

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
JANUARY 16, 2007
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILWOMAN TARKANIAN AND COUNCILMAN BROWN

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

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

3. Bill No. 2007-1 - Levies Assessment for Special Improvement District No. 1493 - Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road). Sponsored by: Step Requirement

4. Bill No. 2007-2 - Levies Assessment for Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights. Sponsored by: Step Requirement

5. Bill No. 2007-3 - Annexation No. ANX-12215 - Property location: On the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road; Petitioned by Southwest Desert Equities, LLC, et al; Acreage: Approximately 259 acres, Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (P-F) and C-V (City equivalents). Sponsored by: Councilman Steven D. Ross

6. Bill No. 2007-4 - Clarifies and standardizes the provisions that govern the expiration and termination of zoning-related applications and approvals. Proposed by: M. Margo Wheeler, Director of Planning and Development

7. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee 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.

8. ADJOURNMENT

City of Las Vegas

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5.00 P.M.

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

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

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

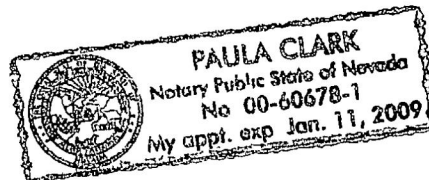
STATE OF NEVADA)
) ss
COUNTY OF CLARK)

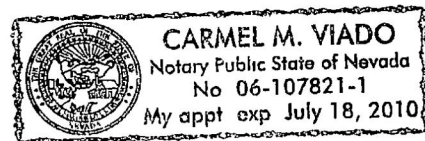
the list maintained in the Office of the City Clerk.



SIGNATURE

NOTARY PUBLIC in and for said County and State





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

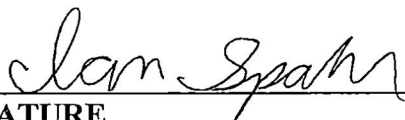
STATE OF NEVADA)

) 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 **9th** day of **January, 2007** at the hour of **4:00 P.M.** there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **Recommending Committee Meeting** to be held on the **16th** day of **January, 2007**, at **4:00 P.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



SIGNATURE

City Clerk

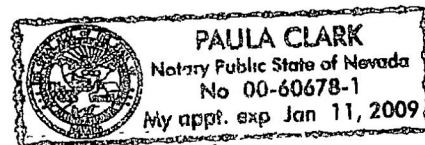
DEPARTMENT

Subscribed and sworn to before me this

9th day of January, 2007



NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

SUBJECT:

CALL TO ORDER

Minutes:

COUNCILWOMAN TARKANIAN called the meeting to order at 4:03 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BROWN

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK ANGELA CROLLI



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

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

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-1 - Levies Assessment for Special Improvement District No. 1493 – Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road). Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$623,643.30

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

This Bill Levies the Assessment for the installation of pavement, curb and gutter, sidewalks, driveway approaches, water laterals, sewer laterals, and streetlights along Hualapai Way and Alexander Road from Cheyenne Avenue to Cimarron Road.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2007-1

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BROWN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated this is a standard Special Improvement District levy and it is in order.

COUNCILMAN BROWN declared the Public Hearing closed.

BILL NO. 2007-1

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1493 - HUALAPAI WAY/ALEXANDER ROAD (CHEYENNE AVENUE TO CIMARRON ROAD) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS, ASSESSING A PORTION OF THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS, REPEALING ORDINANCE NO. 5833, RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (the "City Council" and "City," respectively) in the County of Clark and State of Nevada (the "State"), has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1493 - Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road) (the "District"), for the purpose of acquiring and improving local improvements (the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District, and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of Nevada Revised Statutes ("NRS") Chapter 271, and

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

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of the Project (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$10,048,521 80, of which, \$9,424,878.50 is available from other sources and \$623,643 30 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Project; and

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

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

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, December 20, 2006, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Project, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of City Engineer Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Project should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, December 20, 2006, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, and

WHEREAS, the City Council caused the final assessment roll for the District to be filed in the records of the office of the City Clerk on November 15, 2006. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection, and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1493 Assessment Protest Resolution, and

WHEREAS, by the District No 1493 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form, and

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

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

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

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

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

Section 1 This Ordinance shall be known as, and may be cited by, the short title "District No 1493 Levy Ordinance" (the "Ordinance")

Section 2 The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District and the Project is

without sufficient merit and the same be, and hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1493 Assessment Protest Resolution

Section 3 All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on November 15, 2006, and as modified and confirmed by the District No 1493 Assessment Protest Resolution duly adopted by the City Council on January 3, 2007

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on April 1, 2007. After the effective date of this Ordinance, 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%. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may at any time (at the option of such owner) pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 13, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services, such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7.25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271 357 and NRS 271 360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The

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

Section 6 The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. February 11, 2007) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs)

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

Section 8 In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such

delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the City Council, from collecting any assessment by suit in the name of the City Council. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

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

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

the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271 390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271 390(2) and NRS 271 405(7) and in Section 10 of this Ordinance shall be in substantially the following form

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS
FOR IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL
IMPROVEMENT DISTRICT NO. 1493 – HUALAPAI WAY/ALEXANDER
ROAD (CHEYENNE AVENUE TO CIMARRON ROAD)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No 1493 Levy Ordinance (the "Levy Ordinance") was duly passed, adopted, signed and approved by the City Council of the City of Las Vegas on February 7, 2007. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No 1493 – Hualapai Way/Alexander Road (Cheyenne Avenue to Cimarron Road)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the Levy Ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before March 13, 2007, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from February 11, 2007 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on April 1, 2007. After the effective date of the Levy Ordinance, 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%. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 13, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services, such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7 25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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

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

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

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from February 11, 2007 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this February 7, 2007.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. Ordinance No. 5833, which was finally adopted by the City Council on June 21, 2006, is hereby repealed in its entirety.

Section 15. In accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before February 7, 2007, such publication to be in substantially the following form.

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA,
SPECIAL IMPROVEMENT DISTRICT NO. 1493 - HUALAPAI
WAY/ALEXANDER ROAD (CHEYENNE AVENUE TO CIMARRON
ROAD) PROVIDING FOR THE PAYMENT OF THE COSTS AND
EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF
THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE
LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID
IMPROVEMENTS; REPEALING ORDINANCE NO. 5833; RATIFYING,
APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN;
PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of
the above-entitled proposed Ordinance were filed with and are available for public inspection and
distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas,
Nevada, and that such ordinance was proposed on the 3rd day of January, 2007, and will be considered
for adoption at the regular meeting of the City Council of the City of Las Vegas on the 7th day of February,
2007.

/s/ Barbara Jo Ronemus
City Clerk _____

(End of Form)

Section 16 This Ordinance shall be in effect on the day after its publication, as hereinafter provided After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2 110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1493 - HUALAPAI WAY/ALEXANDER ROAD (CHEYENNE AVENUE TO CIMARRON ROAD) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS, ASSESSING A PORTION OF THE COST OF LOCAL IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS, REPEALING ORDINANCE NO 5833; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN, PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on January 3, 2007, and was passed at a regular meeting held on February 7, 2007, by the following vote of the City Council of the City of Las Vegas, Nevada.

Those Voting Aye.

Oscar B Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay.

Those Absent

This Ordinance shall be in full force and effect from and after February 11, 2007, i.e., the day after its publication by title only

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

This _____ day of _____, 2007.

/s/ OSCAR B GOODMAN

Mayor
City of Las Vegas, Nevada

(SEAL)

Attest.

/s/ BARBARA JO RONEUMUS

City Clerk

Section 17. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

INTRODUCED JANUARY 3, 2007, PASSED, ADOPTED AND APPROVED FEBRUARY 7, 2007.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form

12-20-06 *Val Steed*

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on January 3, 2007 and finally adopted and approved on February 7, 2007.

2. The following members of the City Council were present at the January 3, 2007 Council meeting:

Mayor	Oscar B. Goodman
Councilmembers	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

3 The foregoing Ordinance was first proposed and read by title to the City Council on January 3, 2007, and referred to a committee composed of _____ and _____ for recommendation, thereafter the said committee reported favorably on said Ordinance on February 7, 2007, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the February 7, 2007 meeting and voted upon the adoption of the Ordinance as follows.

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

Those Voting Nay	_____
Those Absent	_____

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

5 All members of the City Council were given due and proper notice of the meetings held on January 3, 2007 and February 7, 2007. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9 00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Bulletin Board
City Hall Plaza (next door to Metro Records)
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
- (vi) The City of Las Vegas website

and

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

6 A copy of such notice so given of the meeting of the City Council on January 3, 2007, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on February 7, 2007, is attached to this certificate as Exhibit B

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

8 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 members of the City Council for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law

IN WITNESS WHEREOF, I have hereunto set my hand on this February 7, 2007

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of January 3, 2007 Meeting)

EXHIBIT B

(Attach Copy of Notice of February 7, 2007 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Filing of Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Ordinance)

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-2 - Levies Assessment for Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights. Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

☐

Augmentation Required

☒

Budget Funds Available

Amount: \$62,576.19

Funding Source: Capital Projects Fund - Special Assessments

Dept./Division: Public Works/SID

PURPOSE/BACKGROUND:

This Bill Levies the Assessment for the construction and installation of streetlights located within the Sierra Oeste subdivision south of Lake Mead Boulevard between Jones Boulevard and Torrey Pines Drive.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2007-2

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BROWN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated the Bill is in order.

COUNCILMAN BROWN declared the Public Hearing closed.

BILL NO 2007-2

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN, PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No 1505 – Sierra Oeste Neighborhood Streetlights (hereinafter the "District"), for the purpose of acquiring and improving local improvements (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District, and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Nevada Revised Statutes ("NRS") Chapter 271; and

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

WHEREAS, in accordance with NRS 271 360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$62,576.19, of which, \$0.00 is available from other sources and of which \$62,576 19 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

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

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

WHEREAS, the City Council thereupon fixed a time and place, to wit Wednesday, December 20, 2006, at 1 00 p m , at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council, and

WHEREAS, the City Engineer (with the assistance of City Engineer Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, December 20, 2006, at 1:00 p m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on November 15, 2006. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection, and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1505 Assessment Protest Resolution; and

WHEREAS, by the District No 1505 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project, with funds completely derived from the levy of assessments

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1505 Levy Ordinance" (hereinafter the "Ordinance").

Section 2 The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No 1505 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights, including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed

Section 4. For the purpose of paying of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on November 15, 2006, and as modified and confirmed by the District No. 1505 Assessment Protest Resolution duly adopted by the City Council on January 3, 2007

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in ten (10) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on October 1, 2007. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Director of Finance and Business Services shall fix the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate will not exceed 9%. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to

be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment may at any time (at the option of such owner); pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 13, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7 25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted, (b) the term of the bonds expire, (c) the property owner's application for renewal of the Hardship Determination is disapproved, (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner, or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. February 11, 2007) until paid. The lien shall be co-

equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the

City Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds, then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments

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

Section 10 In accordance with NRS 271 405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271 390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known

address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No 1505 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on February 7, 2007. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before March 13, 2007, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in ten (10) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from February 11, 2007 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2007. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Director of Finance and Business Services shall fix the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently

published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate shall not exceed 9%. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 13, 2007, but before the rate of interest on deferred installments of assessments is fixed by the City Director of Finance and Business Services, such interest accruing thereon to the next interest payment date shall be calculated at seven and 25/100 percent (7 25%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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

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

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

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from February 11, 2007 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this February 7, 2007.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2 110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request, thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before February 7, 2007, such publication to be in substantially the following form:

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1505 - SIERRA OESTE NEIGHBORHOOD STREETLIGHTS; PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 3rd day of January, 2007, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 7th day of February, 2007.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

Section 15 That this Ordinance shall be in effect on the day after its publication, as hereinafter provided After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2 110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form - -- -- -- --

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1505 - SIERRA OESTE NEIGHBORHOOD STREETLIGHTS, PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS, RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN, PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on January 3, 2007, and was passed at a regular meeting held on February 7, 2007, by the following vote of the City Council of the City of Las Vegas, Nevada.

Those Voting Aye

Oscar B Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Steve Wolfson
Lois Tarkanian
Steven D. Ross

Those Voting Nay

Those Absent

This Ordinance shall be in full force and effect from and after February 11, 2007, i.e., the day after its publication by title only.

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

This _____ day of _____, 2007.

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

(SEAL)

Attest
/s/ BARBARA JO RONEMUS
City Clerk

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

Introduced January 3, 2007, PASSED, ADOPTED AND APPROVED February 7, 2007.

OSCAR B GOODMAN, Mayor

Attest.

BARBARA JO RONEMUS, City Clerk

Approved as to Form.

12-20-06
Date

Val Steel

Deputy City Attorney

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

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

1 The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on January 3, 2007, and finally adopted and approved on February 7, 2007

2. The following members of the City Council were present at the January 3, 2007 Council meeting

Mayor:	Oscar B Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

3 The foregoing Ordinance was first proposed and read by title to the City Council on January 3, 2007 and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on February 7, 2007, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the February 7, 2007 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross

Those Voting Nay: _____

Those Absent: _____

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

5 All members of the City Council were given due and proper notice of the meetings held on January 3, and February 7, 2007 Pursuant to § 241 020, Nevada Revised Statutes, written notice of the meetings was given no later than 9 00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting.

(a) By posting a copy of the notice by 9.00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

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

, and

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

6 A copy of such notice so given of the meeting of the City Council on January 3, 2007, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on February 7, 2007, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this February 7, 2007.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of January 3, 2007 Meeting)

EXHIBIT B

(Attach Copy of Notice of February 7, 2007 Meeting)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-3 – Annexation No. ANX-12215 – Property location: On the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 259 acres; Zoned: R-E and P-F (County zoning), U (R), U (RNP), U (L), U (P-F) and C-V (City equivalents). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the north and south sides of I-215 (Clark County Highway 215), between Shaumber Road and Fort Apache Road. The annexation is at the request of certain property owners and the City, with a statement of non-objection having been filed by the Bureau of Land Management as an additional owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (February 16, 2007) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2007-3
2. Protest letters from RL Homes

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LARRY BROWN; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BROWN declared the Public Hearing open.

CITY COUNCIL MEETING OF: JANUARY 16, 2007

CHIEF DEPUTY CITY ATTORNEY VAL STEED indicated that this is a long form annexation. An objection was received to the inclusion in the annexation from one property owner. His understanding is that there are other parcels that have been transferred during the process that may want to be taken out of the annexation as well. He is not aware of Planning's position on taking those parcels out. The Bill is not eligible for adoption tomorrow.

SCOTT ANDERSON, RL Homes, stated that when they bought the parcel from Focus it was not disclosed to them that it was going to be annexed into the City. They found out through a letter from the City that their property was being annexed. A tentative map was approved by the County and they submitted their final map. They have been working with staff and the City Attorney and it has been determined that the City will accept the County approval. They plan to commence tracking their models by the end of February and he asked if the City would allow them to submit their architectural and construction documents for review and approval prior to the annexation. If that is allowed, they will probably meet their goal of construction, but if they have to wait until after the annexation, they will be delayed and probably bow out of the annexation.

MARGO WHEELER, Director of Planning and Development Department, replied that generally an applicant submits a letter with plans with the understanding that it will be at their own risk and if for some reason the annexation does not go through, then the cost for plans check is a loss to the applicant. MR. ANDERSON asked if an approval can be obtained prior to the annexation, if the plans meet City approval. MS WHEELER replied they cannot obtain actual construction approval because a building permit cannot be issued on a property that is not within the City's jurisdiction. But the plans check could proceed concurrently with the annexation process

MR. ANDERSON asked if they can move forward with the construction if the County should approve the grading for the project. MS WHEELER responded that usually the Public Works Department would have to review those plans. She is not certain to what extent, but they would want to ensure the plans meet the City's standards as well. She suggested MR. ANDERSON check with Public Works. She opined that if the project's plans were acceptable to the County, it would not take too much time for City staff to review those plans. MR. ANDERSON added that he believes their improvement plans would probably be approved by the County in about three weeks, prior to the annexation. He asked for a possible timeline for the review by the City. MS. WHEELER replied that she would speak with Public Works for an estimated timeline.

ASSISTANT DEPUTY CITY ATTORNEY STEED verified for COUNCILMAN BROWN that this particular annexation would be recorded on February 16, 2007, unless the date was changed. COUNCILMAN BROWN asked MR. ANDERSON if the City's timeline of February 16 would affect what they are trying to do. MR. ANDERSON responded they would probably not have their final map recorded until after that 16th day. He wondered if there was something that could be done to delay the annexation for that recorded map. He also verified with MS. WHEELER that he could file his protest for the annexation at this meeting

COUNCILMAN BROWN indicated he would prefer moving forward with the annexation. He

CITY COUNCIL MEETING OF: JANUARY 16, 2007

suggested MR. ANDERSON contact COUNCILMAN ROSS, who represents the area, and ask if he might hold this particular Bill for two weeks so that a timeline could be established. The Councilman felt there would be no objections to what MR. ANDERSON is trying to do. The City does not want to slow down the project nor have the project slow down the annexation. ASSISTANT DEPUTY CITY ATTORNEY STEED pointed out that this Bill will not be eligible for adoption tomorrow because it has not been published yet. It will be eligible at the February 7th City Council meeting.

COUNCILMAN BROWN commented that MR. ANDERSON'S protest will be noted for the public record. He recommended MR. ANDERSON contact COUNCILMAN ROSS' Office specifically to discuss this project. Since the Bill is not eligible for adoption at this time, MR. ANDERSON would have ample time to address any concerns.

COUNCILMAN BROWN declared the Public Hearing closed.

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8 **BILL NO. 2007-3**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY
11 DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE
12 LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER
RELATED MATTERS. (ANX-12215)

13 Sponsored by: Councilman Steven D. Ross

Summary: Annexes property described
generally as located on the north and south sides
of I-215 (Clark County Highway 215), between
Shaumber Road and Fort Apache Road.

14
15 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
16 AS FOLLOWS:

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

20 Those portions of the South Half (S 1/2) of Section 19, Township 19 South, Range 60
21 East, M.D.M., and those portions of the South Half (S 1/2) of Section 24, Township
22 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 "RECORD OF
SURVEY - ANNEXATION PLAT" recorded July 12, 2006 in File 158 of Surveys,
Page 9 of Clark County, Nevada Records, described as follows:

23 BEGINNING at the southeast corner of said Section 24, also being the centerline
24 intersection of CENTENNIAL PARKWAY and HUALAPAI WAY; thence along the
25 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
26 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
27 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;
28 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

1 line of said Northwest Quarter (NW 1/4), North 88°55'41" East 338.70 feet; thence
2 departing said south line, North 00°06'42" East 167.23 feet; thence North 88°55'04"
3 East 338.78 feet; thence South 00°08'10" West 167.29 feet to the south line of said
4 Northwest Quarter (NW 1/4); thence along said south line, North 88°55'41" East
5 338.70 feet to the southeast corner of said Northwest Quarter (NW 1/4); thence along
6 the east line of said Northwest Quarter (NW 1/4), North 00°09'39" East 334.71 feet;
7 thence departing said East line, North 88°53'41" East 1358.00 feet to the east line of
8 the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 24;
9 thence along the east line of said Northeast Quarter (NE 1/4), North 00°19'19" East
10 1005.57 feet to the northwest corner of the Northwest Quarter (NW 1/4) of the
11 Southwest Quarter (SW 1/4) of said Section 19; thence along the north line of said
12 Northwest Quarter (NW 1/4) and the centerline of DEER SPRINGS WAY, South
13 89°27'56" East 1344.49 feet to the northwest corner of the Northeast Quarter (NE 1/4)
14 of the Southwest Quarter (SW 1/4) of said Section 19; thence continuing along said
15 centerline, South 89°29'27" East 662.09 feet; thence departing said centerline South
16 00°04'10" East 667.73 feet; thence South 89°33'36" East 331.41 feet; thence North
17 00°06'06" West 667.33 feet returning to the centerline of said DEER SPRINGS WAY;
18 thence South 89°29'27" East 331.04 feet to the center quarter corner of said Section 19,
19 also being the centerline intersection of DEER SPRINGS WAY and GRAND
20 CANYON DRIVE; thence along the centerline of said GRAND CANYON DRIVE
21 and the east line of the Northeast Quarter (NE 1/4) of the Southwest Quarter (SW 1/4)
22 of said Section 19, South 00°08'02" East 666.94 feet; thence departing said east line,
23 North 89°33'36" West 331.41 feet; thence South 00°06'06" East 667.33 feet to a point
24 hereinafter referred to as POINT "A"; thence South 89°37'45" East 331.79 feet to the
25 northwest corner of the Southwest Quarter (SW 1/4) of the Southeast Quarter (SE 1/4)
26 of said Section 19; thence along the west line of said Southwest Quarter (SW 1/4),
27 South 00°07'26" East 666.75 feet to the southwest corner of the North Half (N 1/2) of
28 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 to 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

1 331.31 feet to the POINT OF BEGINNING "B1; thence South 00°01'47" West 668.98
2 feet; thence North 89°37'30" West 331.77 feet; thence North 00°04'00" East 532.84
3 feet to the northerly right-of-way of the I-215 BELTWAY; thence along said northerly
4 right-of-way, North 62°30'11" West 153.23 feet to the beginning of a curve, concave
5 southwesterly, having a radius of 1120.00 feet; thence northwesterly along said curve
6 and said right-of-way, through a central angle of 08°55'36" and an arc length of 174.50
7 feet to a point of cusp; thence South 89°32'44" East 627.85 feet to the POINT OF
8 BEGINNING "B1."

9 BASIS OF BEARINGS: North 88°58'34" East being the bearing of the Southeast
10 Quarter (SE 1/4) of Section 24, Township 19 South, Range 59 East, M.D.M., as shown
11 on that plat of "CLIFFS EDGE PARENT" recorded in Book 118 of Plats, Page 88 of
12 Clark County, Nevada Records.

13 Prepared by:
14 Brian Yu PLS
15 Public Works, City of Las Vegas,
16 731 S. Fourth Street,
17 Las Vegas, NV 89101
18 byu@lasvegasnevada.gov

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

21 (A) The area to be annexed was contiguous to the City's boundaries at the time the
22 annexation proceedings were instituted;

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

25 (C) The territory proposed to be annexed is not included within the boundaries of
26 another incorporated city or within the boundaries of any unincorporated town as those boundaries
27 existed as of July 1, 1983;

28 (D) The territory in question is eligible to be annexed to the City because:

(1) With respect to territory not owned by a governmental entity, the owners
of record of not less than 75 percent of the individual lots or parcels of land within the territory have
petitioned the City to annex the territory.

(2) With respect to territory owned by a governmental entity, the City has
received a written statement from the governmental entity indicating that it owns the territory and does
not object to the City's annexation of the territory.

(E) In compliance with the procedural requirements of NRS Chapter 268, the City

1 is authorized to annex the territory in question because:

2 (1) In accordance with NRS 268.584, the City Council, on November 1,
3 2006, adopted a resolution of intent to annex, along with the form of a notice of public hearing to be
4 provided to property owners within the annexation area, and set a public hearing for December 20,
5 2006.

6 (2) In accordance with NRS 268.578 and 268.588, the City Council, on
7 November 15, 2006, approved an annexation report and made it available for inspection and copying
8 thereafter.

9 (3) In accordance with NRS 268.586, the City mailed by certified mail,
10 return receipt requested, a copy of the notice of public hearing to the owners of the property within
11 the annexation area, as determined with reference to the records of the Clark County Assessor.

12 (4) In accordance with NRS 268.586, the City had the notice of public
13 hearing published in a newspaper of general circulation within the territory to be annexed, on three
14 separate occasions in compliance with the requirements of NRS 268.586.

15 (5) In accordance with NRS 268.590, the City Council held a public hearing
16 on December 20, 2006, at which time persons who wished to be heard concerning the matter were
17 given that opportunity. During the public hearing, and within the 15-day period following the public
18 hearing, the number of persons who protested the annexation (zero) was less than a "majority of the
19 property owners" as defined by NRS 268.574(3).

20 (6) In accordance with NRS 268.592, because less than a majority of the
21 property owners protested the annexation, the territory may be annexed by the City.

22 SECTION 3: The City will provide police protection through the Las Vegas
23 Metropolitan Police Department, fire protection, street maintenance, and library services immediately
24 upon annexation. Garbage collection by the company franchised by the City will also be provided
25 immediately. The City sanitary sewer system will serve the proposed annexation area. Any
26 connection to or extension of this sewer line to serve the annexation area shall be at the expense of
27 the landowners. Other services, such as participation in the City's recreational programs, special
28 education classes and programs, public works planning, building inspections, and other City services

1 will also be available immediately. Utilities such as gas, electricity, telephone, and water are provided
2 by private utility companies and other services to the area will not be affected by annexation. Street
3 paving, curbs and gutters, sidewalks and street lights which are not in place at the time of annexation
4 will be installed in the presently developed areas upon the request of the property owners and at their
5 expense by means of special assessment districts. Such improvements will be extended into the
6 undeveloped areas as development takes place and the need therefor arises, and will be located
7 according to the needs of the area at that time. Such installations will also be made at the expense of
8 the property owners, either by means of special assessment districts or as prerequisites to the approval
9 of subdivision plats, building permits or other land use or development applications.

10 SECTION 4: The annexation of the described territory shall become effective on the
11 16th of February, 2007, and on that date the City will have the funds appropriated in sufficient amount
12 to finance the extension into the described territory of police protection, fire protection, street
13 maintenance, street sweeping, and street lighting maintenance.

14 SECTION 5: The described territory, together with the inhabitants and property
15 thereof, shall, from and after the 16th day of February, 2007, be subject to all debts, laws, ordinances
16 and regulations in force in the City and shall be entitled to the same privileges and benefits as other
17 parts of the City, and shall be subject to municipal taxes levied by the City.

18 SECTION 6: The City Engineer is hereby instructed to cause to be prepared an
19 accurate map or plat of the described territory and to record the map or plat, together with a certified
20 copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which recording
21 shall be done prior to the 16th day of February, 2007.

22 SECTION 7: The described territory, which previously has been zoned in accordance
23 with the County of Clark classifications described below, is hereby classified with the City of Las
24 Vegas classifications that are set forth below, which are deemed to be the equivalents of the County
25 classifications:

26 ...

27 ...

28 ..

PROPERTY DESCRIPTION (BY APN)	COUNTY CLASSIFICATION	CITY CLASSIFICATION
125-19-301-001 125-19-301-002 125-19-301-003 125-19-301-005 125-19-301-013 125-19-401-002 125-19-401-005 125-19-401-006 125-19-401-007 125-19-401-009 125-19-401-010 125-19-401-011 125-19-802-010	R-E	U (R)
125-19-301-004 125-19-301-008	R-E	U (RNP)
125-19-301-006 125-19-401-003	R-E	U (P-F)
125-19-802-008 125-19-802-011	R-E	U (L)
125-19-801-002 125-19-801-003 125-19-801-004 125-19-801-005	P-F	C-V

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

...

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

4 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEUMUS, City Clerk

11 APPROVED AS TO FORM:

12
13 Val Steed 12-20-06
14 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2007, and referred to the following committee composed of
3 ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2007, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15

ATTEST:

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17

BARBARA JO RONEMUS, City Clerk

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2007 JAN -4 P 2: 49

RL Homes, LLC
1050 Indigo Drive Suite 110
Attn: Shane Hambleton
Las Vegas, Nevada 89145
(702) 228-2081

January 2, 2006

City of Las Vegas
Attn: City Council Member STEVEN ROSS
400 Stewart Avenue
Las Vegas, NV 89102

WRITTEN PROTEST OF ANNEXATION

City Council Meeting of January 3, 2007

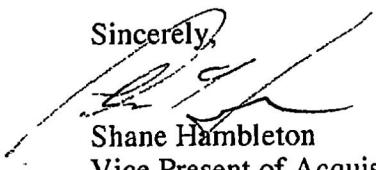
RE: Written Protest to Agenda Item No: (77 – Bill No. 2007-3 – Annexation No. ANX-12215

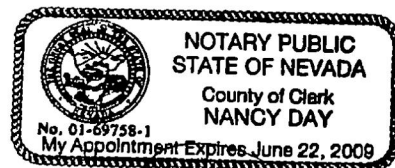
This document shall serve as a written protest to said Bill No. 2007-3 (ANX-12215) as noticed but not discussed at the January 3, 2007 City Council Meeting (Agenda Item #77). This objection should be forwarded to the Recommending Committee as well as Council Member in an effort to receive public testimony before final action on this matter.

As property owner, (DARK, LLC APN#125-19-301-008 & 007) of whom has been made part of said annexation without consent, is making this objection. We believe such annexation and subsequent Bill No. 2007-3 in its present state adversely affects our property and additionally creates definite hardship as for future development of the property not to mention de-values the property.

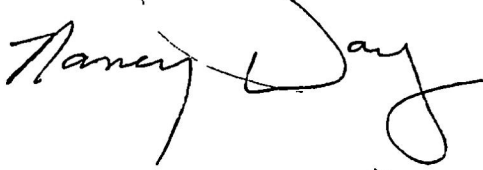
On behalf of RL Homes, LLC and this matter please contact Shane Hambleton at 702-324-5652.

Sincerely,


Shane Hambleton
Vice President of Acquisitions
RL Homes, LLC



cc: City Clerks Office


1-4-07



2007 JAN -4 P 2:49

RL Homes, LLC
1050 Indigo Drive Suite 110
Attn: Shane Hambleton
Las Vegas, Nevada 89145
(702) 228-2081

January 2, 2006

City of Las Vegas
Attn: City Council Member STEVEN ROSS
400 Stewart Avenue
Las Vegas, NV 89102

WRITTEN PROTEST OF ANNEXATION
City Council Meeting of December 20th, 2006

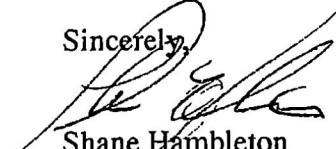
RE: Written Protest to Agenda Item No: (90 – Public hearing on annexation report for the proposed annexation area generally located on the north and south sides of Clark County Highway 215, between Shaumber Road and Fort Apache Road (ANX-12215) – Ward 6 (Ross).

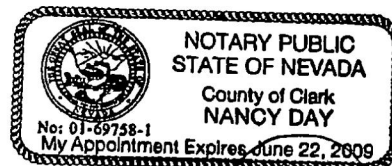
This document shall serve as a written protest to said annexation (ANX-12215) as noticed and heard at the December 20th, 2006 City Council Meeting (Agenda Item #90). This objection is being submitted within the (15) day objection period per the City Attorneys Office.

As property owner, (DARK, LLC APN#125-19-301-008 & 007), of whom has been made part of said annexation without consent, is making this objection. We believe such annexation and subsequent Bill No. 2007-3 in its present state adversely affects our property and additionally creates definite hardship as for future development of the property not to mention de-values the property.

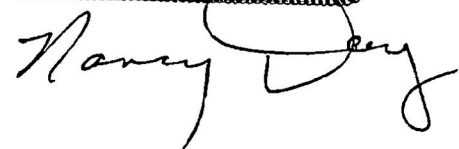
On behalf of RL Homes, LLC and this matter please contact Shane Hambleton at 702-324-5652.

Sincerely,


Shane Hambleton
Vice Present of Acquisitions
RL Homes, LLC



cc: City Clerks Office



1-4-07

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

NEW BILL:

Bill No. 2007-4 – Clarifies and standardizes the provisions that govern the expiration and termination of zoning-related applications and approvals. Proposed by M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

☒

No Impact

☐

Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Current zoning regulations contain an assortment of provisions that govern the expiration of zoning-related applications and approvals, including applications that have been tabled, and approved applications related to rezonings, site development reviews, special use permits and variances. This bill will standardize the expiration provisions and provide clarification where necessary.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2007-4

Motion made by LOIS TARKANIAN to Approve as a Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LARRY BROWN; (Against-None), (Abstain-None), (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BROWN declared the Public Hearing open.

MARGO WHEELER, Director of Planning and Development Department, explained that the Text Amendment will ensure that, if an applicant applies for a Special Use Permit, Site Development Plan and Variance, that they have concurrent expiration times so that they will not

CITY COUNCIL MEETING OF: JANUARY 16, 2007

have to apply for Extension of Times at different times This would make the Resolution of Intent, Site Plan Review, Variances and Special Use Permits for new construction expire within two years. Special Use Permits that do not require any construction would expire in one year This would make it easier to track the expiration of these various items for both staff and the development community. MS. WHEELER recommended approval.

COUNCILMAN BROWN declared the Public Hearing closed

1 **BILL NO. 2007-4**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO CLARIFY AND STANDARDIZE THE PROVISIONS THAT GOVERN THE**
4 **EXPIRATION AND TERMINATION OF ZONING-RELATED APPLICATIONS AND**
5 **APPROVALS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: M. Margo Wheeler, Director of
7 Planning and Development

Summary: Clarifies and standardizes the
provisions that govern the expiration and
termination of zoning-related applications and
approvals.

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

10 **SECTION 1: Title 19, Chapter 18, Section 10, of the Municipal Code of the City of**
11 **Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new Subsection, designated**
12 **as Subsection (G), reading as follows:**

13 **(G) Treatment of Certain Tabled Applications. Any application under this Chapter that requires**
14 **a public hearing and that is tabled at the request of an applicant shall expire six months after the last**
15 **announced public hearing date, unless:**

16 (1) Within that period of time, the applicant has requested that the item be scheduled again
17 for hearing; or

18 (2) The motion to table the application specified otherwise.

19 After an application has expired in accordance with this Subsection (G), the applicant must submit
20 a new application.

21 **SECTION 2: Title 19, Chapter 18, Section 40, Subsection (O), of the Municipal Code**
22 **of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:**

23 **(O) Rezoning Procedures.**

24 (1) Resolution of Intent. Before the City Council adopts an ordinance to effectuate a
25 rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the
26 rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms[.]
27 and shall have a time limit not to exceed two years.

28 (2) Finalizing Rezoning by Ordinance. The final step in the rezoning process, whether or

1 not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance
2 in which the zoning classification of one or more parcels is formalized.

3 (3) Changes. No substantial change may be made to a development or to the rezoning
4 approval which authorized that development without the approval of the City Council. This approval
5 requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning
6 that parcel.

7 (4) Termination of Rezoning [Approval Without Time Limit.] Approvals Subject to a
8 Resolution of Intent.

9 (a) Approvals Not Subject to Time Limit. If development does not occur in a
10 timely manner or if conditions in the area change subsequent to the original approval of a rezoning
11 that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution
12 of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions
13 of approval. In addition, if such a rezoning approval no longer conforms to the use and density
14 classification of the General Plan, the City may notify the property owner that the rezoning must be
15 exercised within one year. [If, within that period, the zoning approval is not exercised by means of the
16 recordation of a final subdivision map or by the commencement of actual construction, the approval
17 terminates.] Thereafter, the approval shall be treated as an approval subject to a time limit in
18 accordance with Subparagraph (b) below.

19 (b) Approvals Subject to Time Limit. Except as otherwise provided in Paragraph
20 (5) below, a rezoning approval which is not exercised within the time limit established for or by the
21 Resolution of Intent shall be void.

22 (c) Methods for Exercising Rezoning Approvals. For purposes of this Paragraph
23 (4), a rezoning approval is exercised as follows:

24 (i) For applications that require the creation of a residential subdivision,
25 upon the recordation of a final subdivision map;

26 (ii) For applications that require the construction of a one or more new
27 structures, but do not require the creation of a residential subdivision map, upon the issuance of a
28 building permit for the new construction;

1 (iii) For all other applications, upon the issuance of a certificate of
2 occupancy or approval of a final inspection, whichever is applicable.

3 (5) Extension of Time--General Requirements. If the approval of a Resolution of Intent
4 is subject to a time limit, the approval expires at the end of that time limit unless the City Council
5 extends the approval period. Extension of an approval period[, or reinstatement and extension,] may
6 be granted only if:

7 (a) Application therefor is made [no later than six months after the approval has
8 expired;] prior to the expiration of the time limit;

9 (b) The applicant demonstrates good cause; and

10 (c) The applicant conforms to the additional requirements set forth in [Subsection]
11 Paragraph (6) below.

12 (6) Extensions of Time-Additional Requirements. If a time-limited zoning approval that
13 is sought to be extended [(or reinstated and extended)] continues to conform to the use and density
14 classifications of the General Plan, the applicant must demonstrate that the rezoning remains
15 consistent with the surrounding area and the pattern of development in the area. If the rezoning sought
16 to be extended [(or reinstated and extended)] no longer conforms to the use and density classifications
17 of the General Plan, the extension of time, if granted, shall be limited to a one-year period. If, within
18 that period, the zoning approval is not exercised by means of the recordation of a final subdivision
19 map or by the commencement of actual construction, the approval terminates.

20 SECTION 3: Title 19, Chapter 18, Section 50, Subsection (J), of the Municipal Code
21 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 (J) Expiration. Except as otherwise specified in connection with its approval, a Site Development
23 Plan which is not exercised within two years after the date of approval shall be void, unless an
24 extension of time is granted[.] upon a showing of good cause. An extension of time may be granted
25 only if application therefor is made prior to the expiration of the two-year period (or such other time
26 period as was specified in the approval). For purposes of this [Section] Subsection (J), a Site
27 Development Plan is exercised upon the issuance of a building permit for the principal structure on
28 the site.

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

(P) Termination.

(1) Failure to Exercise.

(a) A Special Use Permit which cannot be exercised except upon construction of a new building, and which is not exercised within two years after approval, shall be void, unless the City Council grants an extension of time upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the two-year period. For purposes of this Subparagraph (a), a Special Use Permit is exercised upon the issuance of a building permit for the new construction.

[(2)] (b) A Special Use Permit which does not require the construction of a new building in order to be exercised, and which is not exercised within one year after approval shall be void, unless the City Council grants an extension of time upon a showing of good cause. An extension of time may be granted only if application therefor is made prior to the expiration of the one-year period. For purposes of this Subparagraph (b), a Special Use Permit is exercised upon the approval of a business license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of occupancy or approval of a final inspection.

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

[(4)] (2) Cessation of Use. A Special Use Permit shall be void without further action if:

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

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

[(5) For purposes of this Subsection (P), a Special Use Permit is exercised upon approval of a business license to conduct the activity, if one is required, or, otherwise, upon the issuance of a

1 certificate of occupancy or approval of a final inspection.]

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

4 (O) Termination.

5 (1) Failure to Exercise.

6 (a) A Variance which will require the construction of a new building and which
7 is not exercised within two years after approval shall be void, unless the applicant obtains an extension
8 of time upon a showing of good cause. Application for an extension shall be made to the Planning
9 Commission or City Council, whichever body took final action to approve the Variance. An extension
10 of time may be granted only if application therefor is made prior to the expiration of the two-year
11 period. For purposes of this Subparagraph (a), a Variance is exercised upon the issuance of a building
12 permit for the new construction.

13 [(2)] (b) A Variance which will not require the construction of a new building and which
14 is not exercised within one year after approval shall be void, unless the applicant obtains an extension
15 of time upon a showing of good cause. Application for an extension shall be made to the Planning
16 Commission or City Council, whichever body took final action to approve the Variance. An extension
17 of time may be granted only if application therefor is made prior to the expiration of the one-year
18 period. For purposes of this Subparagraph (b), a Variance is exercised upon the approval of a business
19 license to conduct the activity, if one is required, or otherwise, upon the issuance of a certificate of
20 occupancy or approval of a final inspection.

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

26 (2) Cessation of Use. A Variance to allow a use that is not permitted in a particular zone
27 shall be void without further action if the use approved by the Variance ceases for a period of twelve
28 months or more.

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

4 SECTION 6: For purposes of Section 2.100(3) of the City Charter, LVMC 19.18.010,
5 19.18.040, 19.18.050, 19.18.060, and 19.18.070 are deemed to be subchapters rather than sections.

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

14 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 2007.

18 APPROVED:

19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 12-20-06
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2007, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2007, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY CLERK

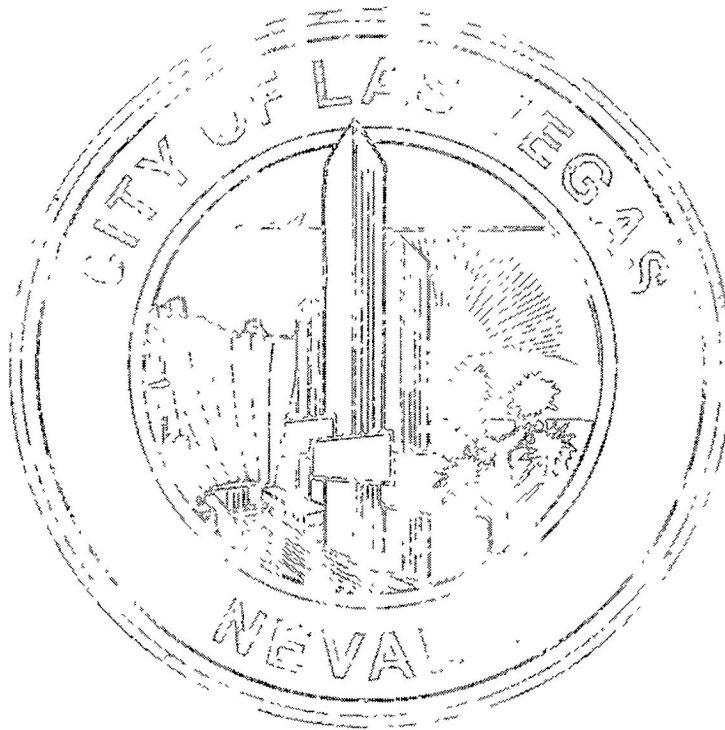
DIRECTOR: BARBARA JO RONEMUS

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee 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

Minutes:

None



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JANUARY 16, 2007

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

Minutes:

Meeting adjourned at 4.15 p.m.

Respectfully submitted:

Angela Crolli

Angela Crolli, Deputy City Clerk II
February 5, 2007

