE IS AFFORDED HEREIN AS TO ASSESSMENTS FOR STREET IMPROVEMENTS UNDER CONSTRUCTION OR COMPLETED AT DATE OF POLICY); OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE
- 4 UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED
- 5 INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY OR ANY CONSUMER CREDIT PROTECTION OR TRUTH-IN-LENDING LAW
- 6 ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIALS (OR THE CLAIM OF PRIORITY OF ANY STATUTORY LIEN FOR SERVICES, LABOR OR MATERIALS OVER THE LIEN OF THE INSURED MORTGAGE) ARISING FROM AN IMPROVEMENT OR WORK RELATED TO THE LAND WHICH IS CONTRACTED FOR AND COMMENCED SUBSEQUENT TO DATE OF POLICY AND IS NOT FINANCED IN WHOLE OR IN PART BY PROCEEDS OF THE INDEBTEDNESS SECURED BY THE INSURED MORTGAGE WHICH AT DATE OF POLICY THE INSURED HAS ADVANCED OR IS OBLIGATED TO ADVANCE
- 7 ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION CREATING THE INTEREST OF THE MORTGAGEE INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY OR SIMILAR CREDITORS' RIGHTS LAWS THAT IS BASED ON:
 - (1) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER, OR
 - (2) THE SUBORDINATION OF THE INTEREST OF THE INSURED MORTGAGEE AS A RESULT OF THE APPLICATION OF THE DOCTRINE OF EQUITABLE SUBORDINATION, OR
 - (3) THE TRANSACTION CREATING THE INTEREST OF THE INSURED MORTGAGEE BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (A) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (B) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10/17/92)
EXCLUSIONS FROM COVERAGE**

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF

- 1 (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (1) THE OCCUPANCY, USE OR ENJOYMENT OF THE LAND, (2) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND, (3) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREA OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART, OR (4) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY
- 2 RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH

WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE

- 3 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS.
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT;
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY;
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT,
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY; OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE ESTATE OR INTEREST INSURED BY THIS POLICY
- 4 ANY CLAIM, WHICH ARISES OUT OF THE TRANSACTION VESTING IN THE INSURED THE ESTATE OR INTEREST INSURED BY THIS POLICY, BY REASON OF THE OPERATION OF FEDERAL BANKRUPTCY, STATE INSOLVENCY, OR SIMILAR CREDITORS' RIGHTS LAWS, THAT IS BASED ON:
 - (1) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A FRAUDULENT CONVEYANCE OR FRAUDULENT TRANSFER, OR
 - (2) THE TRANSACTION CREATING THE ESTATE OR INTEREST INSURED BY THIS POLICY BEING DEEMED A PREFERENTIAL TRANSFER EXCEPT WHERE THE PREFERENTIAL TRANSFER RESULTS FROM THE FAILURE:
 - (A) TO TIMELY RECORD THE INSTRUMENT OF TRANSFER; OR
 - (B) OF SUCH RECORDATION TO IMPART NOTICE TO A PURCHASER FOR VALUE OR A JUDGMENT OR LIEN CREDITOR

**ALTA EXPANDED COVERAGE RESIDENTIAL LOAN POLICY (10/13/01)
EXCLUSIONS FROM COVERAGE**

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY AND THE COMPANY WILL NOT PAY LOSS OR DAMAGE, COSTS, ATTORNEY'S FEES OR EXPENSES WHICH ARISE BY REASON OF:

- 1 (A) ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING LAWS, ORDINANCES, OR REGULATIONS) RESTRICTING, REGULATING, PROHIBITING OR RELATING TO (I) THE OCCUPANCY, USE OR ENJOYMENT OF THE LAND, (II) THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND, (III) A SEPARATION IN OWNERSHIP OR A CHANGE IN THE DIMENSIONS OR AREAS OF THE LAND OR ANY PARCEL OF WHICH THE LAND IS OR WAS A PART, OR (IV) ENVIRONMENTAL PROTECTION, OR THE EFFECT OF ANY VIOLATION OF THESE LAWS, ORDINANCES OR GOVERNMENTAL REGULATIONS, EXCEPT TO THE EXTENT THAT A NOTICE OF THE ENFORCEMENT THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 12, 13, 14 AND 16 OF THIS POLICY
- (B) ANY GOVERNMENTAL POLICE POWER NOT EXCLUDED BY (A) ABOVE, EXCEPT TO THE EXTENT THAT A NOTICE OF THE EXERCISE THEREOF OR A NOTICE OF A DEFECT, LIEN OR ENCUMBRANCE RESULTING FROM A VIOLATION OR ALLEGED VIOLATION AFFECTING THE LAND HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 12, 13, 14 AND 16 OF THIS POLICY
- 2 RIGHTS OF EMINENT DOMAIN UNLESS NOTICE OF THE EXERCISE THEREOF HAS BEEN RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT NOT EXCLUDING FROM COVERAGE ANY TAKING WHICH HAS OCCURRED PRIOR TO DATE OF POLICY WHICH WOULD BE BINDING ON THE RIGHTS OF A PURCHASER FOR VALUE WITHOUT KNOWLEDGE
- 3 DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS.
 - (A) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT,
 - (B) NOT KNOWN TO THE COMPANY, NOT RECORDED IN THE PUBLIC RECORDS AT DATE OF POLICY, BUT KNOWN TO THE INSURED CLAIMANT AND NOT DISCLOSED IN WRITING TO THE COMPANY BY THE INSURED CLAIMANT PRIOR TO THE DATE THE INSURED CLAIMANT BECAME AN INSURED UNDER THIS POLICY,
 - (C) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT,
 - (D) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY (THIS PARAGRAPH DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 8, 16, 18, 19, 20, 21, 22, 23, 24, 25 AND 26); OR
 - (E) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE INSURED MORTGAGE
- 4 UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE BECAUSE OF THE INABILITY OR FAILURE OF THE INSURED AT DATE OF POLICY, OR THE INABILITY OR FAILURE OF ANY SUBSEQUENT OWNER OF THE INDEBTEDNESS, TO COMPLY WITH APPLICABLE DOING BUSINESS LAWS OF THE STATE IN WHICH THE LAND IS SITUATED
- 5 INVALIDITY OR UNENFORCEABILITY OF THE LIEN OF THE INSURED MORTGAGE, OR CLAIM THEREOF, WHICH ARISES OUT OF THE TRANSACTION EVIDENCED BY THE INSURED MORTGAGE AND IS BASED UPON USURY, EXCEPT AS PROVIDED IN COVERED RISK 27, OR ANY CONSUMER CREDIT PROTECTION OR TRUTH IN LENDING LAW
- 6 REAL PROPERTY TAXES OR ASSESSMENTS OF ANY GOVERNMENTAL AUTHORITY WHICH BECOME A LIEN ON THE LAND SUBSEQUENT TO DATE OF POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED UNDER COVERED RISKS 7, 8(E) AND 26
- 7 ANY CLAIM OF INVALIDITY, UNENFORCEABILITY OR LACK OF PRIORITY OF THE LIEN OF THE INSURED MORTGAGE AS TO ADVANCES OR MODIFICATIONS MADE AFTER THE INSURED HAS KNOWLEDGE THAT THE VESTEE SHOWN IN SCHEDULE A IS NO LONGER THE OWNER OF THE ESTATE OR INTEREST COVERED BY THIS POLICY. THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED IN COVERED RISK 8
- 8 LACK OF PRIORITY OF THE LIEN OF THE INSURED MORTGAGE AS TO EACH AND EVERY ADVANCE MADE AFTER DATE OF POLICY, AND ALL INTEREST CHARGED THEREON OVER LIENS, ENCUMBRANCES AND OTHER MATTERS AFFECTING THE TITLE THE EXISTENCE OF WHICH ARE KNOWN TO THE INSURED AT
 - (A) THE TIME OF THE ADVANCE, OR
 - (B) THE TIME A MODIFICATION IS MADE TO THE TERMS OF THE INSURED MORTGAGE WHICH CHANGES THE RATE OF INTEREST CHARGED. IF THE RATE OF INTEREST IS GREATER AS A RESULT OF THE MODIFICATION THAN IT WOULD HAVE BEEN BEFORE THE MODIFICATION, THIS EXCLUSION DOES NOT LIMIT THE COVERAGE PROVIDED IN COVERED RISK 8
- 9 THE FAILURE OF THE RESIDENTIAL STRUCTURE, OR ANY PORTION THEREOF TO HAVE BEEN CONSTRUCTED BEFORE, ON OR AFTER DATE OF POLICY IN ACCORDANCE WITH APPLICABLE BUILDING CODES. THIS EXCLUSION DOES NOT APPLY TO VIOLATIONS OF BUILDING CODES IF NOTICE OF THE VIOLATION APPEARS IN THE PUBLIC RECORDS AT DATE OF POLICY

VESTING DEED

4



20050609-0003120

APN: 140-29-801-001 140-29-801-004
Affix R.P.T.T. \$9,180.00

WHEN RECORDED MAIL TO and MAIL TAX
STATEMENT TO:

DON TAYLOR
5066 W. 11200 N.
HIGHLAND, UT 84003

Fee: \$17.00 RPTT: \$9,180.00
N/C Fee: \$0.00

06/09/2005 13:12:22
T20050105869

Requestor:
CHICAGO TITLE

Frances Deane LEX
Clark County Recorder Pgs: 4

ESCROW NO: 05009676-081-KRF

GRANT, BARGAIN, SALE DEED

THIS INDENTURE WITNESSETH: That

McKinley Gore LLC, a Nevada limited liability company

in consideration of \$10.00 and other valuable consideration, the receipt of which is hereby acknowledged, do hereby
Grant, Bargain, Sell and Convey to

BONANZA-MARION, LLC, A NEVADA LIMITED LIABILITY COMPANY

all that real property situated in the County of Clark, State of Nevada, bounded and described as follows:
See Exhibit A attached hereto and made a part hereof.

Subject to: 1. Taxes for the current fiscal year, paid current.
2. Conditions, covenants, restrictions, reservations, rights, rights of way and easements now of
record, if any.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise
appertaining.

Witness my/our hand(s) this 2 day of June 2005.

SELLERS:

McKinley Gore LLC, a Nevada limited liability
company

By: [Signature]

Name: ROBERT L. GORE

Title: MR

By: [Signature]

Name: John M. Kinley

Title: MGR

ESCROW NO: 05009676-081-KRF

STATE OF NEVADA)

) ss.

COUNTY OF Clark

On this 2nd day of June, 2005
appeared before me, a Notary Public,
Robert L. Gore

AS MANAGING MEMBER PF MCKINLEY GORE, LLC
personally known or proven to me to be the person(s)
whose name(s) is/are subscribed to the above
instrument, who acknowledged that he/she/they
executed the instrument for the purposes therein
contained

Rachelle Papon
Notary Public

My commission expires: July 23, 2008



STATE OF NEVADA)

) ss.

COUNTY OF Clark

On this 2nd day of June, 2005
appeared before me, a Notary Public,
Kevin McKinley

AS MANAGING MEMBER OF MCKINLEY GORE, LLC
personally known or proven to me to be the person(s)
whose name(s) is/are subscribed to the above
instrument, who acknowledged that he/she/they
executed the instrument for the purposes therein
contained.

Rachelle Papon
Notary Public

My commission expires: July 23, 2008



Exhibit A

That portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 20 South, Range 62 East, M.D.M., City of Las Vegas, Clark County, Nevada described as follows:

BEGINNING at the Southwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence North along the West line thereof, a distance of 1346.39 feet to the Northwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence East along the North line thereof to a West line of Sunland Village, as recorded in the Office of the Clark County, Nevada Recorder on File in Book 16 of Plats, Page 21;

Thence South 00°36'41" East along said West line, a distance of 224.34 feet;

Thence North 87°12'13" East, a distance of 121.77 feet;

Thence South 0°33'43" West, a distance of 897.56 feet;

Thence North 87°11'30" East, a distance of 152.78 feet to the East line of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence South along said East line to the Southeast Corner of Southeast Quarter (SE ¼);

Thence West along the South line of said Section 29 to the TRUE POINT OF BEGINNING.

Excepting Therefrom a strip of land 150 feet in width, lying 75 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said section 29;

Thence South 1°13'50" West along the along the West line of said Southeast Quarter (SE ¼), 96.92 feet to the TRUE POINT OF BEGINNING of the herein described centerline:

Thence South 28°47'28" East, 1396.58 feet to a point on the South line of said Southeast Quarter (SE ¼), said point bears North 87°57'07" East 699.89 feet from the South Quarter corner of said Section 29, said point also being the point of termination. The side lines of said strip of land are to be lengthened or shortened as to begin on the North line and the West line and to terminate on the South line, of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29.

Further Excepting Therefrom those portions conveyed for road purposes by Deeds recorded September 3, 1954 in Book 20 as Document No. 19378, June 24, 1955 in Book 59 as Document No. 50172, May 11, 1964 in Book 537 as Document No. 432173, June 3, 1974 in Book 431 as Document No. 390442, January 20, 1995 in Book 950120 as Document No. 01869, all of Official Records, Clark County, Nevada.

**State of Nevada
Declaration of Value**

1. Assessor's Parcel Number(s)

a) 140-29-801-001

b) 140-29-801-004

c)

d)

2. Type of Property:

- a) ☒ Vacant Land b) ☐ Single Fam. Resi
c) ☐ Condo/Twnhse d) ☐ 2-4 Plex
e) ☐ Apt. Bldg. f) ☐ Comm'l/Ind'l
g) ☐ Agricultural h) ☐ Mobile Home
i) ☐ Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Documentation/Instrument #: _____

Book: _____ Page: _____

Date of Recording: _____

Notes: _____

3. Total Value/Sales Price of Property:

\$1,800,000.00

Deed in Lieu of Foreclosure Only (value of property): ()

Transfer Tax Value: **\$1,800,000.00**

Real Property Transfer Tax Due: **\$9,180.00**

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090, Section: _____

b. Explain Reason for Exemption: _____

5. Partial Interest: Percentage being transferred: ____%

The undersigned declares and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, the parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature [Signature]

Capacity SELLER

Signature [Signature]

Capacity MGP

SELLER (GRANTOR) INFORMATION

(REQUIRED)

Print Name: ROBERT GORE

Address: 50 SOUTH JONES, #101

City: LAS VEGAS

State: NV Zip: 89107

BUYER (GRANTEE) INFORMATION

(REQUIRED)

Print Name: DON TAYLOR

Address: 5066 W. 11200 N.

City: HIGHLAND

State: NV Zip: 84003

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Chicago Title
Address: 3980 Howard Hughes Parkway
City/State/Zip: Las Vegas, NV 89109

Escrow #: 05009676-081

AN ADDITIONAL RECORDING FEE OF \$1.00 WILL APPLY FOR EACH DECLARATION OF VALUE FORM PRESENTED TO CLARK COUNTY, EFFECTIVE JUNE 1, 2004.

3120

State of Nevada

Declaration of Value

1. Assessor Parcel Number(s)

- a) 140-29-801-007, 140-29-801-004
 b) _____
 c) _____
 d) _____

2. Type of Property:

- X a) Vacant Land ☐ b) Sgl. Fam. Residence
☐ c) Condo/Twnhse ☐ d) 2-4 Plex
☐ e) Apt. Bldg. ☐ f) Comm'l/Ind'l
☐ g) Agricultural ☐ h) Mobile Home
☐ i) Other _____

FOR RECORDER'S OPTIONAL USE ONLY

Document/Instrument #: _____
 Book: _____ Page: _____
 Date of Recording: _____
 Notes: _____

3. Total Value/Sales Price of Property

\$825,000.00

Deed in Lieu of Foreclosure Only (value of property) _____

Transfer Tax Value:

\$825,000.00

Real Property Transfer Tax Due

\$4,207.50

4. If Exemption Claimed:

a. Transfer Tax Exemption, per NRS 375.090,
 Section: _____

b. Explain Reason for
 Exemption: _____

5. Partial Interest: Percentage being transferred: 100 %

The undersigned declare(s) and acknowledges, under penalty of perjury, pursuant to NRS 375.060 and NRS 375.110, that the information provided is correct to the best of their information and belief, and can be supported by documentation if called upon to substantiate the information provided herein. Furthermore, parties agree that disallowance of any claimed exemption, or other determination of additional tax due, may result in a penalty of 10% of the tax due plus interest at 1% per month. Pursuant to NRS 375.030, the Buyer and Seller shall be jointly and severally liable for any additional amount owed.

Signature: _____ Capacity: GRANTOR/SELLER

Signature: _____ Capacity: GRANTEE/BUYER

SELLER (GRANTOR) INFORMATION
 (REQUIRED)

BUYER (GRANTEE) INFORMATION
 (REQUIRED)

Print Name: Nellis Land Company, a Nevada
general partnership

Print Name: Mckinley Gore LLC, a Nevada
limited liability company

Address: 2122 Century Park Ln

Address: 505 S. Jones

City/State/Zip: LA, CA 90067

City/State/Zip: LV NV 89107

COMPANY/PERSON REQUESTING RECORDING (required if not seller or buyer)

Print Name: Nevada Title Company

Esc. #: 04-10-0627-KR

Address: 2500 N Buffalo, Suite 150

City: Las Vegas

State: NV

Zip: 89128

(AS A PUBLIC RECORD THIS FORM MAY BE RECORDED/MICROFILMED)

3119

Exception No. 3

941202.00742

0/
1-2/1

City of Las Vegas, Nevada
Special Improvement District No. 441
(Bonanza Road)

FIRST ASSESSMENT APPORTIONMENT REPORT
(November 2, 1994)

RETURN TO:

City of Las Vegas
Special Improvement District
400 E. Stewart
Las Vegas, Nevada 89101

941202.00742

FIRST ASSESSMENT APPORTIONMENT
REPORT BY A.P.N.

A. The assessment that has heretofore been levied against that certain parcel of property that is identified by the Clark County, Nevada, County Assessor's parcel number as Parcel 060-250-004 in the original amount of \$15,526.81, of which the amount of \$3,105.37 remains unpaid, is hereby apportioned among the lots and parcels into which said parcel has been divided as follows:

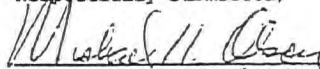
APN	UNIT NO.	%	PER UNIT ASSESSMENT	PER PARCEL ASSESSMENT
060-250-006	1	100	\$ 1,163.97	
	2	100	836.70	
	3	100	1,104.70	
TOTAL ASSESSMENT				\$ 3,105.37

Legal Description:

Part of the southwest 1/4 southeast 1/4 Section 29, Township 20 South, Range 62 East, M.D.M., in the City of Las Vegas, County of Clark, State of Nevada, being further described in that certain instrument recorded in the office of the County Recorder in Book 0731 as Instrument Number 0690266 recorded April 25, 1977.

DATED This 2nd day of November, 1994.

Respectfully submitted,


MICHAEL K. OLSON, City Treasurer

THE CURRENT PAYMENT STATUS OF ANY OF THE FOREGOING ASSESSMENTS MAY BE OBTAINED FROM THE OFFICE OF THE COUNTY TREASURER OF CLARK COUNTY, NEVADA.

CLARK COUNTY, NEVADA
JOAN L. SWIFT, RECORDER
RECORDED AT REQUEST OF:

LAS VEGAS CITY

12-02-94 10:10 DB1 2
OFFICIAL RECORDS
BOOK: 941202 INST: 00742
FEE: .00 APT: .00

Filed and Recorded at Request of Nevada Title & Abstract Co. Feb 8-1929 At 13 min. past 9 A. M. In Book 18 of Deeds Pages 512 and 543, Clark County, Nevada, Records.
E.L. S.R. Whitehead, Recorder.

30277

APPLICATION NO. 14273

PATENT NO. 10893
THE STATE OF NEVADA

80 ACRES

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:
WHEREAS, ELIZABETH A. WATERMAN of LOS ANGELES County, CALIFORNIA, has deposited with the REGISTER OF THE STATE LAND OFFICE at Carson City the STATE TREASURER'S RECEIPT, whereby it appears that full payment has been made by the said ELIZABETH A. WATERMAN, according to the provisions of an Act of the Legislature approved March 12, 1885, entitled "An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada," and the Acts amendatory thereof and supplementary thereto, for the East Half of South East quarter of Section Twenty-five (25), Township Twenty (20) South, Range Sixty (60) East, Mount Diablo Base and Meridian, containing Eighty acres, according to the Official Plat of the survey of the Public Lands, as made by the United States Surveyor-General for the District of Nevada, which said tract has been purchased by the said Elizabeth A. Waterman.

THEREFORE, KNOW YE, That the State of Nevada, in consideration of the premises, and in conformity with the Act of the Legislature in such cases made and provided, has given and granted, and by these presents does give and grant unto the said Elizabeth A. Waterman and to her heirs, the said tract above described, to have and to hold the same, together with all rights, privileges, immunities and appurtenances of whatever nature thereunto belonging, unto the said Elizabeth A. Waterman and to her heirs and assigns, forever; provided, that all mines of gold, silver, copper, lead, cinnabar, and other valuable minerals which may exist in the said tract are hereby expressly reserved, except gas, coal, oil and oil shales (Chap. 172, Stats. 1921).

IN TESTIMONY WHEREOF, I, F. B. BALZAR, Governor of the State of Nevada, have caused these letters to be made patent, and the Great Seal of State to be hereto affixed. Given under my hand at Carson City, the 5th day of February, 1929.

F. B. Balzar GOVERNOR OF NEVADA

(Great Seal of the State of Nevada.)

BY THE GOVERNOR: W. G. Greathouse
SECRETARY OF STATET. A. LOTZ
State Land Register

LAND PATENT No. 10893 80 Acres ISSUED TO ELIZABETH A. WATERMAN Office of SECRETARY OF STATE CARSON CITY, NEVADA February 5th, 1929. Recorded in Volume 19 At page 303
W. G. Greathouse
Secretary of State.

BY Deputy.

Filed and Recorded at Request of Nevada Title & Abstract Co. Feb 8-1929 At 57 min. past 11 A. M. In Book 18 of Deeds Page 543, Clark County, Nevada, Records.
EL S.R. Whitehead, Recorder.

30278

APPLICATION NO. 12369

PATENT NO. 10092
THE STATE OF NEVADA

640 Acres

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:
WHEREAS, C. L. RONNOW of CLARK County, NEVADA has deposited with the REGISTER OF THE STATE LAND OFFICE at Carson City the STATE TREASURER'S RECEIPT, whereby it appears that full payment has been made by James Kirby according to the provisions of an Act of the Legislature approved March 12, 1885, entitled "An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada," and the Acts amendatory thereof and supplementary thereto, and in obedience to an Order of the District Court of the Tenth Judicial District of the State of Nevada, in and for the County of Clark, made on the 28th day of May, 1926, in the matter of the application of C. L. Ronnow for an order directing patent to issue to him (C. L. Ronnow), the successor in interest of James Kirby, to State Land Contract No. 7629, under Application No. 12369, for all of Section Twenty-nine (29), Township Twenty (20) South, Range Sixty-two (62) East, Mount Diablo Base and Meridian, containing Six Hundred Forty acres, according to the Official Plat of the survey of the Public Lands, as made by the United States Surveyor-General for the District of Nevada, which said tract has been purchased by said James Kirby.

THEREFORE, KNOW YE, That the State of Nevada, in consideration of the premises, and in conformity with the Act of the Legislature in such cases made and provided, has given and granted, and by these presents does give and grant unto the said C. L. Ronnow and to his heirs, ~~and to his successors~~, the said tract above described, to have and to hold the same, together with all rights, privileges, immunities and appurtenances of whatever nature thereunto belonging, unto the said C. L. Ronnow and to ~~his~~ ~~successors~~ heirs and assigns forever; provided, that all mines of gold, silver, copper, lead, cinnabar, and other valuable minerals which may exist in the said tract are hereby expressly reserved, except gas, coal, oil and oil shales (Chap. 172, Stats. 1921).

IN TESTIMONY WHEREOF, I, F. B. BALZAR, Governor of the State of Nevada, have caused these letters to be made patent, and the Great Seal of State to be hereto affixed. Given under my hand at Carson City, the 5th day of February, 1929.

F. B. Balzar
GOVERNOR OF NEVADABY THE GOVERNOR: W. G. GREATHOUSE
SECRETARY OF STATE
T. A. LOTZ

LAND PATENT No. 10022 340 Acres Issued to C.L. RICHMOND Office of SECRETARY OF STATE Carson City, Nevada February 5th, 1929 Recorded in Volume 19 At page 392

W. C. Greenhouse
Secretary of State

By Deputy
Filed and Recorded at Request of Nevada Title & Abstract Co. Feb 8-1929 at 58 min. past 11 A. M. In Book 13 of Deeds Pages 543 and 544, Clark County, Nevada, Records.

E.L.

S.R. Whitelund, Recorder.

30279

#254

THIS INDENTURE made this 29th day of January in the year of our Lord one thousand nine hundred and twenty-nine between Phillips and Greenhouse Realty and Construction Corporation, a corporation duly organized and existing under and by virtue of the laws of the State of California, and having its principal place of business at Los Angeles, in the County of Los Angeles, State of California, party of the first part, and SENN BERTLSEN party of the second part:

WITNESSETH That the said party of the first part for and in consideration of the sum of THREE HUNDRED FORTY-SEVEN AND 50/100 DOLLARS (\$347.50), Gold Coin of the United States of America, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, conveyed and confirmed, and by these Presents does grant, bargain, sell and convey unto the said party of the second part and to her heirs, successors and assigns forever, the following described lot or parcel of land situated in Clark County, Nevada, to-wit:

All of Lots 5, 6, 7, 8, 9, 10, 11, 12, 13 & 14 Block 30 of that certain subdivision known as VEGAS VIEW TRACT as the same is shown upon the official records in the office of the County Recorder of Clark County, Nevada, in Book 1 Page 55.

Together with the appurtenances, and an easement to enforce in a court of equity all or any of the restrictions enumerated in the several subdivisions of paragraph numbered two, hereinafter set forth, by other buyers or owners of other lots in said tract referred thereto.

TO HAVE AND TO HOLD the said property, appurtenances and easements unto the said party of the second part, his heirs, successors and assigns forever; provided, however, that this conveyance is expressly made and accepted subject to the following liens, encumbrances and conditions, to-wit:

1. All taxes and assessments and installments thereof made or due or hereafter coming due.

2. Subject to the following restrictions, to-wit:

a. The seller hereby reserves a right of way over and upon said land for laying, repairing, operating, maintaining and renewing any pipe line or lines for water, gas or sewerage, and conduits or poles for electric or telephone wires.

b. That no part of said premises shall, at any time, be used or occupied by any person not of the Caucasian race, except while serving, for hire, as a servant of some person of the Caucasian race; nor shall any noxious or offensive factory or business be operated or carried on upon said premises, or be used for any purpose contrary to law.

c. Said buyer further agrees that as soon as he shall erect a building on said premises which shall be used as a human habitation, to make and maintain suitable and proper provision for disposal of all sewage in accordance with any laws, rules or regulations made or required by the Health or Sanitary Officer or Board having jurisdiction over said property.

d. The reservations and restrictions above set forth in Clauses a, and c, are hereby declared to be both covenants and conditions and shall remain in force and be binding upon the party hereto, her heirs, executors, administrators, successors in interest and assigns until January 1, 1950, and shall be said are covenants running with the land. Said restrictions are and each of them is created for the benefit of a larger tract or land of which said lots are a part known and described as being a part of VEGAS VIEW TRACT. Upon a breach of any of the foregoing conditions, said premises shall revert to the party of the first part, its successors and assigns, and said party of the first part shall have the right of immediate re-entry upon said premises without payment of any of the purchase price which shall be deemed forfeited to party of the first part as liquidated damages.

All of the restrictions, limitations and covenants the grantee by the acceptance of this conveyance covenants and agrees for herself, and her heirs or assigns to observe and perform. But it is expressly understood and agreed that the party of the first part, its successors or assigns, shall, in no event, be liable or responsible for the enforcement of any of such restrictions.

And the said party of the first part will forever warrant and defend the title to the property herein conveyed against the lawful claims of all persons whatsoever except as hereinbefore mentioned.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be executed by its secretary thereunto duly authorized, and its corporate seal to be hereunto affixed, the day and year first above written.

PHILLIPS AND GREENHOUSE REALTY AND CONSTRUCTION CORPORATION.

W. Grimshaw Secretary.

(Corporate Seal)

STATE OF CALIFORNIA,)
County of Los Angeles,) ss.

On this 29th day of January, in the year one thousand nine hundred and twenty-nine, before me, JEANNETTE MONAHAN a Notary Public in and for the County of Los Angeles, State of California, personally appeared H. GRIMSHAW known to me to be the SECRETARY of the corporation described in and that executed the within instrument, and also known to me to be the person who executed it on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of Los Angeles, the day and year in this certificate first above written.

Jeannette Monahan
Notary Public in and for the County of Los Angeles, State of California.

My Commission Expires Nov. 4, 1929

(Notarial Seal)

PAGE 544

INDEXED

REQ. 60-420
BOOK 476

383971

RIGHT OF WAY GRANT

In (We) MURRAY DUBOEF and ALBERT BARA

for One Dollar and other valuable consideration, do hereby grant and convey to NEVADA POWER CO., its successors and assigns, the perpetual right to construct, to operate, to add to, to maintain, and to finally remove a line or lines consisting of poles, guys, conductors, wires, cables, and other fixtures and apparatus, or any thereof, for the transmission and distribution of electricity, telephone and/or other communication circuits, upon, over, under, and across the parcel(s) of land hereinafter described and the right of ingress and egress to and over said parcel(s); together with permission to cut and to trim brush and trees, as deemed necessary, to insure the safe and proper operation of said line or lines.

The above referred to parcel of land, situated in the City of Las Vegas, County of Clark, State of Nevada, is that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 20 South, Range 62 East, M.D.M., Nevada, described as follows:

A STRIP OF LAND 12.00 FEET IN WIDTH BEING 6.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING at the Southwest (SW) corner of Lot 1, Block 4 of SUNLAND VILLAGE, a subdivision, the plat of which is recorded in Book 4, Page 91 of Plats, Book 70 of Official Records as Document No. 58740, Clark County, Nevada, records; thence South 87°11'20" West to a point on the West line of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29.

SAVING and EXCEPTING therefrom the South 6.00 feet of that parcel particularly described as follows:

Commencing at the Southwest (SW) corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29; thence North 87°11'20" East a distance of 30.00 feet to a point; thence North 00°27'05" East a distance of 224.66 feet to the POINT OF BEGINNING; thence continuing North 00°27'05" East a distance of 363.00 feet to a point; thence North 87°11'20" East a distance of 300.00 feet to a point; thence South 00°27'05" West a distance of 363.00 feet to a point; thence South 87°11'20" West a distance of 300.00 feet to the point of beginning.

AND: RECORDER HAS TO
CLERK'S DEPARTMENT
NEVADA POWER CO
200 S. LAS VEGAS, NEV.

The Grantors, hereby, the right to begin, to plant, to maintain and to add to said line or lines for their own purpose so long as such use is consistent with and does not interfere with the rights herein granted.

WITNESS my hand and seal this _____ day of _____, 19____.

STATE OF NEVADA
COUNTY OF CLARK

On this _____ day of _____, 19____, I, _____, a Notary Public in and for the State of Nevada, and for said Grant and State, do hereby certify that the foregoing instrument, which I have read and explained to the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.



Robert Benton
Notary Public

NO. 383971
RECORDED AT THE REQUEST OF
Nevada Power Co.

SEP 15 8 54 AM '53

OFFICIAL RECORDS BOOK NO. 476
CLARK COUNTY, NEVADA
PAUL E. MOHR, REC'DER
FEE \$2.50 PER PAGE

RIGHT OF WAY GRANT

BOARD OF TRUSTEES OF THE CLARK COUNTY SCHOOL DISTRICT

for One Dollar and other valuable consideration, do hereby grant and convey to NEVADA POWER CO., its successors and assigns, the perpetual right to construct, to operate, to add to, to maintain, and to finally remove a line or lines consisting of poles, guys, anchors, wires, cables, and other fixtures and apparatus, or any thereof, for the transmission and distribution of electricity, telephone and/or other communication circuits, upon, over, under, and across the parcel(s) of land hereinafter described and the right of ingress and egress to and over said parcel(s), together with permission to cut and to trim brush and trees as deemed necessary, to insure the safe and proper operation of said line or lines.

The above referred to parcel of land, situate in the City of Las Vegas, County of Clark, State of Nevada, is that portion of the Southwest Quarter (SW $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section 29, Township 20 South, Range 62 East, M.D.M., Nevada, described as follows:

The South 6.00 feet of the following described parcel:

Commencing at the Southwest (SW $\frac{1}{4}$) corner of the Southeast Quarter (SE $\frac{1}{4}$) of said Section 29; thence North 87°11'20" East a distance of 30.00 feet to a point; thence North 00°27'05" East a distance of 224.68 feet to the POINT OF BEGINNING; thence continuing North 00°27'05" East a distance of 363.00 feet to a point; thence North 87°11'20" East a distance of 300.00 feet to a point; thence South 00°27'05" West a distance of 363.00 feet to a point; thence South 87°11'20" West a distance of 300.00 feet to the point of beginning.

WHEN RECORDED MAIL TO
RIGHT OF WAY DEPARTMENT
NEVADA POWER CO
BOX 128 - LAS VEGAS, NEV.

SEAL
AFFIXED

Page 515

The Grantor(s) retains the right to fence, plant, maintain and so use said parcels for their own purposes so long as such use is consistent with and does not interfere with the rights herein granted.

WITNESS the Corporate Seal and seal of the State of Nevada, this 10th day of October, 1963.

STATE OF NEVADA
COUNTY OF CLARK

On this 10th day of October, 1963, persons appeared before me, a Notary Public in and for said County and State, Chester I. Sewell and Helen C. Cannon, known to me to be the President and Clerk of the Corporation that executed the foregoing instrument, and upon oath did each depose that he is the officer of said Corporation as above designated; that he is acquainted with the seal of the Corporation and that the seal affixed to said instrument is the corporate seal of said Corporation; that the signatures to said instrument were made by officers of said Corporation as indicated after said signatures; that the said Corporation executed said instrument freely and voluntarily, and for the uses and purposes therein mentioned.

BOARD OF TRUSTEES OF THE
CLARK COUNTY SCHOOL DISTRICT

Chester I. Sewell
Helen C. Cannon

395126

RECORDED AT THE REQUEST OF

Nevada Power Co.

Nov 7 1 45 PM '63

OFFICIAL RECORDS BOOK NO. 490
CLARK COUNTY, NEVADA
PAGE 1028, RECORDED
FEE \$2.00

SEAL
AFFIXED

My Commission expires December 28, 1964. REF. J-1

APN: 140-29-801-004

Exception No. 7

20040615-0002954

Fee: \$15.00
06/15/2004 12:51:59 120040039544
Reg LAS VEGAS CITY
Frances Deane
Clark County Recorder Pgs 2



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Case #13426
April 28, 2004
Certified/Regular Mail
Return Receipt Requested

Nellis Land Company
2122 Century Park Lane, #4-411
Los Angeles, CA 90067-3304



ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at the **northeast corner of Bonanza/Marion, Las Vegas, NV, Parcel #140-29-801-004**, that you are in violation of Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to assess and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

You are hereby ordered to correct the nuisance Per 9.04 Refuse/Waste: Remove all litter and debris.

Per 9.04 Weeds/Turf: Trim, cut, and remove all dry/high vegetation.

Post: No trespassing (per NRS 207.200), no dumping (per NRS 444.630), no vehicles (per CLVMC 10.78.020 & 11.24.020) sign on-site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within ten (10) days of posting of this notice.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #17 by telephone at 229-5104 to supply your current phone number, e-mail address, fax number, or additional mailing address.

MAYOR OSCAR B. GOODMAN
CITY COUNCIL GARY REESE (MAYOR PRO-TEM) • LARRY BROWN
LAWRENCE WEEKLY • MICHAEL MACK • JANET MONCRIEF
CITY MANAGER: DOUGLAS A. SELBY

RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101

18261-031-2-04 VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9100 • www.ci.las-vegas.nv.us

Case #13426
Page 2

Upon correction of this violation(s), the responsible party being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

Exception No. 8

20050609-0003121

APN: 140-29-801-001 140-29-801-004

WHEN RECORDED MAIL TO:
MCKINLEY GORE, LLC
50 SOUTH JONES, #101
LAS VEGAS, NV 89107

Fee: \$16.00
N/C Fee: \$0.00

06/09/2005 13:12:22
T20050105869

Requestor:
CHICAGO TITLE

Frances Deane LEX
Clark County Recorder Pgs: 3

ESCROW NO: 05009676-081-KRF

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

THIS DEED OF TRUST, made this June 3, 2005 between Bonanza-Marion, LLC, a Nevada limited liability company, herein called TRUSTOR, whose address is: 15066 West 11200 North Highland, UT 84003 and McKinley Gore LLC, a Nevada limited liability company, herein called BENEFICIARY, whose address is 50 South Jones, #101 Las Vegas, NV 89107, and CHICAGO TITLE AGENCY OF NEVADA, INC., A NEVADA CORPORATION herein called TRUSTEE,

WITNESSETH: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Clark County, Nevada described as:

See Exhibit A attached hereto and made a part hereof.

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragraph (10) of the provisions incorporated herein by reference to collect and apply such rents, issues and profits.

FOR THE PURPOSE OF SECURING: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of \$800,000.00 executed by Trustor in favor of Beneficiary or order. 3. Payment of such additional sums as may hereafter be borrowed from beneficiary by the then record owner of said property, when evidenced by another promissory note (or notes) reciting it is so secured.

TO PROTECT THE SECURITY OF THIS DEED OF TRUST, TRUSTOR AGREES: By the execution and delivery of the Deed of Trust and the Note secured hereby, that provisions (1) to (16) inclusive of the Deed of Trust recorded in the Book and at the Page, or Document No. of Official records in the Office of the County Recorder of the County where said property is located, noted below opposite the name of such county, viz:

COUNTY	DOC #	BOOK	PAGE	COUNTY	DOC #	BOOK	PAGE	COUNTY	DOC #	BOOK	PAGE
Clark	413967	514		Humboldt	116966	3	83	Nye	47157	67	163
Churchill	104132	34 mtgs	591	Lander	41172	3	758	Ormsby	72637	19	102
Douglas	24496	22	415	Lincoln	41292	0 mtgs	467	Pershing	57488	28	58
Elko	14831	43	343	Washoe	407205	734	221	Storey	28573	R mtgs	112
Esmeralda	26291	3H deeds	138-141	Lyon	55488	31 mtgs	449	White Pine	28124	261	341-344
Eureka	39602	3	263	Mineral	78848	10 mtgs	534-537				

ESCROW NO: 05009676-081-KRF

(which provisions, identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.

The undersigned Trustor request that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address herein before set forth.

STATE OF)
COUNTY OF)ss
)

Bonanza-Marion, LLC, a Nevada limited liability company

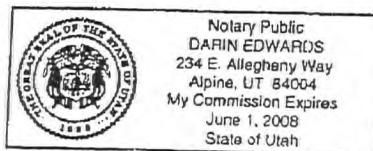
On June 6, 2005
personally appeared before me, a Notary Public,
DON G. TAYLOR AS MANAGING MEMBER
OF BONANZA-MARION, LLC

By: Don G. Taylor
Don G Taylor, Managing Member

personally known or proven to me to be the person(s)
whose name(s) is/are subscribed to the above instrument
who acknowledged that he/she/they executed this instrument
for the purposes therein contained

Darin Edwards
Notary Public

My commission expires: 6/1/08



ESCROW NO: 05009676-081-KRF

Exhibit A

That portion of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 29, Township 20 South, Range 62 East, M.D.M., City of Las Vegas, Clark County, Nevada described as follows:

BEGINNING at the Southwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence North along the West line thereof, a distance of 1346.39 feet to the Northwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence East along the North line thereof to a West line of Sunland Village, as recorded in the Office of the Clark County, Nevada Recorder on File in Book 16 of Plats, Page 21;

Thence South 00°36'41" East along said West line, a distance of 224.34 feet;

Thence North 87°12'13" East, a distance of 121.77 feet;

Thence South 0°31'43" West, a distance of 897.56 feet;

Thence North 87°11'30" East, a distance of 152.78 feet to the East line of the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29;

Thence South along said East line to the Southeast Corner of Southeast Quarter (SE ¼);

Thence West along the South line of said Section 29 to the TRUE POINT OF BEGINNING.

Excepting Therefrom a strip of land 150 feet in width, lying 75 feet on each side of the following described centerline:

COMMENCING at the Northwest corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said section 29;

Thence South 1°13'50" West along the along the West line of said Southeast Quarter (SE ¼), 96.92 feet to the TRUE POINT OF BEGINNING of the herein described centerline:

Thence South 28°47'28" East, 1396.58 feet to a point on the South line of said Southeast Quarter (SE ¼), said point bears North 87°57'07" East 699.89 feet from the South Quarter corner of said Section 29, said point also being the point of termination. The side lines of said strip of land are to be lengthened or shortened as to begin on the North line and the West line and to terminate on the South line, of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 29.

Further Excepting Therefrom those portions conveyed for road purposes by Deeds recorded September 3, 1954 in Book 20 as Document No. 19378, June 24, 1955 in Book 59 as Document No. 50172, May 11, 1964 in Book 537 as Document No. 432173, June 3, 1974 in Book 431 as Document No. 390442, January 20, 1995 in Book 950120 as Document No. 01869, all of Official Records, Clark County, Nevada.

Exception No. 9

2

20051011-0002457



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

APN: 140-29-801-004

September 29, 2005

CASE #33945
Certified/Regular Mail
Return Receipt Requested

Bonanza-Marion, LLC
% D. Taylor
5066 West 11200 North
Highland, UT 84003-8825

Fee: \$15.00
N/C Fee: \$0.00

10/11/2005 10:47:23
T20050186522

Requestor:
LAS VEGAS CITY

Frances Deane LEX
Clark County Recorder Pgs: 2

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at Vacant Lot at Bonanza Road & Marion Drive, Las Vegas, NV, Parcel #140-29-801-004, that you are in violation of Las Vegas Municipal Code, Chapter 9, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

Per Title 9.04 - Refuse & Waste: Remove all accumulated litter, trash, and refuse from the vacant lot.

Per Title 9.04 - Weeds/Turf: Remove all overgrown, dead, dry, vegetation from the vacant lot. Maintain the vacant lot on a regular basis.

Post "No Trespassing" (per NRS 207.200), "No Dumping" (per NRS 444.630), and "No Vehicles" (per CLVMC 10.78.020 & 11.24.020) signs on-site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within ten (10) days of posting of this notice.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • LAWRENCE WEEKLY • STEVE WOLFSON
LOIS TARKANIAN • STEVEN D. ROSS
CITY MANAGER DOUGLAS A. SELBY

RETURN TO:

18201-031-05-05 CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.lasvegasnevada.gov



CASE #33945

Vacant Lot at Bonanza Road & Marion Drive

September 29, 2005

Page 2

Upon correction of this violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #28, George Cleveland, by telephone at (702) 229-5031 or 303-3089, to supply your current phone number, e-mail address, fax number, or additional mailing address.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:ks

Attachment

(2)

20051011-0002458



NEIGHBORHOOD SERVICES DEPARTMENT
DIRECTOR
ORLANDO SANCHEZ

NOTICE AND ORDER

Fee: \$15.00
N/C Fee: \$0.00

10/11/2005 10:47:23
T20050186522

Requestor:
LAS VEGAS CITY

Frances Deane LEX
Clark County Recorder Pgs. 2

APN: 140-29-801-001

September 29, 2005

CASE #34163
Certified/Regular Mail
Return Receipt Requested

Bonanza-Marion, LLC
% D. Taylor
5066 West 11200 North
Highland, UT 84003-8825

NUISANCE NOTICE AND ORDER TO COMPLY

You are hereby notified as owner(s) of the property located at Vacant Lot at Bonanza Road & Marion Drive, Las Vegas, NV, Parcel #140-29-801-001, that you are in violation of Las Vegas Municipal Code, Chapter 9, dealing with nuisances.

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

You are hereby ordered to correct the nuisance by the eleventh day after the day of mailing, servicing or posting of the Notice and Order by hand. If you do not correct the violation within that time, the City may issue a misdemeanor citation for violation for each and every day the violation exists, with a penalty of up to Five Hundred (\$500.00) Dollars or fine of up to six (6) months in jail or both for each violation, or the City may direct a licensed contractor to remove the nuisance described below, or both. Be advised, the contractor will collect all debris at this location and will not separate those items, which you may consider useful or valuable. If you wish to salvage any items, please have them removed.

Per Title 9.04 - Refuse & Waste: Remove all accumulated litter, trash, and refuse from the vacant lot.

Per Title 9.04 - Weeds/Turf: Remove all overgrown, dead, dry, vegetation from the vacant lot. Maintain the vacant lot on a regular basis.

Post "No Trespassing" (per NRS 207.200), "No Dumping" (per NRS 444.630), and "No Vehicles" (per CLVMC 10.78.020 & 11.24.020) signs on-site to deter illegal activity and prevent future violations. All trespassers, squatters, and anyone unable to prove occupancy must vacate premises within ten (10) days of posting of this notice.

LAS VEGAS CITY COUNCIL
MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE • LARRY BROWN • LAWRENCE WEEKLY • STEVE WOLFSON
LOIS TARKANIAN • STEVEN D. ROSS
CITY MANAGER DOUGLAS A. SELBY

18207-031-06-05
RETURN TO: CITY OF LAS VEGAS • 400 STEWART AVENUE • LAS VEGAS, NEVADA 89101
VOICE 702.229.2330 • FAX 702.382.3045 • TTY 702.386.9108 • www.lasvegasnevada.gov

CASE #34163
Vacant Lot at Bonanza Road & Marion Drive
September 29, 2005
Page 2

Upon correction of this violation(s), the responsible party; being resident, tenant, owner, or manager, licensee or other person having control over a structure or parcel of land, must maintain the property in compliance or face possible fees, fines, and any such enforcement as permitted by this code.

Responsible party must provide contact information to this department. Contact the area Code Enforcement Officer #28, George Cleveland, by telephone at (702) 229-5031 or 303-3089, to supply your current phone number, e-mail address, fax number, or additional mailing address.

As the property owner(s), you will be responsible for all costs incurred to correct this condition. A 15% percent administrative fee shall be added to the costs of the contract price. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, a Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,



Devin Smith, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS:ks

Attachment

ATTACHMENT G
Non-Revocable Deed Restriction

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

(See Document Attached)

A.P.N. 140-29-801-001

RECORDING REQUESTED BY:

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

WHEN RECORDED MAIL TO:

Nevada Division of State Lands
Question 1 Program
901 S. Stewart St., Suite 5003
Carson City, Nevada 89701

NONREVOCABLE AGREEMENT TO RESTRICT PROPERTY

This NONREVOCABLE AGREEMENT TO RESTRICT PROPERTY ("Agreement") is made and entered by and between City of Las Vegas, a municipal corporation of the State of Nevada ("City"), and the State of Nevada ("State"). City and State are sometimes hereinafter referred to collectively as the "Parties."

Recitals

WHEREAS, City is the owner of that certain real property located in the vicinity of Marion Drive and Harris Avenue, Las Vegas, Nevada, APN 140-29-801-001, in Clark County, Nevada, described on "Exhibit A" attached hereto and incorporated herein by this reference.

WHEREAS, This deed restriction is given to insure that the Property is maintained and used in a manner consistent with the regulations adopted by the State for the Conservation and Resource Protection Grant Program, hereinafter referred to as "Question 1 Program." Regulatory authority is provided by Subsection 1-35, Section 2 of Assembly Bill No. 9 of the 17th Special Session of the Nevada Legislature, Chapter 6, Statutes of Nevada 2001. The referenced regulations require the Nevada Division of State Lands, (hereinafter "State Lands," an agency of the State), when entering into a Funding Agreement, to include permanent nonrevocable deed restrictions and appropriate reversionary clauses to ensure that at all times the land is maintained in a manner consistent with the purpose of the Question 1 Program.

WHEREAS, City has entered into a State Lands Question 1 Program Funding Agreement which provides funding to implement the project entitled the "Las Vegas Wash Fee Title Acquisition " and which has been assigned Q1 Project ID No. CI-UP-06008.

WHEREAS, State Lands has authority to award grants of money from the sale of general obligation bonds to state agencies, counties, municipalities or private nonprofit organizations, including the City, to acquire land and water or interests in land and water for urban parks and greenbelts. Money awarded under this authority must be for the protection and preservation of the property and natural resources of the state, or for the purposes of obtaining the benefits thereof.

Declarations

NOW, THEREFORE, in consideration of the grant funds received and the covenants and agreements contained herein, the Parties hereto agree as follows:

1. Recitals. The foregoing recitals are true and correct.
2. Nonrevocable Restriction of Property. City agrees that the Property (See Exhibit "A" attached hereto) will be used only for Urban Park Purposes and Greenbelt Purposes (the "Permitted Use") and that it will not allow for the Property to be used for any purpose other than the Permitted Use. For purposes of this Agreement, the term "Urban Park Purposes" means a use that provides an opportunity for casual recreational activity and includes, without limitation, any natural area, area of scenic value, area of physical or biological importance, wildlife area, land that provides outdoor community space and land that provides a connection to another public area. For purposes of this agreement, the term "Greenbelt Purposes" means a use that provides an open area of real property that is cultivated or maintained in a natural or semi natural state and used: (i) As a buffer between land uses, (ii) To mark the edge of an urban or developed area, or a natural feature, such as a lake; or (iii) To create a linear corridor for the provision of trails or other amenities.
3. Unauthorized Permitted Uses. If at any time the Property, or any portion of it, is used for some purpose other than the Permitted Use, then Grantee shall promptly take the following action:
 - A. Offer to convey the Property, for no consideration, to the State for the Permitted Use; or, if, said offer is rejected by the State or if the State fails to respond to the offer within ninety (90) days of the date of the offer, then City shall offer to convey the Property, for no consideration, to each reasonably identifiable Nonprofit Conservation Organization active in Clark County, Nevada. For purposes of this Agreement, the term "Nonprofit Conservation Organization" means a nonprofit organization, qualified in the State, that has as one of its primary purposes the acquisition of property for the protection, preservation and/or conservation of land, water, open space and/or the natural communities, resources and wildlife located thereon.
 - B. Any offer made herein by City must be made: (a) by delivering a written offer to the party to whom the offer is being made via certified U.S. Mail or hand delivery, and (b) by providing public notice of the offer, which public notice shall include, without limitation, notice of such offer by publication no less than three (3) times at one-week intervals in a newspaper of general circulation in the County of Clark. Both the written offer and the public notice described herein shall state that in the event multiple parties are interested in accepting the offer and are otherwise qualified to accept the offer, the party to whom the Property will be conveyed will be determined promptly by the City in its sole and absolute discretion. The written offer and public notice shall also include the date by which a qualified party must accept the offer in writing, which date shall be not less than sixty (60) days nor more than ninety (90) days after the date of third publication, and shall identify the representative to whom the written acceptance must be made and the place where such written acceptance must be delivered. The City shall bear all costs for any offer required to be made by it hereunder.

- C. Should an offer described herein be accepted, the City shall, at its sole cost and expense, promptly deliver to the qualified party accepting said offer, a duly executed warranty deed capable of being recorded in order to convey clear title to the Property to said party.
4. Transfer of Property. The property may not be sold or transferred without the prior written consent of the State. In the event the City desires to sell or otherwise transfer the Property, prior to any such sale or transfer of the Property by City, City shall offer to convey the Property, for no consideration, to the entities described in subparagraph 3(B) above, subject to the same terms and conditions, and according to the same procedures, set forth therein. If, after complying with the provisions of subparagraph 3(B), neither the State nor a qualified Nonprofit Conservation Organization has accepted City's offer, City may sell the Property to any other person or entity for fair market value. Upon such sale, City shall promptly transmit to the State proceeds equivalent to the State's proportion of the Grant to the price at acquisition, plus a penalty in the amount of 10% of the price upon sale.
5. Condemnation. Any and all funds received by the City in connection with any portion of the Property taken by right of eminent domain or by condemnation shall be delivered promptly to the State as reimbursement, in whole or part, for the amount of the Grant. If only a portion of the Property is taken by right of eminent domain or by condemnation, and if the City thereafter desires to dispose of that portion of the Property not taken by right of eminent domain or condemnation, the City shall offer to convey the portion of the Property not taken by right of eminent domain or by condemnation, for no consideration, to the entities described in subparagraph 3(B) above, subject to the same terms and conditions, and according to the same procedures, set forth therein. If, after complying with the provisions of the preceding sentence, neither the State nor a qualified Nonprofit Conservation Organization has accepted the City's offer, City may sell said portion of the Property to any other person or entity for fair market value. Upon such sale, City shall promptly transmit to the State proceeds equivalent to the State's proportion of the Grant to the price at acquisition, with credit for proceeds from the eminent domain proceeding as set forth herein, plus a penalty in the amount of 10% of the price upon sale.
6. Enforcement. The rights and interests of the State may be enforced as follows:
- A. Enforcement of the provisions of this Agreement shall be at the discretion of enforcing party. Any forbearance in the enforcement of rights and interest under this Agreement in the event of a violation or infringement, or threatened violation or infringement, of any provision of this Agreement shall not be deemed or construed to be a waiver of such provision or of any subsequent violation or threatened violation of the same or any other provision of this Agreement, and any failure to act shall not be deemed a waiver or forfeiture of the right to enforce the provisions of this Agreement in the future.
- B. In the event of a violation or infringement, or threatened violation or infringement, of any provision of this Agreement, any person may institute a suit to enjoin the violation or infringement and/or to require the restoration to the condition that existed prior to the violation or infringement; in addition, the State and any Nonprofit Conservation Organization enforcing this Agreement may seek damages

to which they may be entitled. The enforcement rights under this subparagraph shall apply equally in the event of either actual or threatened violations of the provisions of this Agreement. The City agrees and acknowledges that the remedies at law for any violation of the provisions of this Agreement are inadequate and that any person enforcing this Agreement shall be entitled to the injunctive relief described in this subparagraph, both prohibitive and mandatory, in addition to such other relief, including damages, to which the enforcing person may be entitled, including specific performance of the provisions of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

7. Recordation. This Agreement shall be recorded in the office of the Clark County Recorder. The covenants, conditions and restrictions contained herein shall run with the land and are binding on the parties, their successors and assigns.
8. Amendments. This Agreement shall not be amended except upon the written agreement of the parties after public notice by publication no less than three (3) times at one-week intervals in a newspaper of general circulation in Clark County.
9. Entire Agreement. This Agreement constitutes the entire agreement of the Parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings and agreements.
10. Further Assurances; Additional Documents. The Parties agree to execute any and all further documents, deeds and other writings, and to undertake any further action necessary to consummate the transactions contemplated herein.
11. Authority. The City and the State, respectively, represent and warrant that, as of the date of this Agreement, each has the full right, power and authority to enter into this Agreement and to consummate the transaction contemplated herein, and that each has duly and properly taken all action required of it, to authorize the execution, delivery and performance by it of this Agreement.
12. Binding Effect. This Agreement is binding upon the representatives, successors, and assigns of the Parties hereto.
13. Captions. The captions and headings of the sections of this Agreement are for convenience of reference only and shall not be construed in interpreting the provisions hereof.
14. Severability. If any term or provision of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect so long as the purpose and intent of this Agreement may be achieved.
15. Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State.
16. Attorneys Fees. In the event of any controversy, claim, or dispute relating to this Agreement or to the violation or infringement thereof, the prevailing party shall be entitled to recover from the losing party reasonable attorneys' fees and costs.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the date first written above.

DATED this _____ day of _____, 2006.

"City"

CITY OF LAS VEGAS

By: _____

Name: Oscar B. Goodman

Its: Mayor

ATTEST:

Barbara Jo Ronemus,
City Clerk

APPROVED AS TO FORM

Thomas R. Green 10/16/06
Thomas R. Green Date
Deputy City Attorney

"State"

STATE OF NEVADA

By: _____

Name: _____

Its: _____

APPROVED as to Form:

GEORGE J. CHANOS

Attorney General

By: George H. Taylor
GEORGE H. TAYLOR
Deputy Attorney General

Date: 8/30/06

APPROVED as to Form:

By: _____

Date: _____

Deputy City Attorney

STATE OF NEVADA)

) SS.

COUNTY OF CLARK)

This instrument was acknowledged before me on the _____ day of _____,
2006, by _____.

NOTARY PUBLIC

Exhibit A

[See One (1) page exhibit attached]

EXHIBIT A

Legal Description of the Real Property

APN: 140-29-801-001

THAT PORTION OF SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.B. & M., CITY OF LAS VEGAS, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA DESCRIBED AS FOLLOWS:

**COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SAID SECTION 29;
THENCE N 00 26' 55" E ALONG THE CENTER LINE OF MARION DRIVE A DISTANCE OF 1316.34 FEET; THENCE N 87 12' 24" E ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 46.53 FEET; THE TRUE POINT OF BEGINNING;
THENCE; N 87 12' 24" E CONTINUE ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 355.76 FEET
THENCE S 0 35' 41" W A DISTANCE OF 194.29 FEET
THENCE N 87 12' 13" E A DISTANCE OF 121.77 FEET
THENCE; S 0 30' 45" W A DISTANCE OF 655.52 FEET
THENCE N 29 34' 38" W ALONG THE EAST RIGHT-OF-WAY OF LAS VEGAS WASH (150' RIGHT-OF-WAY) A DISTANCE OF 950.33 FEET; TO THE TRUE POINT OF BEGINNING;
AREA 4.10 ACRES, MORE OR LESS.**

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the date first written above.

DATED this _____ day of _____, 2006.

"City"

CITY OF LAS VEGAS

By: _____

Name: Oscar B. Goodman

Its: Mayor

APPROVED AS TO FORM

Thomas R. Green 10/16/06
Thomas R. Green Date
Deputy City Attorney

ATTEST:

Barbara Jo Ronemus,
City Clerk

"State"

STATE OF NEVADA

By: _____

Name: _____

Its: _____

APPROVED as to Form:

GEORGE J. CHANOS

Attorney General

By: George H. Taylor
GEORGE H. TAYLOR
Deputy Attorney General

Date: 8/30/06

APPROVED as to Form:

By: _____

Date: _____

Deputy City Attorney

STATE OF NEVADA)
COUNTY OF CLARK) SS.

This instrument was acknowledged before me on the _____ day of _____,
2006, by _____.

NOTARY PUBLIC

ATTACHMENT H
DCNR General Requirements

Project Name: Las Vegas Wash Fee Title Acquisition
Project Number CL-UP-06008

Grantor: Nevada Division of State Lands
Grantee: City of Las Vegas

Regarding the eligibility of in-kind services, materials, and equipment offered by the Recipient to meet its match requirement, as well as other matters necessary to administer funding, the parties mutually agree as follows:

Definitions:

Eligible expenses: Expenses that are directly related to the project.

Cash reimbursement: Direct payment to the recipient in cash for eligible expenses incurred after execution of the funding agreement.

Bond Cash on Hand: Bond proceeds held, as unexpended, by the Grantee during any stage of a covered project.

Terms and Conditions:

1. Grantee will bear the full responsibility of properly administering funds allocated under AB 9. This responsibility includes complete and accurate accounting of all funds, both bond and matching; ensuring expenditures and procurement activities are in compliance with the enabling legislation, Generally Accepted Accounting Principles, and all other applicable laws and regulations.
2. This requirement also applies to the Grantee's contractors and their subcontractors. Prevention of project overruns/shortfalls is the responsibility of the Grantee. The Grantor, its Department of Conservation and Natural Resources, and the AB 9 program administered under this agreement will not be obligated to supplement project funds, beyond the approved project budget, due to cost overruns, shortfalls, unforeseen circumstances, or any other reason.
3. Advances may be requested by the Grantee, but the requested advance amount must be based on realistic expenditure projections and must be liquidated within 90 days from receipt. The Administrator retains discretion to grant advances.
4. Cash reimbursements to the Grantee will be by payment to the Grantee for eligible expenses incurred after execution of the Funding Agreement.

5. Advances and cash reimbursements are subject to the following conditions:

- a) If the Grantee requests an advance, the Outlay Report must be submitted on a quarterly basis until all advance amounts are spent;
- b) Requests for reimbursements may not outpace currently available bond proceeds specifically designated for their project(s);
- c) Requests for reimbursements/advance may not exceed the total amount approved (bond share) for the project(s);
- d) Funds will not be disbursed to any entity for the purpose of simply accruing interest; and
- e) Recipient should not commingle AB 9 expenditures/funds with non-AB 9 related expenditures and must separately account for these expenditures and revenue sources.

The above policies for cash management apply to not only the primary recipient of the bond funds, but also their contractors and subcontractors.

Bond Cash on Hand, Excess Balances:

1. Cash on hand, including amounts received as advances, must be spent within 90 days. The DCNR may require repayment of any unspent advance amount at the end of the 90-day period.
2. The above policies for cash management apply to not only the primary recipient of the bond funds, but also their contractors and subcontractors.

Retention and Record Keeping:

1. Grantee agrees to maintain all records relevant to its AB 9 project for which funds were allocated in accordance with NRS chapter 239; additionally, recipient must keep records at least six (6) years from the end of the state fiscal year (July-June) in which each project was completed.
2. If any litigation concerning the project is begun before the expiration of this six (6) year period, the individual file must be retained for six (6) calendar years from the date of resolution of the litigation; and
3. Before any files are destroyed, the Grantee must contact the Grantor to obtain and verify final disposition instructions. This requirement also applies to the Grantee's contractors and any subcontractors.
4. Examples of records subject to retention provisions are (list is not intended to be all inclusive): all fiscal/accounting records and reports; all drawings, blueprints, renderings, architect and/or engineering reports, financial estimates, fee schedules, site proposals, photos, maps, copies of easements, copies of building permits, copies of inspections, related correspondence; and all procurement activities, including contractors proposals and rates.

Other:

1. The Grantee may be subject to audit and must allow access to applicable AB 9 records, if so directed by the Grantor. If any audit finding reveals that either an overpayment was made, or ineligible costs were incurred (either match or bond proceeds), the overpayment or the ineligible expense must be repaid to the AB 9 Fund, DCNR, Carson City, Nevada.
2. It is the policy of the Board of Examiners and the DCNR to restrict contractors, as well as all other recipients of public funds, to the same (or less) travel rates and procedures allowed State employees. This requirement also applies to the Grantee's contractors and any subcontractors.

Certain disbursements will not be paid unless agreed to in advance. These include:

1. Secretarial or word processing services (normal, temporary, or overtime);
2. Any other staff charges, such as filing, proofreading, regardless of when incurred;
3. Photocopy expenses of more than 15 cents per page;
4. Photocopy expenses in excess of \$2,000.00 for a single job;
5. Computer time.
6. Equipment purchased for the project.

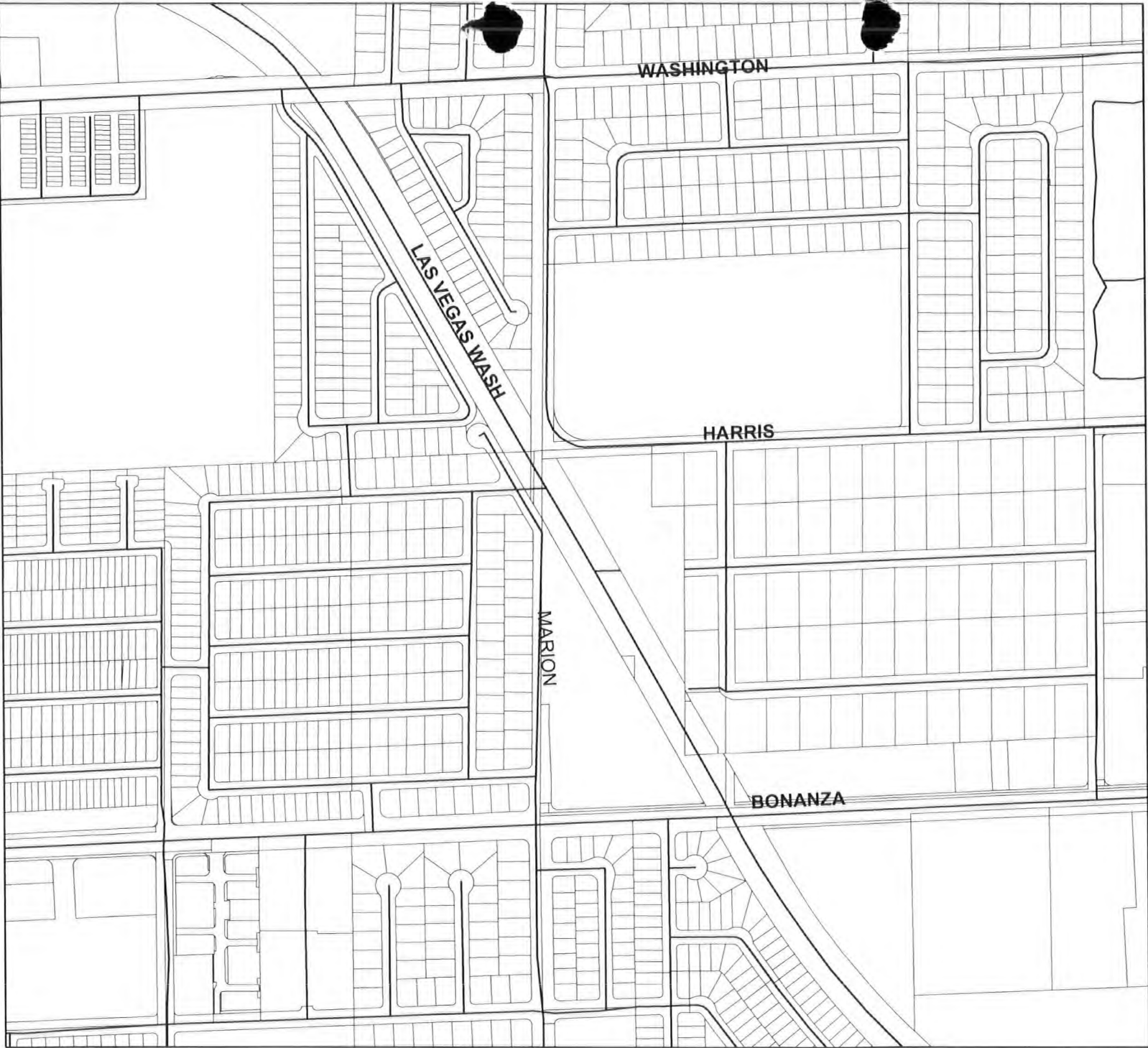
The State will not reimburse expenses for the following:

1. Local telephone expenses or office supply costs;
2. The costs of first-class travel;
3. Indirect and administrative overhead costs such as salaries and benefits in excess of 5 percent of the total project cost, and any undocumented administrative costs.

Site Map

Legend

- APN 104-29-801-001
- Street Centerline
- Parcels



Facilities Management
Real Estate & Utilities



10/17/06

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FIELD OPERATIONS
DIRECTOR: LARRY HAUGSNESS

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of a Nonrevocable Agreement to restrict property between the City of Las Vegas and the State of Nevada for a deed restriction of real property located in the southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)

Fiscal Impact

☒ **No Impact** ☐ **Augmentation Required**
☐ **Budget Funds Available** **Dept./Division:**

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This deed restriction is given to insure that the property is maintained and used in a manner consistent with the regulations adopted by the State for the Conservation and Resource Protection Grant Program, referred to as "Question 1 Program." The City has entered into a State Lands Question 1 Program Funding Agreement which provides funding to implement the project for a future park and trailhead facility.

RECOMMENDATION:

Staff recommends approval

BACKUP DOCUMENTATION:

Nonrevocable Agreement to Restrict Property

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

A.P.N. 140-29-801-001

RECORDING REQUESTED BY:

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

WHEN RECORDED MAIL TO:

Nevada Division of State Lands
Question 1 Program
901 S. Stewart St., Suite 5003
Carson City, Nevada 89701

NONREVOCABLE AGREEMENT TO RESTRICT PROPERTY

This NONREVOCABLE AGREEMENT TO RESTRICT PROPERTY ("Agreement") is made and entered by and between City of Las Vegas, a municipal corporation of the State of Nevada ("City"), and the State of Nevada ("State"). City and State are sometimes hereinafter referred to collectively as the "Parties."

Recitals

WHEREAS, City is the owner of that certain real property located in the vicinity of Marion Drive and Harris Avenue, Las Vegas, Nevada, APN 140-29-801-001, in Clark County, Nevada, described on "Exhibit A" attached hereto and incorporated herein by this reference.

WHEREAS, This deed restriction is given to insure that the Property is maintained and used in a manner consistent with the regulations adopted by the State for the Conservation and Resource Protection Grant Program, hereinafter referred to as "Question 1 Program." Regulatory authority is provided by Subsection 1-35, Section 2 of Assembly Bill No. 9 of the 17th Special Session of the Nevada Legislature, Chapter 6, Statutes of Nevada 2001. The referenced regulations require the Nevada Division of State Lands, (hereinafter "State Lands," an agency of the State), when entering into a Funding Agreement, to include permanent nonrevocable deed restrictions and appropriate reversionary clauses to ensure that at all times the land is maintained in a manner consistent with the purpose of the Question 1 Program.

WHEREAS, City has entered into a State Lands Question 1 Program Funding Agreement which provides funding to implement the project entitled the "Las Vegas Wash Fee Title Acquisition " and which has been assigned Q1 Project ID No. CI-UP-06008.

WHEREAS, State Lands has authority to award grants of money from the sale of general obligation bonds to state agencies, counties, municipalities or private nonprofit organizations, including the City, to acquire land and water or interests in land and water for urban parks and greenbelts. Money awarded under this authority must be for the protection and preservation of the property and natural resources of the state, or for the purposes of obtaining the benefits thereof.

Declarations

NOW, THEREFORE, in consideration of the grant funds received and the covenants and agreements contained herein, the Parties hereto agree as follows:

1. Recitals. The foregoing recitals are true and correct.
2. Nonrevocable Restriction of Property. City agrees that the Property (See Exhibit "A" attached hereto) will be used only for Urban Park Purposes and Greenbelt Purposes (the "Permitted Use") and that it will not allow for the Property to be used for any purpose other than the Permitted Use. For purposes of this Agreement, the term "Urban Park Purposes" means a use that provides an opportunity for casual recreational activity and includes, without limitation, any natural area, area of scenic value, area of physical or biological importance, wildlife area, land that provides outdoor community space and land that provides a connection to another public area. For purposes of this agreement, the term "Greenbelt Purposes" means a use that provides an open area of real property that is cultivated or maintained in a natural or semi natural state and used: (i) As a buffer between land uses, (ii) To mark the edge of an urban or developed area, or a natural feature, such as a lake; or (iii) To create a linear corridor for the provision of trails or other amenities.
3. Unauthorized Permitted Uses. If at any time the Property, or any portion of it, is used for some purpose other than the Permitted Use, then Grantee shall promptly take the following action:
 - A. Offer to convey the Property, for no consideration, to the State for the Permitted Use; or, if, said offer is rejected by the State or if the State fails to respond to the offer within ninety (90) days of the date of the offer, then City shall offer to convey the Property, for no consideration, to each reasonably identifiable Nonprofit Conservation Organization active in Clark County, Nevada. For purposes of this Agreement, the term "Nonprofit Conservation Organization" means a nonprofit organization, qualified in the State, that has as one of its primary purposes the acquisition of property for the protection, preservation and/or conservation of land, water, open space and/or the natural communities, resources and wildlife located thereon.
 - B. Any offer made herein by City must be made: (a) by delivering a written offer to the party to whom the offer is being made via certified U.S. Mail or hand delivery, and (b) by providing public notice of the offer, which public notice shall include, without limitation, notice of such offer by publication no less than three (3) times at one-week intervals in a newspaper of general circulation in the County of Clark. Both the written offer and the public notice described herein shall state that in the event multiple parties are interested in accepting the offer and are otherwise qualified to accept the offer, the party to whom the Property will be conveyed will be determined promptly by the City in its sole and absolute discretion. The written offer and public notice shall also include the date by which a qualified party must accept the offer in writing, which date shall be not less than sixty (60) days nor more than ninety (90) days after the date of third publication, and shall identify the representative to whom the written acceptance must be made and the place where such written acceptance must be delivered. The City shall bear all costs for any offer required to be made by it hereunder.

- C. Should an offer described herein be accepted, the City shall, at its sole cost and expense, promptly deliver to the qualified party accepting said offer, a duly executed warranty deed capable of being recorded in order to convey clear title to the Property to said party.
4. Transfer of Property. The property may not be sold or transferred without the prior written consent of the State. In the event the City desires to sell or otherwise transfer the Property, prior to any such sale or transfer of the Property by City, City shall offer to convey the Property, for no consideration, to the entities described in subparagraph 3(B) above, subject to the same terms and conditions, and according to the same procedures, set forth therein. If, after complying with the provisions of subparagraph 3(B), neither the State nor a qualified Nonprofit Conservation Organization has accepted City's offer, City may sell the Property to any other person or entity for fair market value. Upon such sale, City shall promptly transmit to the State proceeds equivalent to the State's proportion of the Grant to the price at acquisition, plus a penalty in the amount of 10% of the price upon sale.
5. Condemnation. Any and all funds received by the City in connection with any portion of the Property taken by right of eminent domain or by condemnation shall be delivered promptly to the State as reimbursement, in whole or part, for the amount of the Grant. If only a portion of the Property is taken by right of eminent domain or by condemnation, and if the City thereafter desires to dispose of that portion of the Property not taken by right of eminent domain or condemnation, the City shall offer to convey the portion of the Property not taken by right of eminent domain or by condemnation, for no consideration, to the entities described in subparagraph 3(B) above, subject to the same terms and conditions, and according to the same procedures, set forth therein. If, after complying with the provisions of the preceding sentence, neither the State nor a qualified Nonprofit Conservation Organization has accepted the City's offer, City may sell said portion of the Property to any other person or entity for fair market value. Upon such sale, City shall promptly transmit to the State proceeds equivalent to the State's proportion of the Grant to the price at acquisition, with credit for proceeds from the eminent domain proceeding as set forth herein, plus a penalty in the amount of 10% of the price upon sale.
6. Enforcement. The rights and interests of the State may be enforced as follows:
- A. Enforcement of the provisions of this Agreement shall be at the discretion of enforcing party. Any forbearance in the enforcement of rights and interest under this Agreement in the event of a violation or infringement, or threatened violation or infringement, of any provision of this Agreement shall not be deemed or construed to be a waiver of such provision or of any subsequent violation or threatened violation of the same or any other provision of this Agreement, and any failure to act shall not be deemed a waiver or forfeiture of the right to enforce the provisions of this Agreement in the future.
- B. In the event of a violation or infringement, or threatened violation or infringement, of any provision of this Agreement, any person may institute a suit to enjoin the violation or infringement and/or to require the restoration to the condition that existed prior to the violation or infringement; in addition, the State and any Nonprofit Conservation Organization enforcing this Agreement may seek damages

to which they may be entitled. The enforcement rights under this subparagraph shall apply equally in the event of either actual or threatened violations of the provisions of this Agreement. The City agrees and acknowledges that the remedies at law for any violation of the provisions of this Agreement are inadequate and that any person enforcing this Agreement shall be entitled to the injunctive relief described in this subparagraph, both prohibitive and mandatory, in addition to such other relief, including damages, to which the enforcing person may be entitled, including specific performance of the provisions of this Agreement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

7. Recordation. This Agreement shall be recorded in the office of the Clark County Recorder. The covenants, conditions and restrictions contained herein shall run with the land and are binding on the parties, their successors and assigns.
8. Amendments. This Agreement shall not be amended except upon the written agreement of the parties after public notice by publication no less than three (3) times at one-week intervals in a newspaper of general circulation in Clark County.
9. Entire Agreement. This Agreement constitutes the entire agreement of the Parties with respect to the specific matters contained herein and supersedes all previous discussions, understandings and agreements.
10. Further Assurances; Additional Documents. The Parties agree to execute any and all further documents, deeds and other writings, and to undertake any further action necessary to consummate the transactions contemplated herein.
11. Authority. The City and the State, respectively, represent and warrant that, as of the date of this Agreement, each has the full right, power and authority to enter into this Agreement and to consummate the transaction contemplated herein, and that each has duly and properly taken all action required of it, to authorize the execution, delivery and performance by it of this Agreement.
12. Binding Effect. This Agreement is binding upon the representatives, successors, and assigns of the Parties hereto.
13. Captions. The captions and headings of the sections of this Agreement are for convenience of reference only and shall not be construed in interpreting the provisions hereof.
14. Severability. If any term or provision of this Agreement is deemed unenforceable by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect so long as the purpose and intent of this Agreement may be achieved.
15. Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State.
16. Attorneys Fees. In the event of any controversy, claim, or dispute relating to this Agreement or to the violation or infringement thereof, the prevailing party shall be entitled to recover from the losing party reasonable attorneys' fees and costs.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the date first written above.

DATED this _____ day of _____, 2006.

"City"

CITY OF LAS VEGAS

By: _____

Name: Oscar B. Goodman

Its: Mayor

APPROVED AS TO FORM

Thomas R. Green 10/16/06
Thomas R. Green Date
Deputy City Attorney

ATTEST:

Barbara Jo Ronemus,
City Clerk

"State"

STATE OF NEVADA

By: _____

Name: _____

Its: _____

APPROVED as to Form:

GEORGE J. CHANOS
Attorney General

By: George H. Taylor
GEORGE H. TAYLOR
Deputy Attorney General

Date: 8/30/06

APPROVED as to Form:

By: _____

Date: _____

Deputy City Attorney

STATE OF NEVADA)
) SS.
COUNTY OF CLARK)

This instrument was acknowledged before me on the _____ day of _____,
2006, by _____.

NOTARY PUBLIC

EXHIBIT A

Legal Description of the Real Property

APN: 140-29-801-001

THAT PORTION OF SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION 29, TOWNSHIP 20 SOUTH, RANGE 62 EAST, M.D.B. & M., CITY OF LAS VEGAS, IN THE OFFICE OF THE THE COUNTY RECORDER OF CLARK COUNTY, NEVADA DESCRIBED AS FOLLOWS:

**COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE SAID SECTION 29;
THENCE N 00 28' 55" E ALONG THE CENTER LINE OF MARION DRIVE A DISTANCE OF 1316.34 FEET; THENCE N 87 12' 24" E ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 46.53 FEET; THE TRUE POINT OF BEGINNING;
THENCE; N 87 12' 24" E CONTINUE ALONG THE SOUTH RIGHT-OF-WAY OF HARRIS AVENUE A DISTANCE OF 355.76 FEET
THENCE S 0 35' 41" W A DISTANCE OF 194.29 FEET
THENCE N 87 12' 13" E A DISTANCE OF 121.77 FEET
THENCE; S 0 30' 45" W A DISTANCE OF 655.52 FEET
THENCE N 29 34' 38" W ALONG THE EAST RIGHT-OF-WAY OF LAS VEGAS WASH (150' RIGHT-OF-WAY) A DISTANCE OF 950.33 FEET; TO THE TRUE POINT OF BEGINNING;
AREA 4.10 ACRES, MORE OR LESS.**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$55,839,729.83

Funding Source: All Funds

Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:

In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:

None

BACKUP DOCUMENTATION:

Summary of Cash Expenditures for the period 10/1/06 - 10/16/06

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

City of Las Vegas

Summary of Cash Expenditures

For period of 10/1-10/16/06

Total Services & Materials Checks :	\$8,534,347.57
Total Services & Materials EFT Payments :	\$729,131.20
Total Wire Transfers:	\$39,854,430.66
Total Payroll Checks:	\$6,721,820.40

Grand Total:	\$55,839,729.83
--------------	-----------------

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

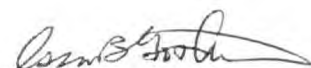


Mark R. Vincent
Director of Finance



Barbara Ronemus
City Clerk

On NOVEMBER 1, 2006, the City Council approved the above cash expenditures.



Oscar B. Goodman
Mayor

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of a Special Event License for Beauty Bar Salon, Location: 517 Fremont Street, Dates: November 3, 22, December 1, 2, 30, 31, 2006, Type: Special Event General, Event: Music and Dancing Live Arts, Responsible Person in Charge: Scott Infantolino - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Approval of a Special Event License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ Consent ☐ Discussion

SUBJECT:

Approval of a Special Event License for Mr. D's Sportsbar & Grill, Location: Outside Parking Lot, 1810 South Rainbow Boulevard, Dates: November 4 - 5, 2006, Type: Special Event General, Event: Dallas Cowboy Parking Lot Party, Responsible Person in Charge: Dennis Haecke - Ward 1 (Tarkanian)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Approval of a Special Event License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Change of Location for a Wholesale General License, Johnson Brothers of Nevada, Inc., dba Johnson Brothers of Nevada, From: 4409 McGuire Street, To: 4701 Mitchell Street, Scott Belsaas, Pres, Michael Johnson, VP, Secy, 50% and Todd Johnson, VP, Treas, 50% - North Las Vegas

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Approval of Change of Location for a Wholesale General License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Change of Business Name, Change of Location and Change of Ownership for a Package License and a new Restricted Gaming License for 10 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Myers Market 2, 22 East Oakey Boulevard, Ralph E. Myers, 100%, To: Acosta Enterprises, Inc., dba Rincon Latino #3, 3700 East Charleston Boulevard, Suites C & D, Leonardo A. Garcia, Dir, Pres, Treas, 50% and Graciela Garcia, Dir, Secy, 50% - Ward 3 (Reese)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Approval of Change of Business Name, Change of Location, and Change of Owner for a Package License and a new Restricted Gaming License for 10 slots.

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations.

BACKUP DOCUMENTATION:

Map

Motion made by GARY REESE to Approve and amending to strike the gaming portion of the license

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

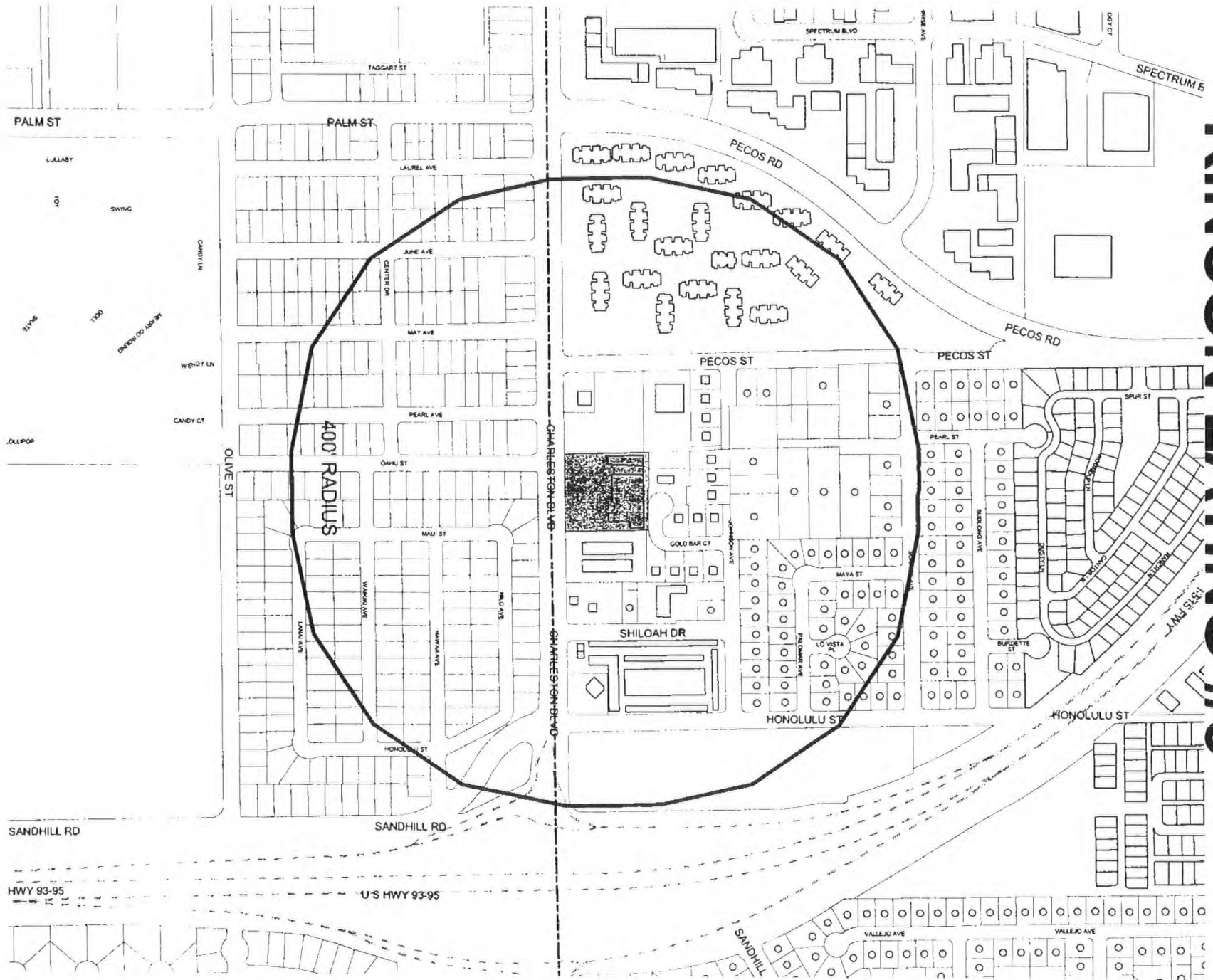
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JIM DiFIORE, Manager of Business License Services, requested that a portion of the subject that reads "a new restricted Gaming License for 10 slots" be stricken as the gaming action is still being considered by the Gaming Control Board.

RINCON LATINO #3

0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES**DIRECTOR: MARK R. VINCENT**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of award of Bid No. 06.1730.25-LED (Revised), City of Las Vegas (CLV) Intelligence Transportation System (ITS) Infrastructure, Corridor 5 Craig Road - US 95 to Decatur Blvd. and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: ACME ELECTRIC (\$1,448,565 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)

Fiscal Impact☐**No Impact**☐**Augmentation Required**☒**Budget Funds Available****Amount:** \$1,448,565**Funding Source:** Road and Flood CPF**Dept./Division:** Public Works**PURPOSE/BACKGROUND:**

The ITS Communication Infrastructure work generally involves the installation and construction of Automatic Traffic Recovery (ATR) Station, loop detectors and fiber optic communications along Craig Road from Tenaya Way to Decatur Boulevard. The improvements primarily consist of equipment installation on new foundations, fiber optic conduit at various locations, installation of fiber optic communication cable in new and existing conduit, associated equipment to convert existing traffic signal controllers to digital technology and all associated work. All work is to be coordinated with the City of North Las Vegas Arterial Incident and Event Management System (AIEMS) Project under construction concurrent with this work.

PCC: L.E. Davis

POC: Brady Stevens - (702) 876-1116

RECOMMENDATION:

That City Council approve the award of Bid No. 06.1730.25-LED (Revised), City of Las Vegas (CLV) Intelligence Transportation System (ITS) Infrastructure, Corridor 5 Craig Road - US 95 to Decatur Blvd to Acme Electric in the amount of \$1,448,565 and approve the construction conflicts and contingency reserve of \$101,400. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

Bid Abstract

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

BID ABSTRACT
City of Las Vegas Infrastructure, Corridor 5 Craig Road-US 95 to Decatur Blvd.
06.1730.25-LED (Revised)

ITEM NO.	DESCRIPTION	QTY	UNIT OF MEASURE	ACME Electric		Mastec North America, Inc.	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
200.01	Mobilization and Demobilization	LS	1	84,000.00	\$ 84,000.00	84,000.00	\$ 84,000.00
202.01	Remove Existing #3.5 Pullbox and Replace with P-30	EA	5	2,050.00	\$ 10,250.00	2,050.00	\$ 10,250.00
202.02	Remove Existing #5 Pullbox and Replace with P-30	EA	20	2,910.00	\$ 58,200.00	2,910.00	\$ 58,200.00
202.03	Remove Existing #7 Pullbox and Replace with P-30	EA	2	2,910.00	\$ 5,820.00	2,910.00	\$ 5,820.00
202.04	Remove Existing #3.5 Pullbox and Replace with Type 200 Splice Vault	EA	1	7,110.00	\$ 7,110.00	7,110.00	\$ 7,110.00
202.05	Remove Existing #5 Pullbox and Replace with Type 200 Splice Vault	EA	2	6,965.00	\$ 13,930.00	6,965.00	\$ 13,930.00
202.06	Remove Existing #7 Pullbox and Replace with Type 200 Splice Vault	EA	2	6,965.00	\$ 13,930.00	6,965.00	\$ 13,930.00
202.07	Remove and Replace Damaged 2" Conduit	LF	1100	265.00	\$ 291,500.00	265.00	\$ 291,500.00
613.01	Remove and Replace Sidewalk	SF	100	38.35	\$ 3,835.00	38.35	\$ 3,835.00
613.02	Remove and Replace Commercial Driveway	SF	500	20.70	\$ 10,350.00	20.70	\$ 10,350.00
613.03	Remove and Replace Type L Curb and Gutter	LF	100	63.00	\$ 6,300.00	63.00	\$ 6,300.00
613.04	Detectable Tactile Warning Strips	EA	2	1,900.00	\$ 3,800.00	1,900.00	\$ 3,800.00
613.05	Type L Curb and Gutter	LF	100	63.00	\$ 6,300.00	63.00	\$ 6,300.00
623.01	Install 3" Conduit in Longitudinal Trench under Existing Pavement	LF	1000	257.00	\$ 257,000.00	257.00	\$ 257,000.00
623.02	Install 4" Conduit in Longitudinal Trench under Existing Pavement	LF	150	653.00	\$ 97,950.00	653.00	\$ 97,950.00
623.03	Install 4" Conduit in Transverse Trench under Existing Pavement	LF	396	1,218.00	\$ 482,328.00	1,218.00	\$ 482,328.00
623.04	Install 2" Conduit under Existing Sidewalk	LF	24	535.00	\$ 12,840.00	535.00	\$ 12,840.00
623.05	Install 3" Conduit under Existing Sidewalk	LF	200	144.00	\$ 28,800.00	144.00	\$ 28,800.00
623.06	Install ATR	LS	1	24,900.00	\$ 24,900.00	24,900.00	\$ 24,900.00
623.07	Install 170E Controller w/software	EA	1	9,900.00	\$ 9,900.00	9,900.00	\$ 9,900.00
623.08	Install Circular Induction Loops Detector	EA	12	770.00	\$ 9,240.00	770.00	\$ 9,240.00
623.09	Install 2-Channel Detector Card	EA	6	855.00	\$ 5,130.00	855.00	\$ 5,130.00
623.10	Install Loop Lead-in Cable	LF	100	4.00	\$ 400.00	4.00	\$ 400.00
623.11	Install 125 AMP Service Pedestal	EA	1	7,900.00	\$ 7,900.00	7,900.00	\$ 7,900.00
623.12	Install #7 Pullbox	EA	1	3,850.00	\$ 3,850.00	3,850.00	\$ 3,850.00
623.13	Install P-30 Pullbox	EA	6	3,940.00	\$ 23,640.00	3,940.00	\$ 23,640.00
623.14	Install Type 200 Splice Vault	EA	3	7,830.00	\$ 23,490.00	7,830.00	\$ 23,490.00
623.15	Install (2) #1/O and (1) #1/O THW Conductors	EA	200	18.35	\$ 3,670.00	18.35	\$ 3,670.00
624.01	Traffic Control and Maintenance	LS	1	81,000.00	\$ 81,000.00	81,000.00	\$ 81,000.00
637.01	Dust Control	LS	1	9,000.00	\$ 9,000.00	9,000.00	\$ 9,000.00
680.01	Install City Supplied 72 Strand Fiber Optics in Existing 2" Conduit	LF	10800	1.90	\$ 20,520.00	1.90	\$ 20,520.00
680.02	Install City Supplied 72 Strand Fiber Optics in Existing 4" Conduit	LF	300	1.90	\$ 570.00	1.90	\$ 570.00
680.03	Install City Supplied 72 Strand Fiber Optics and Bare #8 in New 3" Conduit	LF	1000	1.90	\$ 1,900.00	1.90	\$ 1,900.00
680.04	Install City Supplied 72 Strand Fiber Optics and Bare #8 in New 4" Conduit	LF	420	1.90	\$ 798.00	1.90	\$ 798.00
680.05	Coil City Supplied 72 Strand Fiber Optic Cable in P-30 Pullbox	LF	2160	0.30	\$ 648.00	0.30	\$ 648.00
680.06	Coil City Supplied 72 Strand Fiber Optic Cable in Type 200 Splice Vault	LF	1080	0.30	\$ 324.00	0.30	\$ 324.00
682.01	Install Underground Splice Closure	EA	8	5,200.00	\$ 41,600.00	5,200.00	\$ 41,600.00
682.02	Install GP2G012FR-15 Gator Patch Drop Cable	EA	5	2,100.00	\$ 10,500.00	2,100.00	\$ 10,500.00
682.03	Install GP2G012FR-60 Gator Patch Drop Cable	EA	3	2,550.00	\$ 7,650.00	2,550.00	\$ 7,650.00
TOTAL BID AMOUNT:					\$ 1,680,873.00		

City of Las Vegas Infrastructure, Corridor 5 Craig Road-US 95 to Decatur Blvd.
06.1730.25-LED (Revised)

REV 01/05

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES**DIRECTOR: MARK R. VINCENT**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of rejection of bid and award of Bid No. 06.1730.05-LED, Sahara Avenue Phase IV Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: INSITUFORM TECHNOLOGIES, INC. (\$4,273,700 - Sanitation Enterprise Fund) - Ward 3 (Reese)

Fiscal Impact☐**No Impact**☐**Augmentation Required**☒**Budget Funds Available****Amount:** \$4,273,700**Funding Source:** Sanitation Enterprise Fund**Dept./Division:** Public Works**PURPOSE/BACKGROUND:**

This project provides for sewer rehabilitation and consists of rehabilitation of 45", 48" and 51" diameter concrete sanitary sewer pipe using cured in place trenchless lining technology, removal and replacement of existing sewer pipes and related work. Work will be accomplished on Sahara Avenue from Arden Street to Nellis Blvd, Nellis Blvd from Sahara Avenue to Vegas Valley Drive and east to Stephanie Street. The bid submitted by Spiniello Companies is deemed non-responsible and is being recommended to rejection. According to the State Contractors Board in order to perform this project a General Contractor must have an "A" or "A15" contractor's license. Spiniello Companies has an "A19A" contractor's license which is unacceptable for this project and is therefore deemed non-responsible.

PCC: L.E. Davis

POC: H. Douglas Thomas - (636) 530-8000

RECOMMENDATION:

That City Council reject the bid submitted by Spiniello Companies and approve the award of Bid No. 06.1730.05-LED, Sahara Avenue Phase IV Sanitary Sewer Rehabilitation to Insituform Technologies, Inc. in the amount of \$4,273,700 and approve the construction conflicts and contingency reserve of \$299,159. Authority to execute the Contract is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

Bid Abstract

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

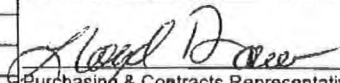


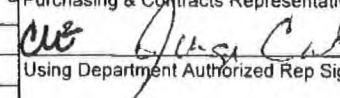
BID ABSTRACT
BID NO. 06.1730.05-LED
SA. AVENUE PHASE IV SANITARY SEWER REHABILITATION

ITEM NO.	DESCRIPTION	QTY	UNIT OF MEASURE	Spinifello Companies		Insituform Technologies, Inc.		Michele Corporation		Wesco Infrastructure		Kenny Construction Company	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
200.01	Mobilization and Demobilization	1	LS	\$612,038.00	\$612,038.00			\$316,000.00	\$316,000.00	\$200,000.00	\$200,000.00	\$250,000.00	\$250,000.00
402.01	Plantmix Bituminous Surface	450	TON	\$100.00	\$45,000.00			\$289.00	\$130,050.00	\$275.00	\$123,750.00	\$274.00	\$123,300.00
622.01	Construction Surveying	1	LS	\$50,000.00	\$50,000.00			\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00	\$10,000.00	\$10,000.00
624.01	Traffic Control and Maintenance	1	LS	\$50,000.00	\$50,000.00			\$162,600.00	\$162,600.00	\$140,000.00	\$140,000.00	\$86,000.00	\$86,000.00
625.01	Portable Changeable Message Sign	270	DAY	\$50.00	\$13,600.00			\$70.00	\$18,900.00	\$60.00	\$16,200.00	\$140.00	\$37,800.00
625.02	Arrow Displays	270	DAY	\$20.00	\$5,400.00			\$27.00	\$7,290.00	\$40.00	\$10,800.00	\$40.00	\$10,800.00
630.01	72-Inch Sanitary Sewer Manhole	19	EA	\$25,000.00	\$475,000.00			\$35,650.00	\$677,350.00	\$33,700.00	\$640,300.00	\$34,000.00	\$646,000.00
630.02	Construct 45' Reinforced Concrete Pipe - Class III	157	LF	\$750.00	\$117,750.00			\$900.00	\$141,300.00	\$850.00	\$133,450.00	\$860.00	\$135,020.00
630.03	Construct 51' Reinforced Concrete Pipe - Class III	12	LF	\$1,500.00	\$18,000.00			\$2,850.00	\$34,200.00	\$2,700.00	\$32,400.00	\$2,800.00	\$33,600.00
630.04	Remove Existing Manhole	9	EA	\$5,000.00	\$45,000.00			\$9,300.00	\$83,700.00	\$8,800.00	\$79,200.00	\$9,000.00	\$81,000.00
637.01	Dust Control	1	LS	\$50,000.00	\$50,000.00			\$500.00	\$500.00	\$2,500.00	\$2,500.00	\$19,000.00	\$19,000.00
637.02	NDEP Discharge Permit	1	LS	\$5,000.00	\$5,000.00			\$500.00	\$500.00	\$3,000.00	\$3,000.00	\$8,500.00	\$8,500.00
638.01	Cured-In-Place Pipe Lining (45-Inch)	2,440	LF	\$215.00	\$524,600.00			\$231.00	\$563,640.00	\$210.00	\$512,400.00	\$310.00	\$756,400.00
638.02	Cured-In-Place Pipe Lining (48-Inch)	2,562	LF	\$125.00	\$320,250.00			\$225.00	\$576,450.00	\$225.00	\$576,450.00	\$320.00	\$819,840.00
638.03	Cured-In-Place Pipe Lining (51-Inch)	5,400	LF	\$170.00	\$918,000.00			\$235.00	\$1,269,000.00	\$359.00	\$1,938,600.00	\$340.00	\$1,836,000.00
638.04	Cured-In-Place Pipe Lining (60-inch)	96	LF	\$200.00	\$19,200.00			\$435.00	\$41,760.00	\$1,605.00	\$154,080.00	\$980.00	\$94,080.00
642.01	Diversion and Bypassing of Sewage Flow	1	LS	\$50,000.00	\$50,000.00			\$196,320.00	\$196,320.00	\$200,000.00	\$200,000.00	\$470,000.00	\$470,000.00
644.01	Junction Box Rehabilitation	2	EA	\$10,000.00	\$20,000.00			\$29,600.00	\$59,200.00	\$11,750.00	\$23,500.00	\$11,000.00	\$22,000.00
644.02	Manhole Rehabilitation	19	EA	\$5,000.00	\$95,000.00			\$6,875.00	\$130,625.00	\$4,100.00	\$77,900.00	\$4,000.00	\$76,000.00
645.01	CCTV Inspection and Cleaning	1	LS	\$75,000.00	\$75,000.00			\$65,500.00	\$65,500.00	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
671.01	Coordination and Support for Relocation of Gas Lines	1	LS	\$2,500.00	\$2,500.00			\$9,100.00	\$9,100.00	\$8,600.00	\$8,600.00	\$9,000.00	\$9,000.00
Total Base Bid Amount					\$3,511,238.00				\$4,485,485.00		\$4,975,630.00		\$5,624,340.00
Engineer's Estimate \$3,966,910.00													
Responsive Bidder				No			Yes		Yes				
Responsible Bidder				No			Yes		Yes				

TO: Jorge Cervantes Please review and approve award to Insituform Technologies, Inc.

prior to 10-16-06 for Council award on November 1, 2006.


Purchasing & Contracts Representative


Using Department Authorized Rep Signature

10/13/06
Date

10/15/06
Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of award of Modification No. 1 to Contract No. 050542-DD, for Professional Engineering Services related to the design of the Tenaya Way Overpass at Summerlin Parkway - Department of Public Works - Award recommended to: HDR ENGINEERING, INC. (\$140,177 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$140,177

Funding Source: Road and Flood CPF

Dept./Division: Public Works

PURPOSE/BACKGROUND:

On February 5, 2003 City Council approved the award of Contract No. 050542-DD to provide engineering design services of the Tenaya Way Overpass at Summerlin Parkway. This modification adds drainage system design improvements at the intersection of Tenaya Way and Washington Avenue, provides details for relocating the Southwest Gas line into the bridge and repackaging the Tenaya Way and construction support services documents. These services are exempt from the competitive bidding process pursuant to NRS 332.115.1(b), Professional Services.

PCC: D. Collins

POC: Craig W. Smart, P.E. - (702) 938-6023

RECOMMENDATION:

That City Council approve the award of Modification No. 1 to Contract No. 050542-DD for Engineering Design Services related to the design of the Tenaya Way Overpass at Summerlin Parkway to HDR Engineering, Inc. in the amount of \$140,177. Authority to execute the Modification is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

DISCLOSURE OF OWNERSHIP/PRINCIPALS

Type of Business: Professional Services, Engineering

☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation ☐ Trust ☐ Other

Business Name: (include d.b.a., if applicable)

HDR Engineering, Inc.

Business Address: 770 E. Warm Springs Road
Suite 360
Las Vegas, NV 89119-4336

Business Telephone: (702) 938-6000

Disclosure of Ownership and Principals:

All non-publicly traded corporate business entities must list the names of individuals holding more than five percent (5%) ownership or financial interest in the business entity appearing before the Board. "Business entities" include all business associations organized under or governed by Title 7 of the Nevada Revised Statutes, including but not limited to private corporations, close corporations, foreign corporations, limited liability companies, partnerships, limited partnerships, and professional corporations. Corporate entities shall list all Corporate Officers and Board of Directors in lieu of disclosing the names of individuals with ownership or financial interest. The disclosure requirement, as applied to land-use transactions, extends to the applicant and the landowner(s).

Full Name

Title

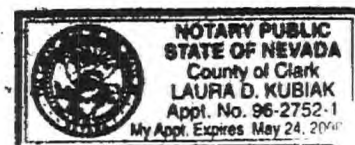
See attached

I certify under penalty of perjury, that all of the information provided herein is current, complete, and accurate. I also understand that the Board will not take action on land-use approvals, contract approvals, land sales, leases or exchanges without the completed disclosure form.

[Signature]
Signature/Capacity

Lolene Terry
Print Name
7/12/06
Date

State of Nevada
County of Clark
This instrument was acknowledged before
me on July 12, 2006 by Lolene Terry.
Laura D. Kubiak



HDR Engineering, Inc.

Directors

Richard R Bell	Director
Gary L Bleeker	Director
James K Haney	Director
George A Little	Director

HDR Engineering, Inc. Officers

Richard R Bell	Chief Executive Officer
George A Little	President, Chief Operating Officer
Henry H Benjes	Executive Vice President
Gary L Bleeker	Executive Vice President
Terence C Cox	Executive Vice President
William M Dowd	Executive Vice President
James K Haney	Executive Vice President
Dennis C Hirschbrunner	Executive Vice President
Eric L Keen	Executive Vice President
Elwin M Larson	Executive Vice President
William H Raleigh	Executive Vice President
Richard J Vensas	Executive Vice President
William H Wadsworth	Executive Vice President
Lee C Arnold	Senior Vice President
David S Backer	Senior Vice President
Leroy E Baker	Senior Vice President
Paul A Bowdoin	Senior Vice President
William W Brinker	Senior Vice President
Jay A Campbell	Senior Vice President
Kenneth L Choffel	Senior Vice President
Timothy J Connolly	Senior Vice President
Paul E Cooke	Senior Vice President
Cindy L Cornelius	Senior Vice President
Daniel D Costello	Senior Vice President
Timothy R Crockett	Senior Vice President
Ricky E Cunningham	Senior Vice President

Jeff L Curren	Senior Vice President
Michael D Dingwell	Senior Vice President
Glenn H Dostal	Senior Vice President
Glen E Ellmers	Senior Vice President
William F Ettlich	Senior Vice President
Brent R Felker	Senior Vice President
Ralph W Gilbert	Senior Vice President
Greg M Goodwin	Senior Vice President
Herbert W Grubb	Senior Vice President
William B Hagood	Senior Vice President
David G Hammond	Senior Vice President
Matthew J Harvey	Senior Vice President
James W Hess	Senior Vice President
Duane A Hippe	Senior Vice President
Rodney C Hoffman	Senior Vice President
Mark D Hunsicker	Senior Vice President
Craig W Jardine	Senior Vice President
W Roger Johnson	Senior Vice President
Donald R Krebs	Senior Vice President
Lawrence A Kyle	Senior Vice President
Bode M A Labode	Senior Vice President
Craig R Lenning	Senior Vice President
Harold E Lewis	Senior Vice President
Larry D Low	Senior Vice President
Peter M McGroddy	Senior Vice President
Joseph D Murdoch	Senior Vice President
Ronald J Owes	Senior Vice President
Melford J Placilla	Senior Vice President
Charles C Plummer	Senior Vice President
Edward H Power	Senior Vice President
Dorothy G Raposa	Senior Vice President
David J Reardon	Senior Vice President
Edward E Reese	Senior Vice President
Laurie L Roden	Senior Vice President
John W Rushing	Senior Vice President
Thomas M Sanders	Senior Vice President
Donald G Sherman	Senior Vice President

Charles T Sinclair	Senior Vice President
Michael J Skelly	Senior Vice President
Kenneth A Smith	Senior Vice President
Thomas P Smithberger	Senior Vice President
Richard W Splete	Senior Vice President
Kirk A Stull	Senior Vice President
Arvid L Thomsen	Senior Vice President
Matthew B Tondl	Senior Vice President
Mary K Wees	Senior Vice President
Bruce R Willey	Senior Vice President
John F Williams	Senior Vice President
Robert B Williams	Senior Vice President
Mark L Wollschlager	Senior Vice President
Robert J Yechout	Senior Vice President
Carmen B Abad-Fitts	Vice President
Karim A Abood	Vice President
Kenneth E Aducci	Vice President
John H Allen	Vice President
David J Anderson	Vice President
Louis V Arrigoni	Vice President
Thomas W Atkins	Vice President
James A Bagwell	Vice President
Kenneth M Barrett	Vice President
Todd A Bartolome	Vice President
Adel A Bassyouni	Vice President
Ralph A Batenhorst	Vice President
Robert R Becker	Vice President
Robert J Beduhn	Vice President
Khalid Bekka	Vice President
William E Bennett	Vice President
Alan L Berg	Vice President
Jeffrey S Berk	Vice President
Daniel W Billman	Vice President
Michelle F Bissonnette	Vice President
James W Booty	Vice President
Lucille H Bowen	Vice President
Charles J Brackett	Vice President

Conrad P Bridges	Vice President
Robert D Brittain	Vice President
James R Brown	Vice President
Dennis W Bruce	Vice President
Teresa L Buchholz	Vice President
David W Buras	Vice President
William D BURGEL	Vice President
Douglas L Butler	Vice President
Ricardo N Calvo	Vice President
Michael E Carleton	Vice President
Donald J Castro	Vice President
James A Cathcart	Vice President
Yu-Jung Chang	Vice President
Gregory S Chiodo	Vice President
David L Clark	Vice President
Matt J Clark	Vice President
Alan S Cohen	Vice President
Robert E Cone	Vice President
David L Connelly	Vice President
Donald F Connors	Vice President
Michael J Conzett	Vice President
C Edwin Copeland	Vice President
Hubert L Cronister	Vice President
Miles L Cross	Vice President
Carl E Crull	Vice President
Phillip S Curry	Vice President
Mark R Dalton	Vice President
Robert J Degiorgio	Vice President
Betty J Dehoney	Vice President
Edward J Delaforest	Vice President
Kevin Delange	Vice President
Paul J Delphos	Vice President
John M Dempsey	Vice President
Michael G Dodson	Vice President
Edward E Donahue	Vice President
David D Dunn	Vice President
Raffaella A Dunne	Vice President

George T Eliason	Vice President
Robert H Ellis	Vice President
Thomas L Englert	Vice President
Jerry M Fay	Vice President
Kenneth P Ferjancic	Vice President
John S Foster	Vice President
Garey W Foyt	Vice President
Lee E Frederiksen	Vice President
Ruth M Fritsch	Vice President
Debra L Frye	Vice President
Robert Gary Fuller	Vice President
James W Garvin	Vice President
Darlene K Gee	Vice President
James R Glaser	Vice President
Charles N Gonderinger	Vice President
Thomas E Gould	Vice President
Daniel J Graber	Vice President
Neil A Graff	Vice President
William Gross	Vice President
Nancy A Gruwell	Vice President
Edith M Hadler	Vice President
Charles A Hales	Vice President
Mark J Hammer	Vice President
Daniel A Harkins	Vice President
Daniel J Harmon	Vice President
Dale A Harrison	Vice President
Kenneth A Hartmann	Vice President
Wade E Hathhorn	Vice President
Steven R Hill	Vice President
Larry V Hoffman	Vice President
Donald R Holcomb	Vice President
Tracy A Hood	Vice President
Steven M House	Vice President
Adrian J Huckabee	Vice President
John B Hyre	Vice President
Marilyn D Jackson	Vice President
Michael T Johnson	Vice President

Martin J Joyce	Vice President
Kelly J Kaatz	Vice President
Robert E Kellner	Vice President
Gregory A Kempf	Vice President
Steven A Keyes	Vice President
Thomas T Kim	Vice President
Robert D King	Vice President
Gregory J Kirmeyer	Vice President
John E Koch	Vice President
Daryl A Kottwitz	Vice President
Louis E Krug	Vice President
Christopher La Tusso	Vice President
John C Lazzara	Vice President
David F LeCureux	Vice President
James W Lee	Vice President
David L Lewis	Vice President
Edward J Liebsch	Vice President
Ricky L Llewellyn	Vice President
Chad A Luedtke	Vice President
William S M'Coy	Vice President
Joyce M Mariani	Vice President
Robert B Martin	Vice President
John M Maxwell	Vice President
Jan P Mazgaj	Vice President
Kent L McWaters	Vice President
David A Meier	Vice President
Daniel C Miller	Vice President
Jack R Miller	Vice President
Prabhat K Mohanty	Vice President
Roger W Moody	Vice President
James A Moore	Vice President
Kerry A Moore	Vice President
Teri J Morgan	Vice President
James P Morrison	Vice President
John H Morton	Vice President
Lewis K Mosteller	Vice President
Werner G Mueller	Vice President

Dale T Muellerleile	Vice President
Dwayne T Muff	Vice President
Michael R Murray	Vice President
Kenneth R Myers	Vice President
Johannes B Neethling	Vice President
Robert R Neff	Vice President
Jason E Neil	Vice President
Richard M Niedergeses	Vice President
Michael V Norton	Vice President
Craig A Olson	Vice President
R Daniel Olson	Vice President
Vivian L Pappel	Vice President
Glenn D Pearson	Vice President
James P Pembroke	Vice President
David A Peters	Vice President
James C Peterson	Vice President
Jay T Pisco	Vice President
Bruce N Poteet	Vice President
Joseph F Puzio	Vice President
John Michael Read	Vice President
Joseph C Readling	Vice President
Gareth T Rees	Vice President
Steve H Reiber	Vice President
Ray E Reissener	Vice President
Robert J Rella	Vice President
Robert C Riede	Vice President
Barry O Rolle	Vice President
David L Roohk	Vice President
Philip E Rossbach	Vice President
Matthew D Ryan	Vice President
Joseph W Schilli	Vice President
Dennis W Schulze	Vice President
William H Sharp	Vice President
James M Sheahan	Vice President
Steven L Shelton	Vice President
Darryl J Shoemaker	Vice President
Richard A Shoemaker	Vice President

Wayne G Short	Vice President
Michael D Siedschlag	Vice President
Jane Ryckman Siegwarth	Vice President
Mark J Sikora	Vice President
Barbara F Sloan	Vice President
Edwin E Smith	Vice President
Ronald J Sova	Vice President
Richard T Sprague	Vice President
Bradford M Stone	Vice President
William S Stoner	Vice President
Craig F Stong	Vice President
Richard G Stratton	Vice President
Guillermo Jose Suero	Vice President
Brian A Swindell	Vice President
David M Taylor	Vice President
Edward M Tenny	Vice President
Lolene J Terry	Vice President
George E Tillett	Vice President
David J Traeger	Vice President
Paul M Tremel	Vice President
Robert D Turton	Vice President
Theunis A van der Veen	Vice President
Samuel K Vaugh	Vice President
George M Waldow	Vice President
Eric A Wessels	Vice President
David G Williams	Vice President
George Eric Williams	Vice President
Stephen C Wilson	Vice President
John N Woelfl	Vice President
Carol Corse Worsham	Vice President
Kenneth J Wright	Vice President
Robert L Wubbena	Vice President
John M Yadlosky	Vice President
James A Yurczyk	Vice President
Louis J Pachman	Secretary
Bonnie J Kudron	Assistant Secretary

Wendy L Lacey

Treasurer

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of revision to Purchase Order No. 219386 for Access Control System for City of Las Vegas located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. (\$1,972,607.65 - Sanitation Enterprise Fund) - County

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$1,972,607.65

Funding Source: Sanitation Enterprise Fund

Dept./Division: Public Works/Environmental

PURPOSE/BACKGROUND:

On November 20, 2002 City Council approved the award of Contract No. 030168 to Diebold, Inc. for maintenance, installation and software for access control systems for the City of Las Vegas. This contract was administered through Purchase Order No. 219386 and has been amended to add services and installation of equipment. This revision to the Purchase Order will add \$1,972,607.65 for the purchase and installation of equipment at the Water Pollution Control Facility located at 6005 East Vegas Valley Drive. Under the terms of the contract "Task Orders" will be issued for this type of work. This purchase is exempt from the competitive bidding process pursuant to NRS 332.115.1(a), Sole Source.

PCC: L.E. Davis

POC: Joseph Rousseau - (949) 233-1397

RECOMMENDATION:

That City Council approve revision to Purchase Order No. 219386 for Access Control System in the amount of \$1,972,607.65 to Diebold, Inc. for a revised total estimated amount of \$2,682,786.01.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Professional Services Agreement No. 06.15341.13 for New Prototype Fire Station #48 at Elkhorn Road and Fort Apache Road - Department of Public Works - Award recommended to: MARTIN AND MARTIN CIVIL ENGINEERS AND SURVEYORS (\$168,350 - Fire Services Capital Projects Fund) - Ward 6 (Ross)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$168,350

Funding Source: Fire Services CPF

Dept./Division: Public Works

PURPOSE/BACKGROUND:

This Agreement provides the civil engineering, mechanical, plumbing, electrical, surveying and geotechnical services associated with the design, construction bidding documents and plans needed for the new prototype Fire Station #48 located at Elkhorn Road and Fort Apache Road.

PCC: L.G. Minor

POC: Allen Pavelka - (702) 248-8000

RECOMMENDATION:

That City Council approve Professional Services Agreement No. 06.15341.13 for New Prototype Fire Station #48 located at Elkhorn Road and Fort Apache Road in the amount of \$168,350, including \$17,000 in contingency reserve to Martin and Martin Civil Engineers and Surveyors. Authority to execute the Agreement is given to the Purchasing Manager per R-48-2006.

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

EXHIBIT "G"

**CERTIFICATE
DISCLOSURE NOT REQUIRED - FEE IS \$25,000 OR LESS**

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.

Block 1	Contracting Entity
Martin & Martin Civil Engineers	
Name	
2101 S. Jones Blvd., #120, Las Vegas,	
Address	
702-248-8000	NV 89146
Telephone	
88-0193580	
EIN or DUNS	

Block 2	Description
Subject Matter of Contract/Agreement	
RFP #	

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

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

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.	John A. Martin, Jr. - President	2101 S. Jones Blvd., #120	702-248-8000
2.		Las Vegas, NV 89146	
3.	Steve Schiller - V.P.	2101 S. Jones Blvd., #120	702-248-8000
4.		Las Vegas, NV 89146	
5.	Raymond Khoury - V.P.	2101 S. Jones Blvd., #120	702-248-8000
		Las Vegas, NV 89146	
7.	Gregg Clapp - Sect./Treas.	2101 S. Jones Blvd., #120	702-248-8000
8.		Las Vegas, NV 89146	
9.			
10.			

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

Block 5: Disclosure of Ownership and Principals - Alternate

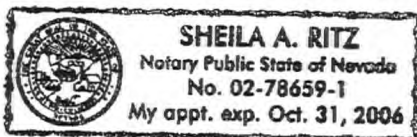
If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Security Act), a copy of such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

Name of Attached Document: _____

Date of Attached Document: _____

Number of Pages: _____

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



John A. Martin, Jr.
Name

September 11, 2006

Date

Subscribed and sworn to before me this 11th day of

SEPTEMBER, 2006.

Sheila A. Ritz
Notary Public

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: LEISURE SERVICES**DIRECTOR: BARBARA JACKSON**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older who are residents of Las Vegas and Clark County with a priority for Las Vegas residents in the area of legal guardianships (\$71,250 Grant Revenue/Special Revenue Fund/Match Amount \$10,688) - All Wards

Fiscal Impact☐**No Impact**☐**Augmentation Required**☒**Budget Funds Available****Amount:** \$10,688**Funding Source:** Grant Revenue/Special Revenue Fund**Dept./Division:** Leisure Services Senior Citizens Programs**PURPOSE/BACKGROUND:**

These ILG monies will allow the SCLP to fund an hourly staff attorney and an hourly legal secretary position for the period of one (1) year. During this one-year funding period, these hourly employees will handle several hundred cases for senior citizens in areas including, but not limited to: consumer issues, landlord/tenant disputes, homeowner association matters and small claims cases, thus, making available an existing SCLP Attorney to accept 24 court appointed guardianship cases. This funding is to be used to provide legal services to residents of Las Vegas and Clark County with a priority for Las Vegas residents aged 60 and older with particular emphasis placed on the individual's autonomy and free exercise of individual initiative in planning and managing their own lives.

RECOMMENDATION:

Staff recommends City Council approval.

BACKUP DOCUMENTATION:

1. Letter from Division of Aging Services
2. Notification of Grant Award

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



KENNY C. GUINN
Governor

STATE OF NEVADA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION FOR AGING SERVICES

3416 Goni Road, D-132
Carson City, Nevada 89706
(775) 687-4210 • Fax (775) 687-4264
dascc@aging.nv.gov

MICHAEL J. WILLDEN
Director

CAROL SALA
Administrator

October 9, 2006

Dr. Barbara P. Jackson, Director
City of Las Vegas
400 East Stewart Ave
Las Vegas, NV 89101

Dear Dr. Jackson:

This letter is to inform you that the City of Las Vegas, Senior Law Program has been awarded supplemental Independent Living Grant funds by the Division for Aging Services (DAS). The enclosed Notification of Grant Award (NGA) references the amount of the award and the project number. The project number should be used on all future correspondence.

The grant is awarded with the understanding that the grantee assumes the responsibility for fiscal management, program management and fulfillment of any special condition on the award. All programs awarded funds are required to report quarterly the financial and programmatic status of the project in a timely manner.

The amount awarded is subject to and contingent upon sufficient funds being appropriated, budgeted and otherwise made available by the State and Legislature and/or federal sources. The Division may terminate this grant and the grantee waives any and all claim(s) for damages, effective immediately upon receipt of written note (or any date specified therein) if for any reason the Division's funding from State and/or federal sources is not appropriated or is withdrawn, limited, or impaired. Continued funding is also based on satisfactory performance and meeting fiscal and programmatic grant requirements.

To accept the award, please sign the statement of acceptance on the NGA within ten (10) days. Funds cannot be released until Carolyn Misumi in the Carson City DAS office receives an original signed copy of the NGA and a Request for Funds. Also, distribution of funds will not be authorized unless a revised budget and projections are submitted to the assigned Resource Development Specialist. For technical assistance or questions, contact Robert Williamson at (702) 486-3560.

Sincerely,

Carol Sala
Administrator

cc: Sheri Cane Vogel, Director
03-009-11-LX-07 Carson City Master File
Reno Office
LV Office

Las Vegas Regional Office
3100 W. Sahara Avenue, Suite 103
Las Vegas, Nevada 89102
(702) 486-3545
Fax: 486-3572
dasvegas@aging.nv.gov

Reno Regional Office
445 Apple Street, Suite 104
Reno, Nevada 89502
(775) 688-2964
Fax: 688-2969
dasreno@aging.nv.gov

Elko Regional Office
850 Elm Street
Elko, Nevada 89801
(775) 738-1966
Fax: 753-8543
dasselko@aging.nv.gov

**STATE OF NEVADA
DIVISION FOR AGING SERVICES
NOTIFICATION OF GRANT AWARD**

GRANTEE: City of Las Vegas
GRANT PERIOD: 10/01/06 - 09/30/07

PROGRAM NAME: Senior Law Program
GRANT AWARD NUMBER: 03-009-11-LX-07

Type of Service: Legal
Type of Grant: Categorical
Program Budget Year: Second
Funding Source: State - Independent Living

New Award:
Revised Award: Yes
Award Fiscal Year: 2007
Date: October 9, 2006

CFDA Number				
	Independent Living			TOTAL
AWARD	\$63,750.00			\$63,750.00
CARRYOVER				\$0.00
DE-OBLIGATION				\$0.00
SUPPLEMENT #1	\$7,500.00			\$7,500.00
SUPPLEMENT #2				\$0.00
TOTAL AMOUNT AWARDED	\$71,250.00	\$0.00	\$0.00	\$71,250.00
REQUIRED MATCH	\$10,688.00	\$0.00	\$0.00	\$10,688.00

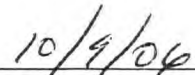
Standard Grant Conditions:

- A. The total award amount designates a ceiling of participation by the Division for Aging Services.
- B. Funds are only disbursed monthly and on an as-needed basis.
- C. The grantee shall comply with the Program Instructions, Nevada (PINs), and Service Specifications established by the Division. Grantees receiving federal funding must also comply and adhere with the appropriate OMB Circulars and Administrative Requirements.
- D. The Division, as grantor agency, retains ownership and control over any capital equipment, including vehicles that are purchased or provided matching costs with these grant funds.
- E. The Grantee shall comply with the scope of services, budget, and assurances defined in the approved grant application. The Grantee must have prior approval from the Division for making major programmatic changes effecting the scope of service or service delivery method. Grant expenditures must comply with the limitations of the grant agreement.
- F. If any part of this award is sub-contracted, the sub-grantee must comply with the same grant conditions.
- G. The grantee/program will acknowledge the Division for Aging Services in publicity, publications and pamphlets. An approved Division logo must be applied to the outside of all vehicles purchased with Division grant funds.
- H. The grantee must submit timely programmatic and quarterly financial reports for all programs or grant payments will be withheld.
- I. The grantee agrees to a limited scope audit to settle any financial disagreements or disputes.
- J. All Division funded programs must be listed on the nvelder.org website.
- K. The maximum administrative or indirect costs that can be charged to this grant is limited to 8% of the direct costs, with the exception of awards for equipment, for which no administrative costs are allowed.
- L. The Division will automatically de-obligate all funds not obligated by the end of the grant award period.

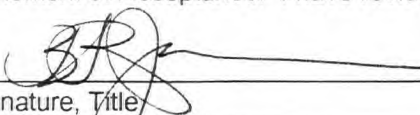
Special Grant Conditions:

This grant revision supplements the original grant, dated September 15, 2006, by \$7,500. Required match increases \$1,125 to \$10,688.


Carol Sala, Administrator


Date

Statement of Acceptance: I have reviewed and accept the conditions of the grant award.


Signature, Title


Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN K. HARSIN

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of \$2,500 Home Investment Partnership Program (HOME) funds awarded to owner Paulette Keith for a housing rehabilitation project located at 4822 Iowa Avenue - Ward 1 (Tarkanian)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$2,500

Funding Source: HOME

Dept./Division: Neighborhood Services/Development Division

PURPOSE/BACKGROUND:

On April 5, 2006, City Council approved the expenditure of \$50,000 of HOME funds for this project. Additional funding is required to complete plumbing and electrical deficiencies in the house which were not a part of the original scope of work.

RECOMMENDATION:

Staff recommends that Council approve the additional funding.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: STEPHEN K. HARSIN

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of \$150,000 of Community Development Block Grant (CDBG) construction funds for ADA improvements, minor rehabilitation including but not limited to asbestos and lead based paint abatement to bring the building located at 320 South 9th Street up to Code - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$150,000

Funding Source: CDBG

Dept./Division: Neighborhood Services/Neighborhood Development

PURPOSE/BACKGROUND:

The City will complete minor rehabilitation work including making facility ADA compliance.

RECOMMENDATION:

Staff recommends approval of the building improvements to 320 South 9th Street in the amount of \$150,000 CDBG funds and authorize the Mayor to execute any and all related agreements and documents required for the project following approval as to form by the City Attorney.

BACKUP DOCUMENTATION:

None

Motion made by GARY REESE to Approve

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

MAYOR GOODMAN explained that on May 17, 2006 Family Promise requested a rezoning from high density residential to Office. COUNCILMAN WEEKLY'S constituents felt Family Promise was not appropriate at that particular location, but at the same time recognizing the value that Family Promise gives to the community. At the conclusion of the hearing, the City Council promised to find a new location within six months, and COUNCILMAN WEEKLY agreed to a six-month extension. The City's real estate staff committed themselves and a site was identified behind the downtown senior service center at 320 South Ninth Street. Family Promise toured the site and the City is putting \$150,000 of Community Development Block Grant funds

CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

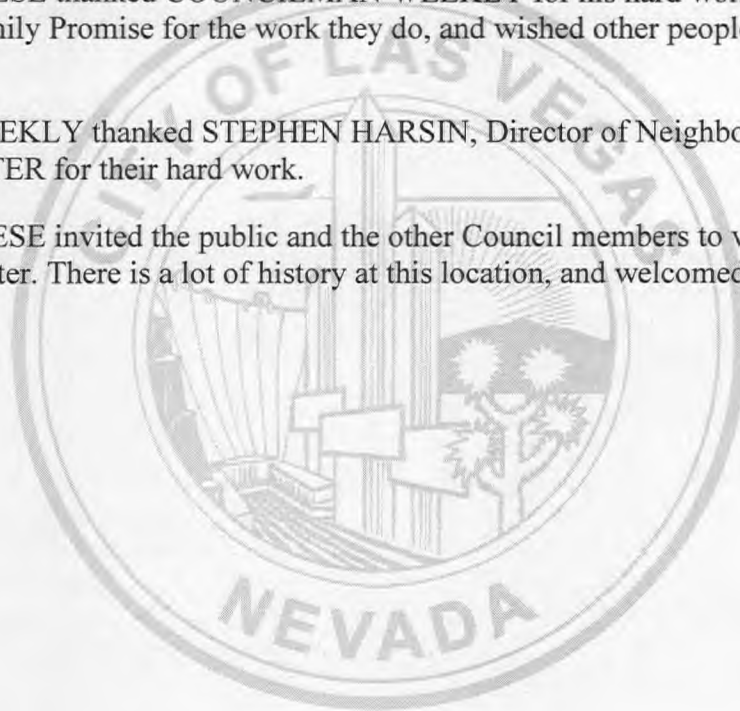
in order to make the facility pleasant and compliant with the necessary codes. At the November 15, 2006 Council meeting, the City Council will review the lease agreement between the City of Las Vegas and Family Promise. MAYOR GOODMAN thanked the entire City Council for their support, COUNCILMAN WEEKLY for working diligently to have this matter resolved and COUNCILMAN REESE for concurring with this project because it is now in his Ward. MAYOR GOODMAN noted the City was unfairly criticized about this issue, but pointed out that when the City gives its word the City keeps its word.

TERRY LINDEMANN, Executive Director of Family Promise, thanked the City Council and city staff for their assistance. She recognized this was a very difficult issue and thanked MAYOR GOODMAN for keeping the promise he made in April.

COUNCILMAN REESE thanked COUNCILMAN WEEKLY for his hard work in resolving this issue. He praised Family Promise for the work they do, and wished other people would feel the same.

COUNCILMAN WEEKLY thanked STEPHEN HARSIN, Director of Neighborhood Services, and SHAWN BOLSTER for their hard work.

COUNCILMAN REESE invited the public and the other Council members to visit the downtown senior center. There is a lot of history at this location, and welcomed Family Promise to Ward 3.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of an Encroachment Request from Pardee Homes Nevada, owner (northeast corner of Tee Pee Lane and Dorrell Lane) - Ward 6 (Ross)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request is for an approximate 5-foot wide area of landscaping on the east and west sides of the sidewalk on the east side of Tee Pee Lane extending northward from Dorrell Lane for approximately 117-feet and an approximate 10-foot wide area of landscaping on the north side of Dorrell Lane extending approximately 276-feet eastward from Tee Pee Lane. All of the landscaping shall consist of trees, shrubs, ground cover and an irrigation system to meet Town Center landscaping requirements for the proposed Town Center 44/50 Number 3 development. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (northeast corner of Tee Pee Lane and Dorrell Lane)
2. Copy of Encroachment Exhibit "B" (vicinity map and typical sections of Tee Pee Lane and Dorrell Lane)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

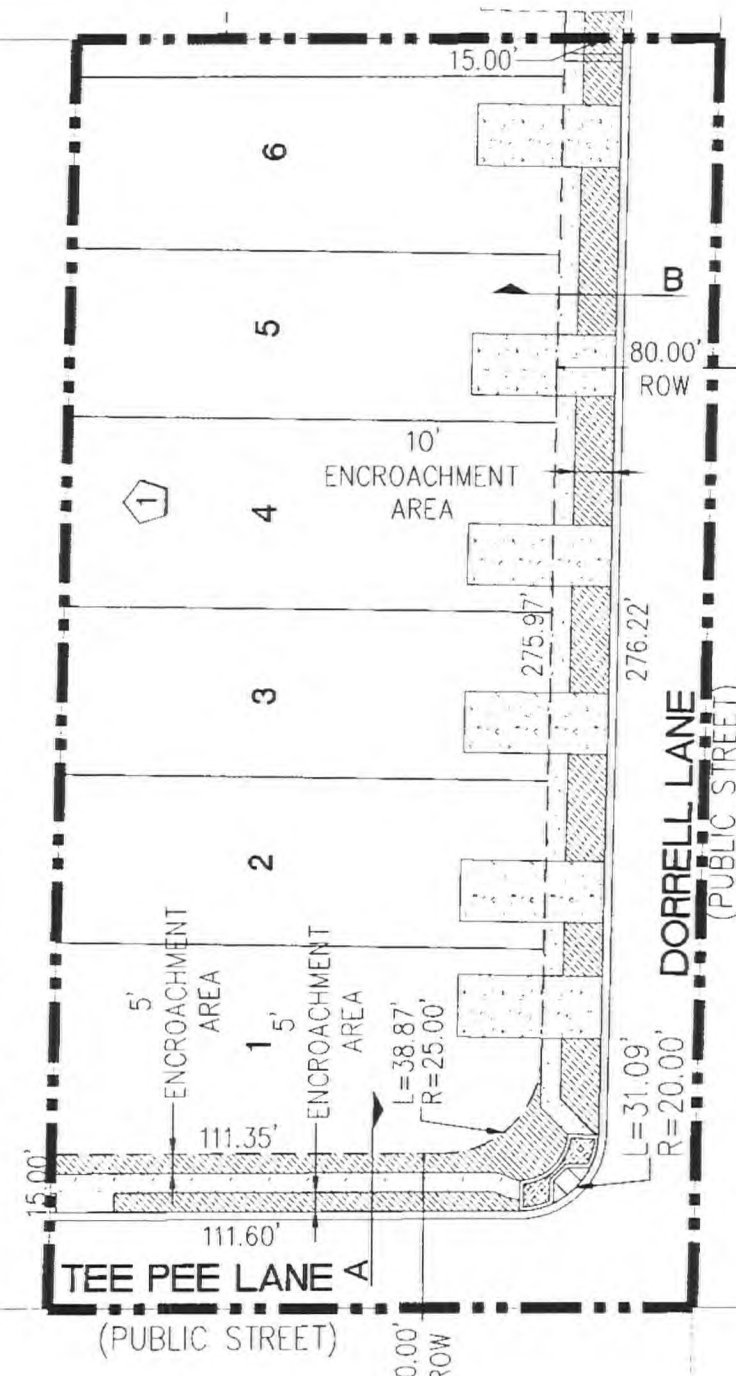
Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

ENCROACHMENT LEGEND
 PROPOSED LANDSCAPE ENCROACHMENT AREA



EXHIBIT "A"

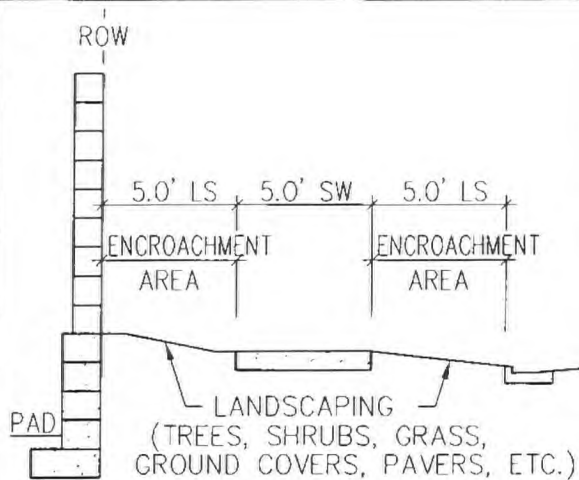


 SLATER HANIFAN GROUP CONSULTING ENGINEERS & PLANNERS	PARDEE HOMES	DATE: 9/20/06	PROJECT NO.
		DRAFTER: JDP	PAH0302.010
	TOWN CENTER 44/50 No. 3 ENCROACHMENT EXHIBIT	DESIGNER: JDP	
		CHECKED: TJS	



VICINITY MAP

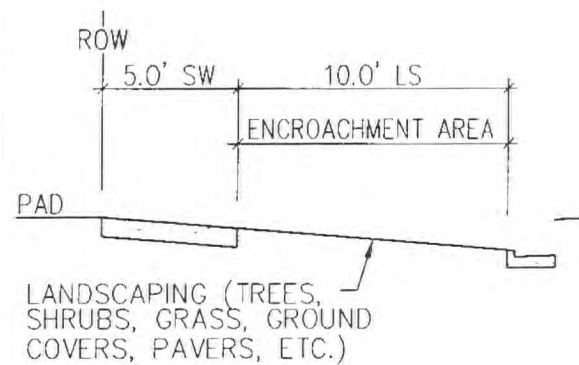
EXHIBIT "B"



A. TYPICAL SECTION

NOT TO SCALE

TEE PEE LANE



B. TYPICAL SECTION

NOT TO SCALE

DORRELL LANE

S-I-G SLATER
HANIFAN
GROUP
CONSULTING ENGINEERS & PLANNERS

PARDEE HOMES
TOWN CENTER 44/50 No. 3
ENCROACHMENT EXHIBIT

DATE: 9/20/06

DRAFTER: JDP

DESIGNER: JDP

CHECKED: TJS

PROJECT NO.

PAR0302.010

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 900 Antonio Drive - Ward 1 (Tarkanian)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request is for an approximate 1-foot wide area of landscaping on the west side of Antonio Drive extending approximately 51-feet along the property line consisting of trees, shrubs, ground cover and an irrigation system for a proposed single family residence. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

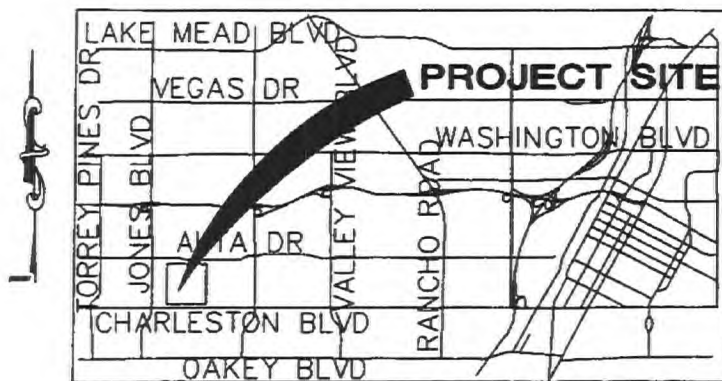
BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (Antonio Drive)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

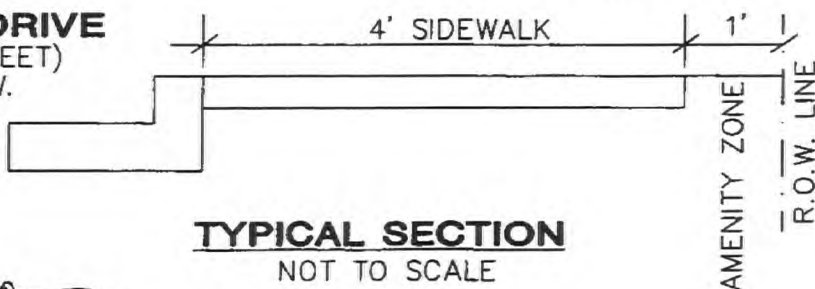
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
STEVE WOLFSON, STEVEN D. ROSS, GARY REESE; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



VICINITY MAP

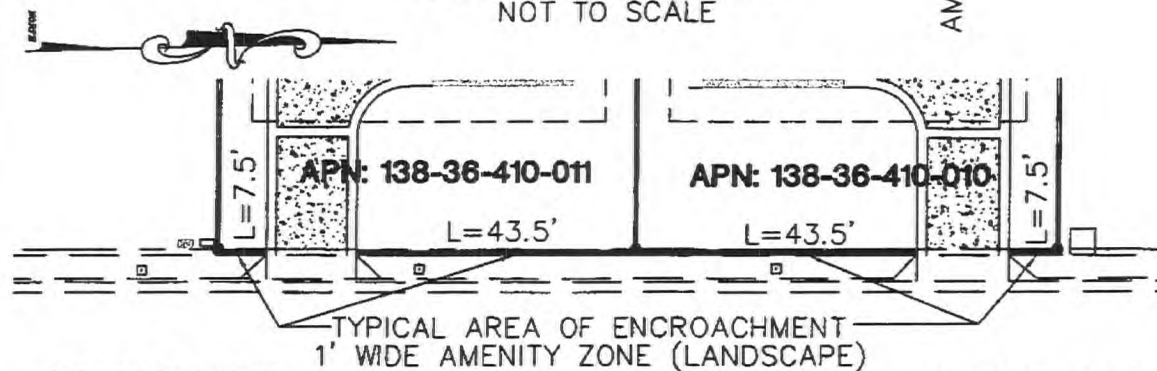
NOT TO SCALE

ANTONIO DRIVE
(PUBLIC STREET)
50' R.O.W.



TYPICAL SECTION

NOT TO SCALE



ANTONIO DRIVE

(PUBLIC)
(50' R.O.W.)

ANTONIO DRIVE

(PUBLIC)
(50' R.O.W.)

LIVERPOOL ROAD

(PUBLIC)
(50' R.O.W.)

ENCROACHMENT EXHIBIT "A"

PHASE ONE CONSULTING ENGINEERS

6136 Cottontail Cove Street, Las Vegas, Nevada 89130
Phone: (702) 245-8207 Fax: (702) 360-0770

PROJECT #: 06-1003

SCALE: 1" = 30'

DATE: 9/19/2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 904 Antonio Drive - Ward 1 (Tarkanian)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request for an approximate 1-foot wide area of landscaping on the west side of Antonio Drive extending approximately 51-feet along the property line consisting of trees, shrubs, ground cover and an irrigation system for a proposed single family residence. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

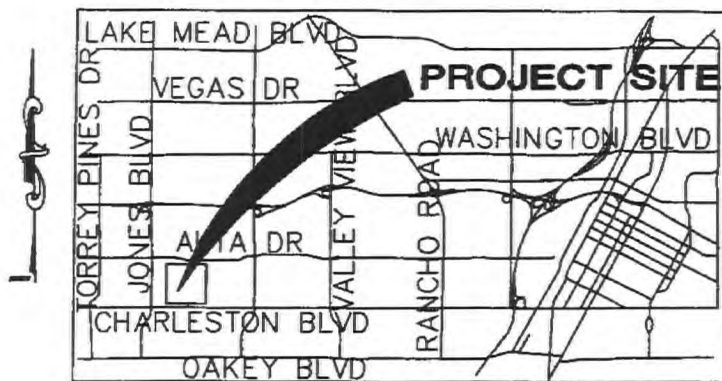
BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (Antonio Drive)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

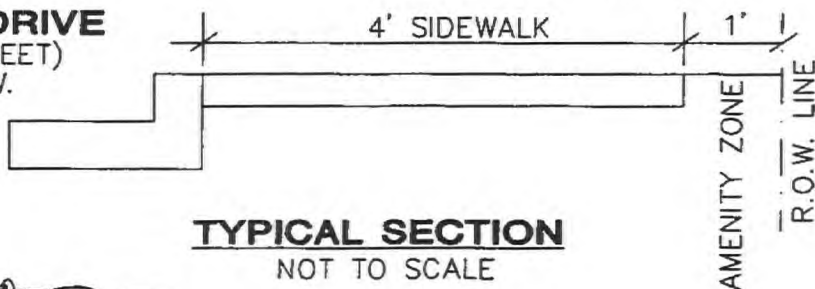
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



VICINITY MAP

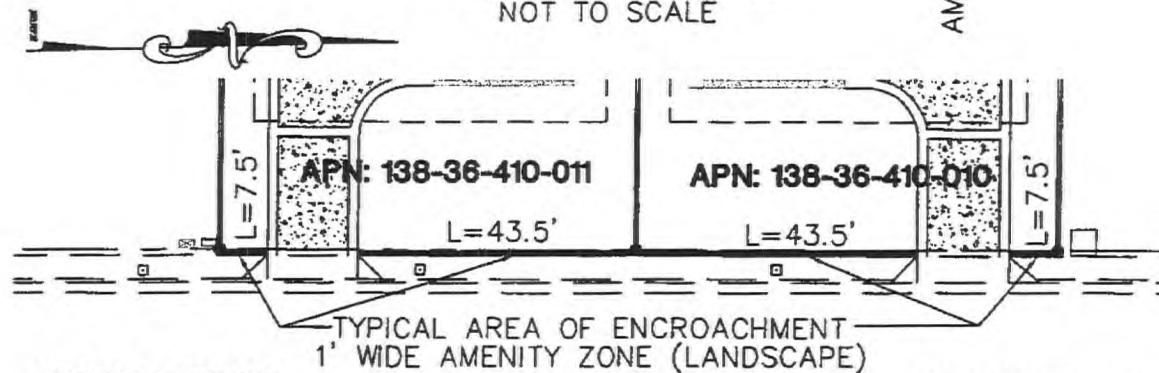
NOT TO SCALE

ANTONIO DRIVE
(PUBLIC STREET)
50' R.O.W.



TYPICAL SECTION

NOT TO SCALE



ANTONIO DRIVE

(PUBLIC)
(50' R.O.W.)

ANTONIO DRIVE

(PUBLIC)
(50' R.O.W.)

LIVERPOOL ROAD

(PUBLIC)
(50' R.O.W.)

ENCROACHMENT EXHIBIT "A"

PHASE ONE CONSULTING ENGINEERS

6136 Cottontail Cove Street, Las Vegas, Nevada 89130
Phone: (702) 245-8207 Fax: (702) 360-0770

PROJECT #: 06-1003

SCALE: 1" = 30'

DATE: 9/19/2006

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of an Encroachment Request from Clark County School Board of Trustees, owner (southeast corner of Grand Canyon Drive and Bath Drive) - Ward 6 (Ross)

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

This request is for landscaping on the south side of Bath Drive extending eastward from Tee Pee Lane for approximately 302-feet. Landscaping and an equestrian trail with a fence on the east side of Grand Canyon Drive extending southward from Bath Drive for approximately 539-feet. The landscaping and equestrian trail shall meet Town Center landscaping requirements and Master Trail Elements Plan requirements for the proposed Grand Canyon/Rome Middle School. If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (vicinity map)
2. Copy of Encroachment Exhibit "B" (Bath Drive at Tee Pee Lane)
3. Copy of Encroachment Exhibit "C" (southeast corner of Grand Canyon Drive and Bath Drive)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

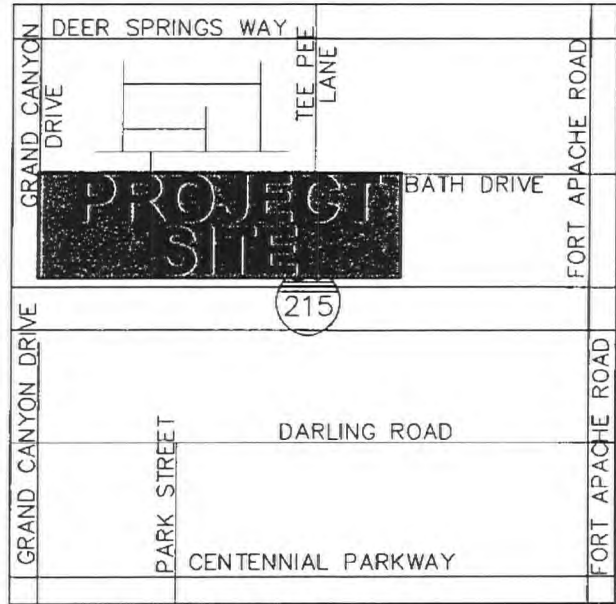
LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)



GRAPHIC SCALE



(IN FEET)
1 inch = 300 ft.



VICINITY MAP

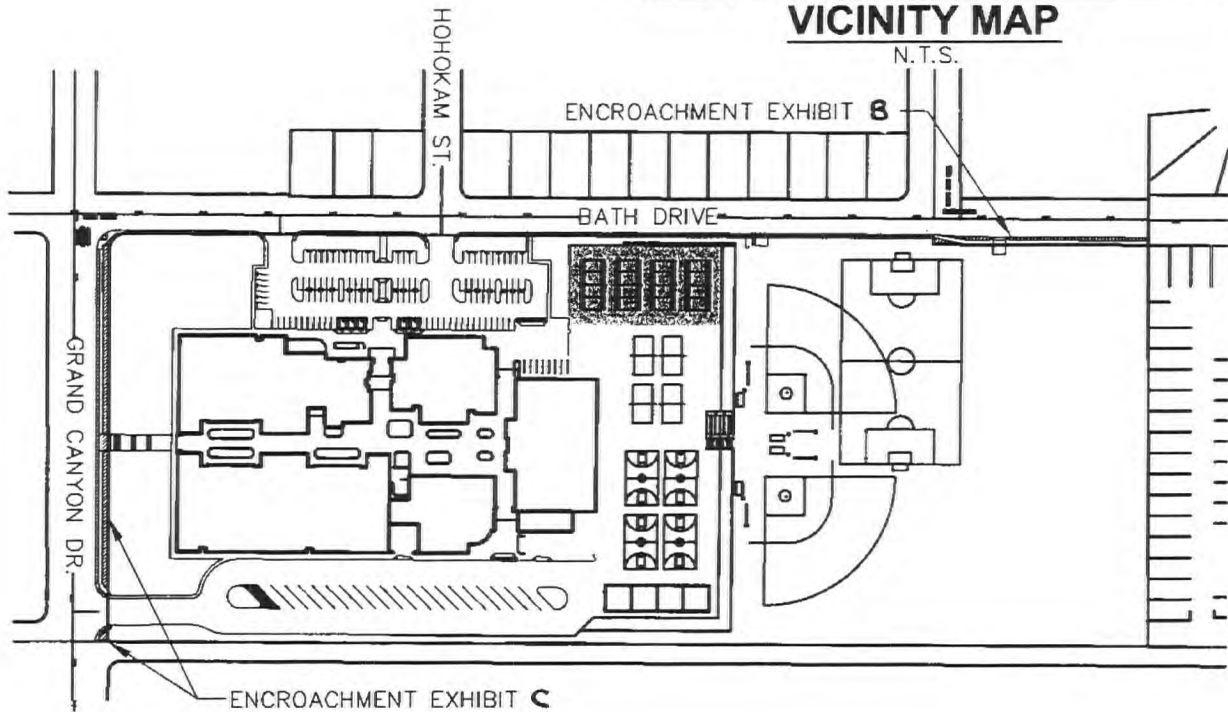


EXHIBIT A



Nevada By Design

ENGINEERING CONSULTANTS
3515 East Harmon Avenue
Las Vegas, NV 89121
Phone: (702) 938-1525 - Fax: (702) 938-1530
www.nvbydesign.com

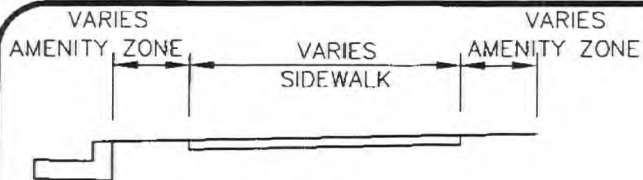
GRAND CANYON / ROME MIDDLE SCHOOL ENCROACHMENT EXHIBIT

DRAWN BY: MAS

JOB NO.: 02199

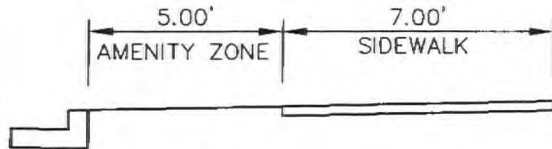
DATE: 8/10/06

SHT. 1 OF 3



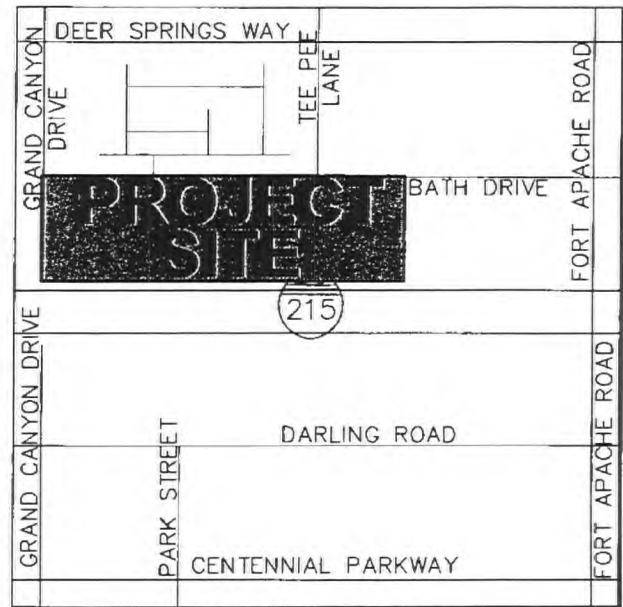
BATH DRIVE

STA 23+26.77 TO 23+76.74
N.T.S.



BATH DRIVE

STA 23+76.74 TO 24+12.84
STA 24+42.84 TO 26+58.62
N.T.S.



VICINITY MAP

N.T.S.

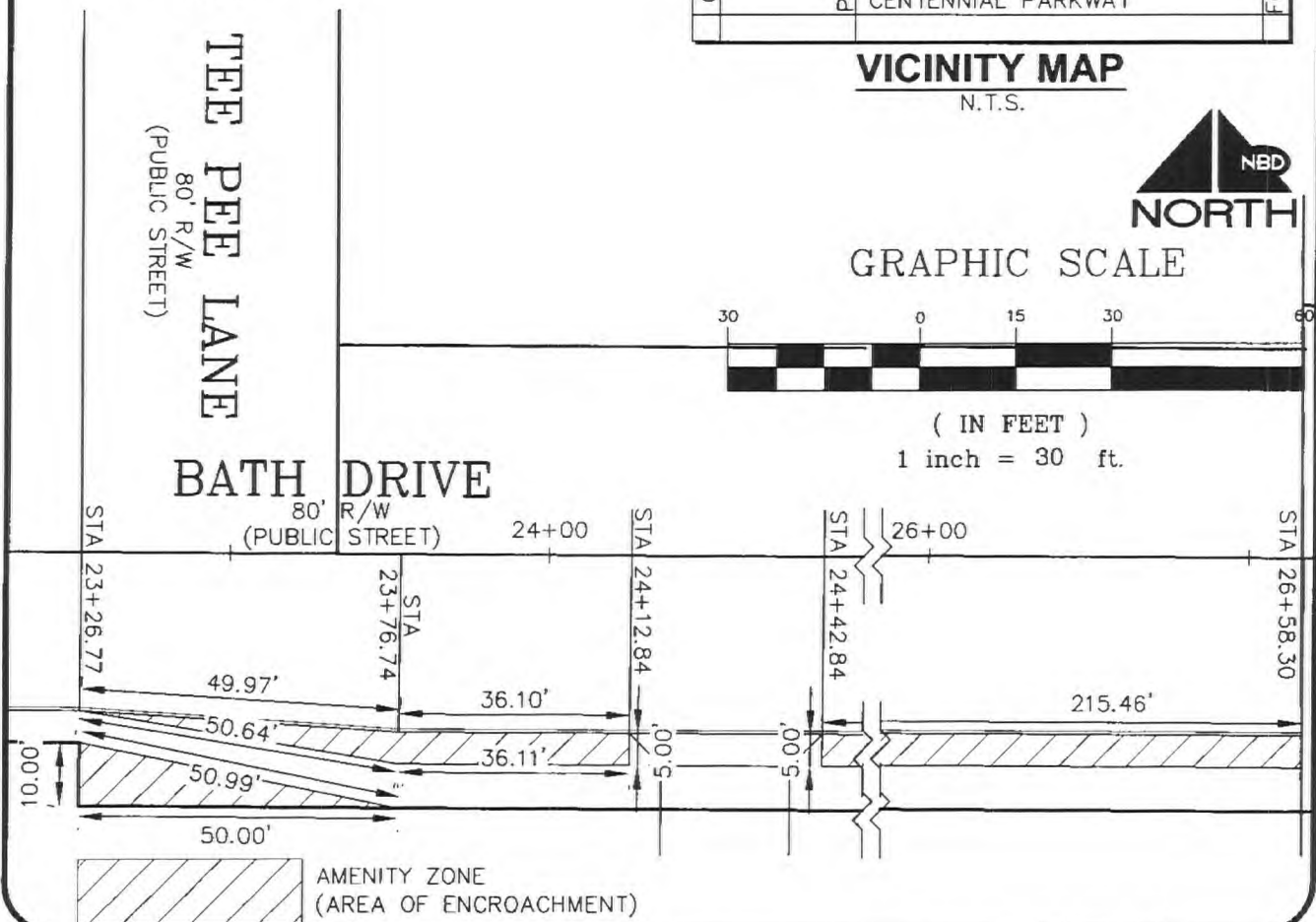


GRAPHIC SCALE



(IN FEET)

1 inch = 30 ft.



AMENITY ZONE
(AREA OF ENCROACHMENT)

Nevada By Design
ENGINEERING CONSULTANTS
3515 East Harmon Avenue
Las Vegas, NV 89121
Phone: (702) 938-1525 - Fax: (702) 938-1530
www.nvbydesign.com

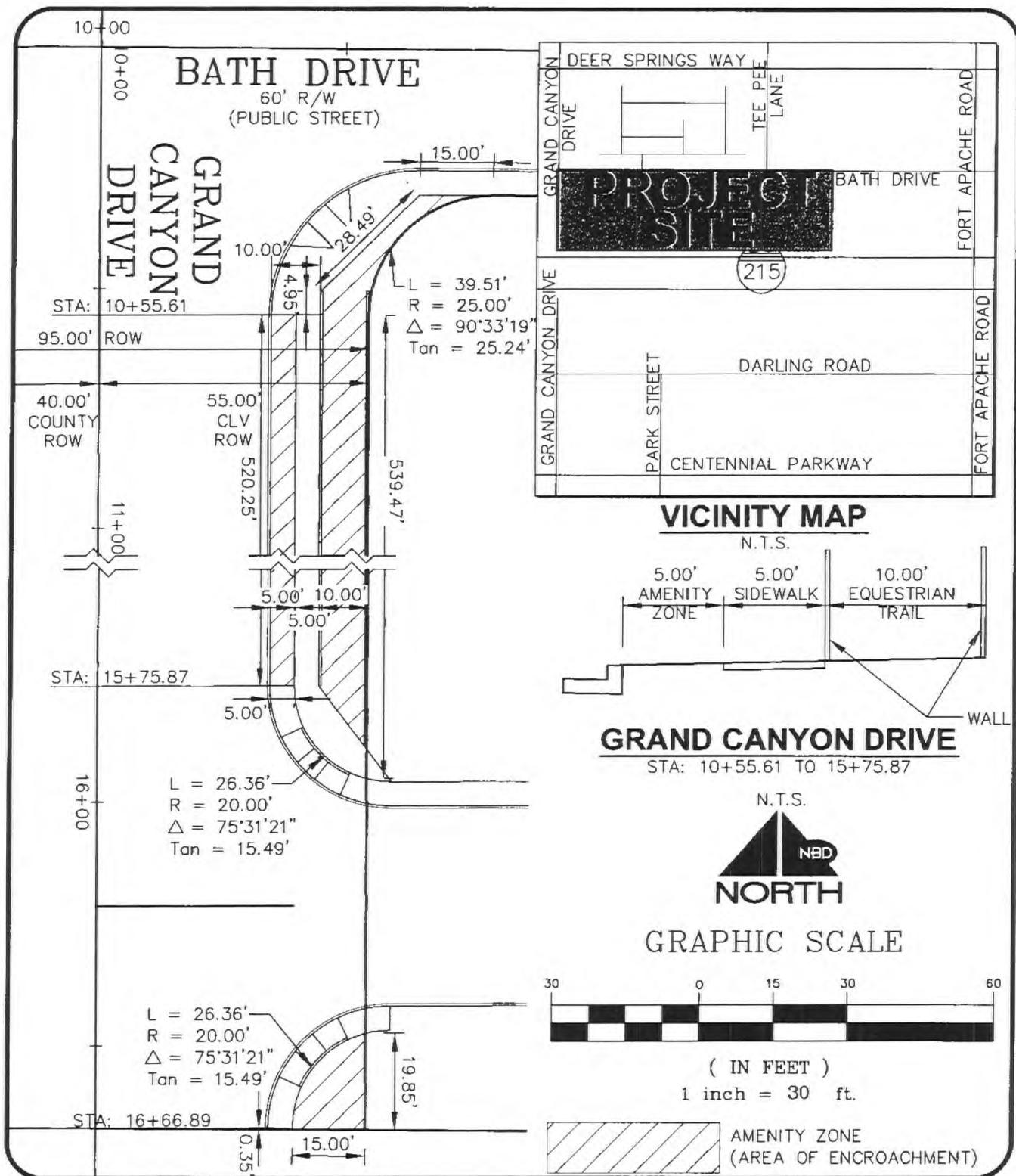
GRAND CANYON / ROME MIDDLE SCHOOL ENCROACHMENT EXHIBIT B

DRAWN BY: MAS

JOB NO.: 02199

DATE: 8/10/06

SHT. 2 OF 3



Nevada By Design
ENGINEERING CONSULTANTS
3515 East Harmon Avenue
Las Vegas, NV 89121
Phone: (702) 938-1525 - Fax: (702) 938-1530
www.nvbydesign.com

**GRAND CANYON / ROME
MIDDLE SCHOOL
ENCROACHMENT EXHIBIT C**

DRAWN BY: MAS

JOB NO.: 02199

DATE: 8/10/06

SHT. 3 OF 3

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of an Encroachment Request from Red Rock Engineering and Surveying, Incorporated, on behalf of William and Anne Dreibholz, owners (southwest corner of B Street and Monroe Avenue) - Ward 5 (Weekly)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request is for an approximate 11-foot wide area of landscaping on the west side of B Street extending approximately 156-feet southward from Monroe Avenue and an approximate 11-foot wide area of landscaping on the south side of Monroe Avenue extending approximately 66-feet westward from B Street consisting of shrubs, ground cover and an irrigation system for the proposed Dreibholz residence. If approved, the applicants will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Encroachment Exhibit "A" (B Street at Monroe Avenue)
2. Encroachment Exhibit "B" (Monroe Avenue at B Street)

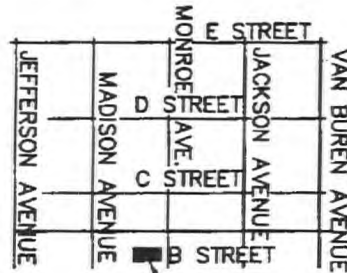
Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

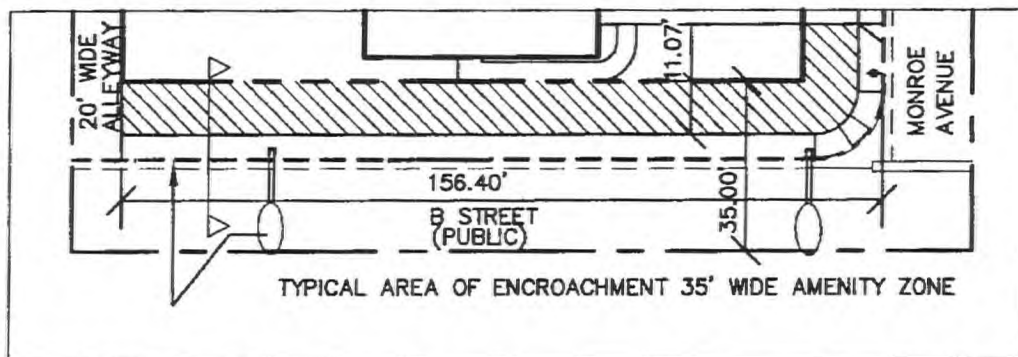
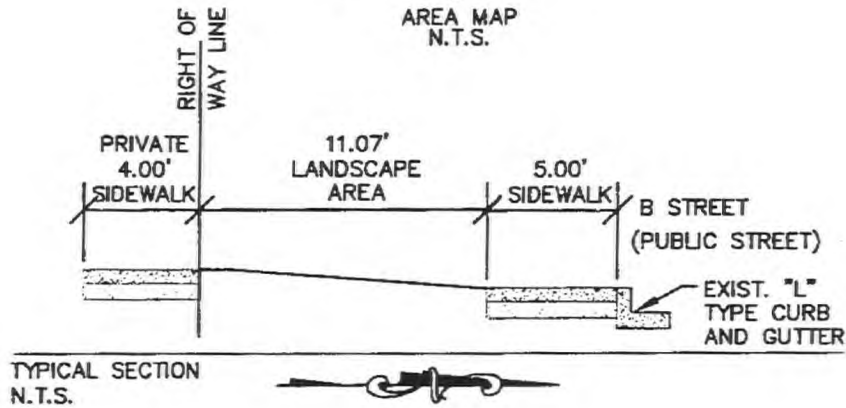
ENCROACHMENT EXHIBIT B STREET

EXHIBIT 'A'



1 15

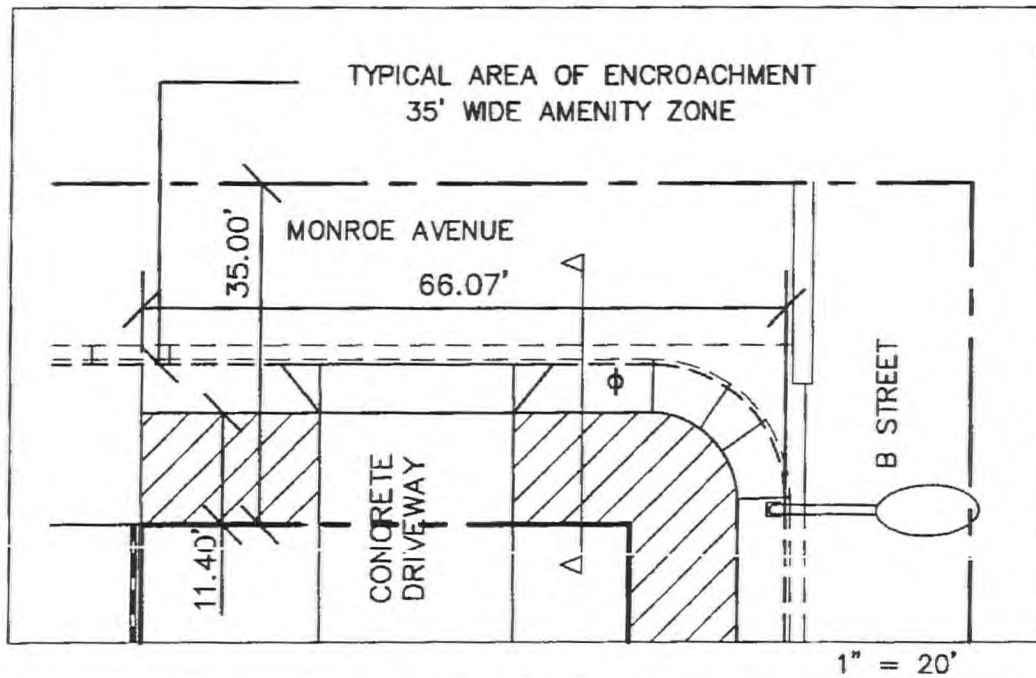
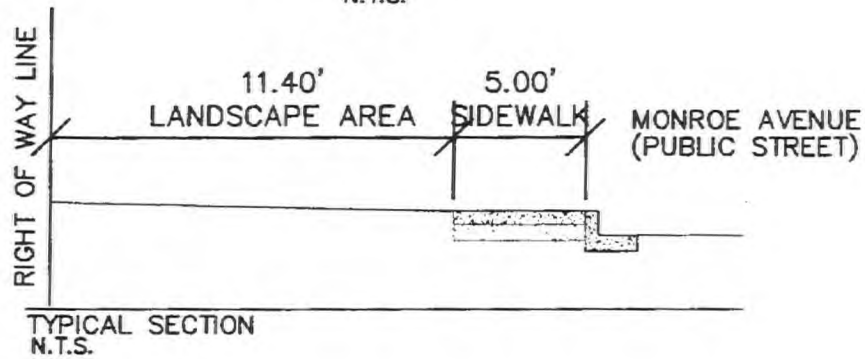
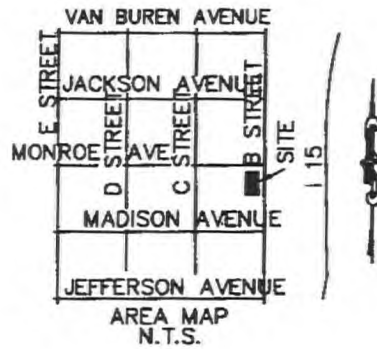
AREA MAP
N.T.S.



1" = 40'

ENCROACHMENT EXHIBIT MONROE AVENUE

EXHIBIT 'B'



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of an Encroachment Request from Fremont Construction on behalf of Cox Communications Las Vegas, Incorporated, owner (Ernest May Lane at Robin Lane) - Ward 5 (Weekly)

Fiscal Impact



No Impact



Augmentation Required



Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request is for an approximate 1-foot to 28-foot wide area of landscaping at the southeast corner of Ernest May Lane and Robin Lane consisting of trees, shrubs, ground cover and an irrigation system for a proposed Cox Communications Secondary Transfer Center.

If approved, the applicant will be required to sign an Encroachment Agreement that has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

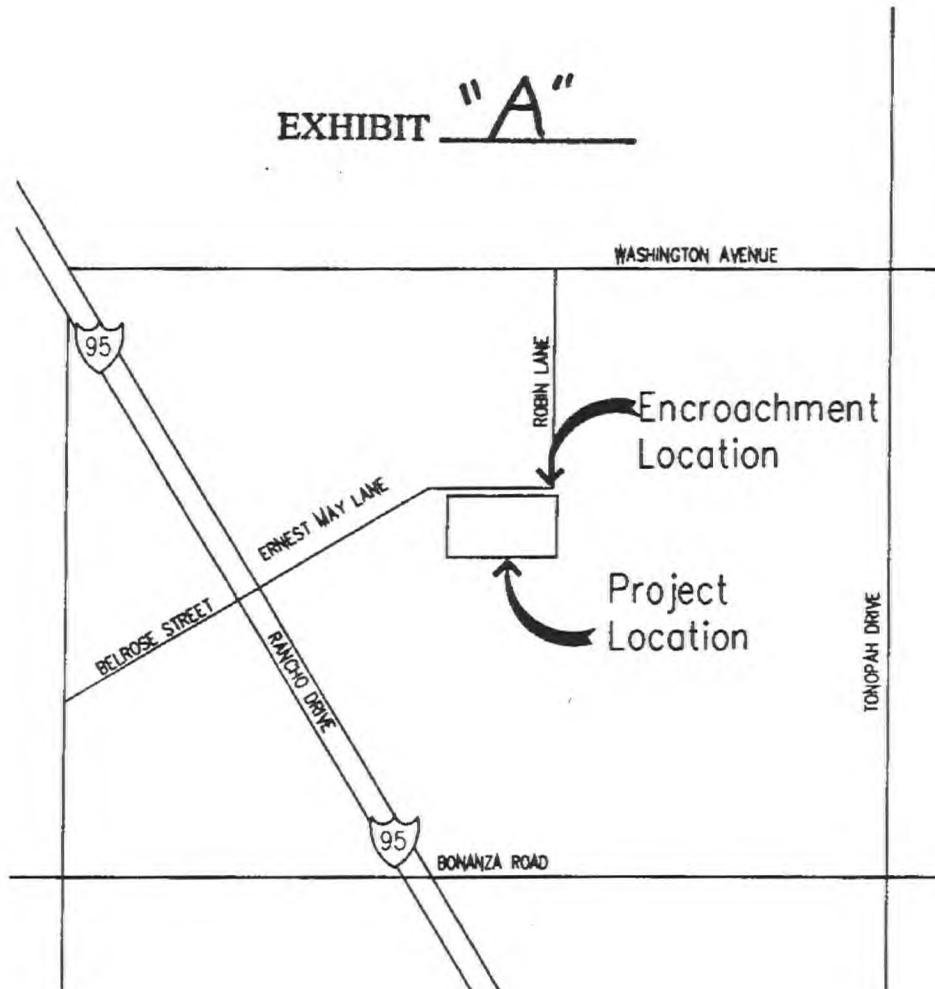
1. Copy of Encroachment Exhibit "A" (vicinity map)
2. Copy of Encroachment Exhibit "B" (southeast corner of Ernest May Lane and Robin Lane)

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

EXHIBIT "A"



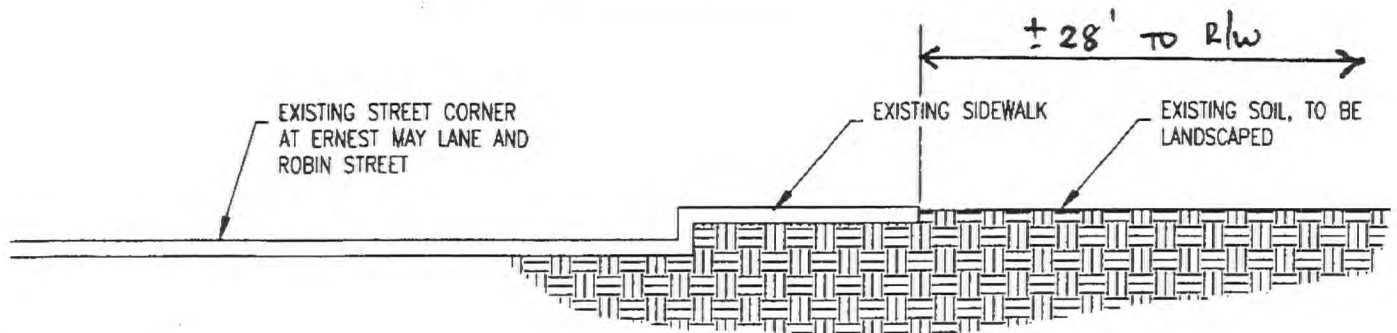
VICINITY MAP

NOT TO SCALE



NORTH

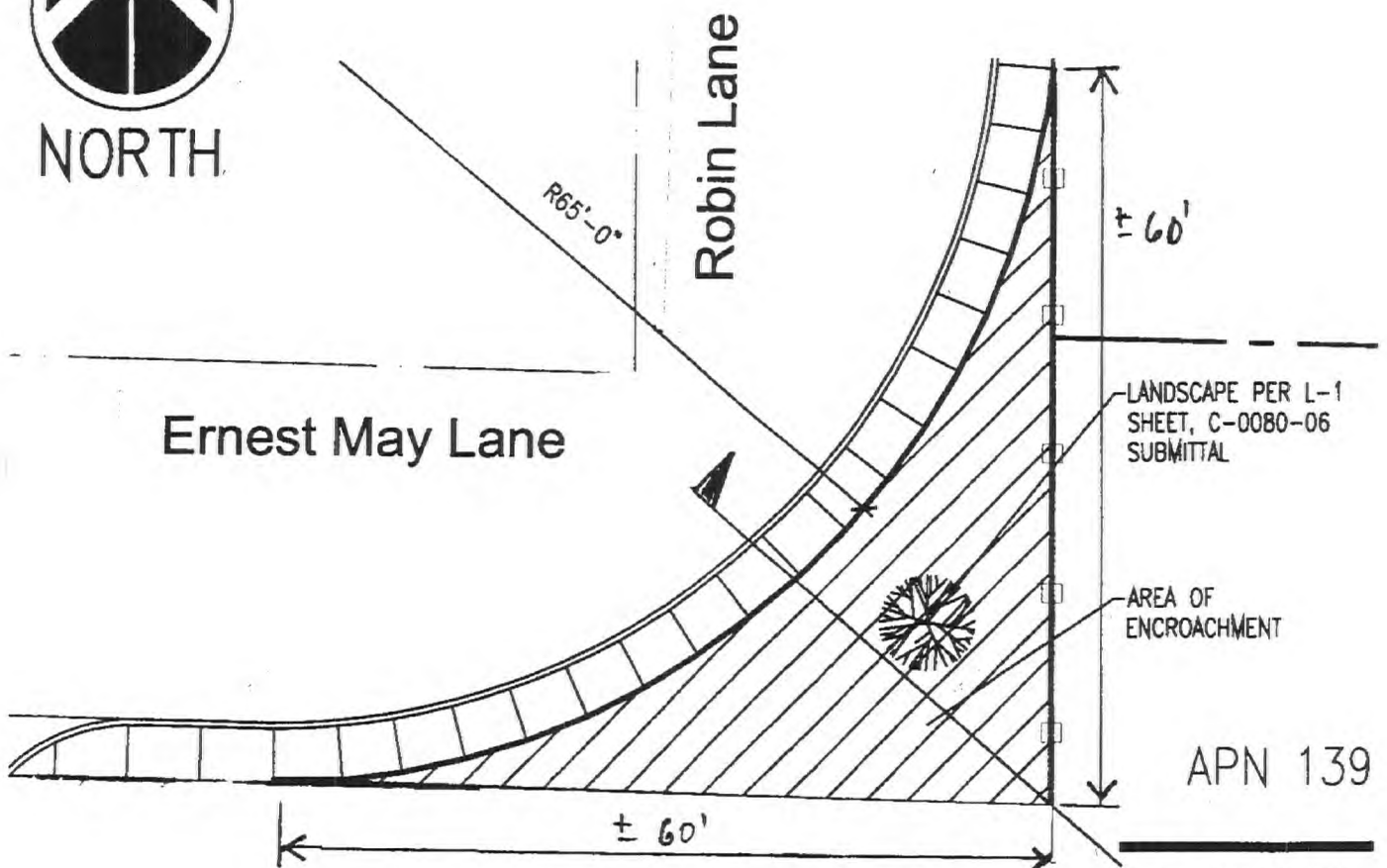
EXHIBIT "B"



SCALE: $1/4" = 1'-0"$



NORTH



REVISION NUMBER

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Orndoff 1996 Trust, owner (southeast corner of Jensen Street and Regena Avenue, APN 125-30-101-030) - County (near Ward 6 - Ross)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect a single family dwelling located at the southeast corner of Jensen Street and Regena Avenue. The owner proposes to connect to the 8-inch sewer line located in Jensen Street. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted After Meeting – Executed Interlocal No. 460

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

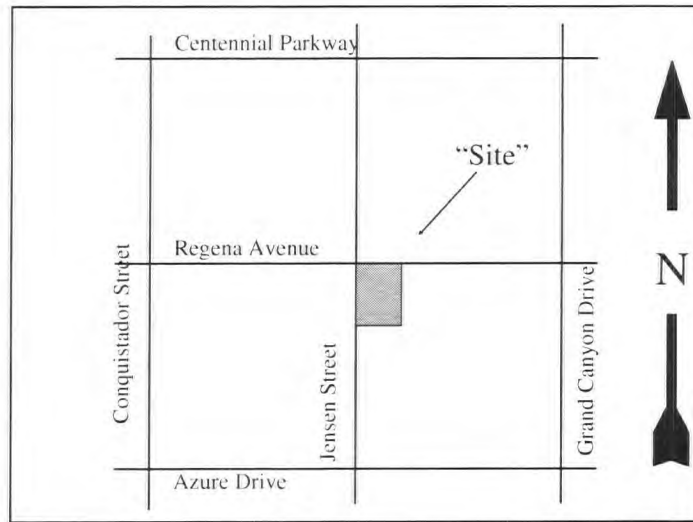
AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF A SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – ORNDOFF 1996 TRUST, OWNER
(SOUTHEAST CORNER OF JENSEN STREET AND REGENA AVENUE,
APN 125-30-101-030)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 29th day of September, 2006, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by ORNDOFF 1996 TRUST, 0.46 acres – vacant land ; Parcel No. 125-30-101-030 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

/////

/////

/////

/////

/////

/////

/////

6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

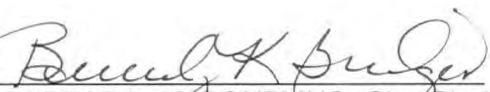
CLARK COUNTY WATER RECLAMATION DISTRICT

By 
RICHARD MENDES, General Manager

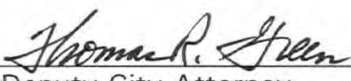
CITY OF LAS VEGAS

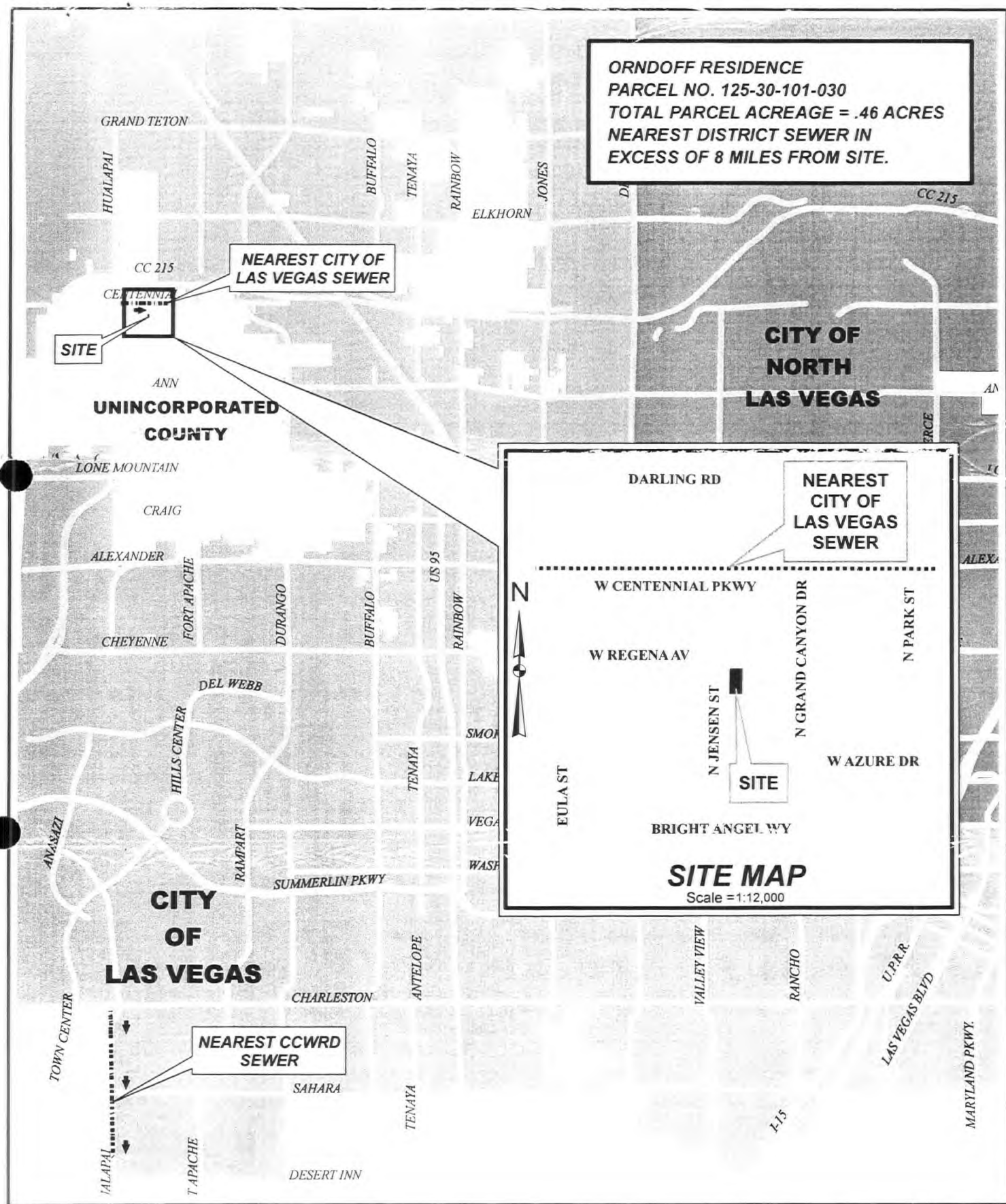
By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
~~BARBARA JO RONEMUS, City Clerk~~
By: Beverly K. Bridges
Chief Deputy City Clerk

APPROVED AS TO FORM:

By  11/8/06
Deputy City Attorney
Thomas R. Green



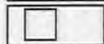
Clark County
Water Reclamation
 DISTRICT

ILA #460 - EXHIBIT A

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Martin and Martin Civil Engineers and Surveyors on behalf of Clark County School District, owner (southeast corner of O'Hare Road and Bonita Vista Street, APNs 125-05-803-001 and -002) - County (near Ward 6 - Ross)

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

This request is to connect a proposed elementary school located at the southeast corner of O'Hare Road and Bonita Vista Street. The owner proposes to connect to the 18-inch sewer line located in Durango Drive. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted After Meeting – Executed Interlocal Agreement No. 453

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

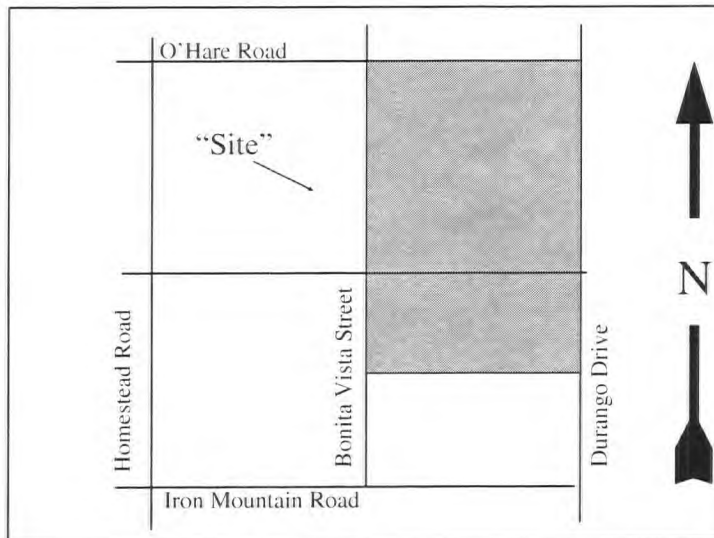
AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – MARTIN AND MARTIN CIVIL ENGINEERS
AND SURVEYORS ON BEHALF OF CLARK COUNTY SCHOOL
DISTRICT, OWNER (SOUTHEAST CORNER OF O'HARE ROAD AND
BONITA VISTA STREET, APNS 125-05-803-001 AND -002)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 25th day of September, 2006, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by SCHOOL BOARD OF TRUSTEES, 17.35 acres – vacant land ; Parcel No. 125-05-803-001 & 002 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

/////

/////

/////

/////

/////

/////

/////

6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
RICHARD MENDES, General Manager

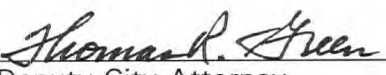
CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
~~BARBARA JO BONEMUS, City Clerk~~
By: Beverly K. Bridges
Chief Deputy City Clerk

APPROVED AS TO FORM:

By  11/8/06
Deputy City Attorney
Thomas R. Green

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Art Consulting Engineers on behalf of Desert Palms Investment Group, LLC, owner (southeast corner of El Capitan Way and Brent Lane, APN 125-08-601-001) - County (near Ward 6 - Ross)

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

This request is to connect a proposed four single family dwellings located at the southeast corner of El Capitan Way and Brent Lane. The owner proposes to connect to the 10-inch sewer line located in El Capitan Way. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted After Meeting – Executed Interlocal Agreement No. 450

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

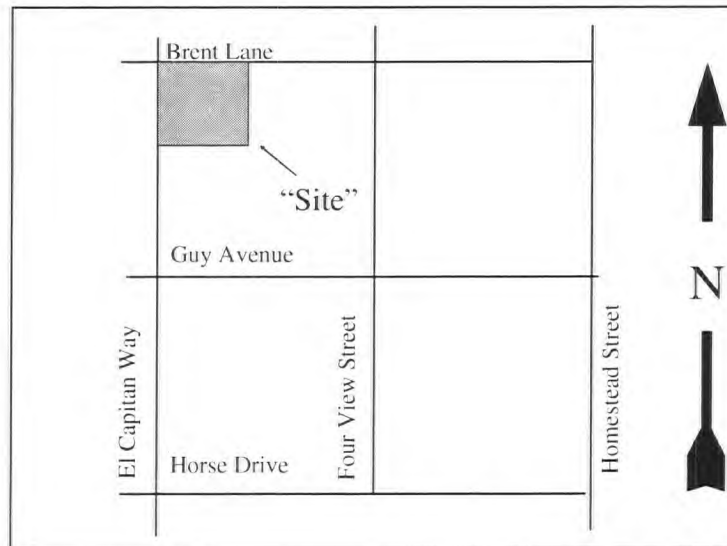
AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT - ART CONSULTING ENGINEERS ON
BEHALF OF DESERT PALMS INVESTMENT GROUP, LLC, OWNER
(SOUTHEAST CORNER OF EL CAPITAN WAY AND BRENT LANE, APN
125-08-601-001)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 25th day of September, 2006, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by DESERT PALMS INVEST GROUP L L C, 2.00 acres – vacant land ; Parcel No. 125-08-601-001 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

/////

/////

/////

/////

/////

/////

/////

6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
RICHARD MENDES, General Manager

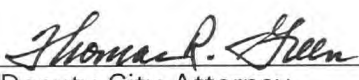
CITY OF LAS VEGAS

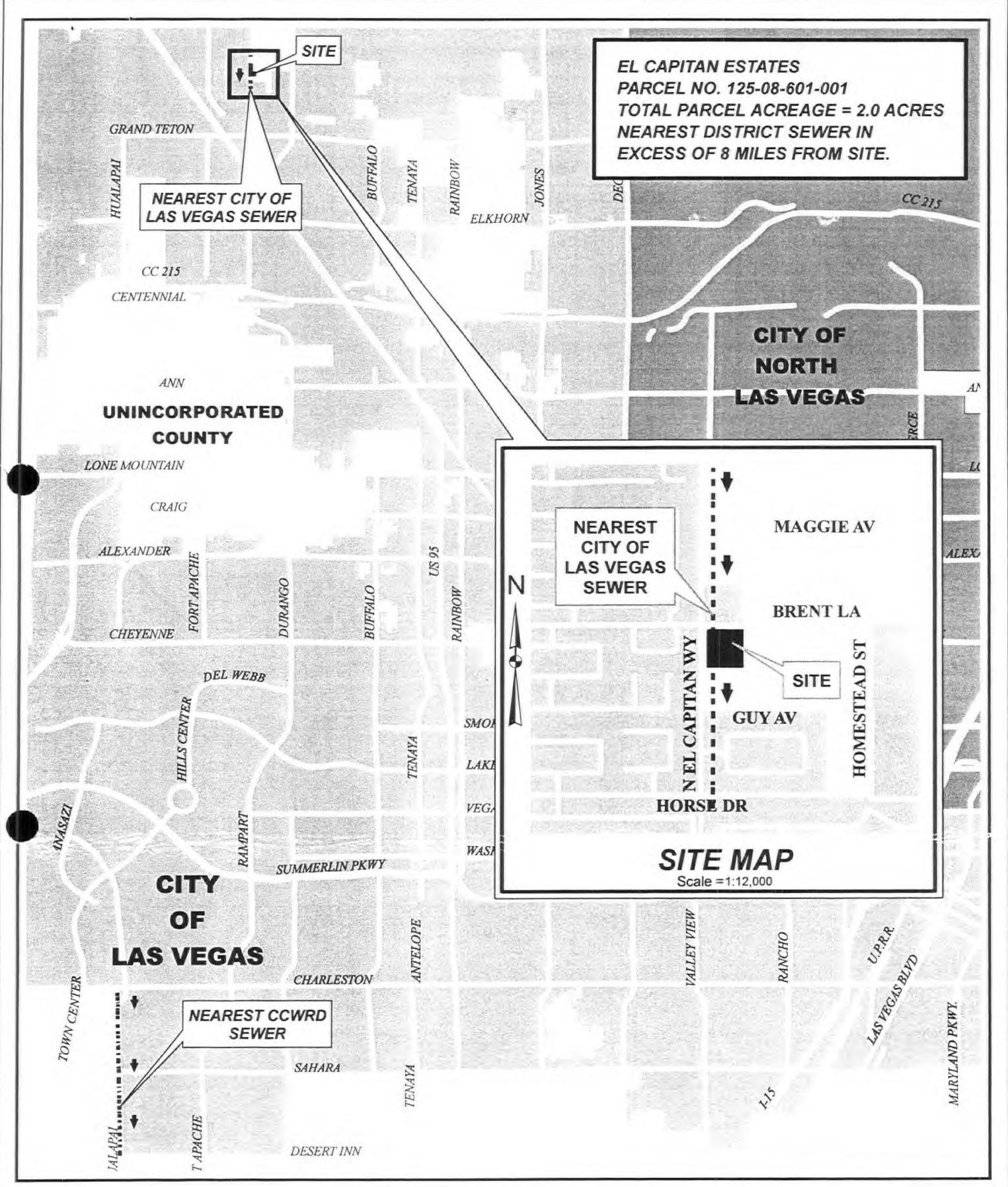
By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk
By: Beverly K. Bridges
Chief Deputy City Clerk

APPROVED AS TO FORM:

By  11/8/06
Deputy City Attorney
Thomas R. Green



EL CAPITAN ESTATES
PARCEL NO. 125-08-601-001
TOTAL PARCEL ACREAGE = 2.0 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 8 MILES FROM SITE.

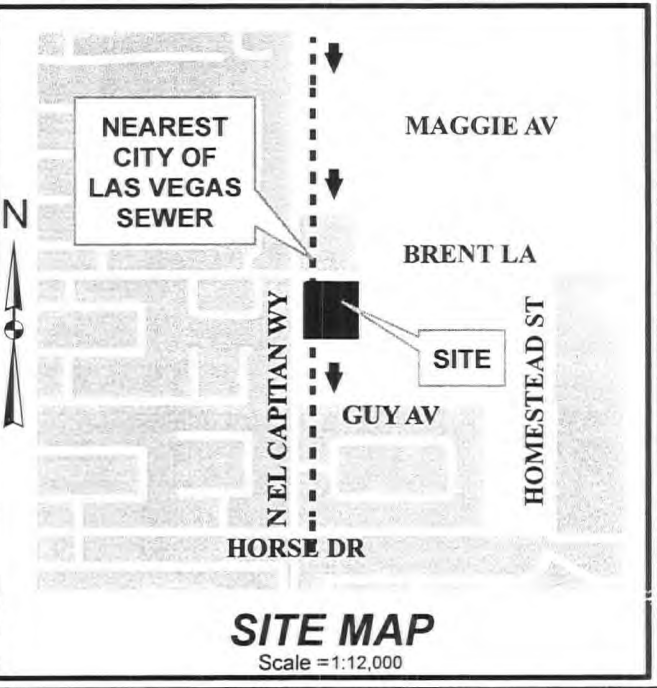
NEAREST CITY OF
LAS VEGAS SEWER

UNINCORPORATED
COUNTY

CITY OF
NORTH
LAS VEGAS

CITY
OF
LAS VEGAS

NEAREST CCWRD
SEWER



SITE MAP
Scale = 1:12,000

Scale = 1:96,000

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☒ **Consent** ☐ **Discussion****SUBJECT:**

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Ronald DeMille and Alicia M. DeMille, owners (west of Campbell Drive, between Corbett Street and El Campo Grande Avenue, APN 125-29-306-007) - County (near Ward 6 - Ross)

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

This request is to connect an existing single family dwelling located west of Campbell Drive between Corbett Street and El Campo Grande Avenue. The owners propose to connect to the 10-inch sewer line located in Campbell Drive. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted After Meeting – Executed Interlocal Agreement No. 456

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

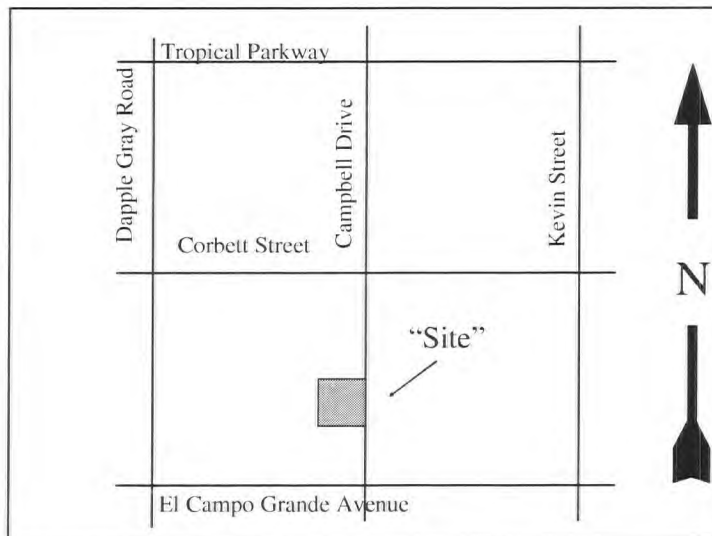
AGENDA MEMO

CITY COUNCIL MEETING DATE: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF A SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – RONALD DEMILLE AND ALICIA M.
DEMILLE, OWNERS (WEST OF CAMPBELL DRIVE, BETWEEN
CORBETT STREET AND EL CAMPO GRANDE AVENUE, APN 125-29-
306-007)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 29th day of September, 2006, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by RONALD K & ALICIA M DEMILLE, 0.52 acres – vacant land ; Parcel No. 125-29-306-007 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

/////

/////

/////

/////

/////

/////

/////

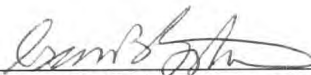
6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

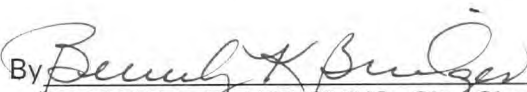
CLARK COUNTY WATER RECLAMATION DISTRICT

By 
RICHARD MENDES, General Manager

CITY OF LAS VEGAS

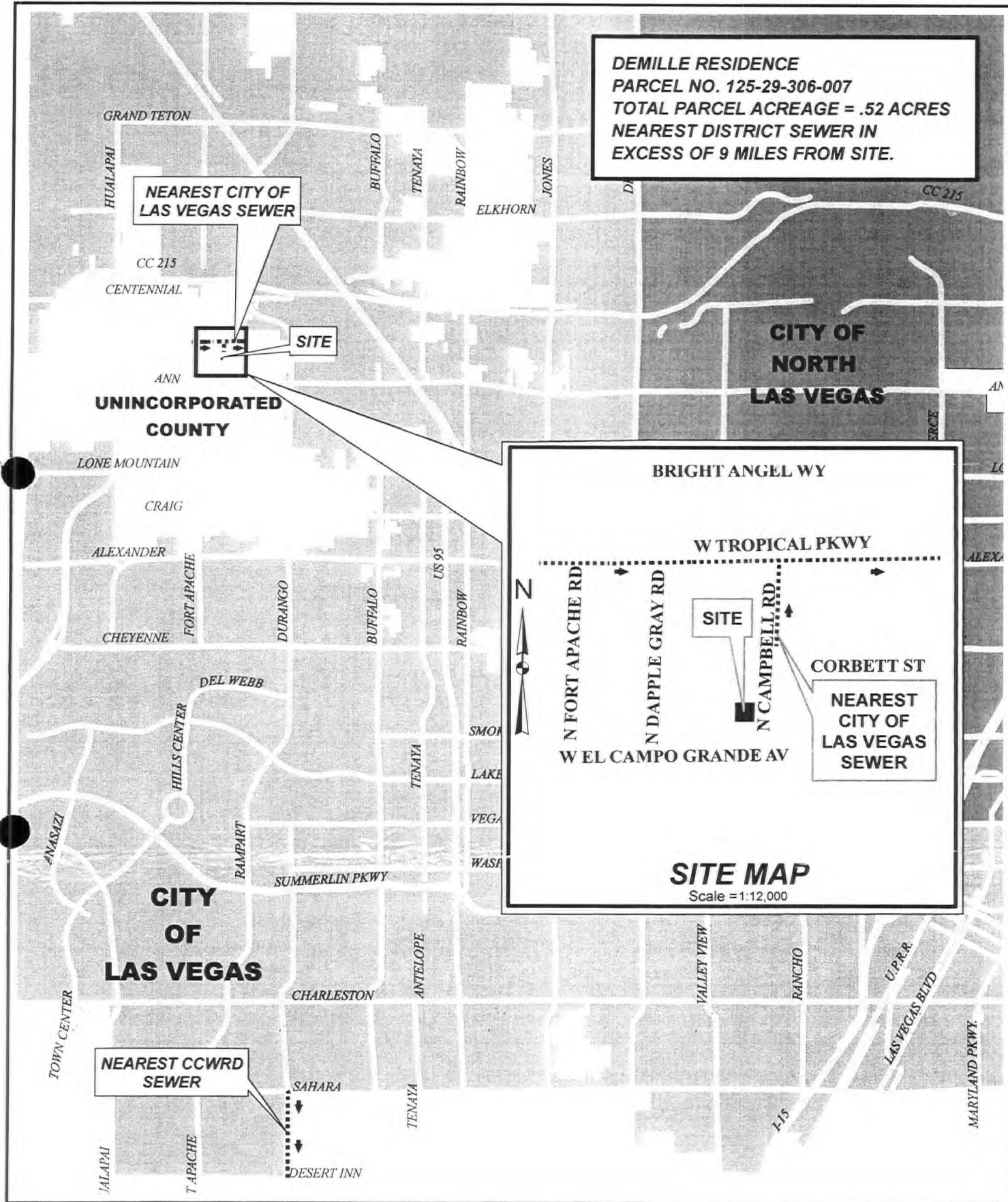
By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
~~BARBARA JO RONEMUS, City Clerk~~
By: Beverly K. Bridges
Chief Deputy City Clerk

APPROVED AS TO FORM:

By  11/8/06
Deputy City Attorney
Thomas R. Green



Clark County
Water Reclamation
 DISTRICT
 "Clean Water Team"

ILA #456 - EXHIBIT A

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☒ **Consent** ☐ **Discussion**

SUBJECT:

Approval of Interlocal Agreement 111466 with the Las Vegas Valley Water District for construction and funding of water facilities as part of the St. Louis beautification project, located between Paradise Road and Maryland Parkway (\$6,012 - Public Works Capital Project Fund/Street Rehabilitation) - Ward 3 (Reese)

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Dept./Division: Public Works/City Engineer

Amount: \$6,012

Funding Source: Public Works Capital Project Fund/Street Rehabilitation

PURPOSE/BACKGROUND:

This agreement is for the City of Las Vegas to furnish all necessary materials, labor, and equipment for the construction of the water main(s), fire hydrants and laterals, service connections, backflow prevention assemblies and appurtenances required for the purpose of providing water service to the real property to be developed as part of the street beautification project on St. Louis Avenue, between Paradise Road and Maryland Parkway.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Interlocal Agreement 111466

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

**INTERLOCAL AGREEMENT FOR
CITY OF LAS VEGAS
ST. LOUIS BEAUTIFICATION BETWEEN PARADISE ROAD & MARYLAND PARKWAY**

THIS AGREEMENT made and entered into by and between the CITY OF LAS VEGAS, a political subdivision of the State of Nevada, hereinafter called "CITY", and the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation of the state of Nevada, whose address is 1001 S. Valley View Boulevard, Las Vegas, NV 89153, hereinafter called "DISTRICT".

RECITALS

WHEREAS, the DISTRICT is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the CITY is engaged in the development of real property for street beautification, generally located on St. Louis Avenue, between Paradise Road and Maryland Parkway, and further referenced as Clark County Assessor's Parcel Number 162-03-421-001; and

WHEREAS, the DISTRICT is willing to continue to serve said real property with water pursuant to its Service Rules as adopted by its Board of Directors and subject to the CITY performing all of the terms, conditions and provisions hereinafter set forth and required of the CITY; and

WHEREAS, the CITY is willing to construct at its sole cost and expense the required water facilities for the purpose of providing water service to said real property; and

WHEREAS, both the CITY and the DISTRICT are authorized to enter into interlocal agreements pursuant to NRS 277.180.

NOW, this Agreement WITNESSETH:

ARTICLE I

CITY AGREES:

- A. At CITY'S sole cost and expense to furnish all necessary materials, labor, and equipment for the construction of the water main(s), fire hydrants and laterals, service connections, backflow prevention assemblies, and appurtenances, from the main to the point where the water being delivered leaves the piping owned by the DISTRICT, hereinafter called "WATER FACILITIES," shown on that certain plan or plans entitled:

**ST. LOUIS BEAUTIFICATION BETWEEN PARADISE ROAD & MARYLAND PARKWAY
Utility Plan**

- B. That said WATER FACILITIES shall be constructed in the locations shown, and in accordance with the above-mentioned plan, as approved by the DISTRICT, and in conformance with DISTRICT specifications.
- C. That all work shall be subject to inspection and approval by an authorized representative of the DISTRICT and the DISTRICT shall be notified a minimum of 48 hours in advance of actual construction start and 24 hours prior to an inspection of any part of the work, in order that necessary inspection can be arranged.
- D. To comply with the DISTRICT'S Service Rules that are in force on the effective date of this Agreement including those sections pertaining to the water commitment process and construction of the WATER FACILITIES identified in Article I, paragraph A above.

- E. At CITY'S sole cost and expense, to perform all survey work necessary to ensure installation of the WATER FACILITIES to the location and grades called for in the plans.
- F. At CITY'S sole cost and expense, to disinfect and pressure test the WATER FACILITIES to the satisfaction of the DISTRICT and the health authorities having jurisdiction.
- G. That connections to existing mains shall be made only in the presence of an authorized representative of the DISTRICT and at the times specified by the DISTRICT.
- H. That all WATER FACILITIES shall be located outside of driveways, driveway approaches, or other areas subject to vehicular traffic. In the event any WATER FACILITIES are located within those areas either inadvertently or otherwise, the CITY shall cause such WATER FACILITIES to be relocated outside of the driveways, driveway approaches or other areas described above, in accordance with DISTRICT's requirements, or shall reimburse the DISTRICT for the cost of relocating said WATER FACILITIES. If extraordinary conditions exist that would prevent compliance with this requirement, CITY may submit to the DISTRICT a written request for a waiver of this requirement pursuant to the DISTRICT's Service Rules.
- I. To furnish to the DISTRICT easements, in a form satisfactory to the DISTRICT, where WATER FACILITIES are approved to be installed in other than dedicated street or alleys. Said easements shall conform to the requirements as indicated on the approved water plans and be perpetual. The conditions of said easements shall be such that no buildings, structures, trees, shrubs, or other improvements which would interfere with its use by DISTRICT can be placed upon it, that DISTRICT will have the right to operate, maintain, repair, replace, and/or change the size and/or number of WATER FACILITIES; and that proper access to all parts of the easement by DISTRICT forces and equipment is provided. The conditions of said easements shall further provide that the property owner agrees to pay any and all costs incurred by the DISTRICT to make and/or maintain said easements accessible to the DISTRICT. It may be provided that other utility lines can be installed in said easement, so long as they do not interfere with its use by DISTRICT, and are in compliance with state laws and regulations.
- J. Should any defective material or workmanship affecting the WATER FACILITIES installed by the CITY be disclosed within one (1) year of the date of completion and acceptance of the WATER FACILITIES by the DISTRICT, CITY shall immediately cause the defect to be corrected, or shall reimburse DISTRICT for its cost to correct said defect. For the purpose of this Agreement, failures including, but not limited to, any leak or break in the WATER FACILITIES, or any pavement settlement, shall be considered conclusive evidence of defective materials and/or workmanship.
- K. That upon completion of construction of the work and acceptance of the work by the DISTRICT, the CITY will provide final acceptance of all work associated with the project and the final acceptance shall include providing the DISTRICT with all its right, title, and interest, in and to the WATER FACILITIES. The CITY will warrant at the time of said final acceptance that there are no encumbrances for material and labor claims.
- L. That installation of said WATER FACILITIES does not assure or guarantee that a complete water service will be available in the future. Until such time as a complete service connection is approved by the DISTRICT and a water commitment is obtained from the DISTRICT, no water may be taken from the new WATER FACILITIES installed under this Agreement.
- M. That all water will be taken through metered service connections, in accordance with DISTRICT'S Service Rules. The CITY will require its contractor to install the meters in a timely manner.
- N. To require its contractor to protect all existing water facilities during construction and to promptly undertake the repair of damaged facilities upon authorization of the DISTRICT.

O. The DISTRICT, its officers and employees shall be immune for any breach of this Agreement caused by an incorrect date being produced, calculated or generated by a computer or other information system that is owned or operated by the DISTRICT, its officers or employees, regardless of the cause of the error (reference NRS 41.0321).

ARTICLE II

DISTRICT AGREES:

- A. That upon completion of construction of the WATER FACILITIES, acceptance of same by the DISTRICT, and fulfillment by the CITY of all requirements of this Agreement, to thereafter operate and maintain WATER FACILITIES installed pursuant to this Agreement in accordance with the DISTRICT'S Service Rules as the same are established and amended.
- B. That construction water may be provided through metered fire hydrants in accordance with the DISTRICT'S Service Rules.

ARTICLE III

IT IS MUTUALLY AGREED:

- A. That all WATER FACILITIES installed under this Agreement shall be and remain the exclusive property of the DISTRICT, and shall become a part of the DISTRICT'S general water distribution system after acceptance by the DISTRICT.
- B. That construction water shall only be provided through metered fire hydrants and/or metered service connections in accordance with the DISTRICT'S Service Rules.
- C. That if this Agreement terminates in accordance with its terms, right, title and interest of all or any portion of the WATER FACILITIES installed, as determined solely and exclusively by the DISTRICT, shall become the exclusive property of the DISTRICT for the DISTRICT to use, modify, or to dispose of as the DISTRICT deems appropriate.
- D. That noncompliance or violation of the DISTRICT'S Service Rules or any provision of this Agreement by CITY or its officers, employees, agents, contractors, licensees or invitees shall be cause for the DISTRICT, at its sole discretion, to discontinue water service to CITY'S project without challenge by CITY and without liability for any damages caused by said discontinuation.
- E. That the CITY will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement. The CITY shall protect, indemnify, and hold the DISTRICT, its officers, employees, and agents harmless from and against any and all claims, damages, losses, expenses, suits, actions, judgements, and awards including attorney's fees and court costs which may be brought against it or them as a result of or by reason of or arising out of or as a consequence of the construction of the WATER FACILITIES contemplated in this Agreement.
- F. That this Agreement shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and is not a commitment for water service, and neither this Agreement, nor any interest therein, may be assigned without the prior written consent of the non-assigning party.
- G. That this Agreement represents the entire understanding of the CITY and the DISTRICT relative to the installation of the WATER FACILITIES in conjunction with the CITY'S project.
- H. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid, or unenforceable, any other part of this Agreement.

- I. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.
- J. That each party shall not discriminate against employees or applicants based on race, color, religion, sex, age, or national origin, and shall take affirmative action to ensure that applicants are employed and employees are treated without regard to the above-mentioned factors and agrees to post in conspicuous places for employees and applicants' notices provided by the Federal Civil Rights Commission setting forth these provisions. Each party further agrees that solicitation for employees shall state that qualified applicants will receive consideration without regard to the above-mentioned factors and will send to labor unions or collectives with which he/it has an agreement a notice of the commitments required herein and each party will comply with all local, state and federal laws prohibiting discrimination in hiring or employment opportunities.

IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement on the 15th day of November, 2006.

APPROVED:

Thomas R. Green 10/16/06
City Attorney Thomas R. Green
 (DEPUTY)

ATTEST:

Beverly K. Bridges
BARBARA JO RONEMUS, City Clerk
By: **Beverly K. Bridges**
Chief Deputy City Clerk

CITY OF LAS VEGAS

BY: Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

APPROVED:

Charles K. Hauser
CHARLES K. HAUSER, General Counsel

ATTEST:

Patricia Mulroy
PATRICIA MULROY, Secretary
Las Vegas Valley Water District

LAS VEGAS VALLEY WATER DISTRICT

BY: Myrna Williams
MYRNA WILLIAMS, President
Board of Directors

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **Consent** ☐ **Discussion**

SUBJECT:

RESOLUTIONS:

R-84-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Project will consist of the construction of pedestrian enhancements which include sidewalk bulb-outs, mid-block pedestrian crossings with landscaping and decorative and directional signage, gateway arches, removal and installation of new curb, gutter, sidewalk, streetlights, and related traffic signalization and drainage improvements. The cost of the SID is estimated to be \$1,970,000.00.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-84-2006

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

RESOLUTION NO. R-84-2006

A RESOLUTION MAKING A PROVISIONAL ORDER FOR THE CREATION OF THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET) TO ACQUIRE A STREET PROJECT; AND CALLING A HEARING.

Summary: Provisional Order

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, is of the opinion that the interest of the City requires the creation of a special improvement district pursuant to the Consolidated Local Improvements Law and the acquisition and improvement of a Street Project as defined in NRS 271.225 (the "Project"); and

WHEREAS, the Director of Public Works, together with the City Engineer Division of the City and certain consulting engineers (collectively, the "Engineer"), has filed at the office of the City Clerk, in connection with the Project and with the proposed City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (the "District") the following:

(A) Preliminary plans and specifications showing a typical section of the contemplated improvements, the type or types of material, approximate thickness and wideness for the Project;

(B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made in a lump sum or by unit prices, and further, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, interest on interim warrants, if any, discount on any bonds, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;

(C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels") showing the descriptions of the property to be assessed, the area to be assessed, the market values, a description of each lot, tract or parcel of land, the name and address of each owner, the amounts of estimated preliminary assessments, the amount of maximum benefits (and corresponding market value increases) estimated to be assessed against each lot, tract or parcel of land in the assessment area, such estimate being based on the method

of assessment set forth herein (an equitable adjustment having been made for assessments to be levied against wedge or "V" or other irregularly-shaped lots or lands, or for any lot, tract or parcel of land not specially benefited for other reasons in direct proportion to the method of assessment, so that assessments according to benefits will be equal and uniform); and

(D) The Engineer's Report to the City Council on Benefits, as to the method of determining benefits and corresponding market value increases and as to whether the creation of the District is economically sound and feasible; and

WHEREAS, the City Council has examined the plans, assessment plat, including the addendum thereto, typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits, and Engineer's Report, so filed with the City Clerk, and has found, and does hereby declare the same to be satisfactory in all respects; and

WHEREAS, the City Council has also determined, and does hereby determine, that all of the assessable property in the City which is specially benefited by the Project to be acquired in the District and only the property which is so specially benefited, is included in the District; and

WHEREAS, the City Council has also determined, and does hereby determine, that the assessments proposed to be levied against any municipal land included in the District is less than fifteen percent (15%) of the total amount of assessments against all tracts of land within the District; and

WHEREAS, the City Council has also determined, and does hereby determine, that less than one-half of the cost of the improvements in the District shall be paid with funds from the levy of assessments; and

WHEREAS, the City Council has also determined, and does hereby determine, that the exception provided by NRS 271.306(2)(a) does exist with respect to the costs of the improvements in the District, as more than one-half of the total costs will be paid with money derived from sources other than the levy of special assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA THAT:

Section 1. The special improvement district shall be designated "City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street)."

Section 2. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District 1506 Provisional Order Resolution" (this "Resolution").

Section 3. The City Council hereby ratifies the preparation, by the Engineer, of and does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits, and the estimate of maximum benefits (and corresponding market value increases) to be assessed against each lot, tract, or parcel of land in the assessment area.

Section 4. The Project shall be acquired at an estimated preliminary total cost of \$5,506,280, including engineering, legal, and incidental expenses, as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of the City Clerk at 400 Stewart Avenue, Las Vegas, Nevada 89101.

Section 5. The City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District and construction of the Project;
- (b) The creation of the District is economically sound and feasible; and
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 6. The boundaries of the District, within which is located the Project and the lots, tracts and parcels of land to be assessed, shall be as designated in the form of notice set forth in Section 7 of this Resolution. It is estimated that the total cost of the Project shall be apportioned as follows:

Estimated Amount of Special Assessments	Amount Available from Other Sources	Total Cost
\$ 1,970,000	\$ 3,536,280	\$ 5,506,280

The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 7 of this Resolution.

Section 7. On Wednesday, December 6, 2006, at 1:00 p.m. in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada (i.e., a time at least 20 days after the adoption of this

Resolution) the City Council will consider the ordering of the Project and will hear all complaints, protests, and objections that may be made in writing, and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owners of land to be assessed or any interested person. The owners of the property to be assessed or any other persons interested therein, may file a written protest or objection, and may appear before the City Council and be heard as to the propriety and advisability of making such improvements, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed against the property to be improved, and as to the amount of special benefits and corresponding market value increases. Twenty (20) days' prior notice, in writing, of such time and place shall be given to such property owners, postage prepaid, as first-class mail, to each property owner at his last known address, the names and addresses of such property owners are to be obtained from the records of the Clark County Assessor or from such other sources as the City Clerk deems reliable. Such notice shall also be given to the owner and each tenant of mobile home parks, if any, located on any tracts to be assessed. Any such list of names and addresses may be revised from time to time, but such list need not be revised more frequently than at twelve month intervals. Notice shall also be given by posting on the web site of the City, or in three (3) public places located on public property at or near the site of the Project at least twenty (20) days prior to the hearing. Proof of such mailing and posting shall be made by the affidavit of the City Clerk or Deputy City Clerk, proof of same to be filed with the City Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment or any other of the proceedings hereunder.

Notice of the time and place of such hearing shall also be given by publication in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas and of general circulation in the City, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to December 6, 2006. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the City Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the City Clerk until all the assessments pertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. Said notice shall be in substantially the following form:

(Form of Notice)

NOTICE OF HEARING ON PROPOSED PROJECT AND ASSESSMENTS WITHIN
THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS
VEGAS BOULEVARD TO 8TH STREET).

NOTICE IS HEREBY GIVEN to the property owners within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, has provisionally ordered the acquisition of a Street Project (the "Project") in and along the following street:

Fremont Street (BOTH SIDES) from the center line of Las Vegas Boulevard to the center line of 8th Street.

Except as shown on the preliminary plans and specifications now on file in the Office of the City Clerk and in the office of the Special Improvement District, Department of Public Works in Las Vegas, Nevada, the character of the Project which will be acquired is described more particularly as follows: the Project will consist of the construction of pedestrian enhancements which include sidewalk bulb-outs, mid-block pedestrian crossings with landscaping and decorative and directional signage, gateway arches, removal and installation of new curb, gutter, sidewalk, and streetlights, and related traffic signalization and drainage improvements.

The preliminary estimated total cost of the Project and the amount to be assessed is as follows:

Estimated Amount of Special Assessments	Amount Available from Other Sources	Total Cost
\$ 1,970,000	\$ 3,536,280	\$ 5,506,280

Pursuant to NRS 271.300 any estimate of cost does not constitute a limitation upon such cost or a limitation upon the rights and powers of the City.

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any,

and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The following methodology will determine the assessment against parcels in the District. The acreage of a parcel in the District will be multiplied by a weighting factor, depending upon the street or streets which the parcel fronts. The categories of streets shall be weighted as follows: a) Fremont Street frontage will be weighted at 1.5; and b) side street frontage (Las Vegas Boulevard, Sixth Street, Seventh Street, and Eighth Street) will be weighted at 1.0. The assessments will equal the weighting factor times the acreage of the parcel, divided by the total weighted acreage in the District, times the total amount assessed for the Project. For example, the assessment for a .5 acre parcel fronting Fremont Street would be calculated as follows:

1.5 (weighting factor) times .5 (parcel acreage) divided by 20.86 (the total weighted acreage in the District), times the total amount to be assessed. If the total amount assessed for the Project was \$1,970,000 (the estimated cost to be assessed), the property in this example would have an assessment of \$70,829.34.

The boundaries of the District shall be the exterior boundary of each parcel of property bounded by Las Vegas Boulevard, Carson Avenue, Eighth Street, and Ogden Avenue.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the total cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed thereagainst, and the amount of maximum benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the office of the Special Improvement District, Department of Public Works, and at the office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada.

All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

It is anticipated that there will be grade or elevation changes in connection with the acquisition of the Project. Such grade or elevation changes are substantial and are as shown on the preliminary plans and specifications. All interested persons are hereby referred to the preliminary plans and specifications, which relate to the details of the Project.

On Wednesday, December 6, 2006, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring and improving such Project, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, December 1, 2006. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing periodically. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

The City Council has determined that one-half or more of the total cost of the Project shall be paid with monies derived from sources other than the levy of special assessments and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of NRS 271.306, (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

After such hearing, the City Council shall determine the advisability of undertaking the Project, and, if it determines to proceed, shall determine the kind and character of such improvements to be made, and shall authorize the advertising for bids for performing such work and furnishing all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the assessments may be payable without interest and without demand during a specified cash payment period and the City Council shall provide that the assessments may be paid at the election of the owner in forty (40) substantially equal semi-annual installments of principal and interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments (at a rate not exceeding two percent (2%) per month or such lower rate, which may

be zero percent, for such period as determined by the City Treasurer). The City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. If assessment bonds are issued, such rate will not exceed by more than 1% of the highest rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than 3% the "Index of Twenty Bonds," which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate shall not exceed 9%.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. Any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. A person desiring to apply for a Hardship Determination shall file an application no later than December 1, 2006, with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City, Nevada, and dated this November __, 2006.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 8. That all action, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the District are hereby ratified, approved and confirmed.

Section 9. That the officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. That all resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. That the invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 12. That the City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2006.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk
By: Beverly K. Bridges
Chief Deputy City Clerk

Approved as to Form:

18 OCT 06 W Z

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on November 1, 2006.

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

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Steve Wolfson Lois Tarkanian Steven D. Ross
-------------------	---

Those Voting Nay:	NONE
-------------------	------

Those Absent:	NONE
---------------	------

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

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(A) by posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal office, at the building in which the

meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the city council, to wit:

- (i) Bulletin Board
City Hall Plaza (next to Metro Records)
Las Vegas, Nevada
- (ii) City Clerk's Bulletin Board
City Hall Plaza, 2nd Floor Skybridge
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(B) by mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

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

7. A copy of such notice so given of the meeting of the City Council on November 1, 2006, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this November 1, 2006.

(SEAL)



BARBARA JO RONEMUS, City Clerk
By: Beverly K. Bridges
Chief Deputy City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

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

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

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)

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

November 01, 2006

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

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

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION - LEROY SPOTTED EAGLE, SPIRITUAL LEADER, SOUTHERN PAIUTE NATION
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF THE CENTRAL LAS VEGAS 15 TO 16 YEAR OLD STATE BASEBALL CHAMPIONS
7. RECOGNITION OF NATIVE AMERICAN HERITAGE MONTH
8. RECOGNITION OF CENTENARIAN HARLEY LAMAY
9. RECOGNITION OF THE LAS VEGAS CENTENNIAL HISTORY BOOK, "SPRINGS IN THE DESERT"

10. RECOGNITION OF THE COMMUNITY INTERFAITH COUNCIL

BUSINESS ITEMS - MORNING

11. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
12. Approval of the Final Minutes by reference of the regular City Council meeting of September 20, 2006

CONSENT AGENDA

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

ADMINISTRATIVE SERVICES - CONSENT

13. Approval of the ratification of Michelle Thackston in a Council support position as the Executive Assistant to the Ward 6 office - All Wards

FIELD OPERATIONS - CONSENT

14. Approval of a Funding Agreement between the State of Nevada acting by and through its Division of State Lands and the Conservation and Resource Protection Grant Program (Grantor) and the City of Las Vegas (Grantee) for a Grant in the amount of \$500,000 for the purposes of acquiring land for Urban Parks and Greenbelts use located at the Southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)
15. Approval of a Nonrevocable Agreement to Restrict Property between the City of Las Vegas and the State of Nevada for a deed restriction of real property located in the southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

16. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

17. Approval of a Special Event License for Beauty Bar Salon, Location: 517 Fremont Street, Dates: November 3, 22, December 1, 2, 30, 31, 2006, Type: Special Event General, Event: Music and Dancing Live Arts, Responsible Person in Charge: Scott Infantolino - Ward 5 (Weekly)
18. Approval of a Special Event License for Mr. D's Sportsbar & Grill, Location: Outside Parking Lot, 1810 South Rainbow Boulevard, Dates: November 4 - 5, 2006, Type: Special Event General, Event: Dallas Cowboy Parking Lot Party, Responsible Person in Charge: Dennis Haecke - Ward 1 (Tarkanian)
19. Approval of Change of Location for a Wholesale General License, Johnson Brothers of Nevada, Inc., dba Johnson Brothers of Nevada, From: 4409 McGuire Street, To: 4701 Mitchell Street, Scott Belsaas, Pres, Michael Johnson, VP, Secy, 50% and Todd Johnson, VP, Treas, 50% - North Las Vegas

20. Approval of Change of Business Name, Change of Location and Change of Ownership for a Package License and a new Restricted Gaming License for 10 slots subject to the provisions of the planning and fire codes and Health Dept. regulations,
City Council November 01, 2006 - Page 2

From: Myers Market 2, 22 East Oakey Boulevard, Ralph E. Myers, 100%, To: Acosta Enterprises, Inc., dba Rincon Latino #3, 3700 East Charleston Boulevard, Suites C & D, Leonardo A. Garcia, Dir, Pres, Treas, 50% and Graciela Garcia, Dir, Secy, 50% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

21. Approval of award of Bid No. 06.1730.25-LED (Revised), City of Las Vegas (CLV) Intelligence Transportation System (ITS) Infrastructure, Corridor 5 Craig Road - US 95 to Decatur Blvd. and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: ACME ELECTRIC (\$1,448,565 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)
22. Approval of rejection of bid and award of Bid No. 06.1730.05-LED, Sahara Avenue Phase IV Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: INSITUFORM TECHNOLOGIES, INC. (\$4,273,700 - Sanitation Enterprise Fund) - Ward 3 (Reese)
23. Approval of award of Modification No. 1 to Contract No. 050542-DD, for Professional Engineering Services related to the design of the Tenaya Way Overpass at Summerlin Parkway - Department of Public Works - Award recommended to: HDR ENGINEERING, INC. (\$140,177 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)
24. Approval of revision to Purchase Order No. 219386 for Access Control System for City of Las Vegas located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. (\$1,972,607.65 - Sanitation Enterprise Fund) - County
25. Approval of Professional Services Agreement No. 06.15341.13 for New Prototype Fire Station #48 at Elkhorn Road and Fort Apache Road - Department of Public Works - Award recommended to: MARTIN AND MARTIN CIVIL ENGINEERS AND SURVEYORS (\$168,350 - Fire Services Capital Projects Fund) - Ward 6 (Ross)

LEISURE SERVICES - CONSENT

26. Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older who are residents of Las Vegas and Clark County with a priority for Las Vegas residents in the area of legal guardianships (\$71,250 Grant Revenue/Special Revenue Fund/Match Amount \$10,688) - All Wards

NEIGHBORHOOD SERVICES - CONSENT

27. Approval of \$2,500 Home Investment Partnership Program (HOME) funds awarded to owner Paulette Keith for a housing rehabilitation project located at 4822 Iowa Avenue - Ward 1 (Tarkanian)
28. Approval of \$150,000 of Community Development Block Grant (CDBG) construction funds for ADA improvements, minor rehabilitation including but not limited to asbestos and lead based paint abatement to bring the building located at 320 South 9th Street up to Code - Ward 3 (Reese)

PUBLIC WORKS - CONSENT

29. Approval of an Encroachment Request from Pardee Homes Nevada, owner (northeast corner of Tee Pee Lane and Dorrell Lane) - Ward 6 (Ross)
30. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 900 Antonio Drive - Ward 1 (Tarkanian)
31. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 904 Antonio Drive - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from Clark County School Board of Trustees, owner (southeast corner of Grand Canyon Drive and Bath Drive) - Ward 6 (Ross)

33. Approval of an Encroachment Request from Red Rock Engineering and Surveying, Incorporated, on behalf of William and Anne Dreibholz, owners (southwest corner of B Street and Monroe Avenue) - Ward 5 (Weekly)
34. Approval of an Encroachment Request from Fremont Construction on behalf of Cox Communications Las Vegas, Incorporated, owner (Ernest May Lane at Robin Lane) - Ward 5 (Weekly)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Orndoff 1996 Trust, owner (southeast corner of Jensen Street and Regena Avenue, APN 125-30-101-030) - County (near Ward 6 - Ross)
36. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Martin and Martin Civil Engineers and Surveyors on behalf of Clark County School District, owner (southeast corner of O'Hare Road and Bonita Vista Street, APNs 125-05-803-001 and -002) - County (near Ward 6 - Ross)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Art Consulting Engineers on behalf of Desert Palms Investment Group, LLC, owner (southeast corner of El Capitan Way and Brent Lane, APN 125-08-601-001) - County (near Ward 6 - Ross)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Ronald DeMille and Alicia M. DeMille, owners (west of Campbell Drive, between Corbett Street and El Campo Grande Avenue, APN 125-29-306-007) - County (near Ward 6 - Ross)
39. Approval of Interlocal Agreement 111466 with the Las Vegas Valley Water District for construction and funding of water facilities as part of the St. Louis beautification project, located between Paradise Road and Maryland Parkway (\$6,012 - Public Works Capital Project Fund/Street Rehabilitation) - Ward 3 (Reese)

RESOLUTIONS - CONSENT

40. R-84-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
41. R-85-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
42. R-86-2006 - Approval of Resolution of Intent to Annex Territory Generally Located on the North and South Sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road (ANX-12215); Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (PF-CC) and C-V (City equivalents) - Ward 6 (Ross)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

43. Report from the City Manager on Emerging Issues

DETENTION & ENFORCEMENT - DISCUSSION

44. Discussion and possible action related to the report on the Department of Detention and Enforcement jail bed expansion at 3300 Stewart Avenue - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

45. ABEYANCE ITEM - Discussion and possible action regarding Approval of a new Package License subject to the provisions of the planning codes and Health Dept. regulations, Senip CVS, LLC, dba CVS Pharmacy #2990, 6391 West Lake Mead Boulevard, Zenon P. Lankowsky, Pres and Thomas S. Moffatt, Secy (Note: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-14687) - Ward 5 (Weekly)

46. Discussion and possible action regarding Temporary Approval of a new Wine/Beer/Cordial/Liqueur Tasting License subject to the provisions of the planning and fire codes and Health Dept. regulations, Wineaux, Inc., dba Vino 100, 7220 Azure Drive, Suite 120, Natalie E. Buster, Dir, Pres, Secy, 50% and Teresa J. Berry, Dir, Treas, 50% - Ward 6 (Ross)
47. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the fire codes and Health Dept. regulations, MNDG LLC, dba Charleston Champ, 4030 West Charleston Boulevard, George Dima, Mgr, 100% - Ward 1 (Tarkanian)

PUBLIC WORKS - DISCUSSION

48. Public hearing and possible action regarding the continuation of the Traffic Signal Impact Fee Program and an update to the Capital Improvements Plan map - All Wards

BOARDS & COMMISSIONS - DISCUSSION

49. PARK & RECREATION ADVISORY COMMISSION – Heidi Hanusa, Term Expiration 12-7-2008 (Resigned 9-29-2006)
50. Discussion and possible action on the appointment of a member of City Council to serve as an alternate on the Clark County District Board of Health

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

51. Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman

NEW BILLS - DISCUSSION

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

52. Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman
53. Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese
54. Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

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

HEARINGS - DISCUSSION

56. ABEYANCE ITEM - Hearing to review the conditions set by City Council regarding the Appeal to the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST - C/O BROOKS ROBYNE J TRUST - C/O N COOK - Ward 3 (Reese)

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION

PLANNING & DEVELOPMENT - CONSENT

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

57. EOT-16950 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Variance (VAR-4671) THAT ALLOWED A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL
58. EOT-16951 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4606) THAT ALLOWED A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED; AND A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff Recommends APPROVAL
59. EOT-17091 - APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR. - Request for an Extension of Time of an approved Special Use Permit (U-0072-00) THAT ALLOWED A CHURCH/HOUSE OF WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
60. EOT-17074 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Rezoning (ZON-4646) FROM: R-E (RESIDENCE ESTATES) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), Ward 5 (Weekly). Staff recommends APPROVAL
61. EOT-17075 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Variance (VAR-4648) THAT ALLOWED A 2.5 ACRE R-PD SUBDIVISION WHERE 5.0 ACRES IS REQUIRED FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends

APPROVAL

62. EOT-17076 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4647) THAT ALLOWED A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

63. ROC-17081 - PUBLIC HEARING - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for a Review of Condition Number 4 of an approved Site Development Plan Review (SDR-4647) TO ALLOW ZERO FOOT SETBACKS ON ALL SIDES WHERE A MINIMUM OF 20 FEET ARE REQUIRED IN THE FRONT OF THE HOUSE, 10 FEET ON THE SIDE, 22 FEET ON THE CORNER SIDE, AND 20 FEET IN THE REAR on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
64. EOT-16956 - APPLICANT/OWNER: RINKAI AMERICA INC - Request for an Extension of Time of an approved Special Use Permit (SUP-5028) THAT ALLOWED A 73-STORY MIXED-USE DEVELOPMENT at 2423 and 2417 Las Vegas Boulevard (APN 162-04-813-070 and 071; 162-03-410-008), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL
65. SUP-16176 - PUBLIC HEARING - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Special Use Permit FOR CHURCH/HOUSE OF WORSHIP at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
66. SDR-16178 - PUBLIC HEARING - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF A 2,826 SQUARE FOOT RESIDENCE AND 375 SQUARE FOOT CASITA TO A PLACE OF WORSHIP on 0.85 acres at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
67. RESCIND PREVIOUS ACTION - SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL
68. SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). NOTE: This item is being reheard to correct the suite number which is #120. The Planning Commission (7-0 vote) and staff recommend APPROVAL
69. GPA-14325 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request to amend the Downtown Redevelopment Area Land Use Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street (APNs 139-34-810-101 through 105, 074 and 075), Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority which is tantamount to DENIAL
70. ZON-14338 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES, LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND PARKING) AND R-4 (HIGH DENSITY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.52 acres at 700, 708 and 712 South 10th Street (APNs 139-34-810-101 through 103), Ward 5 (Weekly). NOTE: As Of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL

71. VAR-14342 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW NO STEPBACK BEYOND THE BUILDING SETBACK LINE WHERE A 1:1 STEPBACK TO HEIGHT RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend DENIAL
72. VAR-14345 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW LOT COVERAGE OF 56 PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
73. VAR-14347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW 624 PARKING SPACES WHERE 635 IS THE MINIMUM NUMBER OF PARKING SPACES REQUIRED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
74. SUP-14339 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
75. VAC-12884 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC. - Petition to Vacate public alleys generally located south of Garces Avenue, between 9th Street and 10th Street, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
76. SDR-14349 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING, AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
77. ARC-13764 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: MONTECITO MARKETPLACE, LLC - Appeal filed by the applicant of the Denial by the Centennial Hills Architectural Review Committee of a request for A Major Modification to an approved Master Sign Plan (CHR-0019-05), TO ADD AN ADDITIONAL 24' PYLON SIGN AND AN ARRIVAL STATEMENT WALL SIGN adjacent to the east side of Durango Drive, approximately 1200 feet south of Elkhorn Road (APN 125-20-510-019), PD (Planned Development) Zone, Ward 6 (Ross). The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign
78. SUP-13891 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED 517-FOOT TOWER IN THE MCCARRAN AIRPORT OVERLAY DISTRICT at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2

(General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL

79. SUP-13897 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at 1431 Las Vegas Boulevard South (APNs 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
80. SDR-13899 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Site Development Plan Review FOR A 45-STORY MIXED-USE DEVELOPMENT CONSISTING OF 421 RESIDENTIAL UNITS AND 1,190 SQUARE FEET OF COMMERCIAL SPACE; AND WAIVERS OF THE STEPBAC, STREETSCAPE AND BUILD-TO-LINE REQUIREMENTS OF THE DOWNTOWN CENTENNIAL PLAN on 1.26 acres at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
81. SUP-14687 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C. - Request for a Special Use Permit FOR A RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE on 1.55 acres at 6391 West Lake Mead Boulevard (APN 138-23-720-005), C-1 (Limited Commercial), Ward 6 (Ross). NOTE: As of August 6, 2006 this item is located in Ward 5 (Weekly). NOTE: To be heard in conjunction with Morning Session Item 45. The Planning Commission (7-0 vote) and staff recommend APPROVAL
82. SUP-15347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SUN LOAN COMPANY - OWNER: PLAZA LOS ARCOS, LLC - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT FROM OTHER FINANCIAL INSTITUTIONS, SPECIFIED at 7591 Washington Avenue, Suites 140 and 150 (APN 138-27-301-015), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: The correct applicant is Jim Marchesi/Check City and the correct owner is Buffalo Washington III. Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
83. RQR-15420 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RAMZI SULIMAN - OWNER: 3140 VALLEY VIEW, LLC - Required Six Month Review of an approved Special Use Permit (SUP-7359) THAT ALLOWED A LIQUOR ESTABLISHMENT (BEER/WINE/COOLER, OFF-SALE) for an existing market at 3140 South Valley View Boulevard, Suites #3, #4 and #5 (APN 162-08-410-010), Ward 1 (Tarkanian). Staff recommends APPROVAL
84. RQR-13791 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: McELHOSE TRUST - Required Two Year Review of an approved Special Use Permit (U-0006-90) WHICH ALLOWED A 40-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1535 North Eastern Avenue (APN 139-26-505-004), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (3-2 vote) and staff recommend APPROVAL
85. RQR-15054 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: ECT HOLDINGS, LLC - Required Five Year Review of an approved Variance (V-0068-90) WHICH ALLOWED A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN 290 FEET FROM AN EXISTING BILLBOARD WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED at 1200 East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL
86. GPA-16140 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request to amend a portion of the Southeast Sector Plan of the Master Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
87. ZON-16141 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Rezoning FROM: R-E (RESIDENTIAL ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

88. VAR-16533 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 15 FEET WHERE 54 FEET ARE REQUIRED on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
89. SDR-16139 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Site Development Plan Review FOR A PROPOSED 9,300 SQUARE FOOT ONE-STORY OFFICE BUILDING on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
90. GPA-16193 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Amend a portion of the Southeast Sector Plan of the Master Plan FROM: MXU (MIXED-USE) TO: PF (PUBLIC FACILITIES) on 1.71 acres at 250 West Baltimore Avenue and 300 West Boston Avenue (APN 162-04-813-109 and 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
91. ZON-16450 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: CM (COMMERCIAL/INDUSTRIAL) TO C-V (CIVIC) on 0.56 acres at 300 W. Boston Avenue (APN 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
92. GPA-16201 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request to amend a portion of the Southwest Sector of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
93. ZON-16196 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
94. SUP-16198 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER TO ALLOW SERVICE BAYS TO FACE A PUBLIC RIGHT OF WAY at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
95. SUP-16200 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED TOWING SERVICE WITH NO STORAGE at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
96. SDR-16197 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Site Development Plan Review FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
97. GPA-16105 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend Map No. 2 of the Transportation Trails Element of the Las Vegas 2020 Master Plan TO DELETE A MULTI-USE TRANSPORTATION ALIGNMENT ALONG STEWART AVENUE FROM BRUCE STREET TO PECOS ROAD AND TO REALIGN A PORTION OF A PEDESTRIAN PATH ALIGNMENT FROM SUNRISE AVENUE TO STEWART AVENUE BETWEEN BRUCE STREET AND PECOS ROAD, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
98. ZON-13896 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-2 (GENERAL COMMERCIAL) on 2.61 acres at the southwest corner of Bonanza

Road and Martin L. King Boulevard (APN 139-28-401-033), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

99. VAR-13900 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Variance TO ALLOW A FRONT YARD SETBACK OF 10 FEET WHERE 20 FEET IS REQUIRED, A CORNER SIDE YARD SETBACK OF 10 FEET WHERE 15 FEET IS REQUIRED, AND A REAR YARD SETBACK OF 11 INCHES WHERE 20 FEET IS REQUIRED on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 100.SUP-13902 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED HELIPAD AND A WAIVER TO ALLOW A HELIPAD AS AN ACCESSORY USE TO A FACILITY OTHER THAN A HOSPITAL, MEDICAL FACILITY, OR MEDICAL OFFICE on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL
- 101.SUP-13903 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED 274-FOOT TALL BUILDING IN THE NORTH LAS VEGAS AIRPORT OVERLAY DISTRICT on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 102.SDR-13904 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Site Development Plan Review FOR A COMMERCIAL DEVELOPMENT CONSISTING OF A 3,000 SQUARE FOOT, A 1,500 SQUARE FOOT, AND A 4,500 SQUARE FOOT RETAIL PAD; A 20-STORY BUILDING CONSISTING OF 3,700 SQUARE FEET OF RESTAURANT SPACE, 10,000 SQUARE FEET OF RETAIL SPACE, 150,000 SQUARE FEET OF OFFICE SPACE, AND A 4,500 SQUARE FOOT CHILD CARE FACILITY; AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) and staff recommend APPROVAL
- 103.ZON-15371 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
- 104.VAR-15373 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Variance TO ALLOW A 2 FOOT SIDE YARD SETBACK WHERE A RESIDENTIAL ADJACENCY SETBACK OF 79 FEET 6 INCHES IS REQUIRED, A 3 FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED, AND 5 FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019,021, 023, 024, 025). Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
- 105.SDR-15375 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Site Development Plan review and a waiver of Perimeter Landscape Buffer Requirements FOR A 40 UNIT APARTMENT COMPLEX on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), R-E (Residence Estates) Zone [PROPOSED: R-3 (Medium Density Residential), Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
- 106.VAR-16113 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Variance TO ALLOW A NON-HABITABLE ACCESSORY STRUCTURE TO EXCEED 50% OF THE FLOOR AREA OF THE MAIN DWELLING AND TO EXCEED 50% OF THE REAR YARD AREA on 0.67 acres at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL

- 107.SUP-16112 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Special Use Permit FOR A NON-HABITABLE ACCESSORY STRUCTURE at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residential Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL
- 108.VAR-16144 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Variance TO ALLOW A 70-FOOT TALL WIRELESS COMMUNICATIONS TOWER 68.2 FEET FROM RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRES 210 FEET on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
- 109.SUP-16143 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Special Use Permit FOR A WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
- 110.VAR-16161 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Variance TO ALLOW A 3.5 FOOT REAR YARD SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 111.SUP-16160 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 112.SDR-16158 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Site Development Plan Review and a Waiver of perimeter landscaping requirements FOR A 3,032 SQUARE FOOT SERVICE STATION WITHOUT AUTOMOTIVE REPAIR on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
- 113.VAR-16165 - PUBLIC HEARING - APPLICANT/OWNER: YONG H. JUNG - Request for a Variance TO ALLOW 7 PARKING SPACES WHERE 13 PARKING SPACES ARE THE MINIMUM REQUIRED on 0.19 acres at 505 South Decatur Boulevard (APN 139-31-310-133), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
- 114.SUP-15959 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MINOR at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 115.SDR-15956 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Site Development Plan Review FOR A 3,200 SQUARE FOOT SERVICE STATION WITH AN 1,821 SQUARE FOOT AUTO REPAIR GARAGE, MINOR, AND A 3,480 SQUARE FOOT CAR WASH WITH A WAIVER OF THE PERIMETER LANDSCAPE STANDARDS on 1.7 acres at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
- 116.SUP-16110 - PUBLIC HEARING - APPLICANT: PECCOLE NEVADA - OWNER: NO. 6 FAC, LLC. - Request for a Special Use Permit FOR A 5,000 SQUARE FOOT TAVERN AND A WAIVER OF THE REQUIRED 1,500 FOOT MINIMUM SEPARATION DISTANCE FROM TWO OTHER TAVERNS at 1205 South Fort Apache Road (APN 163-05-116-002), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
- 117.SDR-16267 - PUBLIC HEARING - APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT WITH 17

DEVELOPMENT PARCELS on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-34-110-002 and 003), PD (Planned Development) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

- 118.RQR-14476 - PUBLIC HEARING - APPLICANT: LIED ANIMAL FOUNDATION - OWNER: CITY OF LAS VEGAS - Required One Year Review of an approved Site Development Plan Review (SDR-6883) WHICH ALLOWED TEMPORARY STRUCTURES FOR AN ANIMAL SHELTER on 8.39 acres at the southwest corner of Mojave Road and Harris Avenue (APN 139-25-405-008), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (5-1 vote) and staff recommend DENIAL

SET DATE

- 119.SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENTIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

- 120.CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

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

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

Exhibit "B"

(Attach Affidavit of Publication of Notice of Hearing)

AFFP DISTRICT COURT
Clark County, Nevada

RECEIVED
CITY CLERK

AFFIDAVIT OF PUBLICATION

2007 JAN 10 A 10:43

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK

2296311LV

1048537

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 3 edition(s) of said newspaper issued from 11/20/2006 to 12/04/2006, on the following days:

11/20/2006
11/27/2006
12/04/2006

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 12

day of December, 2006

Mary B. Sheffield
Notary Public

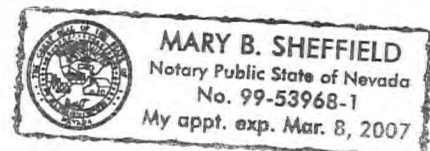


Exhibit "C"

(Attach minutes of public hearing on December 6, 2006)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 6, 2006

DEPARTMENT: PUBLIC WORKS**DIRECTOR: CHARLIE KAJKOWSKI**☐ Consent ☒ Discussion**SUBJECT:**

Public hearing on proposed local improvement district for Special Improvement District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)

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

The construction of pedestrian enhancements which include sidewalk bulb-outs, mid-block pedestrian crossings with landscaping and decorative and directional signage, gateway arches, removal and installation of new curb, gutter, sidewalk, streetlights, and related traffic signalization and drainage improvements. Costs will be recovered over a 20-year period, in accordance with the Provisional Order approved by City Council on the 1st day of November, 2006.

RECOMMENDATION:

Public hearing only; no action required.

BACKUP DOCUMENTATION:

1. Public hearing notice
2. 17 support letters
3. Submitted after final agenda – 3 protest letters and 2 support letters

Minutes:

CHARLIE KAJKOWSKI, Director of Public Works Department, indicated that Special Improvement District (SID) 1506 would improve streets between Fremont Street, Fifth and Eight Streets, SID 1516 provides for the continuous maintenance. The parcels affected by this SID are properties within Ogden to Carson, Las Vegas Boulevard to Eight Street. He showed photographs depicting the entrance to Fremont Street. Additional improvements would include sign icons of Las Vegas' past, such as replicas of the Silver Slipper. The improvements will include widening the sidewalks, install landscaping and a pedestrian crossing mid-block to facilitate the street being pedestrian friendly. The street will be one lane of traffic each direction, except for turn lanes. Notices were sent out and meetings were held with the affected property owners. Written protests are less than 16 percent. To move forward with the improvements they need 51 percent or better, which they have. To affect the maintenance they would need 33

CITY COUNCIL MEETING OF: DECEMBER 6, 2006

percent or more of protests, which were not received. The item is in order.

MAYOR GOODMAN stated the ambitious, wonderful project would add to the success of downtown. He verified with MR. KAJKOWSKI that the project would be completed by the Spring or Summer of 2007. MAYOR GOODMAN thanked staff for the time they have put into this project, in particular the Council members who represent the downtown area.

TOM MCGOWAN, Las Vegas resident, asked when and where the public meetings were held and asked for the minutes. SCOTT ADAMS, Director of the Office of Business Development, replied meetings were conducted by the property owners association and they relied on them to provide notices and facilitate those meetings. Staff has continually had meetings and there have been large scale meetings where all the owners have been invited.

JOHN KITCHEN, 515 Fremont Street, stated he never received a notice regarding any meetings; therefore, he was unable to give his input. He has never been wrong in his prediction as to the outcome of any City induced projects and this project is destined to fail. He does not believe there is a need for another bar in downtown. His business is located adjacent to the Beauty Bar, which has late night concerts and during those concerts, the front of his building is covered with feces, urine and vomit. Additionally, his business depended on the parking meters, they were removed based on information provided by Metro, which is a detriment to businesses because no parking is available for customers. He would like to see the street return to normal with the parking meters reinstalled. He referred to the pictures shown by staff where no pedestrian traffic is present.

FRANK ELEM, 115 North Seventh Street, President of the owners association for Fremont East, indicated that every property owner was notified, including MR. KITCHEN. MR. ELEM supports the SID, as it would increase property values. He represents owners of 101 and 105 Las Vegas Boulevard and 501-513 Las Vegas Boulevard, who fully support this SID. The property owners appreciate the City Council's support of this project.

THEODORE RUSSELL, Las Vegas resident, supports the plan. He believes that the Fremont Street Experience could be extended.

DOUG DEMASI, 1001 Ogden Avenue, appeared on behalf of business owners, who fully support the project.

ALEX LAVECCHIA, General Manager of the Good Day Inn, 707 Fremont Street, fully supports the plan.

VERA BUSICK, owner of a business located at 115 North Seventh Street, stated she will open a restaurant/night club and internet cafe with an upscale soul food theme. She supports the project and looks forward to locating in downtown.

KEVIN KELLY, 120 North Las Vegas Boulevard, Streamline Group, stated that things such as the proposed project encouraged them to move forward with their development. He indicated

CITY COUNCIL MEETING OF: DECEMBER 6, 2006

that Streamline will be completed in January 2008.

JUSTIN MARTINEZ, 709 through 731 Fremont Street, supports the project because value will be added and draw people to the area.

MIKE NOLEN and JOE WOODY, KENNY and LAWRENCE EPSTEIN, El Cortez, 600 East Fremont Street, were present. MR. NOLEN stated he is excited and wholeheartedly supports the plan. MAYOR GOODMAN pointed out that the El Cortez has become a wonderful casino.

CHARLES FOX, 11 Fremont Street, feels this plan will bring more people downtown. MAYOR GOODMAN thanked him and other business owners for bringing their businesses downtown. MR. KITCHEN reiterated he never received a notice pertaining to a public meeting regarding this plan. He stills believes this plan is not a good idea.

COUNCILMAN WEEKLY thanked all the downtown business owners for believing in the concept. He stressed that City staff ensure that all affected properties be notified about any future public hearings.



STATE OF NEVADA
CITY OF LAS VEGAS

)
) ss.
)

AFFIDAVIT OF MAILING
NOTICE OF HEARING

Beverly K. Bridges does hereby swear, upon oath according to law:

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

2. I mailed or caused to be mailed a notice entitled "NOTICE OF HEARING ON A PROPOSED PROJECT AND ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET)" by deposit in the United States mail, postage prepaid, as first-class mail, at the post office in the City of Las Vegas, Nevada, on November 16, 2006, being at least twenty (20) days prior to the hearing, on December 6, 2006, to the last known address of each last known owner of land within the District whose property will be assessed for the cost of the improvements and to each tenant who resides or owns a business located within the District, such addresses and owners being those appearing on the records of the County Assessor of Clark County, Nevada, and from such other sources as I, the City of Las Vegas and Public Works Department deemed to be reliable.

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

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

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

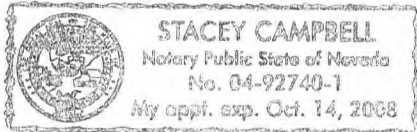
Further Affiant sayeth naught.


BEVERLY K. BRIDGES, CMC Acting City Clerk

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

This instrument was acknowledged before me by Beverly K. Bridges, as Acting City Clerk
as of the City of Las Vegas, Nevada, this March 26, 2007.

My commission expires October 14, 2008.



(NOTARIAL STAMP)

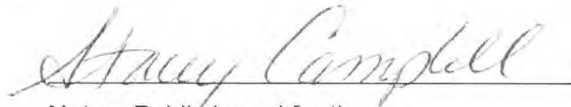

Notary Public in and for the
State of Nevada

EXHIBIT "A"

(Attach List of Property Owners with Their Addresses)

CITY OF LAS VEGAS
 FINAL ASSESSMENT ROLL NO. 2006-4
 SPECIAL IMPROVEMENT DISTRICT 1506
 FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-601-002	PARCEL MAP FILE 111 PAGE 66 LOT 1	MELE PONO HOLDING CO 515 S FLORENCE AVE SANDPOINTE ID 83864-1142	0.45	0.45	\$ 3,120,000	\$ 486,346	\$ 63,746	\$ 63,746
139-34-611-002	HAWKINS ADD	EXBER INC	0.15	0.61	\$ 4,800,000	\$ 374,112	\$ 14,166	\$ 57,608
139-34-611-003	PLAT BOOK 1 PAGE 40	107 N 6TH ST 3RD FLOOR	0.14				\$ 13,221	
139-34-611-010	BLOCK 2, LOTS 7-10, 23-26, & VAC ALLEY	LAS VEGAS NV 89101-4239	0.32				\$ 30,221	
139-34-611-004	HAWKINS ADD	HAM ARTEMUS W III	0.23	0.30	\$ 2,080,000	\$ 324,230	\$ 32,581	\$ 42,497
139-34-611-005	PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 11-14	2008 GRAY EAGLE WY LAS VEGAS NV 89117-5738	0.07				\$ 9,916	
139-34-611-006	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, LOT 15	PREMIER TRUST TRS HECHT MARTIN D REVOCABLE TRUST 2700 W SAHARA AVE #300 LAS VEGAS NV 89102-1714	0.08	0.08	\$ 470,000	\$ 73,264	\$ 11,333	\$ 11,333
139-34-611-007	HAWKINS ADD	HAM A W III TRUST	0.15	0.28	\$ 1,790,000	\$ 279,025	\$ 21,249	\$ 39,665
139-34-611-008	PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 16-18 & PT LOT 19	HAM A W III TRS 2008 GRAY EAGLE WY LAS VEGAS NV 89117-5738	0.13				\$ 18,416	
139-34-611-009	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, PT LOT 19 & LOTS 20-22	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	0.23	0.23	\$ 1,500,000	\$ 233,820	\$ 32,581	\$ 32,581
139-34-611-015	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOT 7	NATIONWIDE CHECK SERVICE INC 515 FREMONT ST LAS VEGAS NV 89101-5611	0.07	0.07	\$ 470,000	\$ 73,264	\$ 9,916	\$ 9,916

CITY OF LAS VEGAS
 FINAL ASSESSMENT ROLL NO. 2006-4
 SPECIAL IMPROVEMENT DISTRICT 1506
 FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-611-016	HAWKINS ADD	T-BREO II LLC	0.14	0.34	\$ 2,360,000	\$ 367,877	\$ 19,832	\$ 48,164
139-34-611-017	PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 8-12	1 MAIN ST LAS VEGAS NV 89101-6370	0.20				\$ 28,332	
139-34-611-018	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 1-5, 13-22 & VAC ALLEY	CITY OF LAS VEGAS C/O OFFICE BUSINESS DEV 400 STEWART AVE 2ND FLOOR LAS VEGAS NV 89101-2913	1.24	1.24	\$ 10,780,000	\$ 840,193	\$ 175,657	\$ 175,657
139-34-611-019	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 6 & 7	STURMAN RICHARD & BEATRICE 114 N 3RD ST LAS VEGAS NV 89101-2926	0.15	0.15	\$ 940,000	\$ 146,527	\$ 21,247	\$ 21,247
139-34-611-020	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 8-12	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	0.37	0.37	\$ 2,360,000	\$ 367,877	\$ 52,414	\$ 52,414
139-34-611-021	HAWKINS ADD	PINI DARIO	0.25	1.70	\$ 10,660,000	\$ 1,107,787	\$ 23,610	\$ 221,460
139-34-611-022	PLAT BOOK 1 PAGE 40	1335 MISSION RIDGE RD	0.16				\$ 15,110	
139-34-612-005	BLOCK 6, LOTS 28-32 & PLAT BOOK 1 PAGE 15 BLOCK 13, LOTS 1-5 & PT SW4 NE4 34 20 61 .39A	SANTA BARBARA CA 93103-2056	1.29				\$ 182,740	
139-34-611-023	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 26 & 27	RAMIREZ GENEVIEVE S TRUST 4129 ANNIE OAKLEY DR LAS VEGAS NV 89121-6301	0.16	0.16	\$ 1,020,000	\$ 79,499	\$ 15,110	\$ 15,110
139-34-611-024	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 23-25	SEARS ROBERT M WIEDBUSCH JOAN LYNN C/O H & L REALTY & MGT P O BOX 7440 LAS VEGAS NV 89125-7440	0.25	0.25	\$ 1,520,000	\$ 118,469	\$ 23,610	\$ 23,610

CITY OF LAS VEGAS
****FINAL ASSESSMENT ROLL NO. 2006-4****
SPECIAL IMPROVEMENT DISTRICT 1506
FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-611-051	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 23-26	MELE PONO HOLDING CO C/O VEGAS VALLEY COMMERCIAL 1023 WHITNEY RANCH DR HENDERSON NV 89014-3073	0.33	0.33	\$ 2,030,000	\$ 158,218	\$ 31,165	\$ 31,165
139-34-611-052	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 27-30	EDEN L P C/O K GRAVES 1216 S 17TH ST LAS VEGAS NV 89104-1833	0.33	0.33	\$ 2,030,000	\$ 158,218	\$ 31,165	\$ 31,165
139-34-611-053	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 31 & 32	AT&T COMMUNICATONS NV INC 8545 126TH AVE N P O BOX 2826 LARGO FL 33779-2826	0.16	0.16	\$ 1,020,000	\$ 79,499	\$ 15,110	\$ 15,110
139-34-611-055	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 13-22	CENTRAL TELEPHONE CO C/O PPTY TAX DEPT P O BOX 7909 OVERLAND PARK, KS 66207-0909	0.78	0.78	\$ 5,600,000	\$ 436,464	\$ 73,663	\$ 73,663
139-34-611-056	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 1-6, 27-32 & VAC ALLEY	STREAMLINE TOWER LLC 717 S 8TH ST LAS VEGAS NV 89101-7006	0.97	0.97	\$ 9,490,000	\$ 739,651	\$ 91,606	\$ 91,606
139-34-612-004	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 3, LOTS 1-6, C & PLAT BOOK 1 PAGE 40 BLOCK 7, LOTS 1-17 & VAC ALLEY	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	2.77	2.77	\$ 36,000,000	\$ 2,805,840	\$ 392,395	\$ 392,395

CITY OF LAS VEGAS
 FINAL ASSESSMENT ROLL NO. 2006-4
 SPECIAL IMPROVEMENT DISTRICT 1506
 FREMONT STREET PEDESTRIAN IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-612-006	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 4-8	SHREE GANESHA INC 700 E FREMONT ST LAS VEGAS NV 89101-5616	0.82	0.82	\$ 5,080,000	\$ 791,870	\$ 116,160	\$ 116,160
139-34-612-007	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOT 3	7TH STREET PROPERTIES L L C C/O F ELAM 2468 PING DR HENDERSON NV 89074-8315	0.16	0.16	\$ 1,020,000	\$ 79,499	\$ 15,110	\$ 15,110
139-34-612-008	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOT 2	FERGUSON FAMILY TRUST FERGUSON PAUL & KATHERINE CO-TRS 2117 SILVER AVE LAS VEGAS NV 89102-2221	0.16	0.16	\$ 1,020,000	\$ 79,499	\$ 15,110	\$ 15,110
139-34-612-009 139-34-612-018	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 1 & 13	DOWNTOWNER 1999 TRUST KOVAK-COHN 1989 TRUST 129 N 8TH ST LAS VEGAS NV 89101-4207	0.15 0.17	0.32	\$ 2,030,000	\$ 158,218	\$ 14,166 \$ 16,055	\$ 30,221
139-34-612-017	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 14-16	PINJUV MATTHEW ETAL 2908 SARINA AVE HENDERSON NV 89074-2848	0.50	0.50	\$ 3,050,000	\$ 237,717	\$ 47,220	\$ 47,220
139-34-612-019	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 9-12	750 FREMONT L L C 770 N. LASALLE ST #414 CHICAGO IL 60610-3740	0.70	0.70	\$ 5,600,000	\$ 436,464	\$ 99,161	\$ 99,161
139-34-612-084	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 13, LOTS 6 & 7-13	MARTINEZ DAN & STEPHANY C/O J MARTINEZ 1729 WANDERING WINDS WY LAS VEGAS NV 89128-7978	1.39	1.39	\$ 11,200,000	\$ 872,928	\$ 196,906	\$ 196,906
REPORT TOTALS			15.62	15.62			\$ 1,970,000	\$ 1,970,000

EXHIBIT "B"

(Attach Notice of Hearing as Mailed)

NOTICE OF HEARING ON PROPOSED PROJECT AND ASSESSMENTS
WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1506 – FREMONT STREET PEDESTRIAN
IMPROVEMENTS (LAS VEGAS BOULEVARD TO 8TH STREET).

NOTICE IS HEREBY GIVEN to the property owners within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1506 – Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, has provisionally ordered the acquisition of a Street Project (the "Project") in and along the following street:

Fremont Street (BOTH SIDES) from the center line of Las Vegas Boulevard to the center line of 8th Street.

Except as shown on the preliminary plans and specifications now on file in the Office of the City Clerk and in the office of the Special Improvement District, Department of Public Works in Las Vegas, Nevada, the character of the Project which will be acquired is described more particularly as follows: the Project will consist of the construction of pedestrian enhancements which include sidewalk bulb-outs, mid-block pedestrian crossings with landscaping and decorative and directional signage, gateway arches, removal and installation of new curb, gutter, sidewalk, and streetlights, and related traffic signalization and drainage improvements.

The preliminary estimated total cost of the Project and the amount to be assessed is as follows:

Estimated Amount of Special Assessments	Amount Available from Other Sources	Total Cost
\$ 1,970,000	\$ 3,536,280	\$ 5,506,280

Pursuant to NRS 271.300 any estimate of cost does not constitute a limitation upon such cost or a limitation upon the rights and powers of the City.

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The following methodology will determine the assessment against parcels in the District. The acreage of a parcel in the District will be multiplied by a weighting factor, depending upon the street or streets which the parcel fronts. The categories of streets shall be weighted as follows: a) Fremont Street frontage will be weighted at 1.5; and b) side street frontage (Las Vegas Boulevard, Sixth Street, Seventh Street, and Eighth Street) will be weighted at 1.0. The assessments will equal the weighting factor times the acreage of the parcel, divided by the total weighted acreage in the District, times the total amount assessed for the Project. For example, the assessment for a .5 acre parcel fronting Fremont Street would be calculated as follows:

1.5 (weighting factor) times .5 (parcel acreage) divided by 20.86 (the total weighted acreage in the District), times the total amount to be assessed. If the total amount assessed for the Project was \$1,970,000 (the estimated cost to be

assessed), the property in this example would have an assessment of \$70,829.34.

The boundaries of the District shall be the exterior boundary of each parcel of property bounded by Las Vegas Boulevard, Carson Avenue, Eighth Street, and Ogden Avenue.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the total cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed there against, and the amount of maximum benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the office of the Special Improvement District, Department of Public Works, and at the office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada. All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

It is anticipated that there will be grade or elevation changes in connection with the acquisition of the Project. Such grade or elevation changes are substantial and are as shown on the preliminary plans and specifications. All interested persons are hereby referred to the preliminary plans and specifications, which relate to the details of the Project.

On Wednesday, December 6, 2006, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring and improving such Project, as to the estimated cost thereof, as to the manner of payment therefore, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, December 1, 2006. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing periodically. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

The City Council has determined that one-half or more of the total cost of the Project shall be paid with monies derived from sources other than the levy of special assessments and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of

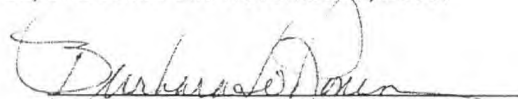
NRS 271.306, (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

After such hearing, the City Council shall determine the advisability of undertaking the Project, and, if it determines to proceed, shall determine the kind and character of such improvements to be made, and shall authorize the advertising for bids for performing such work and furnishing all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the assessments may be payable without interest and without demand during a specified cash payment period and the City Council shall provide that the assessments may be paid at the election of the owner in forty (40) substantially equal semi-annual installments of principal and interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments (at a rate not exceeding two percent (2%) per month or such lower rate, which may be zero percent, for such period as determined by the City Treasurer). The City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments, which will not exceed the maximum rate of interest permitted under the statutes of the State. If assessment bonds are issued, such rate will not exceed by more than 1% of the highest rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than 3% the "Index of Twenty Bonds," which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate shall not exceed 9%.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. Any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expires; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. A person desiring to apply for a Hardship Determination shall file an application no later than December 1, 2006, with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City, Nevada, and dated this November 1, 2006.


BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **Consent** ☐ **Discussion**

SUBJECT:

RESOLUTIONS:

R-85-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The District is being formed to provide annual funding for the general maintenance of the Fremont Street Pedestrian Improvements. The property owners will be billed in four (4) quarterly installments each year for the actual cost of maintenance based on contractor bids. The cost of the initial SID is estimated to be \$245,052.00. The maintenance of the pedestrian improvement project is funded 100% by the property owners through this SID.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-85-2006

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

RESOLUTION NO. R-85-2006

A RESOLUTION MAKING A PROVISIONAL ORDER FOR THE CREATION OF THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET) TO PROVIDE ANNUAL MAINTENANCE FOR A COMMERCIAL AREA VITALIZATION PROJECT; AND CALLING A HEARING.

Summary: Provisional Order

WHEREAS, the City Council (the "City Council") is of the opinion that the interest of the City of Las Vegas, Nevada, requires the creation of a special improvement district pursuant to the Consolidated Local Improvements Law (NRS Chapter 271) to defray the annual costs of a Commercial Area Vitalization Project, as defined in NRS 271.063 (the "Project") within the proposed "City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street)" (the "District"); and

WHEREAS, the Director of Public Works, together with the City Engineer Division of the City and certain consulting engineers (collectively, the "Engineer"), has filed at the Office of the City Clerk, in connection with the Project and with the District the following:

(A) Preliminary plans and specifications showing a typical section of the contemplated improvements, the type or types of material, approximate thickness and wideness for the Project;

(B) A preliminary estimate of the total cost of the Project, and further, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal expenses, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof; and

(C) An assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels") showing the descriptions of the property to be assessed, the area to be assessed, the market values, a description of each lot, tract or parcel of land, the name and address of each owner, the amounts of estimated preliminary assessments, and the amount of maximum benefits (and corresponding market value increases) estimated to be assessed against each lot, tract or parcel of land in the assessment area, such estimate being based on the method

of assessment set forth herein (an equitable adjustment having been made for assessments to be levied against wedge or "V" or other irregularly-shaped lots or lands, or for any lot, tract or parcel of land not specially benefited for other reasons in direct proportion to the method of assessment, so that assessments according to benefits will be equal and uniform); and

(D) The Engineer's Report to the City Council on Benefits, as to the method of determining benefits and corresponding market value increases and as to whether the creation of the District is economically sound and feasible; and

(E) A plan for the management of the District including:

- (i) The improvements proposed for each year of the first five fiscal years of the District;
- (ii) An estimate of the total amount to be expended on improvements in the first year of operation;
- (iii) A list of any other special assessments that are currently being levied within the District;
- (iv) The name of any proposed association; and
- (v) Any other matter that the City Council requires to be set forth in the plan.

WHEREAS, the City Council has examined the plans, assessment plat, including the addendum thereto, typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits, Engineer's Report, and the plan for the management of the District, so filed with the City Clerk, and has found, and does hereby declare the same to be satisfactory in all respects; and

WHEREAS, the City Council has also determined, and does hereby determine, that all of the assessable property in the City which is specially benefited by the Project in the District and only the property which is so specially benefited, is included in the District; and

WHEREAS, the City Council has also determined, and does hereby determine that the assessments proposed to be levied against any municipal land included in the District is less than fifteen percent (15%) of the total amount of assessments against all tracts of land within the District; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project with funds derived from the levy of special assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA THAT:

Section 1. The special improvement district shall be designated "City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street).

Section 2. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District 1516 Provisional Order Resolution" (hereinafter, this "Resolution").

Section 3. The City Council hereby ratifies the preparation by the Engineer of and does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), a typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits, the plan for the management of the District, and the estimate of maximum benefits (and corresponding market value increases) to be assessed against each lot, tract, or parcel of land in the assessment area.

Section 4. The Project shall be acquired, improved and maintained at an estimated preliminary annual cost of \$245,052, including engineering, legal, and incidental expenses, more particularly set forth hereinafter and described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the Office of the City Clerk at 400 Stewart Avenue, Las Vegas, Nevada 89101.

Section 5. The City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity require the creation of the District and the acquisition, improvement and maintenance of the Project;

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

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

Section 6. The boundaries of the District, within which is located the Project and the lots, tracts and parcels of land to be assessed, shall be as designated in the form of notice set forth in Section 7 of this Resolution. It is estimated that the total cost of the Project shall be apportioned as follows:

Estimated Annual Amount of Special Assessments	Amount Available from Other Sources	Total Annual Cost
\$ 245,052	\$ 0.00	\$ 245,052

The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 7 of this Resolution.

Section 7. On Wednesday, December 6, 2006, at 1:00 p.m. in the City Council Chambers, 400 Stewart Avenue, Las Vegas, Nevada (i.e., a time at least 20 days after the adoption of this Resolution) the City Council will consider the ordering of the Project and will hear all complaints, protests, and objections that may be made in writing, and filed as provided, or made verbally at the hearing, concerning the same, by the owners of land to be assessed or any interested person. The owners of the property to be assessed or any other persons interested therein, may file a written protest or objection, and may appear before the City Council and be heard as to the propriety and advisability of making such improvements, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed against the property to be improved, and as to the amount of special benefits and corresponding market value increases. Twenty (20) days prior notice, in writing, of such time and place shall be given to such property owners and to each tenant who resides or owns a business located within the District, postage prepaid, as first-class mail, to each property owner or tenant, as the case may be, at his last known address, the names and addresses of such property owners are to be obtained from the records of the Clark County Assessor or from such other sources as the City Clerk deems reliable. Such notice shall also be given to the owner and each tenant of mobile home parks, if any, located on any tracts to be assessed. Any such list of names and addresses may be revised from time to time, but such list need not be revised more frequently than at twelve-month intervals. Notice shall also be given by posting on the web site of the City, or in three (3) public places located on public property at or near the site of the Project at least twenty (20) days prior to the hearing. Proof of such mailing and posting shall be made by the affidavit of the City Clerk or Deputy City Clerk, proof of same to be filed with the City Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment or any other of the proceedings hereunder.

Notice of the time and place of such hearing shall also be given by publication in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas and of general circulation in the City, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to December 6, 2006. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Such service by publication shall be verified by the affidavit of the publishers and filed with the City Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the City Clerk until all the assessments pertaining to the District shall have been paid in full as to principal, interest and any penalties or collection costs. Said notice shall be in substantially the following form:

(Form of Notice)

NOTICE OF HEARING ON A PROPOSED COMMERCIAL AREA VITALIZATION PROJECT AND ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET).

NOTICE IS HEREBY GIVEN to the property owners and tenants within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, has provisionally ordered the acquisition, improvement and maintenance of a Commercial Area Vitalization Project (the "Project") in and along the following street:

Fremont Street (BOTH SIDES) from the center line of Las Vegas Boulevard to the center line of 8th Street.

Except as shown on the preliminary plans and specifications now on file in the Office of the City Clerk and in the office of the Special Improvement District, Department of Public Works in Las Vegas, Nevada, the character of the Project which will be maintained is described more particularly as follows: The Project will consist of all or part of the following: the beautification and improvement of the public portions of any area zoned primarily for business or commercial purposes, including, without limitation, public restrooms, facilities for outdoor lighting and heating, decorations, fountains, landscaping, facilities or equipment, or both, to enhance protection of persons and property, ramps, sidewalks, rehabilitation or removal of existing structures, promotional activities including the promotion of public events that benefit business or real property, providing music in any public place, promotion of tourism marketing and economic development, including the recruitment and retention of retail business, providing services related to security, sanitation, the removal of graffiti, the cleaning of streets and sidewalks and providing other municipal services that are supplemental to those typically provided by the City and any other activity that benefits businesses and real property located in the District. The District is being formed to finance the annual costs of acquiring, improving and maintaining the Project. The City will annually adopt a budget for the Project and will annually assess the costs of maintenance against all benefited tracts in the District.

The preliminary estimated annual cost of the Project and the amount to be assessed is as follows:

Estimated Annual Amount of Special Assessments	Amount Available from Other Sources	Total Annual Cost
\$ 245,052	\$ 0.00	\$ 245,052

Pursuant to NRS 271.300 any estimate of cost does not constitute a limitation upon such cost or a limitation upon the rights and powers of the City.

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The following methodology will determine the assessment against parcels in the District. The acreage of a parcel in the District will be multiplied by a weighting factor, depending upon the street or streets which the parcel fronts. The categories of streets shall be weighted as follows: a) Fremont Street frontage will be weighted at 1.5; and b) side street frontage (Las Vegas Boulevard, Sixth Street, Seventh Street, and Eighth Street) will be weighted at 1.0. The assessments will equal the weighting factor times the acreage of the parcel, divided by the total weighted acreage in the District, times the total amount assessed for the Project. For example, the assessment for a .5 acre parcel fronting Fremont Street would be calculated as follows:

1.5 (weighting factor) times .5 (parcel acreage) divided by 20.86 (the total weighted acreage in the District), times the total amount to be assessed. If the total amount assessed for the Project was \$245,052 (the estimated preliminary annual cost to be assessed), the parcel in this example would have an annual assessment of \$8,810.60.

The boundaries of the District shall be the exterior boundary of each parcel of property bounded by Las Vegas Boulevard, Carson Avenue, Eighth Street, and Ogden Avenue.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements in the Project) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the annual cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed thereagainst, and the amount of maximum annual benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the Office of the Special Improvement District, Department of Public Works, and at the Office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada. All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

On Wednesday, December 6, 2006, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring, improving and maintaining such Project, as to the estimated cost thereof, as to the manner of payment therefore, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the Office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, December 1, 2006. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing periodically. Any person filing a written protest or objection as hereinabove provided, shall

have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

A person who owns or resides within a tract in the District which is used exclusively for residential purposes may file a protest to inclusion in the assessment plat pursuant to NRS 271.392. Pursuant to NRS 271.306, if written remonstrances by the owners of tracts constituting one-third or more of the basis for the computation assessments for the Project are presented to the City Council, the City Council shall not proceed with the Project.

After such hearing, the City Council shall determine the advisability of undertaking the Project, and, if it determines to proceed, shall determine the kind and character of such improvements so to be made, and shall authorize the advertising for bids for performing such work and furnishing all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the annual assessments shall be paid each year in four (4) substantially equal quarterly installments of principal without interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties (at a rate not exceeding two percent (2%) per month or such lower rate, which may be zero percent, for such period as determined by the City Treasurer) to be collected upon delinquent payments.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. A person desiring to apply for a Hardship Determination shall file an application no later than December 1, 2006 with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City of Las Vegas, Nevada, and dated this November __, 2006.

BARBARA JO RONEMUS
City Clerk

(End of Form of Notice)

Section 8. That all action, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the District are hereby ratified, approved and confirmed.

Section 9. That the officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. That all resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. That the invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

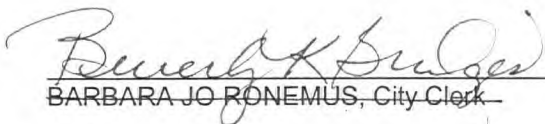
Section 12. That the City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED, ADOPTED AND APPROVED this 1st day of November, 2006.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

Approved as to Form:

18 OCT 06 W Flinn

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on November 1, 2006.

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

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Steve Wolfson Lois Tarkanian Steven D. Ross
-------------------	---

Those Voting Nay:	NONE
-------------------	------

Those Absent:	NONE
---------------	------

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

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(A) by posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal office, at the building in

which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the city council, to wit:

- (i) Bulletin Board
City Hall Plaza (next to Metro Records)
Las Vegas, Nevada
- (ii) City Clerk's Bulletin Board
City Hall Plaza, 2nd Floor Skybridge
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(B) by mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

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

7. A copy of such notice so given of the meeting of the City Council on November 1, 2006, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this November 1, 2006.

(SEAL)



~~BARBARA JO RONEMUS, City Clerk~~

By: Beverly K. Bridges
Chief Deputy City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

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

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

**COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),
STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)**

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

November 01, 2006

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

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

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION - LEROY SPOTTED EAGLE, SPIRITUAL LEADER, SOUTHERN PAIUTE NATION
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF THE CENTRAL LAS VEGAS 15 TO 16 YEAR OLD STATE BASEBALL CHAMPIONS
7. RECOGNITION OF NATIVE AMERICAN HERITAGE MONTH
8. RECOGNITION OF CENTENARIAN HARLEY LAMAY
9. RECOGNITION OF THE LAS VEGAS CENTENNIAL HISTORY BOOK, "SPRINGS IN THE DESERT"
10. RECOGNITION OF THE COMMUNITY INTERFAITH COUNCIL

BUSINESS ITEMS - MORNING

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

12. Approval of the Final Minutes by reference of the regular City Council meeting of September 20, 2006

CONSENT AGENDA

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

ADMINISTRATIVE SERVICES - CONSENT

13. Approval of the ratification of Michelle Thackston in a Council support position as the Executive Assistant to the Ward 6 office - All Wards

FIELD OPERATIONS - CONSENT

14. Approval of a Funding Agreement between the State of Nevada acting by and through its Division of State Lands and the Conservation and Resource Protection Grant Program (Grantor) and the City of Las Vegas (Grantee) for a Grant in the amount of \$500,000 for the purposes of acquiring land for Urban Parks and Greenbelts use located at the Southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)
15. Approval of a Nonrevocable Agreement to Restrict Property between the City of Las Vegas and the State of Nevada for a deed restriction of real property located in the southeast corner of Marion Drive and Harris Avenue, APN 140-29-801-001 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

16. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

17. Approval of a Special Event License for Beauty Bar Salon, Location: 517 Fremont Street, Dates: November 3, 22, December 1, 2, 30, 31, 2006, Type: Special Event General, Event: Music and Dancing Live Arts, Responsible Person in Charge: Scott Infantolino - Ward 5 (Weekly)
18. Approval of a Special Event License for Mr. D's Sportsbar & Grill, Location: Outside Parking Lot, 1810 South Rainbow Boulevard, Dates: November 4 - 5, 2006, Type: Special Event General, Event: Dallas Cowboy Parking Lot Party, Responsible Person in Charge: Dennis Haecke - Ward 1 (Tarkanian)
19. Approval of Change of Location for a Wholesale General License, Johnson Brothers of Nevada, Inc., dba Johnson Brothers of Nevada, From: 4409 McGuire Street, To: 4701 Mitchell Street, Scott Belsaas, Pres, Michael Johnson, VP, Secy, 50% and Todd Johnson, VP, Treas, 50% - North Las Vegas
20. Approval of Change of Business Name, Change of Location and Change of Ownership for a Package License and a new Restricted Gaming License for 10 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Myers Market 2, 22 East Oakey Boulevard, Ralph E. Myers, 100%, To: Acosta Enterprises, Inc., dba Rincon Latino #3, 3700 East Charleston Boulevard, Suites C & D, Leonardo A. Garcia, Dir, Pres, Treas, 50% and Graciela Garcia, Dir, Secy, 50% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

21. Approval of award of Bid No. 06.1730.25-LED (Revised), City of Las Vegas (CLV) Intelligence Transportation System (ITS) Infrastructure, Corridor 5 Craig Road - US 95 to Decatur Blvd. and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: ACME ELECTRIC (\$1,448,565 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)
22. Approval of rejection of bid and award of Bid No. 06.1730.05-LED, Sahara Avenue Phase IV Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: INSITUFORM

TECHNOLOGIES, INC. (\$4,273,700 - Sanitation Enterprise Fund) - Ward 3 (Reese)

23. Approval of award of Modification No. 1 to Contract No. 050542-DD, for Professional Engineering Services related to the design of the Tenaya Way Overpass at Summerlin Parkway - Department of Public Works - Award recommended to: HDR ENGINEERING, INC. (\$140,177 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)
24. Approval of revision to Purchase Order No. 219386 for Access Control System for City of Las Vegas located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: DIEBOLD, INC. (\$1,972,607.65 - Sanitation Enterprise Fund) - County
25. Approval of Professional Services Agreement No. 06.15341.13 for New Prototype Fire Station #48 at Elkhorn Road and Fort Apache Road - Department of Public Works - Award recommended to: MARTIN AND MARTIN CIVIL ENGINEERS AND SURVEYORS (\$168,350 - Fire Services Capital Projects Fund) - Ward 6 (Ross)

LEISURE SERVICES - CONSENT

26. Approval of State of Nevada Division for Aging Services Independent Living Grant (ILG) monies to the Senior Citizens Law Project (SCLP) for providing legal services to senior citizens 60 years of age and older who are residents of Las Vegas and Clark County with a priority for Las Vegas residents in the area of legal guardianships (\$71,250 Grant Revenue/Special Revenue Fund/Match Amount \$10,688) - All Wards

NEIGHBORHOOD SERVICES - CONSENT

27. Approval of \$2,500 Home Investment Partnership Program (HOME) funds awarded to owner Paulette Keith for a housing rehabilitation project located at 4822 Iowa Avenue - Ward 1 (Tarkanian)
28. Approval of \$150,000 of Community Development Block Grant (CDBG) construction funds for ADA improvements, minor rehabilitation including but not limited to asbestos and lead based paint abatement to bring the building located at 320 South 9th Street up to Code - Ward 3 (Reese)

PUBLIC WORKS - CONSENT

29. Approval of an Encroachment Request from Pardee Homes Nevada, owner (northeast corner of Tee Pee Lane and Dorrell Lane) - Ward 6 (Ross)
30. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 900 Antonio Drive - Ward 1 (Tarkanian)
31. Approval of an Encroachment Request from Gaughan Richardson Development on behalf of MGR Investments, LLC, owner, 904 Antonio Drive - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from Clark County School Board of Trustees, owner (southeast corner of Grand Canyon Drive and Bath Drive) - Ward 6 (Ross)
33. Approval of an Encroachment Request from Red Rock Engineering and Surveying, Incorporated, on behalf of William and Anne Dreibholz, owners (southwest corner of B Street and Monroe Avenue) - Ward 5 (Weekly)
34. Approval of an Encroachment Request from Fremont Construction on behalf of Cox Communications Las Vegas, Incorporated, owner (Ernest May Lane at Robin Lane) - Ward 5 (Weekly)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Orndoff 1996 Trust, owner (southeast corner of Jensen Street and Regena Avenue, APN 125-30-101-030) - County (near Ward 6 - Ross)
36. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Martin and Martin Civil Engineers and Surveyors on behalf of Clark County School District, owner (southeast corner of O'Hare Road and Bonita Vista Street, APNs 125-05-803-001 and -002) - County (near Ward 6 - Ross)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Art Consulting Engineers on behalf of Desert Palms Investment Group, LLC, owner (southeast corner of El Capitan Way and Brent Lane, APN 125-08-601-001) - County (near Ward 6 -

Ross)

38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Ronald DeMille and Alicia M. DeMille, owners (west of Campbell Drive, between Corbett Street and El Campo Grande Avenue, APN 125-29-306-007) - County (near Ward 6 - Ross)
39. Approval of Interlocal Agreement 111466 with the Las Vegas Valley Water District for construction and funding of water facilities as part of the St. Louis beautification project, located between Paradise Road and Maryland Parkway (\$6,012 - Public Works Capital Project Fund/Street Rehabilitation) - Ward 3 (Reese)

RESOLUTIONS - CONSENT

40. R-84-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1506 - Fremont Street Pedestrian Improvements (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
41. R-85-2006 - Approval of a Resolution Making Provisional Order and Directing that Notice of Public Hearing thereon be given for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)
42. R-86-2006 - Approval of Resolution of Intent to Annex Territory Generally Located on the North and South Sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road (ANX-12215); Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (PF-CC) and C-V (City equivalents) - Ward 6 (Ross)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

43. Report from the City Manager on Emerging Issues

DETENTION & ENFORCEMENT - DISCUSSION

44. Discussion and possible action related to the report on the Department of Detention and Enforcement jail bed expansion at 3300 Stewart Avenue - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

45. ABEYANCE ITEM - Discussion and possible action regarding Approval of a new Package License subject to the provisions of the planning codes and Health Dept. regulations, Senip CVS, LLC, dba CVS Pharmacy #2990, 6391 West Lake Mead Boulevard, Zenon P. Lankowsky, Pres and Thomas S. Moffatt, Secy (Note: Item to be heard in the afternoon session in conjunction with Item 81 - SUP-14687) - Ward 5 (Weekly)
46. Discussion and possible action regarding Temporary Approval of a new Wine/Beer/Cordial/Liqueur Tasting License subject to the provisions of the planning and fire codes and Health Dept. regulations, Wineaux, Inc., dba Vino 100, 7220 Azure Drive, Suite 120, Natalie E. Buster, Dir, Pres, Secy, 50% and Teresa J. Berry, Dir, Treas, 50% - Ward 6 (Ross)
47. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the fire codes and Health Dept. regulations, MNDG LLC, dba Charleston Champ, 4030 West Charleston Boulevard, George Dima, Mgr, 100% - Ward 1 (Tarkanian)

PUBLIC WORKS - DISCUSSION

48. Public hearing and possible action regarding the continuation of the Traffic Signal Impact Fee Program and an update to the Capital Improvements Plan map - All Wards

BOARDS & COMMISSIONS - DISCUSSION

49. PARK & RECREATION ADVISORY COMMISSION - Heidi Hanusa, Term Expiration 12-7-2008 (Resigned 9-29-2006)
50. Discussion and possible action on the appointment of a member of City Council to serve as an alternate on the Clark County District Board of Health

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

FOR THAT PURPOSE.

51. Bill No. 2006-59 – Establishes certain minimum community service requirements as part of the punishment for contributory delinquency or contributory neglect related to graffiti or property damage. Sponsored by: Mayor Oscar B. Goodman

NEW BILLS - DISCUSSION

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

52. Bill No. 2006-60 – Updates sign standards and related approval processes for the Downtown Casino and Downtown Entertainment Overlay Districts. Sponsored by: Mayor Oscar B. Goodman
53. Bill No. 2006-61 – Requires the applicant for a General Plan Amendment to conduct a neighborhood meeting. Sponsored by: Councilman Gary Reese
54. Bill No. 2006-62 – Updates Title 11 of the Municipal Code, relating to the regulation of traffic and parking. Sponsored by: Councilman Steven D. Ross

1:00 P.M. - AFTERNOON SESSION**BUSINESS ITEMS - AFTERNOON**

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

HEARINGS - DISCUSSION

56. ABEYANCE ITEM - Hearing to review the conditions set by City Council regarding the Appeal to the Notice and Declaration of Chronic Nuisance located at 1616 S. Las Vegas Boulevard. PROPERTY OWNERS: COOK LIVING TRUST - C/O BROOKS ROBYNE J TRUST - C/O N COOK - Ward 3 (Reese)

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

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

57. EOT-16950 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Variance (VAR-4671) THAT ALLOWED A REAR SETBACK OF 28.9 FEET WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 84.75 FEET IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL
58. EOT-16951 - APPLICANT: DAVID MASON - OWNER: H & GG LP - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4606) THAT ALLOWED A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF DISTANCE REQUIREMENT TO

ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED; AND A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres adjacent to the northeast corner of Sky Pointe Drive and Ranch House Road (APN 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff Recommends APPROVAL

59. EOT-17091 - APPLICANT/OWNER: JAMES & ELIZABETH BRACY, JR. - Request for an Extension of Time of an approved Special Use Permit (U-0072-00) THAT ALLOWED A CHURCH/HOUSE OF WORSHIP at 330 North 9th Street (APN 139-35-112-001), R-4 (High Density Residential) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
60. EOT-17074 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Rezoning (ZON-4646) FROM: R-E (RESIDENCE ESTATES) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), Ward 5 (Weekly). Staff recommends APPROVAL
61. EOT-17075 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Variance (VAR-4648) THAT ALLOWED A 2.5 ACRE R-PD SUBDIVISION WHERE 5.0 ACRES IS REQUIRED FOR A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
62. EOT-17076 - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for an Extension of Time of an approved Site Development Plan Review (SDR-4647) THAT ALLOWED A 14 UNIT SINGLE FAMILY RESIDENTIAL PLANNED DEVELOPMENT on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

63. ROC-17081 - PUBLIC HEARING - APPLICANT/OWNER: AQUINO BENITO ARMAND ET AL - Request for a Review of Condition Number 4 of an approved Site Development Plan Review (SDR-4647) TO ALLOW ZERO FOOT SETBACKS ON ALL SIDES WHERE A MINIMUM OF 20 FEET ARE REQUIRED IN THE FRONT OF THE HOUSE, 10 FEET ON THE SIDE, 22 FEET ON THE CORNER SIDE, AND 20 FEET IN THE REAR on 2.5 acres adjacent to the northwest corner of Michael Way and Smoke Ranch Road (APN 138-13-403-001), R-E (Residence Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units per Acre) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
64. EOT-16956 - APPLICANT/OWNER: RINKAI AMERICA INC - Request for an Extension of Time of an approved Special Use Permit (SUP-5028) THAT ALLOWED A 73-STORY MIXED-USE DEVELOPMENT at 2423 and 2417 Las Vegas Boulevard (APN 162-04-813-070 and 071; 162-03-410-008), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL
65. SUP-16176 - PUBLIC HEARING - APPLICANT: MT. ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Special Use Permit FOR CHURCH/HOUSE OF WORSHIP at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
66. SDR-16178 - PUBLIC HEARING - APPLICANT: MOUNT ZION CHURCH; OWNER: JOHN W. ARNOLD - Request for a Site Development Plan Review FOR THE PROPOSED CONVERSION OF A 2,826 SQUARE FOOT RESIDENCE AND 375 SQUARE FOOT CASITA TO A PLACE OF WORSHIP on 0.85 acres at 4901 Jean Avenue (APN 138-13-801-061), R-E (Residence Estates) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

67. RESCIND PREVIOUS ACTION - SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend APPROVAL
68. SUP-15282 - PUBLIC HEARING - APPLICANT: TVC 707, LLC - OWNER: WINEAUX, INC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE-SALES LIQUOR STORE at 7220 Azure Drive, Suite 110 (APN 125-27-113-007), TC (Town Center) Zone, [GC-TC (General Commercial) Town Center Land Use designation], Ward 6 (Ross). NOTE: This item is being reheard to correct the suite number which is #120. The Planning Commission (7-0 vote) and staff recommend APPROVAL
69. GPA-14325 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request to amend the Downtown Redevelopment Area Land Use Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 1.33 acres at 700, 708, 712, 714 and 716 South 10th Street and 715 and 717 South 9th Street (APNs 139-34-810-101 through 105, 074 and 075), Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote on a motion for approval) failed to obtain a supermajority which is tantamount to DENIAL
70. ZON-14338 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: FIRST STREET PROPERTIES, LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND PARKING) AND R-4 (HIGH DENSITY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.52 acres at 700, 708 and 712 South 10th Street (APNs 139-34-810-101 through 103), Ward 5 (Weekly). NOTE: As Of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
71. VAR-14342 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW NO STEPBACK BEYOND THE BUILDING SETBACK LINE WHERE A 1:1 STEPBACK TO HEIGHT RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend DENIAL
72. VAR-14345 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW LOT COVERAGE OF 56 PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
73. VAR-14347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Variance TO ALLOW 624 PARKING SPACES WHERE 635 IS THE MINIMUM NUMBER OF PARKING SPACES REQUIRED IN CONJUNCTION WITH A PROPOSED MIXED-USE

- DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
74. SUP-14339 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
75. VAC-12884 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STEVE GREGORY - OWNER: CASINO CENTER PROPERTIES, LLC. - Petition to Vacate public alleys generally located south of Garces Avenue, between 9th Street and 10th Street, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
76. SDR-14349 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CASINO CENTER PROPERTIES - OWNER: CASINO CENTER PROPERTIES, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING, AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, and 075; and 139-34-812-003), R-4 (High Density Residential) Zone, P-R (Professional Office and Parking) Zone and C-1 (Limited Commercial) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
77. ARC-13764 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: MONTECITO MARKETPLACE, LLC - Appeal filed by the applicant of the Denial by the Centennial Hills Architectural Review Committee of a request for A Major Modification to an approved Master Sign Plan (CHR-0019-05), TO ADD AN ADDITIONAL 24' PYLON SIGN AND AN ARRIVAL STATEMENT WALL SIGN adjacent to the east side of Durango Drive, approximately 1200 feet south of Elkhorn Road (APN 125-20-510-019), PD (Planned Development) Zone, Ward 6 (Ross). The Centennial Hills Architectural Review Committee (2-1 vote) and staff recommend DENIAL of the additional 24' pylon sign
78. SUP-13891 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED 517-FOOT TOWER IN THE MCCARRAN AIRPORT OVERLAY DISTRICT at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
79. SUP-13897 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Special Use Permit FOR A PROPOSED MIXED-USE DEVELOPMENT at 1431 Las Vegas Boulevard South (APNs 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
80. SDR-13899 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: STRATORISE LLC/AZTEC INTERNATIONAL - OWNER: GEOSUMMITT LLC - Request for a Site

- Development Plan Review FOR A 45-STORY MIXED-USE DEVELOPMENT CONSISTING OF 421 RESIDENTIAL UNITS AND 1,190 SQUARE FEET OF COMMERCIAL SPACE; AND WAIVERS OF THE STEPBACK, STREETScape AND BUILD-TO-LINE REQUIREMENTS OF THE DOWNTOWN CENTENNIAL PLAN on 1.26 acres at 1431 Las Vegas Boulevard South (APN 162-03-202-003 and 004), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2-1 vote) recommends DENIAL. Staff recommends APPROVAL
81. SUP-14687 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SENIP CVS, L.L.C. DBA CVS PHARMACY 2990 - OWNER: CVS 2990 LAS VEGAS, L.L.C. - Request for a Special Use Permit FOR A RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE on 1.55 acres at 6391 West Lake Mead Boulevard (APN 138-23-720-005), C-1 (Limited Commercial), Ward 6 (Ross). NOTE: As of August 6, 2006 this item is located in Ward 5 (Weekly). NOTE: To be heard in conjunction with Morning Session Item 45. The Planning Commission (7-0 vote) and staff recommend APPROVAL
82. SUP-15347 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SUN LOAN COMPANY - OWNER: PLAZA LOS ARCOS, LLC - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND A WAIVER OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT FROM OTHER FINANCIAL INSTITUTIONS, SPECIFIED at 7591 Washington Avenue, Suites 140 and 150 (APN 138-27-301-015), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: The correct applicant is Jim Marchesi/Check City and the correct owner is Buffalo Washington III. Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
83. RQR-15420 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RAMZI SULIMAN - OWNER: 3140 VALLEY VIEW, LLC - Required Six Month Review of an approved Special Use Permit (SUP-7359) THAT ALLOWED A LIQUOR ESTABLISHMENT (BEER/WINE/COOLER, OFF-SALE) for an existing market at 3140 South Valley View Boulevard, Suites #3, #4 and #5 (APN 162-08-410-010), Ward 1 (Tarkanian). Staff recommends APPROVAL
84. RQR-13791 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: McELHOSE TRUST - Required Two Year Review of an approved Special Use Permit (U-0006-90) WHICH ALLOWED A 40-FOOT HIGH, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1535 North Eastern Avenue (APN 139-26-505-004), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). NOTE: As of August 6, 2006 this item is located in Ward 3 (Reese). The Planning Commission (3-2 vote) and staff recommend APPROVAL
85. RQR-15054 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: ECT HOLDINGS, LLC - Required Five Year Review of an approved Variance (V-0068-90) WHICH ALLOWED A 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN 290 FEET FROM AN EXISTING BILLBOARD WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED at 1200 East Charleston Boulevard (APN 162-02-110-014), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-0 vote) and staff recommend APPROVAL
86. GPA-16140 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request to amend a portion of the Southeast Sector Plan of the Master Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: O (OFFICE) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
87. ZON-16141 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Rezoning FROM: R-E (RESIDENTIAL ESTATES) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
88. VAR-16533 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND

- ROSELLE J. PALMER - Request for a Variance TO ALLOW A RESIDENTIAL ADJACENCY SETBACK OF 15 FEET WHERE 54 FEET ARE REQUIRED on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
89. SDR-16139 - PUBLIC HEARING - APPLICANT/OWNER: WILLIAM B. PALMER II AND ROSELLE J. PALMER - Request for a Site Development Plan Review FOR A PROPOSED 9,300 SQUARE FOOT ONE-STORY OFFICE BUILDING on 0.76 acres at 2320 Potosi Street (APN 163-01-802-008), R-E (Residential Estate) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
90. GPA-16193 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Amend a portion of the Southeast Sector Plan of the Master Plan FROM: MXU (MIXED-USE) TO: PF (PUBLIC FACILITIES) on 1.71 acres at 250 West Baltimore Avenue and 300 West Boston Avenue (APN 162-04-813-109 and 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
91. ZON-16450 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: CM (COMMERCIAL/INDUSTRIAL) TO C-V (CIVIC) on 0.56 acres at 300 W. Boston Avenue (APN 162-04-707-008), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
92. GPA-16201 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request to amend a portion of the Southwest Sector of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
93. ZON-16196 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
94. SUP-16198 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER TO ALLOW SERVICE BAYS TO FACE A PUBLIC RIGHT OF WAY at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
95. SUP-16200 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Special Use Permit FOR A PROPOSED TOWING SERVICE WITH NO STORAGE at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
96. SDR-16197 - PUBLIC HEARING - APPLICANT: JOHN VIVIER ARCHITECT - OWNER: FRED NAZARYAN - Request for a Site Development Plan Review FOR A PROPOSED 3,169 SQUARE FOOT AUTO REPAIR GARAGE, MAJOR AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 0.51 acres at 5001 West Charleston Boulevard (APN 163-01-502-011), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
97. GPA-16105 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend Map No. 2 of the Transportation Trails Element of the Las Vegas 2020 Master Plan TO DELETE A MULTI-USE TRANSPORTATION ALIGNMENT ALONG STEWART AVENUE FROM BRUCE STREET TO PECOS ROAD AND TO REALIGN A PORTION OF A PEDESTRIAN PATH ALIGNMENT FROM SUNRISE AVENUE TO STEWART AVENUE

- BETWEEN BRUCE STREET AND PECOS ROAD, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
98. ZON-13896 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-2 (GENERAL COMMERCIAL) on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
99. VAR-13900 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Variance TO ALLOW A FRONT YARD SETBACK OF 10 FEET WHERE 20 FEET IS REQUIRED, A CORNER SIDE YARD SETBACK OF 10 FEET WHERE 15 FEET IS REQUIRED, AND A REAR YARD SETBACK OF 11 INCHES WHERE 20 FEET IS REQUIRED on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
100. SUP-13902 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED HELIPAD AND A WAIVER TO ALLOW A HELIPAD AS AN ACCESSORY USE TO A FACILITY OTHER THAN A HOSPITAL, MEDICAL FACILITY, OR MEDICAL OFFICE on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) recommends DENIAL. Staff recommends APPROVAL
101. SUP-13903 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Special Use Permit FOR A PROPOSED 274-FOOT TALL BUILDING IN THE NORTH LAS VEGAS AIRPORT OVERLAY DISTRICT on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL
102. SDR-13904 - PUBLIC HEARING - APPLICANT: DON AHERN - OWNER: DFA, LLC - Request for a Site Development Plan Review FOR A COMMERCIAL DEVELOPMENT CONSISTING OF A 3,000 SQUARE FOOT, A 1,500 SQUARE FOOT, AND A 4,500 SQUARE FOOT RETAIL PAD; A 20-STORY BUILDING CONSISTING OF 3,700 SQUARE FEET OF RESTAURANT SPACE, 10,000 SQUARE FEET OF RETAIL SPACE, 150,000 SQUARE FEET OF OFFICE SPACE, AND A 4,500 SQUARE FOOT CHILD CARE FACILITY; AND A WAIVER OF THE PERIMETER LANDSCAPING REQUIREMENTS on 2.61 acres at the southwest corner of Bonanza Road and Martin L. King Boulevard (APN 139-28-401-033), R-E (Residence Estates) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-1 vote) and staff recommend APPROVAL
103. ZON-15371 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
104. VAR-15373 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Variance TO ALLOW A 2 FOOT SIDE YARD SETBACK WHERE A RESIDENTIAL ADJACENCY SETBACK OF 79 FEET 6 INCHES IS REQUIRED, A 3 FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED, AND 5 FOOT REAR YARD SETBACK WHERE 20 FEET IS REQUIRED on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024, 025). Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
105. SDR-15375 - PUBLIC HEARING - APPLICANT: SCA DESIGN - OWNER: HILLBILLY ACRES, LLC, ET AL. - Request for a Site Development Plan review and a waiver of Perimeter

- Landscape Buffer Requirements FOR A 40 UNIT APARTMENT COMPLEX on 1.69 acres adjacent to the west side of Paniflow Street, approximately 100 feet south of Harris Avenue (APNs 139-25-410-019, 021, 023, 024 and 025), R-E (Residence Estates) Zone [PROPOSED: R-3 (Medium Density Residential)], Ward 3 (Reese). The Planning Commission (4-3 vote) and staff recommend DENIAL
106. VAR-16113 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Variance TO ALLOW A NON-HABITABLE ACCESSORY STRUCTURE TO EXCEED 50% OF THE FLOOR AREA OF THE MAIN DWELLING AND TO EXCEED 50% OF THE REAR YARD AREA on 0.67 acres at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residence Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL
107. SUP-16112 - PUBLIC HEARING - APPLICANT/OWNER: RICHARD YOUNGBLOOD - Request for a Special Use Permit FOR A NON-HABITABLE ACCESSORY STRUCTURE at 8320 West Washburn Road (APN 125-33-204-011), R-E (Residential Estates) Zone, Ward 6 (Ross). The Planning Commission (7-0 vote) and staff recommend DENIAL
108. VAR-16144 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Variance TO ALLOW A 70-FOOT TALL WIRELESS COMMUNICATIONS TOWER 68.2 FEET FROM RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRES 210 FEET on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
109. SUP-16143 - PUBLIC HEARING - APPLICANT: T-MOBILE USA, INC. - OWNER: MESQUITE WOOD 3, LLC - Request for a Special Use Permit FOR A WIRELESS COMMUNICATION FACILITY, STEALTH DESIGN on 3.82 acres at 1620 Bracken Avenue (APN 162-02-208-001), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (6-0-1 vote) and staff recommend DENIAL
110. VAR-16161 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Variance TO ALLOW A 3.5 FOOT REAR YARD SETBACK WHERE A 20 FOOT SETBACK IS REQUIRED on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
111. SUP-16160 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Special Use Permit FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
112. SDR-16158 - PUBLIC HEARING - APPLICANT: BOB AUJLA; OWNER: BP WEST COAST PRODUCTS LLC - Request for a Site Development Plan Review and a Waiver of perimeter landscaping requirements FOR A 3,032 SQUARE FOOT SERVICE STATION WITHOUT AUTOMOTIVE REPAIR on 0.69 acres at 1625 South Decatur Boulevard (APN 162-06-201-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
113. VAR-16165 - PUBLIC HEARING - APPLICANT/OWNER: YONG H. JUNG - Request for a Variance TO ALLOW 7 PARKING SPACES WHERE 13 PARKING SPACES ARE THE MINIMUM REQUIRED on 0.19 acres at 505 South Decatur Boulevard (APN 139-31-310-133), P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
114. SUP-15959 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MINOR at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning

Commission (6-0 vote) and staff recommend APPROVAL

115. SDR-15956 - PUBLIC HEARING - APPLICANT: TERRIBLE HERBST OIL CO. - Request for a Site Development Plan Review FOR A 3,200 SQUARE FOOT SERVICE STATION WITH AN 1,821 SQUARE FOOT AUTO REPAIR GARAGE, MINOR, AND A 3,480 SQUARE FOOT CAR WASH WITH A WAIVER OF THE PERIMETER LANDSCAPE STANDARDS on 1.7 acres at the northwest corner of Cliff Shadows Parkway and the Clark County 215 Beltway Alignment (APN 137-12-410-004), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL
116. SUP-16110 - PUBLIC HEARING - APPLICANT: PECCOLE NEVADA - OWNER: NO. 6 FAC, LLC. - Request for a Special Use Permit FOR A 5,000 SQUARE FOOT TAVERN AND A WAIVER OF THE REQUIRED 1,500 FOOT MINIMUM SEPARATION DISTANCE FROM TWO OTHER TAVERNS at 1205 South Fort Apache Road (APN 163-05-116-002), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
117. SDR-16267 - PUBLIC HEARING - APPLICANT: NEWLAND COMMUNITIES - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED MIXED-USE DEVELOPMENT WITH 17 DEVELOPMENT PARCELS on 61.57 acres located at the northeast corner of Grand Central Parkway and Bonneville Avenue (APN 139-34-110-002 and 003), PD (Planned Development) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
118. RQR-14476 - PUBLIC HEARING - APPLICANT: LIED ANIMAL FOUNDATION - OWNER: CITY OF LAS VEGAS - Required One Year Review of an approved Site Development Plan Review (SDR-6883) WHICH ALLOWED TEMPORARY STRUCTURES FOR AN ANIMAL SHELTER on 8.39 acres at the southwest corner of Mojave Road and Harris Avenue (APN 139-25-405-008), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (5-1 vote) and staff recommend DENIAL

SET DATE

119. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENTIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

120. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

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

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

Exhibit "B"

(Attach Affidavit of Publication of Notice of Hearing)

**NOTICE OF HEARING ON A PROPOSED COMMERCIAL AREA VITALIZATION PROJECT AND
ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT
(LAS VEGAS BOULEVARD TO 8TH STREET).**

NOTICE IS HEREBY GIVEN to the property owners and tenants within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, has provisionally ordered the acquisition, improvement and maintenance of a Commercial Area Vitalization Project (the "Project") in and along the following street:

Fremont Street (BOTH SIDES) from the center line of Las Vegas Boulevard to the center line of 8th Street.

Except as shown on the preliminary plans and specifications now on file in the Office of the City Clerk and in the office of the Special Improvement District, Department of Public Works in Las Vegas, Nevada, the character of the Project which will be maintained is described more particularly as follows: The Project will consist of all or part of the following: the beautification and improvement of the public portions of any area zoned primarily for business or commercial purposes, including, without limitation, public restrooms, facilities for outdoor lighting and heating, decorations, fountains, landscaping, facilities or equipment, or both, to enhance protection of persons and property, ramps, sidewalks, rehabilitation or removal of existing structures, promotional activities including the promotion of public events that benefit business or real property, providing music in any public place, promotion of tourism marketing and economic development, including the recruitment and retention of retail business, providing services related to security, sanitation, the removal of graffiti, the cleaning of streets and sidewalks and providing other municipal services that are supplemental to those typically provided by the City and any other activity that benefits businesses and real property located in the District. The District is being formed to finance the annual costs of acquiring, improving and maintaining the Project. The City will annually adopt a budget for the Project and will annually assess the costs of maintenance against all benefited tracts in the District.

The preliminary estimated annual cost of the Project and the amount to be assessed is as follows:

Estimated Annual Amount of Special Assessments	Amount Available from Other Sources	Total Annual Cost
\$ 245,052	\$ 0.00	\$ 245,052

Pursuant to NRS 271.300 any estimate of cost does not constitute a limitation upon such cost or a limitation upon the rights and powers of the City.

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The following methodology will determine the assessment against parcels in the District. The acreage of a parcel in the District will be multiplied by a weighting factor, depending upon the street or streets which the parcel fronts. The categories of streets shall be weighted as follows: a) Fremont Street frontage will be weighted at 1.5; and b) side street frontage (Las Vegas Boulevard, Sixth Street, Seventh Street, and Eighth Street) will be weighted at 1.0. The assessments will equal the weighting factor times the acreage of the parcel, divided by the total weighted acreage in the District, times the total amount assessed for the Project. For example, the assessment for a .5 acre parcel fronting Fremont Street would be calculated as follows:

1.5 (weighting factor) times .5 (parcel acreage) divided by 20.86 (the total weighted acreage in the District), times the total amount to be assessed. If the total amount assessed for the Project was \$245,052 (the estimated preliminary annual cost to be assessed), the parcel in this example would have an annual assessment of \$8,810.60.

The boundaries of the District shall be the exterior boundary of each parcel of property bounded by Las Vegas Boulevard, Carson Avenue, Eighth Street, and Ogden Avenue.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements in the Project) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the annual cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed there against, and the amount of maximum annual benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the Office of the Special Improvement District, Department of Public Works, and at the Office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada. All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

On Wednesday, December 6, 2006, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring, improving and maintaining such Project, as to the estimated cost thereof, as to the manner of payment therefore, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the Office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, December 1, 2006. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing periodically. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

A person who owns or resides within a tract in the District which is used exclusively for residential purposes may file a protest to inclusion in the assessment plat pursuant to NRS 271.392. Pursuant to NRS 271.306, if written remonstrance's by the owners of tracts constituting one-third or more of the basis for the computation assessments for the Project are presented to the City Council, the City Council shall not proceed with the Project.



Exhibit "C"

(Attach minutes of public hearing on December 6, 2006)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 6, 2006

DEPARTMENT: PUBLIC WORKS

DIRECTOR: CHARLIE KAJKOWSKI

☐ Consent ☒ Discussion

SUBJECT:

Public hearing on proposed local improvement district for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 5 (Weekly)

Fiscal Impact

☒ No Impact

☐ Augmentation Required

☐ Budget Funds Available

Dept./Division:

Amount:

Funding Source:

PURPOSE/BACKGROUND:

The District is being formed to provide annual funding for the general maintenance of the Fremont Street Pedestrian Improvements. Costs will be recovered through annual assessments, which shall be paid each year in four (4) substantially equal quarterly installments of principal without interest, in accordance with the Provisional Order approved by City Council on the 1st day of November, 2006.

RECOMMENDATION:

Public hearing only; no action required.

BACKUP DOCUMENTATION:

1. Public hearing notice
2. 17 support letters
3. Submitted after final agenda – 3 protest letters and 2 support letters

Minutes:

See Item 75 for related discussion.

STATE OF NEVADA
CITY OF LAS VEGAS

)
) ss.
)

AFFIDAVIT OF MAILING
NOTICE OF HEARING

Beverly K. Bridges does hereby swear, upon oath according to law:

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

2. I mailed or caused to be mailed a notice entitled "NOTICE OF HEARING ON A PROPOSED COMMERCIAL AREA VITALIZATION PROJECT AND ASSESSMENTS WITHIN THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1516 - FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET)" by deposit in the United States mail, postage prepaid, as first-class mail, at the post office in the City of Las Vegas, Nevada, on November 16, 2006, being at least twenty (20) days prior to the hearing, on December 6, 2006, to the last known address of each last known owner of land within the District whose property will be assessed for the cost of the improvements and to each tenant who resides or owns a business located within the District, such addresses and owners being those appearing on the records of the County Assessor of Clark County, Nevada, and from such other sources as I, the City of Las Vegas and Public Works Department deemed to be reliable.

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

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

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

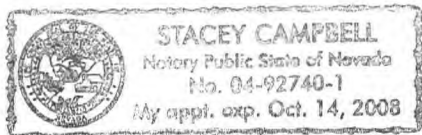
Further Affiant sayeth naught.


BEVERLY K. BRIDGES, CMC Acting City Clerk

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

This instrument was acknowledged before me by Beverly K. Bridges, as Acting City Clerk
as of the City of Las Vegas, Nevada, this 26th day of March, 2007.

My commission expires October 14, 2008.



(NOTARIAL STAMP)

Stacey Campbell

Notary Public in and for the
State of Nevada

EXHIBIT "A"

(Attach List of Property Owners with Their Addresses)

CITY OF LAS VEGAS
 FINAL ASSESSMENT ROLL NO. 2007-2
 SPECIAL IMPROVEMENT DISTRICT 1516
 FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-601-002	PARCEL MAP FILE 111 PAGE 66 LOT 1	MELE PONO HOLDING CO 515 S FLORENCE AVE SANDPOINTE ID 83864-1142	0.45	0.45	\$ 3,120,000	\$ 309,254	\$ 7,930	\$ 7,930
139-34-611-002	HAWKINS ADD	EXBER INC	0.15	0.61	\$ 4,800,000	\$ 237,888	\$ 1,762	\$ 7,166
139-34-611-003	PLAT BOOK 1 PAGE 40	107 N 6TH ST 3RD FLOOR	0.14				\$ 1,645	
139-34-611-010	BLOCK 2, LOTS 7-10, 23-26, & VAC ALLEY	LAS VEGAS NV 89101-4239	0.32				\$ 3,759	
139-34-611-004	HAWKINS ADD	HAM ARTEMUS W III	0.23	0.30	\$ 2,080,000	\$ 206,170	\$ 4,053	\$ 5,286
139-34-611-005	PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 11-14	2008 GRAY EAGLE WY LAS VEGAS NV 89117-5738	0.07				\$ 1,233	
139-34-611-006	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, LOT 15	PREMIER TRUST TRS HECHT MARTIN D REVOCABLE TRUST 2700 W SAHARA AVE #300 LAS VEGAS NV 89102-1714	0.08	0.08	\$ 470,000	\$ 46,586	\$ 1,410	\$ 1,410
139-34-611-007	HAWKINS ADD	HAM A W III TRUST	0.15	0.28	\$ 1,790,000	\$ 177,425	\$ 2,643	\$ 4,934
139-34-611-008	PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 16-18 & PT LOT 19	HAM A W III TRS 2008 GRAY EAGLE WY LAS VEGAS NV 89117-5738	0.13				\$ 2,291	
139-34-611-009	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, PT LOT 19 & LOTS 20-22	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	0.23	0.23	\$ 1,500,000	\$ 148,680	\$ 4,053	\$ 4,053
139-34-611-015	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOT 7	NATIONWIDE CHECK SERVICE INC 515 FREMONT ST LAS VEGAS NV 89101-5611	0.07	0.07	\$ 470,000	\$ 46,586	\$ 1,233	\$ 1,233

CITY OF LAS VEGAS
 FINAL ASSESSMENT ROLL NO. 2007-2
 SPECIAL IMPROVEMENT DISTRICT 1516
 FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-611-016	HAWKINS ADD	T-BREO I I L C	0.14	0.34	\$ 2,360,000	\$ 233,923	\$ 2,467	\$ 5,991
139-34-611-017	PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 8-12	1 MAIN ST LAS VEGAS NV 89101-6370	0.20				\$ 3,524	
139-34-611-018	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 1-5, 13-22 & VAC ALLEY	CITY OF LAS VEGAS C/O OFFICE BUSINESS DEV 400 STEWART AVE 2ND FLOOR LAS VEGAS NV 89101-2913	1.24	1.24	\$ 10,780,000	\$ 534,257	\$ 21,850	\$ 21,850
139-34-611-019	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 6 & 7	STURMAN RICHARD & BEATRICE 114 N 3RD ST LAS VEGAS NV 89101-2926	0.15	0.15	\$ 940,000	\$ 93,173	\$ 2,643	\$ 2,643
139-34-611-020	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 8-12	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	0.37	0.37	\$ 2,360,000	\$ 233,923	\$ 6,520	\$ 6,520
139-34-611-021	HAWKINS ADD	PINI DARIO	0.25	1.70	\$ 10,660,000	\$ 704,413	\$ 2,937	\$ 27,548
139-34-611-022	PLAT BOOK 1 PAGE 40	1335 MISSION RIDGE RD	0.16				\$ 1,880	
139-34-612-005	BLOCK 6, LOTS 28-32 & PLAT BOOK 1 PAGE 15 BLOCK 13, LOTS 1-5 & PT SW4 NE4 34 20 61 .39A	SANTA BARBARA CA 93103-2056	1.29				\$ 22,731	
139-34-611-023	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 26 & 27	RAMIREZ GENEVIEVE S TRUST 4129 ANNIE OAKLEY DR LAS VEGAS NV 89121-6301	0.16	0.16	\$ 1,020,000	\$ 50,551	\$ 1,880	\$ 1,880
139-34-611-024	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 6, LOTS 23-25	SEARS ROBERT M WIEDBUSCH JOAN LYNN C/O H & L REALTY & MGT P O BOX 7440 LAS VEGAS NV 89125-7440	0.25	0.25	\$ 1,520,000	\$ 75,331	\$ 2,937	\$ 2,937

CITY OF LAS VEGAS
****FINAL ASSESSMENT ROLL NO. 2007-2****
SPECIAL IMPROVEMENT DISTRICT 1516
FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-611-051	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 23-26	MELE PONO HOLDING CO C/O VEGAS VALLEY COMMERCIAL 1023 WHITNEY RANCH DR HENDERSON NV 89014-3073	0.33	0.33	\$ 2,030,000	\$ 100,607	\$ 3,877	\$ 3,877
139-34-611-052	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 27-30	EDEN L P C/O K GRAVES 1216 S 17TH ST LAS VEGAS NV 89104-1833	0.33	0.33	\$ 2,030,000	\$ 100,607	\$ 3,877	\$ 3,877
139-34-611-053	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 31 & 32	AT&T COMMUNICATONS NV INC 8545 126TH AVE N P O BOX 2826 LARGO FL 33779-2826	0.16	0.16	\$ 1,020,000	\$ 50,551	\$ 1,880	\$ 1,880
139-34-611-055	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 3, LOTS 13-22	CENTRAL TELEPHONE CO C/O PPTY TAX DEPT P O BOX 7909 OVERLAND PARK, KS 66207-0909	0.78	0.78	\$ 5,600,000	\$ 277,536	\$ 9,163	\$ 9,163
139-34-611-056	HAWKINS ADD PLAT BOOK 1 PAGE 40 BLOCK 2, LOTS 1-6, 27-32 & VAC ALLEY	STREAMLINE TOWER LLC 717 S 8TH ST LAS VEGAS NV 89101-7006	0.97	0.97	\$ 9,490,000	\$ 470,324	\$ 11,395	\$ 11,395
139-34-612-004	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 3, LOTS 1-6, C & PLAT BOOK 1 PAGE 40 BLOCK 7, LOTS 1-17 & VAC ALLEY	EXBER INC 107 N 6TH ST 3RD FLOOR LAS VEGAS NV 89101-4239	2.77	2.77	\$ 36,000,000	\$ 1,784,160	\$ 48,811	\$ 48,811

CITY OF LAS VEGAS
****FINAL ASSESSMENT ROLL NO. 2007-2****
SPECIAL IMPROVEMENT DISTRICT 1516
FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS BOULEVARD TO 8TH STREET)

PARCEL NUMBER	DESCRIPTION	PRIMARY PROPERTY OWNER	APN ACRES	TOTAL OWNER ACRES	MARKET VALUE	ESTIMATED MAXIMUM BENEFIT	APN TOTAL	ASSESSMENT TOTAL
139-34-612-006	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 4-8	SHREE GANESHA INC 700 E FREMONT ST LAS VEGAS NV 89101-5616	0.82	0.82	\$ 5,080,000	\$ 503,530	\$ 14,449	\$ 14,449
139-34-612-007	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOT 3	7TH STREET PROPERTIES L L C C/O F ELAM 2468 PING DR HENDERSON NV 89074-8315	0.16	0.16	\$ 1,020,000	\$ 50,551	\$ 1,880	\$ 1,880
139-34-612-008	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOT 2	FERGUSON FAMILY TRUST FERGUSON PAUL & KATHERINE CO-TRS 2117 SILVER AVE LAS VEGAS NV 89102-2221	0.16	0.16	\$ 1,020,000	\$ 50,551	\$ 1,880	\$ 1,880
139-34-612-009 139-34-612-018	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 1 & 13	DOWNTOWNER 1999 TRUST KOVAK-COHEN 1989 TRUST 129 N 8TH ST LAS VEGAS NV 89101-4207	0.15 0.17	0.32	\$ 2,030,000	\$ 100,607	\$ 1,762 \$ 1,997	\$ 3,759
139-34-612-017	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 14-16	PINJUV MATTHEW ETAL 2908 SARINA AVE HENDERSON NV 89074-2848	0.50	0.50	\$ 3,050,000	\$ 151,158	\$ 5,874	\$ 5,874
139-34-612-019	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 12, LOTS 9-12	750 FREMONT L L C 770 N. LASALLE ST #414 CHICAGO IL 60610-3740	0.70	0.70	\$ 5,600,000	\$ 277,536	\$ 12,335	\$ 12,335
139-34-612-084	BUCKS SUB PLAT BOOK 1 PAGE 15 BLOCK 13, LOTS 6 & 7-13	MARTINEZ DAN & STEPHANY C/O J MARTINEZ 1729 WANDERING WINDS WY LAS VEGAS NV 89128-7978	1.39	1.39	\$ 11,200,000	\$ 555,072	\$ 24,493	\$ 24,493
REPORT TOTALS			15.62	15.62			\$ 245,052	\$ 245,052

EXHIBIT "B"

(Attach Notice of Hearing as Mailed)

NOTICE OF HEARING ON A PROPOSED COMMERCIAL AREA
VITALIZATION PROJECT AND ASSESSMENTS WITHIN THE PROPOSED
CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT
NO. 1516 – FREMONT STREET MAINTENANCE DISTRICT (LAS VEGAS
BOULEVARD TO 8TH STREET).

NOTICE IS HEREBY GIVEN to the property owners and tenants within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (hereinafter the "District") and to all interested persons that:

The City Council of the City of Las Vegas (hereinafter the "City Council" and "City," respectively), Clark County, Nevada, has provisionally ordered the acquisition, improvement and maintenance of a Commercial Area Vitalization Project (the "Project") in and along the following street:

Fremont Street (BOTH SIDES) from the center line of Las Vegas Boulevard to the center line of 8th Street.

Except as shown on the preliminary plans and specifications now on file in the Office of the City Clerk and in the office of the Special Improvement District, Department of Public Works in Las Vegas, Nevada, the character of the Project which will be maintained is described more particularly as follows: The Project will consist of all or part of the following: the beautification and improvement of the public portions of any area zoned primarily for business or commercial purposes, including, without limitation, public restrooms, facilities for outdoor lighting and heating, decorations, fountains, landscaping, facilities or equipment, or both, to enhance protection of persons and property, ramps, sidewalks, rehabilitation or removal of existing structures, promotional activities including the promotion of public events that benefit business or real property, providing music in any public place, promotion of tourism marketing and economic development, including the recruitment and retention of retail business, providing services related to security, sanitation, the removal of graffiti, the cleaning of streets and sidewalks and providing other municipal services that are supplemental to those typically provided by the City and any other activity that benefits businesses and real property located in the District. The District is being formed to finance the annual costs of acquiring, improving and maintaining the Project. The City will annually adopt a budget for the Project and will annually assess the costs of maintenance against all benefited tracts in the District.

The preliminary estimated annual cost of the Project and the amount to be assessed is as follows:

Estimated Annual Amount of Special Assessments	Amount Available from Other Sources	Total Annual Cost
\$ 245,052	\$ 0.00	\$ 245,052

Pursuant to NRS 271.300 any estimate of cost does not constitute a limitation upon such cost or a limitation upon the rights and powers of the City.

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases). However, an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated "Tabulation of Parcels" or preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

The following methodology will determine the assessment against parcels in the District. The acreage of a parcel in the District will be multiplied by a weighting factor, depending upon the street or streets which the parcel fronts. The categories of streets shall be weighted as follows: a) Fremont Street frontage will be weighted at 1.5; and b) side street frontage (Las Vegas Boulevard, Sixth Street, Seventh Street, and Eighth Street) will be weighted at 1.0. The assessments will equal the weighting factor times the acreage of the parcel, divided by the total weighted acreage in the District, times the total amount assessed for the Project. For example, the assessment for a .5 acre parcel fronting Fremont Street would be calculated as follows:

1.5 (weighting factor) times .5 (parcel acreage) divided by 20.86 (the total weighted acreage in the District), times the total amount to be assessed. If the total amount assessed for the Project was \$245,052 (the estimated preliminary annual cost to be assessed), the parcel in this example would have an annual assessment of \$8,810.60.

The boundaries of the District shall be the exterior boundary of each parcel of property bounded by Las Vegas Boulevard, Carson Avenue, Eighth Street, and Ogden Avenue.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements in the Project) and the assessment plat, including a tabulation of parcels or preliminary assessment roll, a preliminary estimate of the annual cost, a description of the lots, tracts and parcels of land to be assessed, the portion of the cost to be assessed there against, and the amount of maximum annual benefits (including the corresponding market value increases) estimated to be conferred on each piece or parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises are on file in the Office of the Special Improvement District, Department of Public Works, and at the Office of the City Clerk, 400 Stewart Avenue, Las Vegas, Nevada. All of the foregoing can be seen and examined by any property owner or other interested persons during regular business hours, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

On Wednesday, December 6, 2006, at 1:00 p.m., in the City Council Chambers at 400 Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any interested person. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring, improving and maintaining such Project, as to the estimated cost thereof, as to the manner of payment therefore, as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District.

The City Council requests that any property owner or interested person wishing to protest or object, do so in writing at the Office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before Friday, December 1, 2006. On the date and at the time and place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing periodically. Any person filing a written protest or objection as hereinabove provided, shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred. A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;

(2) Any evidence he desires to present on these issues must be presented at the hearing; and

(3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

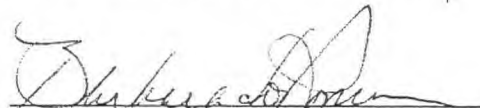
A person who owns or resides within a tract in the District which is used exclusively for residential purposes may file a protest to inclusion in the assessment plat pursuant to NRS 271.392. Pursuant to NRS 271.306, if written remonstrance's by the owners of tracts constituting one-third or more of the basis for the computation assessments for the Project are presented to the City Council, the City Council shall not proceed with the Project.

After such hearing, the City Council shall determine the advisability of undertaking the Project, and, if it determines to proceed, shall determine the kind and character of such improvements so to be made, and shall authorize the advertising for bids for performing such work and furnishing all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the annual assessments shall be paid each year in four (4) substantially equal quarterly installments of principal without interest. The City Council shall also provide the time and terms of payment of such assessments and shall fix penalties (at a rate not exceeding two percent (2%) per month or such lower rate, which may be zero percent, for such period as determined by the City Treasurer) to be collected upon delinquent payments.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a Hardship Determination. A person desiring to apply for a Hardship Determination shall file an application no later than December 1, 2006 with the Clark County Department of Social Services, 1600 Pinto Lane, Las Vegas, Nevada 89106, (702) 455-8687.

By order of the City Council of the City of Las Vegas, Nevada, and dated this November 1, 2006.


BARBARA JO RONEMUS
City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: NOVEMBER 1, 2006

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **Consent** ☐ **Discussion**

SUBJECT:

RESOLUTIONS:

R-86-2006 - Approval of Resolution of Intent to Annex Territory Generally Located on the North and South Sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road (ANX-12215); Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (PF-CC) and C-V (City equivalents) – Ward 6 (Ross)

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This Resolution begins the process for annexing certain real property, sets a date for public hearing, directs notice of the public hearing to be given, and directs the preparation of an annexation report.

RECOMMENDATION:

It is recommended that the City Council approve this Resolution and authorize its execution on behalf of the City.

BACKUP DOCUMENTATION:

Resolution No. R-86-2006

Motion made by GARY REESE to Approve Items 13-19, 21-27, 29-42

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

**RESOLUTION OF INTENT TO ANNEX TERRITORY GENERALLY LOCATED ON
THE NORTH AND SOUTH SIDES OF I-215 (CLARK COUNTY HIGHWAY 215),
BETWEEN SHAUMBER ROAD AND FORT APACHE ROAD (ANX-12215)**

WHEREAS, the City Council of the City of Las Vegas, Nevada, deems it appropriate and in the best interests of the public health, safety, welfare, and convenience that certain territory be annexed to the City; and

WHEREAS, the territory in question is generally located on the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road. The portion north of I-215 is generally described as located between Hualapai Way to the west, Deer Springs Road to the north, and Grand Canyon Drive to the east. The portion located south of I-215 is generally described as located between Alpine Ridge Way to the west, Centennial Parkway to the south, and Chieftain Street to the east.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 1st day of November, 2006, as follows:

1. It is the intention of the City Council to annex to the City the real property described as follows:

Those portions of the South Half (S 1/2) of Section 19, Township 19 South, Range 60 East, M.D.M., and those portions of the South Half (S 1/2) of Section 24, Township 19 South, Range 59 East, M.D.M., in the County of Clark, State of Nevada, including portions of Northern Beltway I-215 right of way, as shown on "AMENDED RECORD OF SURVEY - ANNEXATION PLAT" recorded October 13, 2006 in File 160 of Surveys, Page 77 of Clark County, Nevada Records, described as follows:

BEGINNING at the southeast corner of said Section 24, also being the centerline intersection of CENTENNIAL PARKWAY and HUALAPAI WAY; thence along the south line of the Southeast Quarter (SE 1/4) of said Section 24, North 88°58'34" West 2706.05 feet to the west line of said Southeast Quarter (SE 1/4); thence along said west line, North 00°04'23" East 669.08 feet; thence departing said west line, South 88°58'09" West 339.09 feet; thence North 00°00'30" East 167.21 feet; thence North 88°57'34" East 339.28 feet to the aforementioned west line; thence North 00°04'23" East 334.54 feet; thence departing said west line, North 88°56'02" East 338.65 feet; thence North 00°05'30" East 167.31 feet to the south line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 24; thence along the south line of said Northwest Quarter (NW 1/4), North 88°55'41" East 338.70 feet; thence departing said south line, North 00°06'42" East 167.23 feet; thence North 88°55'04" East 338.78 feet; thence South 00°08'10" West 167.29 feet to the south line of said Northwest Quarter (NW 1/4); thence along said south line, North 88°55'41" East 338.70 feet to the southeast corner of said Northwest Quarter

(NW 1/4); thence along the east line of said Northwest Quarter (NW 1/4), North 00°09'39" East 334.71 feet; thence departing said East line, North 88°53'41" East 1358.00 feet to the east line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 24; thence along the east line of said Northeast Quarter (NE 1/4), North 00°19'19" East 1005.57 feet to the northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 19; thence along the north line of said Northwest Quarter (NW 1/4) and the centerline of DEER SPRINGS WAY, South 89°27'56" East 1344.49 feet to the northwest corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 19; thence continuing along said centerline, South 89°29'27" East 662.09 feet; thence departing said centerline South 00°04'10" East 667.73 feet; thence South 89°33'36" East 331.41 feet; thence North 00°06'06" West 667.33 feet returning to the centerline of said DEER SPRINGS WAY; thence South 89°29'27" East 331.04 feet to the center quarter corner of said Section 19, also being the centerline intersection of DEER SPRINGS WAY and GRAND CANYON DRIVE; thence along the centerline of said GRAND CANYON DRIVE and the east line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 19, South 00°08'02" East 666.94 feet; thence departing said east line, North 89°33'36" West 331.41 feet; thence South 00°06'06" East 667.33 feet to a point hereinafter referred to as POINT "A"; thence South 89°37'45" East 331.79 feet to the northwest corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence along the west line of said Southwest Quarter (SW 1/4), South 00°07'26" East 666.75 feet to the southwest corner of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence along the south line of said North Half (N 1/2), South 89°41'28" East 1328.72 feet to the east line of said North Half (N 1/2); thence along said east line, North 00°12'42" West 332.68 feet; thence departing the east line of said North Half (N 1/2), South 89°40'36" East 165.98 feet; thence South 00°13'34" East 332.60 feet; thence South 89°42'19" East 166.06 feet; thence South 00°14'27" East 665.03 feet to the south line of the Southeast Quarter (SE 1/4) of said Section 24; thence along said south line North 89°45'46" West 332.46 feet; thence continuing along said south line, North 89°45'05" West 1329.72 feet to the south quarter corner of said Section 19; thence along the south line of the Southwest Quarter (SW 1/4) of said Section 19, North 89°47'13" West 1329.78 feet; thence continuing along said south line, North 89°47'00" West 997.89 feet; thence departing said south line, North 00°06'13" East 669.94 feet; thence North 89°42'16" West 359.37 feet to the west line of the Southwest Quarter (SW 1/4) of said Section 19; thence along said west line, South 00°19'07" West 670.44 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM a parcel of land described as follows:

COMMENCING at the aforementioned POINT 'A'; thence North 89°37'45" West 663.57 feet to the POINT OF BEGINNING "A1"; thence continuing North 89°37'45" West 331.79 feet to the southwest one sixteenth corner of said Section 19; thence North 00°00'19" West 668.52 feet to a point hereinafter referred as POINT "B"; thence South 89°33'36" East 331.41 feet; thence South 00°02'14" East 668.13 feet to the POINT OF BEGINNING "A1".

FURTHER EXCEPT THEREFROM another parcel of land described as follows:

COMMENCING at the aforementioned POINT "B"; thence North 89°32'44" West 331.31 feet to the POINT OF BEGINNING "B1"; thence South 00°01'47" West 668.98 feet; thence North 89°37'30" West 331.77 feet; thence North 00°04'00" East 532.84 feet to the northerly right-of-way of the I-215 BELTWAY; thence along said northerly right-of-way, North 62°30'11" West 153.23 feet to the beginning of a

1 curve, concave southwesterly, having a radius of 1120.00 feet; thence northwesterly
2 along said curve and said right-of-way, through a central angle of 08°55'36" and an
3 arc length of 174.50 feet to a point of cusp; thence South 89°32'44" East 627.85 feet
4 to the POINT OF BEGINNING "B1".

5 BASIS OF BEARINGS: North 88°58'34" East being the bearing of the Southeast
6 Quarter (SE 1/4) of Section 24, Township 19 South, Range 59 East, M.D.M., as
7 shown on that plat of "CLIFFS EDGE PARENT" recorded in Book 118 of Plats,
8 Page 88 of Clark County, Nevada Records.

9 Prepared by:
10 Brian Yu PLS
11 Public Works, City of Las Vegas,
12 731 S. Fourth Street,
13 Las Vegas, NV 89101
14 byu@lasvegasnevada.gov

15 2. The City Council intends to meet on December 20, 2006, in the Council Chambers, City
16 Hall, 400 Stewart Avenue, Las Vegas, Nevada, and, at or after the hour of 1:00 p.m. on that day, will
17 conduct a public hearing on the question of the annexation described in this Resolution.

18 3. The City Clerk is directed to give notice of the public hearing by:

19 (A) Publication thereof at least three (3) times in a newspaper published in the City of
20 Las Vegas and of general circulation in the area of the described territory. The first publication shall
21 be at least twenty (20) days prior to December 20, 2006, and not less than six (6) days shall
22 intervene between the first publication and the last publication; and

23 (B) Mailing notice thereof by certified mail, return receipt requested, to each record
24 owner of real property within the described territory, with the notice to be mailed at the time of the
25 first publication thereof. The notice shall be in substantially the same form as attached hereto as
26 Exhibit "A."

27 4. The Director of Public Works, and the Director of Planning and Development are directed
28 to prepare and submit to the City Council on November 15, 2006, a report setting forth plans for the
extension into the described territory of all major municipal services presently furnished by the City
to its residents and citizens. The report shall include without limitation:

(A) An accurate map or plat of the territory proposed to be annexed, prepared under the
supervision of a competent surveyor or engineer;

(B) A map or maps of the City and the adjacent territory to show the following

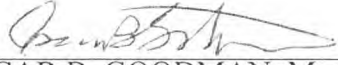
1 information:

- 2 (1) The present and proposed boundaries of the City;
3 (2) The present streets and sewer interceptors and outfalls;
4 (3) The proposed extension of the present streets and sewer interceptors and
5 outfalls;
6 (4) The present and proposed general land use pattern in the territory proposed
7 be annexed.

8 (C) A statement showing that the territory proposed to be annexed is eligible for
9 annexation under NRS 268.570 to 268.608, inclusive.

10 PASSED, ADOPTED, AND APPROVED this 1st day of November, 2006.

11 CITY OF LAS VEGAS

12
13 BY 
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 
17 ~~BARBARA J. RONEMUS, City Clerk~~

By: Beverly K. Bridges
Chief Deputy City Clerk

18 APPROVED AS TO FORM

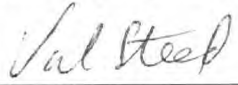
19 
20 10-24-06
21 Date

EXHIBIT "A"

NOTICE OF HEARING ON QUESTION OF ANNEXATION OF TERRITORY (ANNEXATION ANX-12215)

NOTICE IS HEREBY GIVEN to the property owners within the area proposed to be annexed into the City of Las Vegas, Nevada, by Annexation ANX-12215 that:

1. The City Council of the City of Las Vegas, Nevada, has by Resolution duly passed, adopted and approved on the 1st day of November, 2006, declared its intention to annex to the City certain territory generally located on the north and south sides of Clark County Highway 215, between Shaumber Road and Fort Apache Road. The portion north of Clark County Highway 215 is generally described as located between Hualapai Way to the west, Deer Springs Road to the north, and Grand Canyon Drive to the east. The portion located south of Clark County Highway 215 is generally described as located between Alpine Ridge Way to the west, Centennial Parkway to the south, and Chieftain Street to the east.

The territory proposed to be annexed is more particularly described as follows:

Those portions of the South Half (S 1/2) of Section 19, Township 19 South, Range 60 East, M.D.M., and those portions of the South Half (S 1/2) of Section 24, Township 19 South, Range 59 East, M.D.M., in the County of Clark, State of Nevada, including portions of Northern Beltway I-215 right of way, as shown on "AMENDED RECORD OF SURVEY – ANNEXATION PLAT" recorded October 13, 2006 in File 160 of Surveys, Page 77 of Clark County, Nevada Records, described as follows:

BEGINNING at the southeast corner of said Section 24, also being the centerline intersection of CENTENNIAL PARKWAY and HUALAPAI WAY; thence along the south line of the Southeast Quarter (SE 1/4) of said Section 24, North 88°58'34" West 2706.05 feet to the west line of said Southeast Quarter (SE 1/4); thence along said west line, North 00°04'23" East 669.08 feet; thence departing said west line, South 88°58'09" West 339.09 feet; thence North 00°00'30" East 167.21 feet; thence North 88°57'34" East 339.28 feet to the aforementioned west line; thence North 00°04'23" East 334.54 feet; thence departing said west line, North 88°56'02" East 338.65 feet; thence North 00°05'30" East 167.31 feet to the south line of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of said Section 24; thence along the south line of said Northwest Quarter (NW 1/4), North 88°55'41" East 338.70 feet; thence departing said south line, North 00°06'42" East 167.23 feet; thence North 88°55'04" East 338.78 feet; thence South 00°08'10" West 167.29 feet to the south line of said Northwest Quarter (NW 1/4); thence along said south line, North 88°55'41" East 338.70 feet to the southeast corner of said Northwest Quarter (NW 1/4); thence along the east line of said Northwest Quarter (NW 1/4), North 00°09'39" East 334.71 feet; thence departing said East line, North 88°53'41" East 1358.00 feet to the east line of the Northeast Quarter (NE 1/4) of the Southeast

Quarter (SE 1/4) of said Section 24; thence along the east line of said Northeast Quarter (NE 1/4), North 00°19'19" East 1005.57 feet to the northwest corner of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 19; thence along the north line of said Northwest Quarter (NW 1/4) and the centerline of DEER SPRINGS WAY, South 89°27'56" East 1344.49 feet to the northwest corner of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 19; thence continuing along said centerline, South 89°29'27" East 662.09 feet; thence departing said centerline South 00°04'10" East 667.73 feet; thence South 89°33'36" East 331.41 feet; thence North 00°06'06" West 667.33 feet returning to the centerline of said DEER SPRINGS WAY; thence South 89°29'27" East 331.04 feet to the center quarter corner of said Section 19, also being the centerline intersection of DEER SPRINGS WAY and GRAND CANYON DRIVE; thence along the centerline of said GRAND CANYON DRIVE and the east line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4) of said Section 19, South 00°08'02" East 666.94 feet; thence departing said east line, North 89°33'36" West 331.41 feet; thence South 00°06'06" East 667.33 feet to a point hereinafter referred to as POINT "A"; thence South 89°37'45" East 331.79 feet to the northwest corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence along the west line of said Southwest Quarter (SW 1/4), South 00°07'26" East 666.75 feet to the southwest corner of the North Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4) of said Section 19; thence along the south line of said North Half (N 1/2), South 89°41'28" East 1328.72 feet to the east line of said North Half (N 1/2); thence along said east line, North 00°12'42" West 332.68 feet; thence departing the east line of said North Half (N 1/2), South 89°40'36" East 165.98 feet; thence South 00°13'34" East 332.60 feet; thence South 89°42'19" East 166.06 feet; thence South 00°14'27" East 665.03 feet to the south line of the Southeast Quarter (SE 1/4) of said Section 24; thence along said south line North 89°45'46" West 332.46 feet; thence continuing along said south line, North 89°45'05" West 1329.72 feet to the south quarter corner of said Section 19; thence along the south line of the Southwest Quarter (SW 1/4) of said Section 19, North 89°47'13" West 1329.78 feet; thence continuing along said south line, North 89°47'00" West 997.89 feet; thence departing said south line, North 00°06'13" East 669.94 feet; thence North 89°42'16" West 359.37 feet to the west line of the Southwest Quarter (SW 1/4) of said Section 19; thence along said west line, South 00°19'07" West 670.44 feet to the POINT OF BEGINNING.

EXCEPT THEREFROM a parcel of land described as follows:

COMMENCING at the aforementioned POINT 'A'; thence North 89°37'45" West 663.57 feet to the POINT OF BEGINNING "A1"; thence continuing North 89°37'45" West 331.79 feet to the southwest one sixteenth corner of said Section 19; thence North 00°00'19" West 668.52 feet to a point hereinafter referred as POINT "B"; thence South 89°33'36" East 331.41 feet; thence South 00°02'14" East 668.13 feet

to the POINT OF BEGINNING "A1".

FURTHER EXCEPT THEREFROM another parcel of land described as follows:

COMMENCING at the aforementioned POINT "B"; thence North 89°32'44" West 331.31 feet to the POINT OF BEGINNING "B1; thence South 00°01'47" West 668.98 feet; thence North 89°37'30" West 331.77 feet; thence North 00°04'00" East 532.84 feet to the northerly right-of-way of the I-215 BELTWAY; thence along said northerly right-of-way, North 62°30'11" West 153.23 feet to the beginning of a curve, concave southwesterly, having a radius of 1120.00 feet; thence northwesterly along said curve and said right-of-way, through a central angle of 08°55'36" and an arc length of 174.50 feet to a point of cusp; thence South 89°32'44" East 627.85 feet to the POINT OF BEGINNING "B1".

BASIS OF BEARINGS: North 88°58'34" East being the bearing of the Southeast Quarter (SE 1/4) of Section 24, Township 19 South, Range 59 East, M.D.M., as shown on that plat of "CLIFFS EDGE PARENT" recorded in Book 118 of Plats, Page 88 of Clark County, Nevada Records.

Prepared by:
Brian Yu PLS
Public Works, City of Las Vegas,
731 S. Fourth Street,
Las Vegas, NV 89101
byu@lasvegasnevada.gov

2. At its meeting of Wednesday, December 20, 2006, during the afternoon session commencing at the hour of 1:00 p.m. in the Council Chambers, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will conduct a public hearing on the question of the annexation described in this Notice.

3. A report setting forth the City's plans for the extension into the above-described territory of all major municipal services presently furnished by the City to its residents and citizens will be available for examination by the public in the Office of the City Clerk, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, no later than twenty (20) days prior to the date of the public hearing. The report shall include:

- A. An accurate map or plat of the territory proposed to be annexed, prepared under the supervision of a competent surveyor or engineer;
- B. A map or maps of the City and the adjacent territory to show the following information:

- (1) The present and proposed boundaries of the City;
- (2) The present streets and sewer interceptors and outfalls;
- (3) The proposed extension of the present streets and sewer interceptors and outfalls; and
- (4) The present and proposed general land use pattern into the territory proposed to be annexed.

C. A statement showing that the territory proposed to be annexed is eligible for annexation under NRS 268.570 to 268.608, inclusive.

4. The names and addresses of all record owners of real property within the above-described territory proposed to be annexed are as follows:

KR Land Company, LLC
c/o Focus Coml Group
3455 Cliff Shadows Pkwy
Las Vegas, NV 89129-1062

Southwest Desert Equities, LLC
c/o Focus Coml Group
3320 N Buffalo Dr #204
Las Vegas, NV 89129-7411

Southwest Desert Equities, LLC
c/o Focus Coml Group
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

Beazer Homes Holding Corp
c/o J Bohn
4670 S Fort Apache Rd #200
Las Vegas, NV 89147-7941

Southwest Desert Equities, LLC
c/o K Hermanson
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

Dark, LLC
7251 W Lake Mead #300
Las Vegas, NV 89129-8380

Northwest Investments, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

School Board of Trustees
2832 E Flamingo Rd
Las Vegas, NV 89121-5205

Southwest Desert Equities, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

USA
Washington, D.C. 20260

Brain Surgery, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

USA
City of Las Vegas Lease
Washington, D.C. 20260

5. Any record owner of real property within the above-described territory may:

A. Appear and be heard either in favor of or in protest of the proposed annexation at the public hearing;

B. File with the City Clerk a written protest of such annexation at any time within fifteen (15) days after the conclusion of the public hearing; or

C. Do both.

Unless a majority of the property owners in the territory proposed to be annexed protest the annexation either orally at the public hearing or in writing within fifteen (15) days after the conclusion of such public hearing, the City Council shall have authority to adopt an ordinance extending the corporate limits of the City of Las Vegas to include all or any part of the territory described in this Notice.

By ORDER of the City Council of the City of Las Vegas, Nevada, dated this 1st day of November, 2006.

BARBARA JO RONEMUS, City Clerk